TOWNSHIP OF SOMERSET
Washington County

ZONING ORDINANCE

Ordinance 3-1985, September 16, 1985
As Amended Through
Ordinance 4-90, August 13, 1990
CHAPTER 27
ZONING

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A. Zoning Regulations

Part 1
Basic Provisions

§101. Title. This Chapter may be cited as the "Somerset Township Zoning Ordinance." (Ord. 3-1985, 9/16/1985, §101)

§102. Defined Words. Words used in a special sense in this Chapter are defined in Part 6. (Ord. 3-1985, 9/16/1985, §103)

§103. Community Development Objectives. The community development objectives which are the basis for the provisions of this Chapter are set forth in the Comprehensive Plan as adopted and amended by the Governing Body. (Ord. 3-1985, 9/16/1985, §104)

§104. Zoning Map. A map entitled "Somerset Township Zoning Map" is hereby adopted as a part of this Chapter. The Zoning Map shall be kept on file for examination in the office of the Township Secretary. (Ord. 3-1985, 9/16/1985, §105)

§105. Compliance. No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Chapter and after the lawful issuance of all permits and certificates required by this Chapter. (Ord. 3-1985, 9/16/1985, §106)

§106. Interpretation. The provisions of this Chapter shall be held to be the minimum requirements for the protection of the health, safety, morals and general welfare of Somerset Township. (Ord. 3-1985, 9/16/1985, §108)

§107. Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this Chapter 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 Chapter 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 Chapter shall not create liability on the part of the Township of Somerset or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. 3-1985, 9/16/1985, §109)
Part 2
District Regulations

§201. Zoning Districts. The municipality is divided into the Districts stated on Table 201 as shown by the District boundaries on the Zoning Map. (Ord. 3-1985, 9/16/1985, §201)

§202. District Boundaries. District boundaries shown on the lines of roads, streams, and transportation rights-of-way shall be deemed to follow the centerlines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Chapter. (Ord. 3-1985, 9/16/1985, §202)

§203. Permitted Uses. The permitted uses for each district are shown on Table 201. Uses not specifically listed shall not be permitted. (Ord. 3-1985, 9/16/1985, §203)

§204. Conditional Uses. Where the Board of Supervisors, in this Chapter, has stated conditional uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria, the Board of Supervisors shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. (Ord. 4-90, 8/13/1990)

§205. Height Regulations. No structure shall exceed a maximum height above the average ground level of thirty-five (35) feet, provided however:
1. A structure for any permitted or conditional use in any District may exceed thirty-five (35) feet in height if (i) every required yard is increased by one (1) foot for each additional foot of height, and (ii) the permit for such structure has been reviewed and authorized as a Conditional Use as regulated by Part 4.
2. The height regulations of this Chapter shall not apply to bel¬fries, chimneys, church spires, elevator bulkheads, flagpoles, monuments, ornamental towers, silos, smokestacks, spires, tanks, television and radio antennae, transmission towers, water or fire towers or windmills. (Ord. 3-1985, 9/16/1985, §205)

§206. Lot and Yard Requirements. The minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard for each district shall be as shown on Table 201.
1. Lots which abut on more than one (1) street shall provide the required front yards along every street.

2. No structure, whether attached to the principal structure or not, and whether open or enclosed, including porches, balconies or platforms above normal grade level, may project into a required front, side, or rear yard, except that structures accessory to a single family house may extend into required rear and side yards, but not closer than ten (10) feet to rear and side yard lot lines.

3. Any non-conforming lot of record existing on the effective date of this Chapter and then held in separate ownership different from the ownership of adjoining lots shall be exempt from the minimum lot area, depth and width requirements provided they are used in accordance with minimum yard requirements, and that uses other than a one family house conform to minimum lot area per family requirements of this Chapter.

4. Where septic tanks or on-lot sewage treatment occurs, the minimum lot size shall not be less than required by percolation tests, and in no case shall it be less than one (1) acre.

5. Non-residential structures or uses shall not be located or conducted closer to any other lot line of any lot in any "A" or "R" District than the distance specified in the following schedule.

