



BOROUGH OF SOMERSET ZONING REGULATIONS



BOROUGH OF SOMERSET BUILDING INSPECTIONS

PO BOX 71
340 WEST UNION ST
SOMERSET, PA 15501-0071

PHONE: (814) 445-5595
FAX: (814) 445-3931

www.somersetborough.com

BOROUGH OF SOMERSET
ZONING ORDINANCE

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Ordinance 1110, 3/12/79

Enclosures	Somerset Borough Zoning Map Ordinance No. 1172 Permit Fees for Construction Related Activity and Demolition Jan. 11, 1983	
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ARTICLE I. TITLE AND APPLICABILITY

Section 1. Title

This Ordinance shall be known as the “Somerset Borough Zoning Ordinance, as amended.”

Section 2. Applicability

This Ordinance shall apply to the incorporated territory of Somerset Borough, Pennsylvania. It is the intent of this Ordinance that the extent of its applicability be automatically changed in accordance with the provisions of state law which may affect the applicability of this Ordinance.

ARTICLE II. PURPOSE

The zoning regulations and districts as herein published have been made in accordance with a Comprehensive Plan, to promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity and general welfare of the citizens of Somerset Borough, Pennsylvania, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and circulation of people and good for the appropriate use and occupancy of buildings, for healthful and convenient distribution of population, for protection against destruction of or encroachment upon historic areas, for good civic design and arrangement including the preservation and enhancement of the attractiveness of the community, and for adequate public utilities, public services and facilities, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration of, among other things, the existing use of property, the character of the district and its peculiar suitability for particular uses, and trends of growth or change, with a view to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the incorporated territory of Somerset Borough, Pennsylvania.

ARTICLE III. DISTRICTS AND DISTRICT MAP

Section 1. Establishment of Districts

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes, and to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces, and density of population, the following zoning districts are hereby established:

RESIDENTIAL DISTRICTS

- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multiple-Family Residential District

BUSINESS AND COMMERCIAL DISTRICTS

- B-1 Neighborhood Business District
- C-1 General Commercial District
- C-2 Central Commercial District
- C-3 Commercial District

MANUFACTURING AND INDUSTRIAL DISTRICTS

- M-1 Light Industrial District
- M-2 Heavy Industrial District

FLOOD PLAIN DISTRICTS

- FW Floodway District
- FF Flood-Fringe District

Section 2. Reference to District Names

For the purpose of reference hereafter in this Ordinance, unless specifically provided to the contrary, the term “Residential District” shall include all Single-Family, Two Family, and Multiple-Family Districts; the term “Commercial District” shall include all Commercial and Business Districts; and the term “Industrial District” shall include all the Industrial Districts.

Section 3. Establishment of District Map

The district classification of the territory within the incorporated Borough of Somerset shall be as shown on the map designated as the “Zoning District Map, Borough of Somerset, Pennsylvania”, dated, signed by the President of Council, and attested by the Borough Secretary upon adoption. This Zoning District Map, and all notations, dimensions, references, and symbols shown thereon pertaining to such districts, shall be as much a part of this Ordinance as if fully described herein and shall be filed as part of this Ordinance by the Borough Secretary. Said Map shall be available for public inspection in the office of the Borough Secretary. Such map shall be marked “Original Copy, not to be altered or removed from the office of the Borough Secretary except on Court Subpoena”.

This Map, together with subsequent applicable amendments, shall be conclusive as to the current zoning status of land.

Section 4. Informational Copies of District Map

Informational copies of the Zoning District Map shall be made available for inspection at the office of the Borough Secretary, Administrator, Engineer, and at such other locations as may be necessary or convenient. These Maps shall be revised to show changes in zoning district boundaries as officially approved. New streets, highways, subdivisions, major governmental installations, public lands, and other major features shall be shown.

Drafting errors or omissions may be corrected, but no changes in zoning district boundaries may be made except to show amendments properly adopted by the Borough Council.

Any person desiring a copy of said Zoning Ordinance or District Map shall pay cost sufficient to cover periodic revising and printing of the Zoning Ordinance and District Map.

Section 5. Periodic Review

At least once every five years, the Planning Commission and the Board of Adjustment shall review the zoning regulations and the Zoning District Map to determine whether it is advisable to amend the regulations or the Map, or both, to bring them in accord with the objectives of the Comprehensive Plan of the town, to take advantage of new techniques or to encourage improved building practices which may have been developed and which may have application in Somerset, to correct deficiencies or difficulties which may have developed in administration, or for such other reasons as the Commission or the Board may determine. The Commission and the Board shall submit reports on their findings to the President and Council. In the preparation of these reports, the Commission and the Board shall consult with officials in the town responsible for development of the Comprehensive Plan and the administration of this Ordinance, and such other persons as they believe may contribute to the review.

Section 6. Interpretation of District Boundaries

1. A district name or letter-number combination shown on the Zoning District Map indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole area in the town bounded by the district boundary lines within which such name or letter-number combination is shown or indicated, except as otherwise provided by this section.

2. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map accompanying and made a part of these regulations, the following rules shall apply:

(a) In cases where a boundary line is given a position within a street or alley, easement, canal, navigable or non-navigable stream, it shall be deemed to be in center of the right-of-way of the street, alley, easement, canal, or stream, and if the actual location

of such street, alley, easement, canal, or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.

(b) In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.

(c) Where the district boundaries as shown on the Zoning District Map approximately coincide with lot lines, the lot lines shall be construed to be the district boundary line unless otherwise indicated.

(d) In cases where district boundaries as shown on the Zoning District Map do not coincide or approximately coincide with street lines, alley lines, or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the Map.

(e) When a district boundary line divides a lot held in a single and separate ownership at the time of the adoption of this Ordinance, the regulations as to the use in the less restricted district shall extend over the portion of the lot in the more restricted district for distance of not more than fifty feet beyond the district boundary lines; provided, that in case of a lot other than a corner lot, the regulations as to the use in a less restricted district may extend a distance of more than fifty feet beyond the district boundary line, when authorized as a special exception by the Zoning Hearing Board.

(f) In the case where interpretation is required concerning the exact location of any boundary of the Floodway or Flood-Fringe District, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

ARTICLE IV. GENERAL PROVISIONS

Section 1. Compliance With Regulations

No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered, unless in conformity with the regulations as set forth in the Ordinance.

Section 2. Location on a Lot Required

Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record, and in no case shall there be more than one main building on one lot unless otherwise provided for in this Ordinance.

Section 3. Encroachment: Reduction of Lot Area

The minimum yards, height limits, parking space, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of these regulations or for any building, hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.

Section 4. Accessory Building: Prior Construction

No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building. No accessory building shall be used for more than six months unless the main building is under construction.

Section 5. Uses Not Permitted Are Prohibited

For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.

Section 6. Tables Are Part of This Ordinance

Many height, area, and bulk regulations applicable to each district are contained in a chart or table in Article 5. The table, and all of the notations and requirements which are shown in it or which accompany it, shall be a part of these regulations and have the same force and effect as if all of the notations and requirements were fully set forth or described herein. In general, the regulations applicable to a particular district are contained in the table to the right of the district name and between the same sets of horizontal lines.

The regulations contained in the table are supplemented or modified by regulations contained in other articles of these regulations.

Section 7. Certain Regulations Not Reproduced Herein

Whenever reference is made in this Ordinance to any other ordinance, chart, table, schedule, or regulation which itself is not copied herein, a copy of such ordinance, chart, table, schedule, or regulation shall be kept on file in the office of the Administrator and available for inspection and reference.

Section 8. Minimum Requirements

In interpreting and applying the provisions of this Ordinance the same shall be considered as establishing the minimum requirements for the promotion of the health, safety, and morals and general welfare of the Borough. It is not intended by this Ordinance to interfere with, or abrogate or annul the rules and regulations of other municipal agencies of the Borough of Somerset or the provisions of the Building Code of this Borough, or any rules, regulations or permits previously adopted or issued thereunder: provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of building or requires larger open spaces, than are imposed or required by such ordinances, rules, regulations or permits, the provision of this Ordinance hereafter shall control.

ARTICLE V. CHART OF DISTRICT REGULATIONS - HEIGHT, AREA & BULK REQUIREMENTS:

Various districts height, area and bulk requirements are listed below. However you must also carefully read Articles 7, 8, 9, 10, 11, 13 and 14 as well as other sections to obtain complete information on this and related topics contained in the Zoning Ordinance.

Sec.	District	Maximum Height		Minimum Requirements				Minimum Yards (7)			
		FT.	STY.	LOT AREA Sq. Ft.	LOT Width	LOT Depth	Front Depth	Each Side Yard	Total Both Sides	Rear Depth	
1	R-1 Single Family Residential	35	2.5	20,000	100'	100'	30'	10'	30'	30'	
2	R-2 Two-Family Residential	35	2.5	7,000	50'	100'	20'	6'	16'	20'	
3	R-3 Multi-Family Residential	40	4	1 Family: 7,000	50'	100'	20'	1,2,2.5 story:	6'	16'	20'
	2 Family: 3,000@DU(1)			40'							
	3+Family: 1,500@DU			40'							
7	C-3 Commercial			3 or 4 story:	15'			30'	20'		
4	B-1 Neighborhood Business	35(3)	2.5(3)	For Dwls: same as R-3 Other Bldgs: -- --- ---			50'	Note (4)			
5	C-1 General Commercial	40(3)	3(3)				50'	Note (4)			
6	C-2 Central Commercial	45(3)	3				Note (4)				
8	M-1 Light Industrial	45(3)	3	(11) 1500 @DU	None	None	50'	20'	50'	None(5)	
9	M-2 Heavy Industrial	125(6)	---	(11) 1500 @DU	None	None	50'	20'	50'	None(5)	
10	FW Flodway	No Building Permitted		None	None	None	No Building Except Utility				
10	FF Flod-Fringe	Development shall be undertaken in strict compliance with flood-proofing and related provisions contained in all other applicable codes and ordinances.									

- (1) See Article 10 for additional regulations pertaining to two-family dwellings.
- (2) See Article 10 for additional regulations pertaining to two-family dwellings and town houses.
- (3) See Article 10 for height regulations pertaining to dwellings in commercial districts.
- (4) There shall be a side yard not less than 20 feet in width on the side of lot adjoining a residential district, and there shall be a rear yard not less than 30 feet in depth on rear side of lot adjoining a residential district.
- (5) There shall be a rear yard of not less than 40 feet in depth on the rear side of lot adjoining a residential district.
- (6) Grain elevators, gas holders, coal bunkers, industrial tanks or towers, and other similar structures may exceed 125 feet in height, but whenever any building or structure in the M-2 Heavy Industrial District adjoins or abuts upon a residential district, such building or structure shall not exceed 50 feet in height unless set back one foot from all property lines for each foot of additional height above 50 feet.
- (7) Swimming & Tennis Club: Pool or games minimum of 25 feet from any property line, filters & pumps minimum of 50 feet. Trailer & Mobile Courts, 50 feet landscaped strip on major street, 25 feet landscaped strip on minor street and abutting properties. Public, Semi-Public Service Bldg., Hospitals, Intuitions, Schools maximum height of 60 feet. Church & Temples maximum height of 75 feet. Court more than 50% surrounded by building shall have minimum width of 15 feet for one story, 40 feet for 2 stories, 50 feet for 3 or more stories.
- (8) On Through Lots, the required size front yard on each street.
- (9) Minimum 15 foot yard on side street of corner lot.
- (10) Where structures are built on 25% of total frontage between major streets, front yard may be same as adjoining property but not within 2 feet of right of way.
- (11) Watchman Quarters Only, 1500 sq. ft. of lot required.

Section 1. R-1 Single-Family Residential District

1.1 Purpose of the District

The purpose of this district is to provide for low-density residential development on spacious lots in areas which are, or which are expected to become, generally urban in character, but where sanitary sewers and public water supplies may or may not be available at time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future.

1.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Detached single-family dwellings.
2. Farms, truck gardens, orchards, and nurseries for growing or propagation of plants, trees, or shrubs, including temporary stands for seasonal sales of products raised on the premises, but not including the raising for sale of birds, bees, rabbits, or other animals, fish, or other creatures to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors, and provided that no retail or wholesale business office or store is permanently maintained on the premises.
3. Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, provided that churches, temples, or synagogues erected after the date of passage of this Ordinance shall have their principal means of access from a major street and shall be located on a lot of at least two acres in area.
4. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges, and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, provided that no such building is located closer than 100 feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen hole golf course occupying at least 75 acres.
5. Public and private forests, wildlife reservations, and similar conservation projects.
6. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.
7. Recreational uses such as tennis courts, swimming pools, and other similar activities operated exclusively for the use of private membership and not for commercial purposes,

provided that no such use, structure, or accessory use is located closer than 50 feet, to any adjoining property line unless such property line fronts a public street or waterway with rights-of-way not less than 25 feet, in which instance the required setback need not exceed 25 feet, and provided further that all such facilities must be located on a site having a minimum of two acres.