<table>
<thead>
<tr>
<th>Minimum Side or Rear Yard Abutting any lot in any &quot;R&quot; District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 feet Off-street parking spaces, access drives for non-residential uses.</td>
<td></td>
</tr>
<tr>
<td>40 feet Churches, schools, public or semi-public structures.</td>
<td></td>
</tr>
<tr>
<td>70 feet Recreation facilities, entertainment facilities, motels, all business uses and all industrial uses.</td>
<td></td>
</tr>
<tr>
<td>100 feet Feed lots for twenty or more animals.</td>
<td></td>
</tr>
</tbody>
</table>

(Ord.3-1985, 9/16/1985, §206)

§207. Flood Plain Districts. Flood plain districts identified as being subject to the one hundred (100) year flood in the Flood Insurance Study are established as the FW - Floodway District, the FF Flood-Fringe District, and the FA - Flood Plain Hazard District. Flood plain districts shall be overlays to Zoning Districts established by Part 2 of this Chapter, and provisions for flood plain districts are supplemental requirements to the Zoning Districts.

1. Boundaries of Flood Plain Districts are established as delineated by the Flood Insurance Study which includes Flood Boundary and Floodway Maps and which are declared to be a part of this Chapter.

2. Interpretation of District Boundaries. Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the identification of any flood
plain area, an initial determination shall be made by Council, and any aggrieved party may appeal to the Board. The burden of proof shall be on the appellant who may submit such technical evidence as he desires.

3. Where specific one hundred (100) year flood elevations cannot be determined for this PA Flood Plain General District using other sources of data including the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, or other pertinent studies, an applicant for any use or development must determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Such hydrologic and hydraulic analyses shall be performed and certified by registered professional engineers using currently accepted technical concepts. Submitted data shall be sufficient in detail to allow a thorough technical review.

4. Prior to any proposed alteration or relocation of any stream or watercourse a permit shall be obtained from the Department of Environmental Resources, Dams Safety, Obstructions, and Storm Water Management, and 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 Pennsylvania Department of Community Affairs.

(Ord. 3-1985, 9/16/1985, §207)

§208. Flood Plain Provisions. No use or development shall be permitted within a flood plain district except as a Conditional Use in accordance with the provisions of the underlying zoning district and of §401 and after approval of a site plan as required by §308.

1. The following uses are prohibited within any flood plain district: mobile homes, mobile home parks, hospitals, nursing homes, jails, prisons and detention centers and campgrounds for recreation vehicles.

2. No structure or use shall be permitted in any flood plain district which produces or uses any hazardous material, or stores or maintains a supply of any hazardous material in an amount of fifty (50) gallons or more, or which uses, produces or stores radioactive substances in any amount.

3. No use proposed in any flood plain district shall diminish the capacity of the floodway of any drainage system.

4. No new or substantially improved residential structure shall be permitted within any flood plain unless its lowest floor is at least one (1) foot above the one hundred (100) year flood elevation.

5. No new or substantially improved non-residential structure shall be permitted within any flood plain unless its lowest floor is at least one (1) foot above the one hundred (100) year flood elevation, or it be so designed and constructed that the space enclosed by such structure shall remain either completely or essentially dry up to that height in accordance with the standards contained in "Flood-Proofing Regulation" (U.S. Army Corps of Engineers, June 1972) for that type of construction.

6. No obstruction shall be placed in any flood plain such as fences, signs or other obstructions which might impede, retard or change direction of the flow of water, or that will catch or collect water-borne debris, or
that might be carried downstream by flood waters to damage downstream property.

7. No part of an on-site sewage disposal system shall be permitted in any flood plain.

8. In the FW - 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 authorities.

9. No existing structure or use located in any floodway district shall be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

(Ord. 3-1985, 9/16/1985, §208)

§209. Flood Plain Design and Construction Standards. The following standards shall apply to all development proposed in any flood plain.

1. Fill shall extend at least fifteen (15) feet laterally beyond all points of the building; shall be comprised only of soil or small rock materials and shall not include organic waste; shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling; have a slope no greater than fifty (50%) percent; and not adversely affect adjacent properties.

2. Storm drainage facilities shall be provided to convey the flow of storm water runoff in a safe and efficient manner which shall insure proper drainage along the streets and provide positive drainage away from buildings. The system shall be designed to prevent the discharge of excess runoff onto adjacent properties.

3. Water and Sanitary Sewer Facilities shall be comprised of all new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

4. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters. No part of any on-site sewage system shall be located within any flood plain except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

5. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated where possible and constructed to minimize the chance of hazard or impairment during a flood.

6. Streets shall have a finished elevation of not more than one (1) foot below the regulatory flood elevation.

7. Placement of buildings and structures shall be such as to offer the minimum obstruction to the flow of flood waters and to have the minimum effect upon the flow and height of flood water.