1.3 Permitted Accessory Uses

1. Open.
2. Domestic storage in main building or in an accessory building.
3. Garage, private.
4. Home barbecue grills.
5. Home occupations in a main building or accessory building.
6. Keeping of small animals, insects, reptiles, fish, or birds, but only for personal enjoyment or household use and not as a business.
7. Playhouses, without plumbing, with floor area limited to 150 square feet and head room limited to five feet.
8. Servants quarters and guest quarters (not for rent).
9. Storage of a boat trailer or camp trailer or a boat not exceeding 25 feet in length, but not in a front yard.
10. Swimming pools and game courts, lighted or unlighted, for use of occupants or their guests.
11. Temporary buildings, the use of which is incidental to construction operations for sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years of the time of erection of such temporary buildings, whichever is sooner.
12. Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

1.4 Permitted signs

Subject to the general sign regulations of Article 6 and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

1. A name plate, limited in area to two square feet, to identify the owner or occupant of a dwelling or building.
2. A private directional sign, limited in area to two square feet.
3. No trespassing or no hunting signs, without limitations on number or placement, limited in area to two square feet.
4. A sign, limited in area to two square feet, for identification of a permitted home occupation.
5. A sign, limited in area to 20 square feet, advertising products raised on the premises.
6. A sign, limited in area to 10 square feet, for identification of a farm or estate or a subdivision or its occupants.
7. A customary church bulletin board, limited in area to 20 square feet.
8. A sign, limited in area to 20 square feet, for identification of permitted public and semi-public uses, recreational uses, or clubs.
9. A temporary, non-illuminated sign, limited in area to six square feet, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.
10. A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.
11. Temporary signs at appropriate locations, on or off the premises, for directing the traveling public, truck deliveries, and employees to subdivision or community, construction site or excavation, airport, marina, or other center of employment or visitor center or recreation facility in an insolated area, limited in area to six square feet and subject to approval of location, design, and wording by the Administrator. This permitted sign is not intended as an ordinary advertising device.

1.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations, page 8.

1.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

Article 7, Off-Street Parking Regulations

Article 8, Off Street Loading Regulations

Article 9, Conditional Uses

Article 10, Supplementary Height, Area, and Bulk

Article 12, The Zoning Hearing Board, Exceptions and Variances

Definitions are contained in Article 13.

Section 2. R-2 Two-Family Residential District

2.1 Purpose of the District

The purpose of this district is to provide for single-family and two-family residential development on smaller lots, where sanitary sewers and public water supplies are available at the time of construction, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to include existing development of this character and contains vacant land considered appropriate for such development in the future.

2.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-1 Single-Family Residential District.
2. Two-family houses, Subject to special regulations of Article 10, Section 10.

2.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-1 Single-Family Residential District.

2.4 Permitted Signs

Subject to general sign regulations of Article 6 and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

1. Any sign permitted in the R-1 Single-Family Residential District.

2.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations, Page 8.

2.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
 - Article 8, Off-Street Loading Regulations
 - Article 9, Conditional Uses
 - Article 10, Supplementary Height, Area, and Bulk Regulations
 - Article 12, Zoning Hearing Board, Exceptions and Variance
- Definitions are contained in Article 13.

Section 3. R-3 Multiple-Family Residential District

3.1 Purpose of the District

The purpose of this district is to encourage variety in housing types and to provide for residential densities as might be appropriate for relatively spacious garden apartment developments in areas appropriately located for such use, which areas are served by sanitary sewers and public water systems and which are well-located with respect to major thoroughfares, shopping facilities, and centers of employment. A recognized purpose of the R-3 district is also to facilitate the conversion of the town's older large single-family houses into two or three-family units in order to promote continued usefulness of the housing stock. Population density and height of buildings are low enough to be generally compatible with single-family residential development in the same general neighborhood. Permitted Community facilities are the same as for the single-family residential districts.

3.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-1 Single-Family Residential District.
2. Two-family dwellings, subject to the special regulations of Article 10, Section 10.
3. Rooming, boarding, and lodging houses; but not motels, hotels, or motor lodges.
4. Town houses, subject to the special regulations of Article 10.
5. Multiple-family dwellings.

3.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-1 Single-Family Residential District.
2. An office for administration of a multiple-family development, located in a main building containing 10 or more dwelling units.
3. A laundry room for use of occupants of a multiple-family dwelling development.
4. Coin-operated vending machines for candy, tobacco, ice, soft drinks, and sundries, inside multi-family building for use by tenants only.

3.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

1. Any sign permitted in the R-1 Single-Family Residential District.
2. A sign, limited in area to 10 square feet, giving the name and/or address of the owner or management of a multiple-family dwelling or group of multiple-family dwellings. If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one foot.

3.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations, page 8.

3.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 9, Conditional Uses
- Article 10, Supplementary Height, Area, and Bulk Regulations
- Article 12, The Zoning Hearing Board, Exceptions and Variances.
- Definitions are contained in Article 13.

Section 4. B-1 Neighborhood Business District

4.1 Purpose of the District

The purpose of this district is to provide primarily for retail shopping and personal service uses, to be developed either as a unit or in individual parcels, to serve the needs of a relatively small area, primarily out-lying, low density, or medium-density residential neighborhoods. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to those accessory to businesses conducted on the premises, and the number, area, and types of signs are limited.

4.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-3 Multi-Family Residential District.
2. Offices and any retail business, except those prohibited herein, provided that the floor space of the retail business is not more than 2,500 square feet.

The following uses are prohibited in the B-1 Neighborhood Business District:

1. New or Used Automotive Sales and Repairs
2. Automotive Service Stations

4.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-3 Multi-Family Residential District.
2. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use, subject to applicable district regulations.

4.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly illuminated accessory signs as follows:

1. Flat signs, with total aggregate sign area not more than ten percent of the area of walls fronting on a street, and no one sign with sign area of more than 30 square feet. Illuminated signs inside of show windows and within five feet of such windows shall be included in the computation of sign area, and in addition, shall be limited to ten percent of the total glass area of the window in which they are placed.

2. Projecting signs, if there are no marquee or detached signs, one for each business on the premises, with sign area limited to ten percent of the total glass area of the window in which they are placed.
3. Detached signs, if there are no projecting signs, limited in area to 40 square feet and limited in height to 15 feet, one for each business on the premises. A group of three or more contiguous stores, such as form a shopping center, may combine permitted detached sign area to provide a single detached sign advertising the group, if there are no other detached signs and if the combined sign area does not exceed 60 square feet.
4. Marquee signs, if there are no projecting signs, two for each business on the premises, with sign area for each sign limited to three square feet.
5. Temporary, non-illuminated paper signs in show windows, limited to 20 percent of the total glass area of the window in which they are placed.
6. Directional signs, limited to area to two square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in any computation of sign area.

4.5 Height, Area, and Bulk Regulations

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations, page 8.

4.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 9, Conditional Uses
- Article 10, Supplementary Height, Area and Bulk Regulations
- Article 12, The Zoning Hearing Board, Exceptions and Variances
- Definitions are contained in Article 13

Section 5. C-1 General Commercial District

5.1 Purpose of the District

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise associated with manufacturing.

5.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the B-1 Neighborhood Business District.
2. Amusement places and theaters, except open-air drive in theaters. Amusement places include bowling alleys, dance halls subject to applicable town regulations, skating rinks, swimming pools, miniature golf courses, billiard or pool parlors, indoor model racing tracks, and similar activities.
3. Animal hospitals and kennels, with open pens a least 200 feet from any residential district.
4. Automobile and truck sales, service, and repair, but not major body or fender repair, auto salvage, or junk, and provided that any major repair or storage of equipment, materials, or damaged vehicles shall be inside a completely enclosed building.
5. Bakeries occupying not more than 5,000 square feet of floor area.
6. Bottling works, dyeing and cleaning works or laundries, plumbing and heating shops, painting shops, upholstering shops not involving furniture manufacture, tin smithing shops, tire sales and service [including vulcanizing and re-capping but no manufacturing], appliance repairs, and general service and repair establishments similar in character to those listed in this item, provided that no outside storage of materials is permitted, and further provided that no use permitted in this item shall occupy more than 6,000 square feet of floor area.
7. Car-washes and automobile laundries, automatic or otherwise, providing reservoir space for not less than ten vehicles for each washing lane of an employee-operated facility.
8. Farm implement sales, service, rental, and repair, but not salvage or junk, and provided that major repair or storage of materials or damaged or unusable implements or vehicles shall be inside a completely enclosed building.

9. Garages, parking and storage.
10. Hotels, motels, and motor lodges.
11. Lawnmowers and yard and garden equipment, sales, service, rental, and repair.
12. Lumber and building materials stores, retail only, not bulk storage of manufacturing.
13. Filling stations with storage of all bulk flammables entirely underground provided location is approved by Borough Council following a public hearing to determine the effect upon public safety in the area.
14. Printing, publishing and engraving establishments.
15. Radio and television stations and studios and recording studios, but not towers more than 125 feet in height except as provided in Article 12.
16. Schools for industrial training, trade, or business.
17. Tourist homes.
18. Trailer or mobile home sales and storage, but not a trailer park.
19. Used car sales and storage lots.
20. Wholesale establishments with not more than 2,500 square feet of accessory storage per establishment.
21. Packaging products made elsewhere
22. Day care centers
23. Testing and research labs.
24. Assembly of instruments and small products whose parts were manufactured elsewhere.

5.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-3 Multi-Family Residential District.
2. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business, or commercial use, subject to applicable district regulations.

5.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly illuminated accessory signs as follow:

1. Flat signs, area of lettering not exceeding 25% of total wall area on the side of building where sign is located.
2. Projecting signs, if there are no marquee or detached signs, one for each business on the premises, with sign area limited to ten square feet.
3. Detached signs, if there are no projecting signs, limited in area to 40 square feet and limited in height to 30 feet, one for each business on the premises. A group of three or more contiguous stores, such as form a shopping center, may combine permitted detached sign area to provide a single advertising the group, if there are no other detached signs advertising the group, and if the combined area does not exceed 100 square feet.
4. Marquee signs, if there are no projecting signs, two for each business on the premises, with sign area for each sign limited to three square feet.
5. Temporary, non-illuminated paper signs in show window, limited to 20 percent of the total glass area of the window in which they are placed.
6. Directional signs, limited in area to two square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in any computation of sign area.

5.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District regulations, page 8.

5.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
 - Article 8, Off-Street Loading Regulations
 - Article 9, Conditional Uses
 - Article 10, Supplementary Height, Area, and Bulk Regulations
 - Article 12, The Zoning Hearing Board, Exceptions, and Variances
- Definitions are contained in Article 13.

Section 6. C-2 Central Commercial District

6.1 Purpose of the District

The purpose of this district is to encompass the retail, service, and office core of the central business district, permitting a wide variety of uses providing basic goods and services to the community and to the surrounding region. General manufacturing, warehousing, and other uses which tend to generate heavy truck traffic and require open storage of materials or equipment are prohibited. In recognition of the “downtown” character of the district, yard regulations are kept to a minimum, in order to encourage compact and efficient commercial development.

6.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-3 Multi-Family Residential District.
2. Any use permitted in the B-1 Neighborhood Business District without restriction on maximum floor space.

6.3 Permitted Accessory Uses

1. Any accessory use permitted in the B-1 Neighborhood Business District.

6.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly-illuminated accessory signs as follows:

1. Any sign permitted in the C-1 General Commercial District.

6.5 Height, Area, and Bulk Requirements (See Page 8)

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 9, Conditional Uses
- Article 10, Supplementary Height Area, and Bulk Regulations
- Article 12, The Zoning Hearing Board, Exceptions, and Variances
- Definitions are contained in Article 13.

Section 7. C-3 Commercial District

7.1 Purpose of the District

The purpose of this district is to provide for certain types of Offices and Health Care facilities in areas which are basically residential but which are located near institutions, governmental facilities or semi-public and public facilities with which the person's office is related.

7.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in R-3 Residential District.
2. Nursing Home, Health Maintenance Organizations.
3. Offices for use by Physician, Dentist, Lawyer, Engineer, Architect, Accountant, Salesman, Real Estate Agent, Insurance Sales, provided that there be no merchandise showrooms in connection with any of these offices and provided that not more than two floors of a building be used for such purposes with the total area for each floor limited to 2,500 square feet.

7.3 Permitted Accessory Uses

Same as Permitted in B-1 Neighborhood Business District.

7.4 Permitted Signs

Same as permitted in R-3 Multi-Family Residential District.

7.5 Height, Area, and Bulk Requirements

Same requirements as in R-3 Multi-Family Residential District.

7.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of the Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
 - Article 8, Off-Street Loading Regulations
 - Article 9, Conditional Uses
 - Article 10, Supplementary Height, Area and Bulk Regulations
 - Article 12, The Zoning Hearing Board, Exceptions and Variances
- Definitions are contained in Article 13.

Section 8. M-1 Light Industrial District

8.1 Purpose of the District

The purpose of this district is to provide for a wide variety of light manufacturing, fabrication, processing, wholesale distributing, and warehousing uses appropriately located for access by major thoroughfares or railroads. Commercial uses and open storage of materials are permitted but new residential development is excluded.