8. Anchoring of all buildings and structures shall be required in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement. All ducts, large pipes, storage tanks, and
other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored and affixed to prevent flotation.

9. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without structural damage to the building.

10. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water resistant" quality.

11. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

12. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

13. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water resistant" quality.

14. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water resistant" quality.

15. Doors, trim, cabinets, and other wooden components shall be painted with a "marine" or "water resistant" finish.

16. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation. Separate electrical circuits shall serve lower levels and shall be dropped from above.

17. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the regulatory flood elevation.

18. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

(Ord. 3-1985, 9/16/1985, §209)
§301. Non-Conforming Uses. The following provisions shall apply to all non-conforming uses:

1. A non-conforming use may be continued but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the Zoning Hearing Board in accordance with the following and with all other provisions of this Chapter.

   A. The new use will more closely correspond to the uses permitted in the Districts.

   B. The changed use will be in keeping with the character of the neighborhood in which it is located.

2. A Zoning Certificate must be obtained from the Zoning Officer by the owner of the non-conforming use as evidence that the use lawfully existed prior to the adoption of the provisions which made the use non-conforming. The Zoning Certificate shall be obtained within ninety (90) days of adoption of such provisions.

3. Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if such reconstruction is performed within twelve (12) months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

4. In the event that a non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one (1) year, or is abandoned for any period, such non-conforming use shall not be resumed.

5. Where a non-conforming use is conducted inside a structure, the floor area of the structure and the non-conforming use within it may be enlarged on the same premises, when permitted by the Board of Zoning Appeals in accordance with the following:

   A. There shall be no increase in non-compliance, if any, with lot and yard requirements; and

   B. Off-street parking, as required by §306 of this Chapter, shall be provided as to the enlarged portion.

6. Any non-conforming lot of record existing on the effective date of this Chapter and then held in separate ownership different from the ownership of adjoining lots shall be exempt from the minimum lot area, depth and width requirements provided they are used in accordance with minimum yard requirements, and that uses other than a one (1) family house conform to minimum lot area per family of this Chapter.


§302. Non-Conforming Structures. A non-conforming structure used or occupied by a permitted use may be enlarged or expanded if the expansion, considered independently of the original structure, complies with the off-street parking of this Chapter, and such expansion does not otherwise increase the extent of non-conformity in any respect. (Ord. 3-1985,
§303. Accessory Uses. The following provisions shall apply to accessory uses:

1. Accessory farm buildings shall not be erected within fifty (50) feet of a neighboring property.

   A. Roadside stands for sale of home-grown fruits and vegetables shall be permitted if they do not entail a structure having a floor area greater than one hundred (100) square feet, are erected at least thirty (30) feet off the road, and parking space is provided off the road.

2. Every swimming pool shall be enclosed by a fence or wall not less than four (4) feet high to prevent uncontrolled access by small children.

3. The exterior storage of motor vehicles which have current licenses and inspection stickers and are registered to an occupant shall be considered an accessory use. Storage of one or more motor vehicles excluding farm machinery which do not have current inspection stickers and licenses shall constitute an auto salvage business and shall not be permitted as an accessory use.

4. The pursuit of vocational or avocational interests by a resident shall be deemed an accessory use to a dwelling, provided that such activity is clearly subordinate to the dwelling, that no equipment or facilities be involved which are dangerous or incompatible with the residential environment, and that there be no external evidence of any non-residential activity.

(Ord. 3-1985, 9/16/1985, §303)

§304. Special Exceptions. Where the Board of Supervisors, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq. [Ord. 4-90]

1. Living quarters in an accessory structure as an accessory use to a farm or a single family house to accommodate domestic employees of the residents of the principal building.

2. The accommodation of not more than two (2) non-transient roomers as an accessory use to a single family house, provided that no sign is displayed.

3. Directional signs of a reasonable size in connection with any legal business or industry provided they contain no information other than instructions for convenience of vehicular traffic in reaching such business or industry.

4. Temporary structures and trailers used in conjunction with con-
Construction work may be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period.

(Ord. 3-1985, 9/16/1985, §304; as amended by Ord. 4-90, 8/13/1990)

§305. Signs. No sign, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

1. In any district a sign not exceeding ten (10) square feet in surface size is permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located.

2. A bulletin board not exceeding twenty-four (24) square feet is permitted in connection with any church, school or similar public structure.

3. A temporary real estate or construction sign of reasonable size is permitted on the property being sold, leased or developed. Permits for temporary signs shall be issued for not more than six (6) months. Such sign shall be removed promptly when it has fulfilled its function.

4. Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements.
   A. Signs shall not contain information or advertising for any product not sold on the premises.
   B. Signs shall not have a combined aggregate surface size greater than five (5) square feet for each foot of width of the principal structure on the premises.
   C. Signs shall not project over public right-of-way.
   D. Signs and structures shall not be illuminated in any manner which cause undue distraction, confusion or hazard to vehicular traffic.

5. Billboards shall be permitted within two hundred (200) feet of any State or Federal highway provided:
   A. No billboard shall be located within two hundred fifty (250) feet of any residential property nor within one thousand (1,000) feet of any other billboard.
   B. No lights or glare from lights illuminating any billboard shall be visible from any nearby residential property.
   C. No billboard shall be larger than twelve (12) feet by thirty-six (36) feet.


§306. Off-Street Parking. Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged.
### USE

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family houses, multiple family structures with individual parking spaces.</td>
<td>Two per dwelling unit.</td>
</tr>
<tr>
<td>Six or more dwelling units having a common parking area.</td>
<td>One and one-half per dwelling unit.</td>
</tr>
<tr>
<td>Motels</td>
<td>One and one-quarter per rental unit.</td>
</tr>
<tr>
<td>Churches, schools, assembly halls, theatres and places of entertain-ment.</td>
<td>One for every four seats in the largest meeting room.</td>
</tr>
<tr>
<td>Private clubs or lodges</td>
<td>One of each four members.</td>
</tr>
<tr>
<td>Restaurants</td>
<td>One for every 75 square feet of floor area.</td>
</tr>
<tr>
<td>Retail stores, personal service shops, business services</td>
<td>One for each 150 square feet of retail sales area.</td>
</tr>
<tr>
<td>Gas stations</td>
<td>One for every 150 square feet of floor area, 8 minimum.</td>
</tr>
<tr>
<td>Offices, banks, clinics, research laboratories and ancillary shops</td>
<td>Three and one-half per thousand square feet of gross floor area.</td>
</tr>
<tr>
<td>Furniture stores, warehouses, vehicle of sales or repair</td>
<td>One for every 500 square feet of gross floor area.</td>
</tr>
<tr>
<td>Hospitals</td>
<td>One for each three beds, plus one for each two employees on the maximum working shift.</td>
</tr>
<tr>
<td>Funeral homes</td>
<td>Eight for each reposing room: 18 minimum</td>
</tr>
</tbody>
</table>

1. No off-street parking space shall have an area less than two hundred (200) square feet exclusive of access drives.

2. Any off-street parking lot for more than five (5) vehicles shall be graded for proper drainage so as to provide a durable surface.

3. Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect light away from adjoining premises in any "R" District.

(Ord. 3-1985, 9/16/1985, §306)

§307. Off-Street Loading. One off-street loading berth of not less than thirty-five (35) feet by ten (10) feet shall be provided for every business and industrial use with a floor area of more than five thousand (5,000) square feet; with one additional berth required for each additional fifty thousand (50,000) square feet of floor area. (Ord. 3-1985, 9/16/1985, §307)
§308. Site Plan Review. No Zoning Certificate, Building Permit or Occupancy Permit shall be issued for any principal use upon any lot except a single family home until a Site Development Plan has been submitted, reviewed and approved in accordance with the following provisions:

1. The application for approval of a proposed Site Development Plan shall be submitted to the Zoning Officer no later than five (5) working days prior to the Planning Agency's regularly scheduled meeting, and shall be accompanied by a fee established by resolution of the Governing Body to cover the cost of review.

2. The application shall consist of not less than two (2) copies of the letter of application together with not less than five (5) prints of each drawing submitted as part of the proposed Site Development Plan. The Proposed Site Development Plan shall be drawn in accordance with standard architectural and engineering practices to clearly indicate the following:

   A. Property lines and total acreage of parcel proposed for development;
   B. All existing streets, rights-of-way, and easements related to the development;
   C. The location of existing driveways on adjacent properties;
   D. The location of relevant natural features, including, but not limited to, streams or other natural water courses and adjacent lands which are subject to flooding, and significant stands of existing trees;
   E. The location of existing structures, including structures located on abutting property if within fifty (50) feet of the common property line;
   F. Required front, side and rear yard lines;
   G. Contour lines at five (5) foot intervals;
   H. Location of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, and other site improvements or amenities;
   I. Contours and sufficient elevations to show proposed gradings and data to show gradient of access drives and parking facilities;
   J. Location and approximate size of any utilities to serve the development.