8.2 Permitted Uses

A building or land shall be used only for the following purposes; general light industrial uses, warehousing and storage uses, wholesale establishments, service industries, distribution centers, and in general industrial uses dependent on raw material refined elsewhere, provided it complies with the following:

1. There shall be no industry created noise in excess of 50 decibels as measured at the property line and on objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.
2. There shall be no industry created ground vibration measurable at any lot line of an industrial unit.
3. There shall be no industry created air pollution including:
 - a. No noxious odors; no noxious, toxic or corrosive gases or fumes.
 - b. No smoke of a density in excess of #1 on the Ringelmann Chart. In cases of smoke other than black in color an approved density scale equivalent to the Ringelmann Chart shall be used.
 - c. No dust or other particulate matter emitted in excess of 0.85 pounds per 1,000 pounds of gases adjusted to 12% carbon dioxide.
4. There shall be no industry created glare or heat.
5. There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or solid, by any industrial unit by any process or in any form without prior approval of Borough Council [and if located in the Industrial Parks, the additional approval of the Somerset County Development Council].
6. There shall be no unusual fire or explosion hazards. Based on the National Board of Fire Underwriters determinator and their "Analytic" schedule of fire insurance rates which classifies industrial units as Class I, Class II, and Class III the following shall apply:

- a. No special controls on a manufacturing unit determined to be Class I other than under d. below.
 - b. Class II manufacturing units shall be contained in a building designed and constructed in accordance with its class and according to provisions of the building code published by the Building Officials and Code Administrators, International, [BOCA], 1313 East 60th Street, Chicago, Illinois, 60637.
 - c. No Class III manufacturing shall be permitted.
 - d. Machinery or equipment shall be treated as necessary to eliminate hazards.
7. Uses which are customarily incidental and accessory to the principal use shall be permitted including but not limited to: dwelling quarters for watchman and caretakers employed by industries within the same district's boundaries, restaurants, warehouses and commercial uses that are permitted in the C-1 Commercial District.
8. Miscellaneous Prohibitions:
- a. Any interference with any other process, equipment, appliance or devices and any mechanical, electrical or other equipment which could create such interference shall have all necessary shielding or other protection.
 - b. In any industrial unit or accessory, all operations, and storage, other than for passenger vehicles of visitors and employees, trucks and over the road vehicles, shall be within an entirely enclosed building or structure. Outside storage of bulk or large raw materials which are fireproof will be permitted if enclosed by a fence, planting, or barrier equal in height to the stored material.
 - c. The following uses are prohibited in the M-1 Light Industrial District:
 - Production of radioactive materials or radioactive waste.
 - Storage of contractor's equipment, building material, scrap metal, coal, used paper, lumber junk.
 - The extraction, preparation and processing of dust-producing mineral products, including but not limited to abrasives, fertilizers, lime, plaster, cement, crushed stone, stone-cutting, mining or processing of sand, gravel, top soil, stone and coal.
 - The production of corrosive and noxious chemicals including but not limited to acetylene gas, acids, chlorine, bleaching compound.
 - The operations of a distillery, food canning plant, brewery, stock yards, slaughterhouse, soap manufacture, fat rendering, tannery, glue manufacture, paper manufacture, paint and

varnish manufacture, textile sizing, wool securing and cleaning, scouring, bleaching, dyeing and similar operations.

The production, processing, and storage of coal, coal tar, petroleum, and asphalt products including but not limited to illumination gas production, petroleum refining, coke manufacture, bulk gasoline and petroleum products storage, asphalt products, linoleum manufacture, oil cloth manufacture, roofing material manufacture, and gas production.

The manufacture or storage of explosive products including but not limited to dynamite and commercial explosives, fire works, military explosive and TNT.

The smelting and reduction of metallic ores including but not limited to open hearth and electric furnace, Bessemer converter, nonferrous metal smelter and blast furnace.

The use of hammer mills, ball mills, rolling or drop forges in any industrial process, the testing or operation of jet engines.

8.3 Permitted Accessory Uses

1. Storage of goods or materials used in or produced by permitted commercial and industrial uses and related activities, subject to applicable district regulations.
2. A single-family dwelling accessory to a farm of ten acres or more.

8.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly illuminated accessory signs as follows:

1. For permitted business and commercial uses, any sign permitted in the C-1 General Commercial District.
2. For permitted manufacturing, processing, storage, or distributive use, any sign permitted in the C-1 General Commercial District, with permitted area of flat signs increased to 100 square feet, one for each street frontage or one for each building of more than 20,000 square feet of floor area on the premises, and with permitted area of directional signs increased to ten square feet.

8.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations, page 8.

8.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

Article 7, Off-Street Parking Regulations

Article 8, Off-Street Loading Regulations

Article 9, Conditional Uses

Article 10, Supplementary Height, Area and Bulk Regulations

Article 12, The Zoning Hearing Board, Exceptions and Variances

Definitions are contained in Article 13.

8.7 Industrial Park Regulations

The Somerset County Development Council has adopted Rules, Regulations and Standards for the Industrial Parks under its direction. You are advised to contact that agency if land is located in one of its Parks for additional requirements that may not be incorporated herein.

Section 9. M-2 Heavy Industrial District

9. Purpose of the District

The purpose of this district is to provide for a variety of industrial operations, but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons. It is the intention of the district to preserve the land in the district for industrial use and to exclude new residential or commercial development except for certain specified uses deemed appropriate adjuncts to industrial operations.

9.2 Permitted Uses

A building or land in the M-2 Heavy Industrial District shall be used only for the following purpose:

Uses permitted in the M-1 Light Industrial District.

General manufacturing including compounding, processing, packaging, assembling, freight and rail terminals, treatment of industrial products, provided it complies with the following:

1. There shall be no industry created noise in excess of 50 decibels as measured at the property line and no objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.
2. There shall be no industry created ground vibration measurable at any lot line of an industrial unit.
3. There shall be no industry created air pollution including:
 - a. No noxious odors; no noxious, toxic or corrosive gases or fumes.
 - b. No smoke of a density in excess of #1 on the Ringelmann Chart. In cases of smoke other than black in color, and approved density scale equivalent to the Ringelmann Chart shall be used.
 - c. No dust or other particulate matter emitted in excess of 0.85 pounds per 1,000 pounds of gases adjusted to 12% carbon dioxide.
 - d. There shall be no industry created glare or heat.

e. There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or in any form without prior approval of Borough Council [and if located in the Industrial Parks, the additional approval of the Somerset County Development Council].

f. There shall be no unusual fire or explosion hazards. Based on the National Board of fire insurance rates which classifies industrial units as Class I, Class II, and Class III, the following shall apply:

1. No special controls on a manufacturing unit determined to be Class I other than under [3] below.

2. Class II and Class III manufacturing units shall be contained in a building designed and constructed in accordance with its class and according to provisions of the building code published by the Building Officials and Code Administrators, International [BOCA], 1313 East 60th Street, Chicago, Illinois, 60637.

3. Machinery or equipment shall be treated as necessary to eliminate hazards.

g. Uses which are customarily incidental and accessory to the principal use shall be permitted including, but not limited to: dwelling quarters for watchmen and caretakers employed on the premises, recreation areas and facilities for persons employed by industries within the same district's boundaries, restaurants, warehouses and commercial uses that are permitted in the C-1 Commercial District.

h. Miscellaneous Prohibitions:

[1] Any interference with any other process, equipment, appliance or devices and any mechanical, electrical or other equipment which could create such interference shall have all necessary shielding or other protection.

[2] In any industrial unit or accessory all operations and storage, other than for passenger vehicles of visitors and employees, trucks and over the road vehicles, shall be within an entirely enclosed building or structure. Outside storage of bulk or large raw materials which are fireproof will be permitted if enclosed by a fence, planting or barrier equal in height to the stored material.

9.3 Planning Commission Review

If any process or industrial application indicated below is anticipated complete plans of the proposed process and facilities shall be submitted to the Planning Commission for its review. Such plans will contain a statement of approval from an impartial, qualified expert in the specialized field in question; such statement shall be obtained by and at the expense of the industry. In addition, should the property be located in an Industrial Park under the authority of the Somerset County Development Council, a statement shall be obtained by the industry from that agency that it approves, prior to consideration by the Somerset Borough Planning Commission.

Uses Requiring Planning Commission review and approval include:

1. Production of radioactive material or radioactive waste.
2. Storage of material stored in open or in non-fire resistant buildings including but not limited to contractor's equipment, building material, scrap metal, coal, paper and lumber.
3. Extraction, preparation or processing of dust producing mineral products including, but not limited to abrasives, fertilizer, lime, plaster, cement, crushed stone, stone-cutting, mining or processing sand, gravel, top soil, stone and coal.
4. Production of corrosive and noxious chemicals including, but not limited to acetylene gas, acids, chlorine, bleaching compounds.
5. Operation of a distillery, food canning plant, brewery, soap manufacture, tannery, glue manufacture, paper manufacture, paint and varnish manufacture, creosote and creosote products manufacture, textile sizing, wool securing and cleaning, bleaching, dyeing and similar operations.
6. Production, processing or storage of coal, coal tar, petroleum and asphalt products including, but not limited to coke manufacture, bulk gasoline and petroleum products storage, linoleum manufacture, oil cloth manufacture, roofing material and gas production.
7. Manufacture and storage of explosive products including, but not limited to dynamite and commercial explosives, fire works, military explosives and TNT.
8. Smelting and reduction of metallic ores including, but not limited to open hearth and electric furnace, Bessemer converter, non-ferrous metal smelter and blast furnace.
9. Use of hammer mills, ball mills, rolling mills or drop forges in any industrial process and the testing or operation of engines.
10. Uses which are customarily incidental and accessory to the principal use shall be permitted in the M-2 Heavy Industrial District only upon approval of the Somerset Borough Planning Commission. These include, but are not limited to, dwelling unit for watchmen and caretakers employed on the premises, recreation areas and facilities for employees employed by industries within the same district's boundaries, restaurants, warehouses, and commercial uses permitted in the C-1 Commercial District.

9.4 Permitted Accessory Uses

1. Storage of goods used in or produced by permitted commercial and industrial uses and related activities, subject to applicable district regulations.

2. A single-family dwelling accessory to a farm of ten acres or more.

9.5 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly-illuminated accessory signs as follows:

1. Any sign permitted in the M-1 Light Industrial District, provided that no flat or projecting sign shall be placed or painted on any building or structure at a height greater than 50 feet.

9.6 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations, page 8.

9.7 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

Article 7, Off-Street Parking Regulations

Article 8, Off-Street Loading Regulations

Article 9, Conditional Uses

Article 10, Supplementary Height, Area and Bulk Regulations

Article 12, The Zoning Hearing Board, Exceptions and Variances

9.8 Industrial Park Regulations

The Somerset County Development Council has adopted Rules, Regulations and Standards for the Industrial Parks under its direction. You are advised to contact that agency if land is located in one of its parks for additional requirements that may not be incorporated herein.

Section 10. Flood Plain Regulations

10.1 Statement of Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and impairment of the tax base by:

- a. Promoting the general health, welfare, and safety of the community;
- b. Reducing financial burdens imposed on the community, its governmental units and its individuals by preventing future development in areas subject to periodic flooding;
- c. Minimization of danger to public health and welfare through protection of water supply and natural drainage pattern;
- d. Regulation uses, activities, and development which, acting alone or in combination with other existing of future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- e. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
- f. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage;
- g. Protecting individuals from buying lands and structures which are unsuited for intended purposes as result of flood hazards;
- h. Promotion of responsible flood-proofing measures within the areas subject to flooding.

10.2 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the flood plain districts, or that land uses permitted within such districts, will be free from flooding or flood damages.

This section shall not create liability on the part of the Borough of Somerset or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there-under.

10.3 Establishment of Flood-Fringe Districts

10.31 Description of Districts

- a. The floodway and Flood-Fringe Districts shall include all areas subject to inundation by waters of the one-hundred [100] year flood [Regulatory Flood]. The basis for the delineation of Flood-Fringe district shall be flood profiles and floodway data contained in the Somerset Borough Flood Insurance Study and accompanying maps, as prepared by Michael Baker, Jr., Inc. for the Federal Insurance Administration, dated May, 1976.

b. 1. Floodway is that area designated for passage of the water of the 100-year but not located in the Flood-Fringe district. The delineation of the floodway is based upon the principle that said area is identified to carry the waters of the 100-year flood, without increasing the water surface elevation more than [1] foot at any point. Further, the Floodway is specifically defined and delineated in the Flood Insurance Study and accompanying maps for the Borough of Somerset.

2. The Flood-Fringe is that area designated as being that part of the 100 year flood plain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred [100] year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study [FIS] and as shown on the accompanying Flood Boundary and Floodway Maps for the Borough of Somerset.

c. The Floodway and Flood-Fringe Districts shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for these two [2] districts shall serve as a supplement to the underlying district provisions.

d. Where there happens to be any conflict between the provisions or requirements of either the Floodway or Flood-Fringe District and those of any underlying district the more restrictive provisions and/or those pertaining to the Floodway or Flood Fringe Districts shall apply.

e. In the event any provision concerning either the Floodway or Flood-Fringe Districts is declared inapplicable as a result of any legislative or administrative actions of judicial discretion, the basic underlying district provisions shall remain applicable.

10.42 Zoning Map

These boundaries of these two [2] flood plain districts are established as shown on the Official Zoning Map of the Borough of Somerset. Said boundaries are available for public inspection in accordance with Article 3, Section 3 of this Ordinance.

10.43 District Boundary Changes

The delineation of either of the two [2] flood plain districts may be reviewed and revised by the Planning Commission of Somerset Borough where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency or individual.

However, in addition to the review and recommendation procedures set forth in Article 3, Section 5 of this Ordinance all Floodway and Flood-Fringe boundary changes shall be subject to review and approval of the Federal Insurance Administration.

10.5 District Provisions

10.51 Applicability

Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the Borough of Somerset a permit shall be obtained from the Department of Environmental Resources, Dams and Encroachment Division. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

10.52 Floodway District [FW] – Permitted Uses

In the Floodway District no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities as required above. The following uses and activities are permitted provided that they are in compliance with provisions of the underlying district and are not

prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas.
3. Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.
4. Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

10.53 Floodway District [FW] – Uses Permitted by Special Exception

The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance:

1. Structures except for mobile homes accessory to the uses and activities in Section 10.52 above.
2. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
3. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
4. Extraction of sand, gravel, and other materials.
5. Temporary uses such as circuses, carnivals, and similar activities.
6. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent floatation or movement and/or can be readily removed from the area within the time available after the flood warning.
7. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural developments shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.

10.54 Floodway-Fringe District [FF] – Permitted Uses

In the Flood-Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in all other applicable codes and ordinances.

10.6 Special Exceptions and Variances – Factors to be Considered

1. The danger of life and property due to increased flood heights or velocities caused by encroachments. No special exception of variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels during the one hundred [100] year flood.

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:

- a. Unacceptable or prohibited increase in flood heights,
- b. Additional threats to public safety,
- c. Extraordinary public expense,
- d. Create nuisances,
- e. Cause fraud or victimization of the public, or
- f. Conflict with local laws or ordinances.

10.7 Existing Structures – Located in Floodway [FW] and Flood-Fringe [FF] Districts

A structure or use of a structure or premises which lawfully existed prior to enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

a. Existing structures and/or uses located in the Floodway District shall not be expanded or enlarged [unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements].

b. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in the Flood Plain Districts to an extent or amount of less than fifty [50] percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.

c. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use in the Flood Plain Districts, to an extent or amount of fifty [50] percent or more of its market value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.

Ordinance #1063

ARTICLE VI. GENERAL SIGN REGULATIONS

Section 1. Sign Definitions

For the purpose of this section, certain terms and words pertaining to signs are hereby defined. The general rules of construction contained in Article 13 are applicable to these definitions.

1. **Sign** A structure, display, or device that is arranged, intended, designed, or used for advertisement, announcement, identification, or direction.
2. **Sign Area** That area within a line including the outer extremities of all letter, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, pylon, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area; for other signs with more than one face, each side shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.
3. **Accessory Sign** A sign relating only to uses of the premises on which the sign is located, or products sold on the premises on which the sign is located, or indicating the name or address of a building or the occupants or management of a building on the premises where the sign is located.
4. **Detached Sign** A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not a part of a building, shall be considered a detached sign.
5. **Double-Faced Sign** A sign with two parallel, or nearly parallel, faces, back to back, and located not more than 24 inches from each other.
6. **Flashing Sign** An illuminated sign on which the artificial or reflected light is not maintained stationary and color at all times when in use. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign.
7. **Flat Sign** Any sign attached to, and erected parallel to the face of, or erected or painted on the outside length by such wall or building and not extending more than 18 inches from the building wall.
8. **Illuminated Sign** Any sign designed to give forth artificial light or designed to reflect light from one or more sources of artificial light erected for the purpose of providing light for the sign.
9. **Indirectly Illuminated Sign** A sign which does not produce artificial light from within itself but which is opaque and back-lighted or illuminated by spotlights or floodlights not

a part of or attached to the sign itself, or a sign of translucent non-transparent materials illuminated from within but with no exposed or exterior bulbs, tubes, or other light source.

10. Marquee Sign Any sign attached to or hung from a marquee. For the purpose of this Article, a Marquee is a covered structure projecting from and supported by the building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against weather.

11. Projecting Sign A sign which is attached to and projected more than 18 inches from the face of a wall of a building. The term projecting sign included a marquee sign.

Section 2. General Sign Regulations

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this Ordinance:

1. Applications for sign permits shall be submitted on forms available at the office of the Administrator. Each application shall be accompanied by plans showing size, design, proposed location and method of illumination, if any.

2. Structural and safety features and electrical systems shall be in accordance with the requirements of applicable codes and ordinances. No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to be in compliance with all the requirements of this Ordinance and applicable technical codes.

3. No sign which is not an integral part of the building design shall be fastened to and supported by or on the roof of a building and no projecting sign shall extend over or above the roof line or parapet wall of a building.

4. Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the Administrator to the Zoning Hearing Board for the purpose of interpretation by the Board and recommendation for action on the application by the Administrator. If in the opinion of the Board, the application is not adequately covered by these regulations, the Board may make recommendations for amendment of this Ordinance.

5. No sign shall be constructed, erected, used, operated, or maintained which:

- a. Displays intermittent lights resembling or seeming to resemble, the flashing lights customarily used by police, fire, or ambulance vehicles, or for navigation purposes.
- b. Is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from normal approaching position of a vehicle at a distance of 25 to 300 feet.

6. No sign, portable or otherwise, is to be placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.

7. Except as otherwise provided, these regulations shall be interpreted to permitting one flat sign plus any other permitted type, in accordance with applicable regulations, sign “types” are flat, detached, projecting and marquee sign, or special purpose signs specifically listed in the district regulations.

8. Except as otherwise provided, any sign may be flat detached sign or projecting sign, and, except as otherwise provided, no detached sign shall exceed a height of 15 feet.

9. Signs of permitted types and sign area may be placed on walls of building other than the front except on side or rear walls facing, and within 100 feet of, a residential district.

10. Unless otherwise specified in these regulations, all signs shall comply with the yard requirements of the district in which they are located, provided that one accessory sign may occupy required yards in a district where such sign is permitted by these regulations are complied with.

11. No signs shall be attached to trees, utility poles, or any other unapproved supporting structure.

12. All signs shall be maintained in good condition and appearance. After due notice has been given as provided below, the Administrator may cause to be removed any sign which shows gross neglect or becomes dilapidated.

13. The Administrator shall remove or cause to be removed, any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving written notice of violation from the Administrator. Removal of a sign by the Administrator shall not affect any proceedings instituted prior to removal of such sign.

Section 3. Signs which may be Erected in any District without a Permit

1. Official traffic signs or sign structures and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency and temporary signs indicating danger.

2. Changing of the copy on a bulletin board, poster board, display encasement, or marquee.

3. Temporary non-illuminated signs, not more than six square feet in area, advertising real estate for sale or lease or announcing contemplated improvements of real estate, and located on the premises, one such for each street frontage.

4. Temporary non-illuminated signs not more than ten square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage.

5. Non-illuminated signs warning trespassers or announcing property as posted.

6. Temporary non-illuminated portable signs, not exceeding six square feet in area, in a commercial or industrial district, one for each 50 feet of street frontage.

7. An on-premises sign not exceeding two square feet in area advertising home occupations or commercial enterprises, if attached flat to a building. Illumination, if any, shall only be shielded, non-flashing, uncolored light.

8. Directional or informational signs of a public or quasipublic nature, not exceeding two square feet in area.

9. Signs giving notice of public hearings concerning the premises on which such signs are located.

Section 4. Non-Conforming Signs

If damaged by fire, windstorm or other disaster, non-conforming signs may be repaired or replaced with a sign of the same type not exceeding the area of the non-conforming sign. Deteriorated signs may be repaired or painted. Sign may be altered in part, if area is not increased, to show change in products, brand names, ownership or type of business. All new signs shall conform to permitted sign regulations.

Section 5. Special Sign Regulations for Special Sign Districts Established on the Borough Zoning Map

1. No detached sign in a special sign district shall exceed a height of seventy-five [75] feet.

2. Unless otherwise specified in this Ordinance, all detached signs shall comply with the yard requirements of the district in which they are located, provided that one accessory sign may occupy required yardage in special sign district, if such sign is not more than two hundred [200] square feet in area, and the other requirements of this Ordinance are complied with.

3. No detached signs shall be erected and installed at a height in excess of fifteen [15] feet in a special sign district unless the front edge of vertical plane of the sign is set back from the front property line a minimum of one [1] foot in linear measure from the street or property line for every two [2] feet, or fraction thereof, that the sign exceeds fifteen [15] feet in height.

Ordinance #1110

Article VII. OFF-STREET PARKING REGULATIONS

Section 1. Off-Street Parking Requirements

Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted for the uses listed in Column 1 of the chart below, accessory off-street parking spaces shall be provided as required in Column 2 or Column 3 or as required in subsequent sections of this article.

Column 1	Column 2	Column 3
Use or Use Category	Spaces Required Per Basic Measuring Unit	Additional Requirements
One-, two-, or three family dwelling	1.5 Per dwelling unit.	
Church or Temple, auditorium, or place of assembly.	1 per 5 seats or bench seating spaces	Seats in main auditorium only.
College or High School	1 per 5 seats in main auditorium.	Or 8 per classroom whichever is greater.
Elementary, Junior High, or Nursery School.	1 per 10 seats in main assembly room.	Or 1 per classroom whichever is greater.
Country Club or Golf Club	1 per 5 members.	
Public library, museum, art gallery, or community center.	10 per use	Plus 1 additional space for each 300 sq. ft. of floor area in excess of 1,000 sq. ft.
Multiple-Family dwelling, more than 3 dwelling units.	1.5 per dwelling unit.	Plus 1 per 2 roomers.
Private Club, fraternities, sororities and lodges, with sleeping rooms.	2 per 3 sleeping rooms or suites.	Or 1 per 5 active members, whichever is greater.
Private Club, fraternities, sororities and lodges, with no sleeping rooms.	1 per 10 active members.	
Sanitarium, convalescent home, home for the aged, or similar institution.	1 per 5 patient beds.	
Tourist court, motel, motor lodge, or hotel	1 per sleeping room or suites.	
Rooming, boarding, or lodging house.	1 per 2 sleeping rooms.	
Hospital	1 per 2 patient beds.	

Column 1	Column 2	Column 3
Use or Use Category	Spaces Required Per Basic Measuring Unit	Additional Requirements
Office or office building, post office, studio, or clinic.	1 per 400 sq. ft. of floor area.	3 spaces min.; 10 spaces min. for clinic.
Funeral Home	1 per 50 sq. ft. of floor area excluding storage and work.	30 spaces min. area
Restaurant or other establishment for consumption of food or beverages on the premises.	1 per 100 sq. ft. to the floor area.	3 spaces min.
Retail store or personal service establishment or bank	1 per 200 sq. ft. of floor area.	Retail food stores over 4,000 sq. ft.; 1 per 100 sq. ft. of floor area.
Furniture or appliance store, machinery, equipment, automobile, or boat sales and service.	1 per 300 sq. ft. of floor area.	2 spaces min. Automobile sales and service 10 min.
Auditorium, theater, gymnasium, stadium, arena, or convention hall.	1 per 5 seats or seating spaces.	
Bowling Alley.	4 per bowling lanes.	
Food storage locker.	1 per 200 sq. ft. of floor area.	
Amusement place, Dance hall, skating rink, swimming pool, natatorium, or exhibition hall, without fixed seats.	1 per 100 sq. ft. of floor area.	Does not apply to accessory use.
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station.	1 per 3 employees on premises.	Auditorium for broadcasting station requires space as above.
Animal Hospital	1 per 400 sq. ft. of floor area	4 spaces min.
Manufacturing or industrial establishment research or testing laboratory; creamery, bottling plant, wholesale, warehouse, or similar establishment.	1 per 2 employees on maximum working shift.	Plus space for storage of trucks or other vehicles used in connection with the business or industry.

These off-street parking requirements shall not apply in C-2 Central Commercial District, except as to one-family, two-family and multi-family dwellings to which they shall apply.

Section 2. Interpretation of the Chart of Section 1

1. The use regulations for each district are not affected by arrangement of uses in the chart.
2. The parking requirements in the chart are in addition to space for storage of trucks or other vehicles used in connection with any uses.
3. The parking requirements in the chart do not limit other parking requirements contained in the district regulations.
4. The parking requirements in the chart do not limit special requirements which may be imposed with conditional uses [Article 9], or special use exceptions [Article 12].
5. Floor area as used in the chart shall be as defined in Article 13.
6. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
7. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
8. The parking space requirements for a use not specifically listed in the chart shall be the same for a listed use of similar characteristics of parking demand generation.
9. In the case of mixed uses, uses with different parking requirements occupying the same building or premises or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except that parking requirements for permitted accessory retail and service uses in a hotel, motel, or motor lodge containing 50 or more dwelling units may be reduced by the following percentages:
 - [a] Retail sales, offices, service establishments. 50%
 - [b] Restaurants and dining rooms 75%
 - [c] Ballrooms, banquet halls, meeting rooms, auditoriums. 80%
10. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this Article for an increase in parking space of ten percent or more in addition to parking spaces which exist at time of the change or enlargement, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargement which together result in a need for an increase in parking space of ten percent or more.

Section 3. Joint Use and Off-Site Facilities

1. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from an institutional building or other non-residential building served.
2. Up to 50 percent of the parking spaces required for [a] theaters, public auditoriums, bowling alleys, dance halls, and night clubs, and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by [b] banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open used, or operated during the same hours as those

uses listed in [a], and up to 100 percent of parking spaces required for schools may be provided and used jointly by a church auditorium; provided, however, that written agreement thereto is properly executed and recorded as specified below.

3. In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use and shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space, such encumbrance to be needed are in existence. A certificate of recording of the covenant or agreement shall be furnished to the Administrator.

Section 4. Design Standards

1. Minimum Area For the purpose of these regulations an off-street parking space is an asphalt or concrete paved area not in a street or alley and having an area of not less than 200 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which afford ingress and egress for an automobile without requiring an other automobile to be moved.

2. Drainage and Maintenance Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable town specifications. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles, equipment materials or supplies.

3. Separation from Walkways and Streets Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, or curbing or other approved protection device, or by distance so that vehicles cannot protrude over publicly owned areas.

4. Entrances and Exits Location and design of entrances and exits shall be in accord with the applicable requirements of town traffic regulations and standards. Landscaping, curbing, or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.

5. Interior Drives Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces.

6. Marking Parking spaces in lots of more than ten spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.

7. Lighting Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district.

8. Screening When off-street parking areas for ten or more automobiles are located closer than 50 feet to a lot in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided along the lot a continuous, visual screen with a minimum height of six feet. Such screen may consist of a compact evergreen hedge or foliage screening or a louvered wall of fence.

Article VIII. OFF-STREET LOADING REGULATIONS

Section 1. Chart

Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 25 percent or more, or any building is hereafter converted, for the uses listed in Column 1 of the chart below, when such buildings contain the floor areas specified in Column 2, accessory off-street loading spaces shall be provided as required in Column 3 or as required in subsequent sections of this article.