3. For proposals in flood plains, the application shall additionally include:

   A. Topographic contour lines at an interval of two (2) feet;
   B. The location of any existing bodies of water or watercourses, identified flood plains, information pertaining to the floodway, and the flow of water including direction and velocities;
   C. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
   D. The elevation of the one hundred (100) year flood; and information concerning flood depths, pressures, impact and uplift.
forces and other factors associated with a one hundred (100) year flood;

E. Detailed information concerning any proposed flood-proofing measures;

F. A document, certified by a registered professional surveyor, engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure or development; and

G. Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

4. Following the review, the Planning Agency may grant preliminary approval to the proposed Site Development Plan, and such approval will authorize the applicant to proceed with the preparation of the final Site Development Plan. The Planning Agency may grant such conditions as they deem appropriate to preliminary approval. Preliminary approval may be conditioned upon the grant of a variance or of a special exception by the Zoning Hearing Board where such variance or special exception is required, but such conditional approval by the Planning Agency shall not be binding on the Zoning Hearing Board, and the conditional approval shall be canceled if the requested variance or special exception is denied by the Board.

5. Final approval may be granted by the Planning Agency within six (6) months after preliminary approval of the proposed Site Plan and when the Planning Agency is assured that all conditions attached to the preliminary approval have been met. Following final approval by the Planning Agency five (5) copies of the proposed Site Development Plan together with all revisions and conditions shall be submitted through the Zoning Officer to the Governing Body. The Governing Body shall consider the proposed Development Plan at its next regular meeting, provided the submission to the Zoning Officer is made no later than Wednesday prior to the regular meeting date.

6. If the Planning Agency disapproves the proposed Site Development Plan, said Plan may be modified or changed for further review by the Planning Agency, or all copies of the proposed Site Development Plan may be returned to the Zoning Officer for appeal with the recommendations of the Planning Agency attached. The Governing Body may approve the proposed Site Development Plan or request changes and modifications, in which case the revised Site Development Plan must be resubmitted to the Planning Agency for their review and approval or disapproval.

7. The Planning Agency shall not approve a Site Development Plan unless the following standards are met:

A. Screening. A planted visual barrier, or landscape screen shall be provided and maintained on any property in a commercial or industrial district which is contiguous to any residential district, except where natural or physical barriers exist which are deemed to
D. Storage. Any article of material stored temporarily outside an enclosed building as an incidental part of the primary commercial or industrial operation, shall be so screened by opaque ornamental fencing, walls or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots, when viewed by a person standing on ground level.

C. Landscaping. Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas, shall be landscaped in accordance with an overall landscape plan.

D. Interior Circulation. The interior circulation of traffic in commercial areas shall be designated so that no driveway or access lane providing parking spaces, shall be used as a through street. If parking spaces are indicated by lines with angles other than ninety (90°) degrees, then traffic lanes shall be restricted to one-way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten (10) feet in width.

E. Access. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles, shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of public streets or sidewalks, other accessways or automobile parking facilities.

F. Traffic Control. No design shall be approved which is likely to create substantial pedestrian or vehicular traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, walkways, and signs. The developer shall be responsible for the construction of any such traffic control devices.

G. Stormwater Management. Adequate stormwater retention facilities shall be provided to ensure that stormwater run-off after development shall not be greater than the run-off which would occur from the site in its natural state during a storm with a twenty-five (25) year probability.

H. Signs. Every existing non-conforming sign shall be removed.

(Ord. 3-1985, 9/16/1985, §308)

§309. Environmental Protection Requirements. The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities, such as highway construction and the like, may be excepted from the following requirements provided such activities are closely controlled by other governmental environment protection agencies, and the Township reviewing agencies are satisfied that the spirit and intent of the Zoning Chapter is being met through the review processes, bonding requirements and administrative activities of the appropriate environmental protection agencies.

1. No cut or fill grade shall exceed a slope of 3:1 or thirty-three
(33) percent. This provision shall apply to all cuts and fills exceeding one hundred (100) square feet in exposed surface area including cuts and fills on land naturally exceeding 3/1 in slope.

2. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two (2) weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.

3. Any person, partnership or corporation proposing to dump wastes or hazardous materials on any land within Somerset Township must first obtain permits from the United States Environmental Protection Agency and appropriate Pennsylvania and Washington County agencies, and must certify that such wastes are not hazardous to the health, safety and welfare or residents of the Township.