Column 1	Column 2	Column 3
Use or Use category	Floor area as defined in article 13, in Square Feet	Loading Spaces Required
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing, or industrial establishment	2,000 – 10,000 10,000 – 20,000 20,000 – 40,000 40,000 – 60,000 Each 50,000 over 60,000	One Two Three Four One Additional
Apartment buildings, motel, hotel, offices, or office building, hospital or similar institutions, or places of public assembly.	5,000 – 10,000 10,000 – 100,000 100,000 – 200,000 Each 100,000 over 200,000	One Two Three One Additional
Funeral home or mortuary	2,500 – 4,000 4,000 – 6,000 Each 10,000 over 6,000	One Two One Additional

Section 2. Interpretation of the Chart

1. The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulation.
2. The loading space requirements in this article do not limit special requirements which may be imposed in connection with special use exceptions which may be permitted under Article 11.
3. Under the provisions of Article 11, the Zoning Hearing Board may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities, or where provision of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.

Section 3. Mixed Uses in One Building

Where a building is used for more than one use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum,

then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Administrator may make reasonable requirements for the location of required loading spaces.

Section 4. Design Standards

1. Minimum Size For the purpose of these regulations, a loading space is a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having minimum area of 540 square feet, minimum width of 12 feet, a minimum depth of 35 feet and vertical clearance of at least 14.5 feet.

2. Loading Space for Funeral Homes Loading spaces for a funeral home may be reduced in size to 10 by 25 feet and vertical clearance reduced to eight feet.

3. Drainage and Maintenance Off-Street loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and paved with concrete or blacktop in accordance with applicable town specifications. Off-street loading areas shall be maintained in a clean, orderly and dust free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.

4. Entrances and Exits Location and design of entrances and exits shall be in accord with applicable requirements of town traffic regulations and standards. Where the entrance or exits of a building designed to provide at least one off-street loading space.

ARTICLE IX. CONDITIONAL USES

Section 1. Purpose

The purpose of this article is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semi-public character and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of relationship to the Comprehensive plan, and possible impact, not only on neighboring properties, but on a large section of the town, require the exercise of planning judgment on location and site plan.

Section 2. Conditional Uses Enumerated

The following buildings, structures, and uses shall be approved by Somerset Borough Council as conditional uses in any district from which they are prohibited, except as otherwise provided in accordance with the procedures and standards of this article; provided that the location is appropriate and not in conflict with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected that adequate off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with. Unless otherwise specified in this article or specified as a condition of approval, the height limits, in this article or specified as a condition of approval, the height limits, yards spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the conditional use is located.

1. Bus terminals.
2. Camps, day or boarding, private or commercial.
3. Cemeteries, including crematorium if located at least 200 feet from the boundaries of the cemetery, provided:
 - a. The minimum area of the cemetery shall be ten acres, unless associated with a church or limited to use by a family.
 - b. Arrangements are made satisfactory to the Borough Attorney for perpetual maintenance of the cemetery.
4. Circus or carnival grounds, amusement parks, and midways, permanent or temporary for a specified time period.
5. Drive-in theaters in a commercial or industrial district, provided that any such theater.
 - a. Shall be arranged with due care to avoid direct entrance or exit on a major highway and that proper traffic safeguards are provided.
 - b. Shall provide automobile storage facilities between the ticket gates and the access street equal to 25 percent of the theater capacity.
 - c. Shall have no structure other than an enclosure fence within 50 feet of any side boundary line and shall have the theater screen located not less than 100 feet from any major highway, arterial street, or property in a residential district, and not facing such highway, street or property unless the face of the screen is not visible therefore because of natural or artificial barriers.

d. Shall have individual car sound speakers, but low-volume horns may supply sound to refreshment stands and other service area, and may have accessory uses and structures incidental to the theater operation, including refreshment stands and toilet facilities, provided that they serve only the patrons while within the theater enclosure.

6. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, stripping of top soil [but not including stripping of sod], and other major excavations other than for construction of swimming pools and foundations with a street, subdivision, or planned residential development, provided that:

a. No material may be brought from off the site for processing, mixing, or similar purposes.

b. The excavating, extraction, or filling operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly as regards use of any residential streets for access to the site.

c. The location of the excavation, extraction or filling with respect to property lines, the depth of excavation or filling and relation to the water table or flood criteria, and the slope of the sides of the excavation shall be controlled to prevent a continuing, unsightly, hazardous, or wasteful condition of the land.

7. Exposition centers and fairgrounds.

8. Heliports and helistops.

9. Hospitals and sanitariums, but not animal hospitals.

10. Institutions, educational or philanthropic, including museums, art galleries, and libraries.

11. Private clubs

12. Public or governmental buildings and uses, including schools, parks, parkways and playgrounds.

13. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regular stations, sub-stations, and transmission lines utilizing multi-legged structures.

14. Race tracks and type, including horses, stock cars, or drag strips.

15. Recreation facilities, privately or commercially operated, such as fishing or boating lakes, picnic grounds, or dude ranches, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies, and equipment.

16. Sanitary land fills, subject to the following conditions;

[a] Access to the site shall not be by means of a minor residential street. An all-weather access road negotiable by loaded collection vehicles, shall be provided to the entrance of the land fill area.

[b] A durable fence shall surround the entire site, with gates which can be locked at all entrances; a lock shall be provided for all gates, and a sign shall be posted, identifying the site and giving notice that only authorized persons are permitted on the site.

[c] An equipment shelter suitable to accommodate the equipment and other necessary service supplies shall be provided.

[d] A portable fence shall be placed near the unloading area to catch all blowing paper or other debris and material. This fence shall be checked and cleaned daily.

[e] Additions of garbage and refuse shall be spread evenly by repeated passages of land fill equipment. Each layer shall be compacted thoroughly to a depth not greater than approximately two feet.

[f] Total depth of fill shall not exceed eight. Daily cover shall be six inches, at least, of suitable soil, thoroughly compacted. Final cover shall be at least two feet of compacted soil, to be placed within one week of completions of fill.

[g] No burning of garbage or refuse shall be permitted on the site.

[h] Salvaging operations shall not be permitted to interfere with the operation of the land fill; all salvage material must be removed or covered by the end of each working day.

[i] Dust control measures shall be applied when necessary.

[j] Adequate vector control measures shall be continuously exercised.

17. Sports arenas or stadiums, commercial athletic fields, and baseball parks.

18. Swimming and tennis clubs, private, non-profit, or commercially operated, provided that:

[a] Facilities shall be limited to those for games and outdoor uses such as swimming pools, or shuffle board, croquet or tennis courts. Indoor facilities shall include only meeting rooms and locker rooms. Outdoor activity areas and buildings shall not be located within 25 feet of the side lot lines, nor within 25 feet of the rear lot lines.

[b] Appropriate fencing and screening from abutting property of all outdoor activity areas shall be required. If parking areas are outside this fencing, then appropriate screening of at least three and one-half feet in height shall be constructed around parking areas to protect adjoining property from headlights. Council may require the applicant to file with the Borough Secretary, a performance bond during the period of construction, reconstruction, and alteration, such bond to be in amount determined by Council to be sufficient to insure completion of landscaping and parking plans as submitted.

[c] Any pumps and filters which are located above ground shall be at least 50 feet from abutting properties.

[d] Dispensing of food, beverages, candy, and tobacco shall be from coin-operated machines only.

[e] All lights shall be shielded to reflect or direct lights away from adjoining property.

[f] The required off-street parking space shall be computed on the basis of one space for each 70 square feet of pool area. The parking layout and surfacing shall be approved by the Administrator.

19. Trailer parks and mobile home parks, provided that:

[a] Access to the trailer park shall be from a major thoroughfare, the number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, no trailer space shall be designed for district access to a street outside the boundaries of the trailer park, and the interior access drives shall be properly lighted and at least 30 feet in width of right-of-way, hard surfaced and maintained at least 20 feet in width, in accord with applicable Borough specifications and ordinances.

[b] The topography of the site shall be such as to facilitate rapid drainage, and adequate drainage facilities shall be provided.

[c] The minimum width and/or depth of the trailer park shall be 200 feet and minimum total area of the trailer park shall be five acres, including one-half the width of bordering streets, except minimum area may be two acres where the proposed park is to be located adjacent to an existing trailer park containing an area of five acres or more.

[d] The minimum area for a trailer site for parking on trailer shall be 1,800 square feet, with no dimension less than 35 feet, and with corners of each site visibly marked and numbered by a permanent marker.

[e] In addition to the requirement of [d] above, the trailer park or mobile park shall contain at least 1,000 square feet per trailer for community facilities, including play space, utility rooms, parking and access roads.

[f] The trailer park or mobile home park shall be surrounded by a landscaped strip of open space 50 feet wide along the street frontage with a major street or major highway and 25 feet wide along all other lot lines or street frontage.

[g] No trailer shall be parked closer than 25 feet to any other trailer or service building, and no part of a trailer shall extend closer than five feet to the boundaries of the individual trailer site.

[h] Off-street parking spaces for automobiles shall be provided in the ratio of one and one-half spaces per trailer in locations convenient to individual trailers and groups of trailers.

[i] In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached, non-illuminated or indirectly illuminated sign, with sign area limited to ten square feet and sign height not exceeding ten feet.

[j] Proper provision shall be made for public water supply, sanitary sewers, electrical connections, fire protection, refuse collection, laundry, toilet and bathing facilities. Water and sanitary facilities are subjected to approval by the town health officer.

[l] All annual license is to be issued by the Administrator upon payment of an annual license fee of \$100.00.

20. Housing for the Elderly funded under a program of the United States Government and/or Commonwealth of Pennsylvania.

[a] Apartment buildings for the elderly, when funded under a program of the Federal and/or State government, may be constructed to a maximum height of 100 feet may be measured from the average ground height to roof level, excluding elevator housing, mechanical housing and fire towers, without limitation to the number of stories. Such buildings shall comply to current Federal and/or State building construction requirements.

[b] Due to the income limits and age of persons who qualify as renters, minimum parking requirements for elderly housing constructed under programs of the Federal and/or State government shall be .35 space for each elderly dwelling unit.

[c] In calculation of the lot area for these high-rise units for the elderly the following table shall be used:

[1] Up to 50 dwelling units: 500 square feet of lot per dwelling unit.

[2] 51 dwelling units and over: 100 square feet for each additional dwelling unit.

Section 3. Procedures, Preliminary Site Plan Required

A preliminary site plan complying with the requirements of Article 14 shall accompany an application for application for approval of a conditional use under this article, together with such information as may be required for a determination of the nature of the proposed use and its effect on the Comprehensive Plan, the neighborhood, and surrounding properties. Procedures for approval of a conditional use, and approval and amendment of site plans, are contained in Article 14.

Section 4. Approval Valid One Year

Approval of a conditional use under this article shall be valid for a period of one year after the date of approval, and thereafter shall become null and void unless construction or use is substantially underway during said one-year period, or unless an extension of time, not exceeding one year, is approved by the Planning Commission and for good cause shown, before the expiration of said one year period.

Section 5. Existing Conditional Uses

Any conditional use listed in Section 2 above, legally existing at the effective date of the regulations of this article, shall be considered a nonconforming use unless it has qualified as provided above and had been approved as a conditional use by the President and Council.

Section 6. Revocation of Permits

Permits issued under a conditional use approval may be revoked by the Administrator for failure to comply with conditions of approval of applicable regulations.

ARTICLE X, SUPPLEMENTARY HEIGHT, AREA, BULK REGULATIONS

The regulations set forth in this article qualify or supplement the district regulations appearing elsewhere in this Ordinance.

Section 1. Mixed Uses, Height, Area, and Bulk Requirements

Where more than 25 percent of the total floor area of any building which may also contain non-residential uses, the minimum height, area, and bulk requirements for residential development applicable in the district in which such building is located shall apply, subject to the side yard modification for mixed uses contained elsewhere in this article. Where 25 percent or less of the total floor area of such building is used for dwelling purposes, the building shall be subject to the height, area and bulk requirements applicable to nonresidential buildings in the district.

Section 2. Modification of Height Regulations

1. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, the height limitations of this Ordinance shall not apply to:

- | | |
|------------------------------|--|
| Belfries | Public Monuments |
| Chimneys | Commercial radio and television towers less than 125 feet in height. |
| Church spires | Silos |
| Conveyors | Smoke stacks |
| Cooling Towers | Stage towers or scenery lofts |
| Elevator bulkheads | Tanks |
| Fire towers | Water towers and stand pipes |
| Flag Poles | |
| Ornamental towers and spires | |

2. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, public, semi-public, and public service buildings, hospital, institutions, and schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

3. Notwithstanding any other provisions of this Ordinance, no places of public assembly, including, but without limitation, schools, churches, hospitals, theaters, and assembly halls, shall be erected or otherwise located within any area which would be classified as an Airport Approach Zone within a distance of 11,000 feet from the end of any airport runway.

Section 3. Lot Area

1. If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was of record prior to the application of any zoning regulations and restrictions as to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to width of lots and lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a single-family dwelling or making other

improvements on the lot, provided that such improvements conform in all other respects to applicable zoning regulations and restrictions.

2. Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.

3. Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge, or tourist home, or to rooms in a rooming, boarding, or lodging house.

Section 4. Yards and Open Space Generally

1. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.

2. Where these regulations refer to side streets, the Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of the two streets is the side street.

3. Every part of a required yard shall be open to the sky, except as authorized by this article, and excepting ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required yard.

4. More than one main building may be located upon a lot or tract in the following instances:

- a. Institutional buildings
- b. Public or semi-public buildings
- c. Multiple-family dwellings
- d. Commercial or industrial buildings
- e. Homes for the aged

The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot.

5. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential purpose, there may be more than one main building on the lot when such buildings are arranged around a court, between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for buildings of three stories or more, and in no case may such buildings be closer to each other than 15 feet.

6. Where a court is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 15 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for three or four-story buildings.

Section 5. Front Yards

1. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

2. On through lots, the required front yard shall be provided on each street.

3. There shall be a front yard of at least 15 feet on the side street of a corner lot in any district, provided, however, that the buildable width of a lot of record at the time of passage of this Ordinance shall not be reduced to less than 28 feet.

4. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front or side yard not more than six feet.

5. Where 25% or more of the total street frontage between two major streets, is improved with buildings that have a front yard less than that required in that district, the front yard of any new building shall be the same as the front yard of the immediately adjoining property which faces the same street and is the closest to the right-of-way. In the case where the adjoining building is within the right-of-way of the street, the new building shall not be constructed within the right-of-way but may be constructed within two feet of the right-of-way.

Section 6. Side Yards

1. Where a building in a commercial district is subject to the height, area and bulk requirements applicable to residential development under Section 1 of this article, the side yard requirements for residential development shall be applied only to the lowest floor (and all floors above it) which contains more than 25 percent of its area used for dwelling purposes. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.

2. For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.

3. The minimum width of side yards for schools, libraries, churches, community houses, and other public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or industrial district, in which case, the width of that yard shall be as required in chart of Article 5 for the district in which the building is located.

Section 7. Rear Yards

1. Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

Section 8. Corner Visibility

1. No sign, fence, wall hedge, planting, or other obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 20 feet distant from the intersection of the street lines.

Section 9. Accessory Buildings and Structures

1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.

2. Filling station pumps and pump islands may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

3. An ornamental fence or wall not more than three and one-half feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven feet.

4. Borough of Somerset has separate regulations regarding fences around swimming pools, see ordinance No. 995. For purposes of zoning the space occupied by a swimming pool shall be considered in determining if yard meets setback requirements.

5. Permitted accessory storage of a boat, boat trailer, or camp trailer shall not be conducted in a front yard.

6. Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a rear yard, provided that such accessory building does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than five feet to the rear lot line nor closer than three feet to a side lot line.

Section 10. Special Regulations for Two-Family Dwelling and Town Houses

1. Each dwelling unit of a two-family dwelling must comply with the minimum lot area per dwelling unit specified in the Table of District Regulations of Article 5.

2. The dwelling units and individual lots of a two-family dwelling or town house may be sold separately if separate utilities systems are provided and if systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the applicable regulations and standards governing the subdivision of land.

3. The following regulations shall apply to town houses in any district where town houses are permitted:

a. The town house building shall comply with minimum lot requirements contained in the Table of District Regulations of Article 5, but each dwelling unit of a town house need not be located on a lot complying with minimum lot area requirements, and provided that no lot is created with lot area less than 2,000 square feet.

b. Lot frontage, measured at a building line, for individual dwelling units of a town house may be reduced to not less than 18 feet. Lot width for end units shall be adequate to provide required front and side yards.

c. For the purpose of the side yard regulations, a town house building shall be considered as one building on one lot with side yards required for end units only, in accordance with the Table of District Regulations of Article 5. Any side yard adjacent to the line of lot occupied by a detached single-family dwelling or a lot in a single-family residential district shall not be less than 25 feet.

d. No detached garage or carport or other detached accessory building shall be permitted on a lot occupied by a town house.

e. Unless otherwise restricted by district regulations, not more than two dwelling units shall be included in any one town house. Not less than two nor more than seven town houses shall be constructed in a single building or structure that abut one another, each town house shall have its own entrance.

f. The facades of dwelling units in a town house shall harmonize. Variation may be obtained by changes in front yards within the permitted front yard limits, height of structures, the architectural treatment of facades and roof lines.

g. Provision satisfactory to the Borough Council and approved by the Borough Attorney shall be made to assure that non-public areas for the common use and enjoyment of occupants of town houses, but not in individual ownership of such occupants, shall be maintained in a satisfactory manner without expense to the general public.

h. Required off-street parking space of one and a half spaces per dwelling unit may be provided on the lot in the rear yard or within 200 feet of the lot.

i. A site plan complying with requirements of Article 14 shall accompany an application for approval of a town house development.

ARTICLE XI. NON-CONFORMING USES

Section 1. Non-Conforming Use of Land and Buildings

Except as otherwise provided herein, the lawful use of land or buildings existing at the effective date of this Ordinance may be contained although such use does not conform to the provisions thereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use of land or buildings has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this Ordinance.

Section 2. Non-Conforming Signs

If damaged by fire, windstorm, or other disaster, non-conforming signs may be repaired or replaced with a sign of the same type not exceeding the area of the non-conforming sign. Deteriorated signs may be repaired or painted. Sign may be altered in part, if area is not increased, to show change in products, brand names, ownership or type of business. All new signs shall conform to permitted sign regulations.

Section 3. Destruction of Non-Conforming Use

In any district buildings are conforming to use; height are: back, front or side yard requirements, which are damaged by fire, wind, flood or other disaster, may be restored or reconstructed on the same lines as the destroyed structure, provided that the replacement structure is resistant to fire, wind, flood and other disasters. Replacement structure shall be for the same non-conforming use and shall not exceed the height, area, or setbacks of the former structure.

Section 4. Intermittent Use

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use, and the existence of a non-conforming use on a part of a lot or tract shall not be construed to establish a non-conforming use on the entire lot or tract.

Section 5. Existence of Non-Conforming Use

Whether a non-conforming use exists shall be a question of fact and shall be decided by the Board after public notice and hearing and in accordance with the rules of the Board.

Section 6. Buildings Non-Conforming in Height, Area, or Bulk

Buildings non-conforming in height, area, minimum yard, or bulk requirements may be altered or extended provided such alteration or extension does not increase the degree of non-conformity in use or in any other respect. Non-Residential buildings including accessory buildings, existing prior to enactment of this ordinance may be altered or extended along existing yards provided that the extended section shall terminate allowing a yard of minimum of two feet for each story or each ten feet of height.

Section 7. Non-Conforming Dwellings in Industrial Districts

A dwelling non-conforming as to use in an industrial district shall be considered as a conforming use in application of the height, area, and bulk requirements of this Ordinance.

Section 8. Non-Conforming Uses Not Validated

A non-conforming use in violation of a provision of the Ordinance which this Ordinance amends or replaces shall not be validated by adoption of this Ordinance unless such use complies with the terms of this Ordinance.

ARTICLE XII. THE ZONING HEARING BOARD

Section 1. Organization

The Zoning Hearing Board is hereby created. The Board shall consist of five (5) members. The members shall be appointed from among residents of the Borough by the Council, and they shall be removable for cause upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, members shall be appointed for terms of three years each. When additional members are appointed by the Council to increase the size of the Zoning Hearing Board from three (3) members to five (5) members, of the new members first appointed, one (1) shall be appointed for a term of two years and one (1) shall be appointed for a term of one year. Thereafter, members for these new positions shall be appointed for terms of three (3) years each.

The Board may adopt forms and rules for the conduct of its business. One member may conduct hearing. However, an affirmative vote of two members of the Board shall be required to overrule any decision, ruling, or determination of the official charged with enforcement of this Ordinance, or to approve any special exception or variance.

Section 2. Procedure

Applications for special exceptions, interpretations, and variances may be made by any property owner, tenant, government official, department board, or bureau. Such application shall be made to the Administrator, in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted properly to the Secretary of the Board, who shall place the matter on the docket, advertise a public hearing thereon, and give written notice of such hearing to the parties in interest. The Administrator shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.

Application for special exceptions, for variance from the terms of this Ordinance, or appeals from the decision of the Administrator shall require the payment in advance of the average cost of hearings held during the past calendar year but in no case less than \$100.00. Charges shall include stenographic costs, administrative time and other costs incidental to the hearing. Unless rules are complied with and deposit of estimated costs made, the Zoning Hearing Board shall not act upon the application. If the Board determines that the Administrator was in error on denying the application for a building permit and that there is no need to conduct a public hearing, all charges will be refunded.

An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the Borough affected by any decision of the Administrator. Such appeal shall be taken within 30 days after the decision appealed from, by filing with the Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay

would, in his opinion, cause imminent peril to life or property, in which case proceeding shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Administrator and on due cause shown.

Upon filing with the Zoning Hearing Board an appeal as aforesaid, the Board shall fix a time and place for a public hearing thereon and shall give notice stating the location of the building lot or area involved and the general nature of question involved, as follows:

1. By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation in the Borough of Somerset which notice shall first appear at least fifteen days prior to said hearing, and
2. By serving a notice thereof upon the Borough Secretary and upon the Mayor, and
3. Owners of property within 100 feet of the property in question and other parties in interest as Board may in any particular case direct, shall be notified of appeal.

All meetings of the Zoning Hearing Board shall be open to the public. The Board shall keep minutes of its proceedings and other official actions, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board and shall be a public record. The Chairman of the Board, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

Section 3. Powers

The Zoning Hearing Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of this Ordinance.
2. To hear and decide on applications for special exceptions upon which the Board is specifically authorized to pass under this Ordinance.
3. To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance, as will not be contrary to the public interest, where, owing to special conditions, the enforcement of the provisions of this Ordinance will result in unwarranted hardship and injustice, but which will most nearly accomplish the purpose and intent of this Ordinance.
4. To hear and decide applications for interpretation of the Zoning District Map where there is any uncertainty as to the location of a district boundary.

Section 4. Special Exceptions

In order to provide for adjustments in the relative location of uses and buildings of the same or different classifications, to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application, and adjustment, and to supply the necessary elasticity to their efficient operation, special use exceptions and, limited as to locations and especially in locations described in this article, special yard and height exceptions are permitted by the terms of these regulations. The following buildings and uses are permitted as special exceptions if the Board finds that, in its opinion, as a matter

of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property.

4.1 Special use Exceptions

1. Temporary and conditional permits for a period of two years or less for the following uses:

- (a) Archery ranges
- (b) Asphalt batching plants or concrete batching plants
- (c) Commercial dog kennels
- (d) Miniature golf courses or driving ranges
- (e) Non accessory tents for special purposes
- (f) Outdoor display or promotional activities, at shopping centers or elsewhere
- (g) Pony rings
- (h) Raising birds, rabbits, etc. for sale
- (i) Riding academies, public or private stables
- (j) Rifle or pistol ranges, trap or skeet shooting
- (k) Sawmill for cutting timber grown on the premises
- (l) Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision

2. Exceptions to parking and loading requirements as follows:

(a) Location of Off-Street parking areas on property adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article 7, where practical difficulties, including the acquisition of property, or undue hardships, are encountered in locating such parking areas on the premises, and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises.

(b) Waiver or reduction of the parking and loading requirements, in any district, whenever the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities.

(c) Waiver or reduction of loading space requirements, where adequate community loading facilities are provided.

(d) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area, where construction of existing buildings, problems or access, or size of lot make impractical the provision of required loading space.

3. Other special use exceptions as follows:

(a) Private garages for more than four automobiles or with floor area of more than 900 square feet in a residential district.

(b) Cemeteries for pets

(c) Commercial greenhouses, wholesale or retail

(d) Convalescent homes, nursing homes, or homes for the aged

(e) Day nurseries or child care centers

(f) Frog or fish farms

(g) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises

(h) Public telephone booths

(i) Radio or television broadcasting stations or towers more than 125 feet in height, provided construction and safety features are approved by the Administrator in accord with applicable regulations and provided no hazard is created in an Airport Approach Zone.

(j) Trailers or mobile homes for living quarters accessory to a farm

(k) A determination, in causes of uncertainty, of the district classification of any use not specifically named in these regulations, provided, however, that such use shall be in keeping with uses specifically permitted in the districts in which such use is to be classified.

4.2 Special Yard Exceptions

1. An exception in the yard regulations on a lot where, on the adjacent lot, there is a front, side, or rear yard that does not conform with such yard regulations in a way similar to the exception applied for, croachment upon an existing or proposed right-of-way.

2. An exception in the depth of a rear yard on a lot, in a block where there are non-conforming rear yards.

3. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

4.3 Special Height Exceptions

1. An exception to the height regulations in the M-1 Light Industrial and M-2 Heavy Industrial Districts.

Section 5. Variances

Subject to the provisions of Section 3 of this article, the Board shall have the power to grant the following variances:

1. A variation in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness, or other unusual characteristic of size or shape of a specific piece of property, at the time of the enactment of such regulations or restriction or by reason of exceptional topographical conditions or extraordinary situation or condition of such piece of property, or by reason of the use or development of property immediately adjacent thereto, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon, the owner of such property. Such grant of variance shall comply, as nearly as possible, in every respect with the spirit, intent, and purpose of this Ordinance, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship, as distinguished from variations sought by applicants for purposes or reasons of convenience, profit or caprice.

No such variance shall be authorized by the Board unless it finds:

1. That the strict application of the Ordinance would produce unwarranted hardship.
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

Section 6. Conditions Attached to Approvals

Where, in these regulations, special exceptions are permitted, provided they are approved by the Board, and where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval decision, or authorization shall be limited by such conditions as the case may require, including the imposition of any of the following specifications:

1. No outside signs or advertising structures except professional or directional signs
2. Limitation of signs as to size, type color, location, or illumination
3. Amount, direction, and location of outdoor lighting
4. Amount and location of off-street parking and loading space
5. Cleaning or painting of building or structures

6. Gable roof or other roof type
7. Building construction and materials
8. Building connected or disconnected with other buildings
9. Exits or entrances, doors, and windows
10. Paving, shrubbery, landscaping, or ornamental or screening fences, wall, or hedges
11. Time of day or night for operating
12. Prohibition against store fronts
13. Prohibition against structural changes
14. Control or elimination of smoke, dust, gas, noise, or vibration caused by operations
15. Requirements for termination of a use, based on lapse of time or such other conditions as the Board may specify
16. Such other conditions as are necessary

Section 7. Lapse of Special Exception or Variance

After the Zoning Hearing Board has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, or if the Board does not specify some longer period than one year for good cause shown, and the provisions of these regulation shall thereafter govern.

Section 8. Amendment of Special Exception or Variance

The procedure for amendment of a special exception or variance already proved, or a request for a change of conditions attached to an approval, shall be the same as for a new application except that, where the Administrator determines the change to be minor relative to the original approval, he may transmit the same to the Board with the original record without requiring that a new application be filed.

Section 9. Appeals to Court

Appeals to courts from a decision of the Board may be filed in the manner prescribed by law.

ARTICLE XIII. DEFINITIONS

Section 1. General Rules of Construction

The following general rules of construction shall apply to the regulations of the Ordinance:

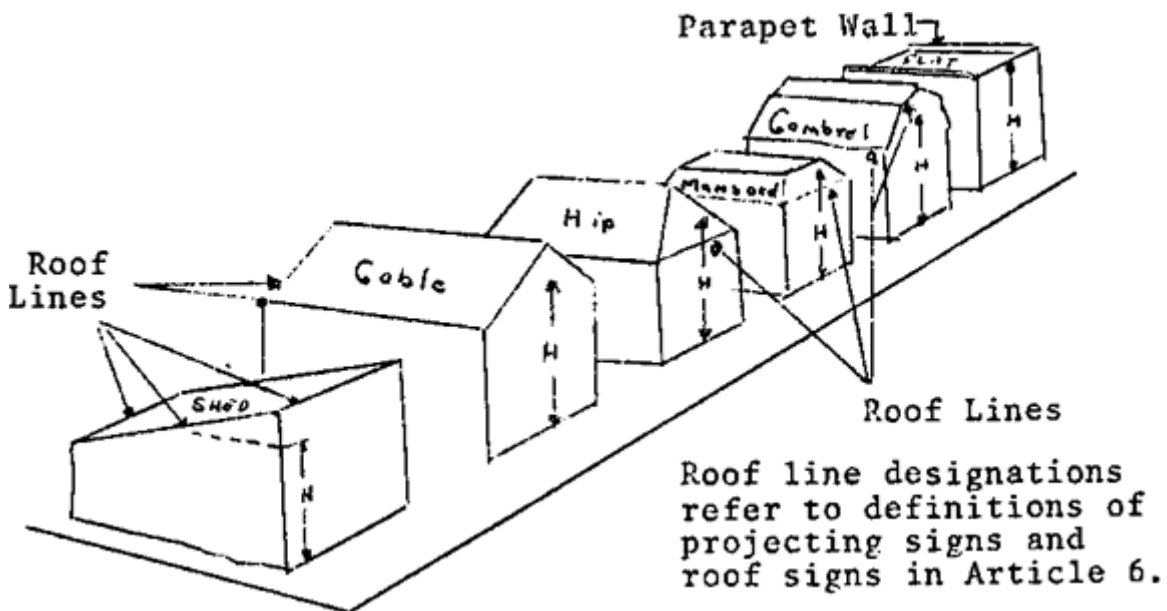
1. The singular number includes the plural and the plural, the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future, the present.
3. The word “shall” is always mandatory. The word “may” is permissive.
4. The word “building” or “structure” includes any part thereof, and the “building” includes the word “structure”.
5. Words and terms not defined herein shall be interpreted in accord with their normal dictionary, meaning and customary usage.

Section 2. Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined:

1. Accessory Building An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and [except as otherwise provided in the Ordinance] located on the same lot as the main building or principal use of land.
2. Accessory Use An accessory use is one which is clearly incidental to or customarily found in connection with, and [except as otherwise provided in this Ordinance] is located on the same lot as the principal use of the premises. When the term “accessory” is used in this Ordinance, it shall have the same meaning as “Accessory Use.”
3. Administrator The Zoning Administrator of the Borough of Somerset.
4. Aggregate Area or Width The sum of two or more designated areas or widths to be measured, limited, or determined under the provisions of this Ordinance.
5. Alley A narrow public thoroughfare not exceeding sixteen [16] feet in width which provides only a secondary means of access to abutting properties and is not intended for general traffic circulation.
6. Apartment A part of a building containing cooking and housekeeping facilities, consisting of a room or suite or rooms intended, designed, and used as a residence by an individual or a single family.

7. Apartment House Same as “Dwelling, Multiple-Family”.
8. Arterial Street A street so designated on the Major Thoroughfare Plan of Somerset.
9. Basement That portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.
10. Board The Zoning Hearing Board, of the Borough of Somerset.
11. Boarding House Same as Rooming House.
12. Buildable Area The area of that part of the lot not included within the yards or open space herein required.
13. Buildable Width The width of that part of the lot not included within the open spaces herein required.
14. Building Any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.
15. Building, Completely Enclosed Any building having no outside openings other than ordinary doors, windows, and ventilators.
16. Building, Height of The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line or highest point of coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within 30 feet of a street, the height of such building shall be measured to the highest point of coping or parapet.



17. Bulk A term used in this Ordinance to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building, and to open spaces and yards.
18. Business District See District, Commercial.
19. Canopy A detachable, roof like cover, supported from the ground, or deck, floor or walls of a building, for protection from sun or weather.
20. Clinic A building or portion thereof designed for, constructed or under construction or alteration for, or used by two or more physicians, surgeons, dentists, psychiatrists, physiotherapists, or practioners, in related specialties, or a combination of persons in these professions, but not including lodging of patients overnight.
21. Club, Private Buildings and facilities owned or operated by a corporation, association, person or persons for social educational, or recreational purpose, but not primarily to render a service which is customarily carried on as a business.
22. Convalescent Home A building where regular nursing care is provided for more than one person not a member of the family which resides on the premises.
23. Court An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.
24. District Any section of Somerset Borough in which the zoning regulations are uniform.
25. District, Commercial Any district designated in these regulations as a business or commercial district or special district under Articles 3 or 5 of this Ordinance or containing the words, “business”, or “commercial” in its title.
26. District, Industrial Any district established in this Ordinance whose designation includes the letter “M” and contains the word “Industrial”.
27. District, Residential Any district designated in this Ordinance as a residential district under Articles 2 or 5 of this Ordinance.
28. Dog Kennel, Commercial The keeping of any dog or dogs regardless of number, for sale, breeding, boarding or treatment purposes except in animal hospital, dog beauty parlor, or pet shop, as permitted by these regulations, or the keeping of five or more dogs, six months or older, for any purpose.
29. Drive-In A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.

30. Dwelling A building or portion thereof, designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes.

31. Dwelling, Single-Family A building designed for/or occupied by one family.

32. Dwelling, Two-Family A building designed for/or occupied by two families living independently of each other.

33. Dwelling, Multiple-Family A building designed for/or occupied by three or more families living independently of each other.

34. Dwelling Unit A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group or persons living together as a household or by a person living alone.

35. Family An individual or two or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than four [4] persons living together by a joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit cost-sharing basis. Domestic servants, employed and residing on the premises shall be considered as part of the family.

36. Filling Station Any building, structure, or land used for the sale at retail, of motor vehicle fuels, lubricants, or accessories, or for the servicing of automobiles or repairing of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting.

37. Floor Area

[a] Commercial, business and industrial buildings or buildings containing mixed uses: The sum of gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including; [1] attic space providing headroom of less than seven feet; [2] basement space not used for retailing; [3] uncovered steps or fire escapes; [4] accessory water towers or cooling towers; [5] accessory off-street parking spaces; and [6] accessory off-street loading spaces.

[b] Residential buildings: the sum of the gross horizontal areas of the several floors of a dwelling exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

38. Frontage

[a] Street Frontage: all of the property on one side between two intersecting streets [crossing or terminating], measured along the line of the street, or if the street is dead-ended then all intersecting street and the dead-end of the street.

[b] Lot frontage: the distance for which the front boundary line of the lot and the street line are coincidental.

39. Garage, Private A garage used for storage purposes only and having a capacity of not more than four [4] automobiles or not more than two [2] automobiles per family housed in the building to which the garage is accessory, whichever is the greater. Space therein may be used for not more than one commercial vehicle, and that one of not more than one ton capacity, and space may be rented for not more than two vehicles to persons other than occupants of the buildings to which such garage is accessory.

40. Grade Grade elevation shall be determined by averaging the elevations of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

41. Guest Quarters or House Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separate utility meters, and not rented or otherwise used as a separate dwelling.

42. Home Occupation Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on by a member of a family residing on the premises, and in connection with, which there is no display or storage of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed and no equipment used which creates offensive noise, vibration, dust, odor, heat, smoke, or glare. When within the above requirements, a home occupation includes, but is not limited to the following: [a] art studio; [b] dressmaking; [c] professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; [d] teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include barber shops, beauty parlors, tourist homes, animal hospitals, child care centers, tea rooms, and restaurants.

43. Hospital A building or group of buildings, having room facilities for overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinated to main use and must be an integral part of the hospital operations.

44. Hotel A building in which lodging or boarding and lodging are provided for more than twenty [20] persons, primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradistinction to a boarding, rooming or lodging house, or any apartment house which are herein separately defined. A hotel may include restaurants, taverns, or club rooms, public banquet halls, ballrooms, and meeting rooms.

45. Junk Dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed.

46. Laundromat A business that provides washing, drying, and/or ironing machines or dry cleaning machines for hire to be used by customers on the premises.

47. Loading Space A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having minimum area of 540 square feet, minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.

48. Lodging House Same as Rooming House.

49. Lot A parcel of land which may include one or more platted lots, occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, the yard areas and parking spaces required by this Ordinance and having its principal frontage upon a street or upon an officially approved place.

50. Lot, Area The total horizontal area within the lot lines of the lot.

51. Lot, Corner A lot abutting upon two [2] or more streets at their intersections.

52. Lot, Depth of The average horizontal distance between the front and rear lot lines.

53. Lot, Interior A lot other than a corner lot.

54. Lot, Line The boundary line of a lot.

55. Lot, Through [Double Frontage] A lot having a frontage on two [2] approximately parallel streets or places.

56. Lot, Width The horizontal distance between the side lot lines measured at the required front yard line.

57. Major Street or Highway A street or highway so designated on the Major Thoroughfare Plan of Somerset.

58. Motel, Motor Court, Tourist Court or Motor Lodge A building in which lodging, or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or lodging house, or a multiple dwelling; same as a hotel except that the buildings are usually designed to serve

tourists traveling by automobile, ingress and egress to rooms need not be through a lobby or office, and parking usually is adjacent to the rooms.

59. Non-conforming Use A building or land which does not conform with the height, area, or use regulations of the district in which it is located.

60. Nursing Home Same as Convalescent Home

61. Parking Space, Off-Street An all-weather surfaced area not in a street or alley and having an area of not less than 200 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress or egress for an automobile without requiring another automobile to be moved.

62. Place An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

63. Premises A lot, together with all buildings and structures thereon.

64. Primary Highway System Primary Highway System of the Commonwealth of Pennsylvania shall mean U.S. Traffic Route 219 and Pennsylvania Traffic Routes 31, 281, & 601.

65. Regulations The whole body of regulations, text, charts, tables, diagrams, maps, notations, references and symbols, contained or referred to in this Ordinance.

66. Rental Unit A dwelling unit intended for rental to transients on a day-to-day or week-to-week basis, but not intended for use or used as apartment dwelling and not including culinary facilities.

67. Rooming House A building other than a hotel, motel or motor lodge where, for compensation and be pre-arrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons but containing no more than five sleeping rooms.

68. Servant's Quarters Living quarters within a portion of a main building or in an accessory building located on the same lot with the main building, used for servants employed on the premises, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separate dwelling.

69. Sign For definitions pertaining to signs, see Article 6.

70. Site Plan A drawing illustrating a proposed development and prepared in accordance with the specifications of Article 14.

71. Stable, Private An accessory building, not related to the ordinary operation of a farm, for the housing of not more than four [4] horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.

72. Stable, Public Any stable for the housing of horses or mules, operated for remuneration, hire, sale or stabling, or any stable, not related to the ordinary operation of a farm, with a capacity for more than four [4] horses or mules, whether or not such stable is operated for remuneration, hire, sale or stabling.

73. Story That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor next above it, then the space between such floor and the ceiling above it.

74. Story, Half A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space, not more than two-thirds of the floor area is finished for use. A half-story containing independent apartments for living quarters shall be counted as a full story.

75. Street A public or private thoroughfare which affords the principal means of access to abutting property.

76. Street Line A dividing line separating a lot, tract, or parcel of land and contiguous street.

77. Structural Alterations Any addition to exterior of building or increase in number of rooms by dividing existing rooms, or any change in the supporting members of a building, such as footings, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair as may be required for the safety of the building.

78. Structure Anything constructed or erected the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, trailers or mobile homes, signs, swimming pools, fences, backstops for tennis courts, and pergolas.

79. Swimming Pool See Ordinance No. 995 and Article 10, Section 9.4 of this Ordinance.

80. Town House A single-family dwelling forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one of the dwelling units to another.

81. Trailer or Mobile Home Any vehicle, covered or uncovered, used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings; and which is, has been, or reasonable may be equipped

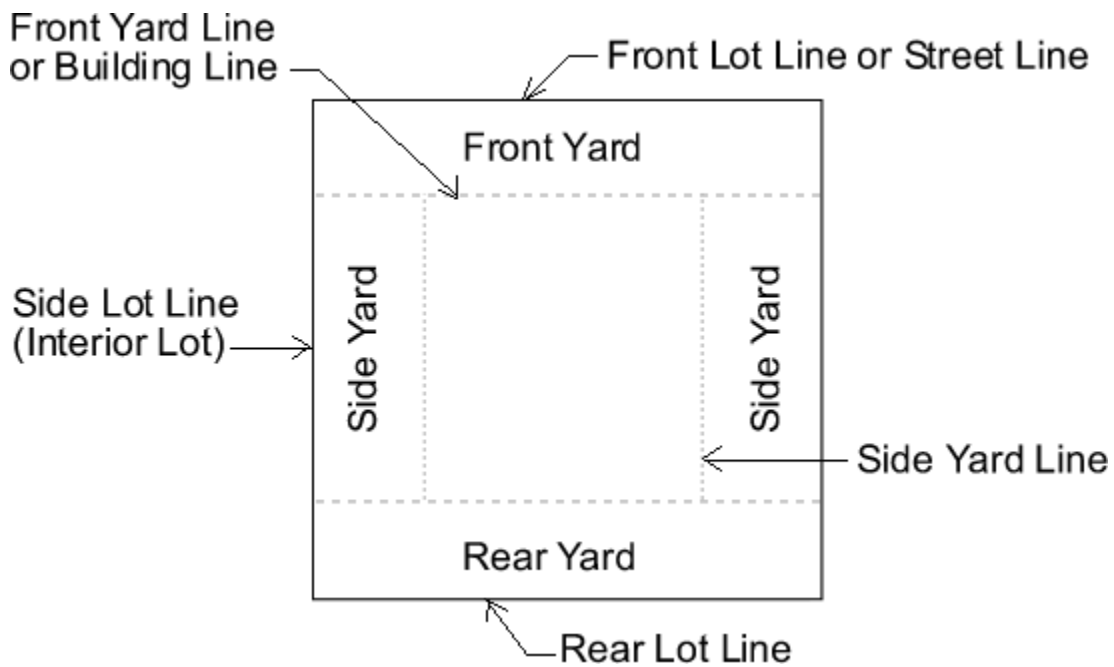
with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. The term “trailer” shall include camp car and house car.

82. Trailer Park, Trailer Court, or Mobile Home Park Any site, lot, field, or tract of land upon which is located one or more occupied trailers or which is held out for the location of any occupied trailer. The terms shall include any building, structure, vehicle or enclosure for use as part of the equipment for such park or court.

83. Waterway Any body of water, including any creek, canal, river, lake, or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

84. Waterway Line A line marking the normal division between land and a waterway as established by the Administrator or by the Borough Ordinances.

85. Yard An open space other than a court, on a lot, and unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.



86. Yard, Front A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

87. Yard, Rear A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entranceways.

88. Yard, Side A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and side of the main buildings or any projection thereof.

89. Flood A temporary inundation of normally dry land areas.

90. Flood-Fringe That portion of the flood plain outside of the floodway.

91. Flood Plain [1] A relatively flat or low land area adjoining a river, stream, or water-course which is subject to partial or complete inundation; [2] An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

92. Floodway The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance the floodway shall be capable of accommodating a flood of the one-hundred [100] year magnitude.

93. One-hundred Year Flood A flood that, on the average, is likely to occur once every 100 years [i. 3. that has a one [1] percent chance of occurring each year, although the flood may occur in any year]; for purposes of this Ordinance, the Regulatory Flood.

94. Regulatory Flood The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other Ordinances have been prepared; for purposes of this Ordinance, the one-hundred year flood.

95. Regulatory Flood Elevation The 100 year flood elevation.

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

ARTICLE XIV. ADMINISTRATIVE PROVISIONS

Section 1. Changes and Amendments

1.1 Initiation of Change The Borough Council may, from time to time, amend, supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Borough Council, or by motion of the Planning Commission, or by petition of any property owner addressed to the Borough Council. Petitions for a change or amendment shall be on forms and filed in a manner prescribed by the Planning Commission.

1.2 Report from Planning Commission Council shall seek the recommendation of the Planning Commission in accordance with the provisions of the Pennsylvania Planning Code. Should the Planning Commission fail to state its recommendations within the period prescribed in the Pennsylvania Planning Code, the proposal shall be deemed approved.

1.3 Notices of Hearings Notice of hearings on proposed changes in the Zoning Ordinance or Zoning Map shall be given as required by the Pennsylvania Planning Code, and by distribution of notices to property owners within 100 feet of area affected by proposed Zoning District changes.

1.4 Hearing and Protest Full opportunity to be heard shall be given to any citizen and all parties in interest at the public hearing. In case of a protest against any such change or amendment, signed by the owners of thirty-three and one-third percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet there from, or of those directly opposite thereto, extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds of all members of Borough Council.

1.5 Reconsideration, One Year Limitation Whenever a petition requesting an amendment, supplement of change has been denied by the Borough Council, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

Section 2. Procedures for Approval of Conditional Uses

The procedures for approval of a conditional use are the same as those prescribed for changes and amendments, as set forth in Section 1 of this article, and in addition, the procedures and requirements for approval of site plans as set forth in this article below, together with applicable laws, regulations, and ordinances governing the subdivision of land.

Section 3. Procedures for Approval of Site Plans for Conditional Uses

Where the provisions of this Ordinance require the submittal of site plans for a conditional use, the following regulations shall apply:

1. Ten copies of a preliminary site plan shall be filed with the Borough Council through the Planning Commission. The preliminary site plan shall comply with the requirements of this article, and shall be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Borough Council and the Planning Commission.

2. The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance. Before recommending approval of a site plan, the Planning Commission may make reasonable additional requirements including, but not limited to, those which may be imposed by the Zoning Hearing Board under Article 12, Section 6, especially requirements as to utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, screening, access ways,

curb cuts, traffic control, height of buildings and setback of buildings, necessary to protect adjoining residential uses. The site plan shall be amended in accordance with the requirements of the Planning Commission before being submitted to the Borough Council with a recommendation for approval.

3. Following approval by the Borough Council, a final site plan in the form of a final plat shall be prepared, filed, and recorded. This final plat shall comply with the specifications of the Borough Council, the requirements of this article, and applicable laws, regulations, and ordinances governing the subdivision of land. Permits shall be issued in accord with the approved, filed, and recorded plats.

4. If required by the Borough Council, a surety bond shall be filed for , or deposited in escrow with the town, in an amount sufficient to insure completion of such requirements as may be imposed by the Borough Council.

Section 4. Site Plan Review Required for Certain Uses

1. For the purpose of assuring a good arrangement and appearance and insuring harmony with the Comprehensive Plan, site plans for the following major uses, not conditional uses or otherwise subject to separate procedures, shall be subject to review by the Planning Commission:

[a] Multiple-Family dwellings containing more than ten dwelling units or forming a part of a multiple-family development of two or more buildings.

[b] Town houses

[c] Churches, temples, and synagogues

[d] Any use of land located within the Flood Plain

[e] Hotels, motels, and motor lodges

[f] Business buildings, institutional buildings, places of public assembly, commercial buildings, and industrial buildings, if such buildings are to contain more than 5,000 square feet of floor area.

2. Five copies of a preliminary site plan for the above uses shall be submitted to the Administrator, who shall review the plans for compliance with these regulations and the requirements for preliminary site plans, and he shall transmit said plans to the Planning Commission with his comments for review at the next regular meeting of the Planning Commission, if the plans are submitted ten days prior to said meeting.

3. The Planning Commission shall examine the proposed development with respect to the traffic and circulation patterns, internal and external, relation to major thoroughfares, utilities, drainage, and community facilities, existing or future, the preservation of trees or historic sites, provision for open space, and in general with the objective of insuring a durable, harmonious, and appropriate use of the land in accord with the objectives of the Comprehensive Plan. No public hearing shall be required and the plans shall be returned to the applicant within ten days following the meeting as approved, approved subject to conditions, or disapproved. If specified conditions are met in revised plans, the Administrator may approve minor changes in site plans after approval by the Planning Commission and approve issuance of building permits accordingly. If, in his opinion, such changes do not substantially affect the original approval or conditions attached thereto.

4. Nothing in this section shall be interpreted to permit the granting of a variance or exception to the regulations of this Ordinance or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.

Section 5. Requirements of Preliminary Site Plans

The preliminary site plan shall be clearly drawn to a scale as specified below and shall show the following:

1. The proposed title of the project, and the name of the engineer, architect, and the developer.
2. The north point, scale and date. The scale of the site plan shall be as follows:
 - [a] For projects containing more than 200 acres, not more than 200 feet to one inch.
 - [b] For projects containing 50 acres to 200 acres, not more than 100 feet to one inch.
 - [c] For projects containing more than 10 acres but less than 50 acres, not more than 50 feet to one inch.
 - [d] For projects containing 10 acres or less, not more than 20 feet to one inch.
3. Existing zoning and zoning district boundaries.
4. The boundaries of the property involved, the municipal boundaries, the general location of all existing easement, property lines, existing streets, buildings, or waterways, and other existing physical features in or adjoining the project.
5. The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other under ground structures in or near the project.
6. Proposed changes in zoning, if any.
7. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas [including numbers of parking and loading spaces], outdoor lighting systems, storm drainage, and sanitary facilities.
8. The general location of proposed lots, setback lines, and easements, and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
9. Location with respect to each other and to lot lines and approximate height of all proposed buildings and structures, accessory and main or major excavations. The locations shown be drawn to scale but full dimensioning is not required on the preliminary plan.
10. Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.
11. General location, height, and material of all fences, walls, screen planting, and landscaping.
12. Proposed location and character of nonresidential uses, commercial or industrial uses, accessory or main.
13. General location, character, size height, and orientation of proposed signs.
14. A tabulation of total number of acres in the project, gross or net as required in the district regulations, and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools, and other reservations.
15. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.

The Planning Commission may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

Section 6. Requirements for Final Plats.

The final plat shall comply with all laws, regulations, and ordinances governing the approval of subdivisions and in addition shall show the following:

1. All of the features required on the preliminary site plan with sufficiently accurate dimensions and construction specifications to support the issuance of construction permits.

Section 7. Amendments and Additions to Site Plans

The procedure for amendment of the boundaries or for a change in the extent of land use for an approved site plan shall be the same as for a new application, except that minor amendments of an approved site plan, or of the conditions attached to a conditional use or site plan, may be approved by the Planning Commission at a regular meeting, after written reports by the Administrator and without a public hearing, provided that such change or amendment:

1. Does not alter a recorded plat,
2. Does not conflict with the specific requirements of this Ordinance,
3. Does not change the general character or content of an approved development plan or use,
4. Applies to an approved condition originating with the Planning Commission and not the Borough Council,
5. Has no appreciable effect on adjoining or surrounding property,
6. Does not result in any substantial change of major external access points,
7. Does not increase the approved number of dwelling units or height of building, and,
8. Does not decrease the minimum specified yards and open spaces or the minimum specified parking and loading spaces.

Section 8. Certificate of Occupancy

1. No vacant land shall be occupied or used, except for agricultural uses, until a certificate of occupancy shall have been issued by the Administrator.

2. No premises shall be used, and no building hereafter erected or structurally altered shall be used, occupied, or changed in use, except for agricultural uses, until a certificate of occupancy and compliance shall have been issued by the Administrator, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.

3. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Administrator.

4. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

5. A certificate of occupancy shall be required of all nonconforming uses. Application for a certificate of occupancy for nonconforming uses shall be filed with the Administrator within 12 months from the effective date of this Ordinance.

Section 10. Plats

All applications for building permits shall be accompanied by a drawing or plat in duplicate or as required by the Administrator showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot, and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey, a staking of the lot by a competent surveyor, and complete construction plans. The drawing shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the office of the Administrator and a duplicate copy shall be kept at the building at all times during construction.

Section 11. Filing Fees

1. All persons, firms, or corporations appealing to the Zoning Hearing Board, necessitating the publication of notice in the newspapers, shall be required to pay, in advance, the fee provided for in Article 12, Section 2 to cover all actual costs for services listed therein.

2. All persons, firms, or corporations applying for a building permit shall be required to pay the fee established.

3. All persons, firms, or corporations applying for conditional use permits under the provisions of Article 9 of this Ordinance or applying for an amendment to the Zoning Ordinance or a change in the classification of a district or a portion thereof, necessitating the publication of notices in the newspaper, shall be required to pay, in advance, \$100.00 for expenses relative thereto. No fee shall be required for actions initiated by the Borough Council or the Planning Commission.

4. The payment of such money in advance to the Borough Secretary shall be deemed a condition precedent to the consideration of such appeal, conditional use permit, or amendment. Fees shall be refunded on request if an application is withdrawn before publication.

Section 12. Interpretation, Purpose, and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulation, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Ordinance is not shown as being in a zoning district, the classification of such property shall be classified R-; Single-Family Residential, until changed by amendment.

Section 13. Enforcement, Violation, and Penalties

1. It shall be the duty of the Zoning Administrator to enforce the provisions of this Ordinance, and to refuse to issue any permit for any building or for the use of any premises which would violate any of the provisions of said Ordinance. It shall also be the duty of all officers and employees of the Borough to assist the enforcing officer by reporting to him any seeming violation in new construction or reconstruction, or in the use of land or building.

2. In case any building is erected, constructed, reconstructed, altered, repaired, or converted, or any building or land is used in violation of this Ordinance, the Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

3. For any and every violation of the provisions of this Ordinance the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist and the lessee or tenant of an entire building or entire premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowing commits, takes part or assists in any such violation shall be liable on conviction thereof to pay a fine or penalty not exceeding Two Hundred Fifty [\$250.00] Dollars for each and every offense; and whenever such person shall have been notified by the Zoning Administrator, or by service of summons in a prosecution, or in any other way, that such person is violating the provisions of this Ordinance, each day that shall continue such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are not collected by law.

Section 14. Validity

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 15. Repel of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 16. This Ordinance shall take effect immediately.