4. No cutting, fill, or other disturbing of land and mature tree cover is permissible within fifty (50) feet of the edge of natural drainage courses except as permitted by action of the Zoning Hearing Board. In such cases, the Board may grant permission provided special precautions are taken to insure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream or watercourse.

(Ord. 3-1985, 9/16/1985, §309)
Part 4
Conditional Uses

§401. General. Conditional Uses as specified in Part 2 may be allowed or denied by the Governing Body after recommendations by the Planning Commission in accordance with the criteria and provisions. (Ord. 3-1985, 9/16/1985, §401)

§402. Application. Applications for conditional uses shall be filed with the Zoning Officer and shall be accompanied by:

1. An application fee in an amount equal to that set by resolution of the Governing Body.

2. Five (5) copies of a site plan and supporting data which shows the size, location, and topography of the site, the use of adjacent land, the proposed size, bulk, and location of buildings; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities, the provisions for parking, moving or loading of vehicles; and the timing of construction proposed.
(Ord. 3-1985, 9/16/1985, §402)

§403. Criteria for Approval. A conditional use shall be approved if and only if it is found to meet the following criteria:

1. The proposed use conforms to the district and conditional use provisions and all general regulations of this Chapter.

2. The proposed use shall meet all special standards which may be applied to its class of conditional uses as set forth in this Chapter.

3. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of §405.

4. The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

5. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

6. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

7. The proposed use shall preserve the objectives of this Chapter and shall be consistent with the Comprehensive Plan.
(Ord. 3-1985, 9/16/1985, §404)

§404. Performance Standards. All conditional uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Chapter, the Governing Body may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.
1. Fire Protection. Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

2. Electrical Disturbances. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

3. Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

4. Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

5. Odors. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

6. Air Pollution. No pollution of air by flyash, dust, smoke, vapors, or the burning of substances shall be permitted which is harmful to health, animals, vegetation or other property.

7. Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

8. Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

9. Water Pollution. Water pollution shall be subject to the standards established by the State Sanitary Water Board.

10. Nuclear Radiation. No activity shall emit nuclear radiation which is hazardous.

§405. Mobile Homes. Mobile homes shall be permitted outside of mobile home parks only when they comply with the following requirements:

1. A site plan for the placement of the mobile home shall be approved in accordance with §308.

2. The mobile home shall be placed on a permanent foundation or on posts with footings below the frost line, and any and all openings in such foundation shall be completely enclosed. The unit shall be anchored securely with tie downs, and shall have its wheels removed.

3. The mobile home shall have a floor area of not less than eight hundred forty (840) square feet.

§406. Mobile Home Parks. Mobile home parks shall be permitted only if in accordance with all Municipal, State and County laws and with the requirements following:

1. The minimum area of a mobile home park shall be twenty (20) acres.

2. Each mobile home site within the mobile home park shall have a minimum area of twelve thousand (12,000) square feet where an approved
collective sewerage system and treatment plant are provided, and not less than one (1) acre where on-site sewage treatment facilities are to be utilized.

3. Each mobile home site shall have a minimum width of sixty (60) feet.

4. Not less than ten (10%) percent of the gross area of the mobile home park shall be improved for recreational activities for the residents of the park.

5. The mobile home park shall be appropriately landscaped and shall be screened from adjacent properties in conformance with §308(6)(A).

6. The mobile home park shall meet all applicable requirements of the Municipal Subdivision Control Ordinance.

7. The mobile home park shall meet all applicable requirements of any Municipal Mobile Home Park Ordinance.

(Ord. 3-1985, 9/16/1985, §407)
Part 5
Administration and Enforcement

§501. Zoning Officer.

1. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Township of Somerset, shall be appointed.

2. The Zoning Officer shall meet the qualifications established by the Township of Somerset and shall be able to demonstrate to the satisfaction of the Township of Somerset a working knowledge of municipal zoning.

3. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

[Ord. 4-90]

5. The Zoning Officer shall issue Zoning Certificates and Building Permits.

6. The Zoning Officer shall maintain a permanent file of all Zoning Certificates and applications as public records.

(Ord. 3-1985, 9/16/1985, §501; as amended by Ord. 4-90, 8/13/1990)

§502. Zoning Certificates. A Zoning Certificate shall be obtained before any person or entity may:

1. Occupy or use any vacant land; or
2. May construct, reconstruct, move, alter or enlarge; or
3. Change the use of a structure or land to a different use; or
4. Change a non-conforming use.

5. Applications for a Zoning Certificate shall be accompanied by a plot plan showing clearly and completely the location, dimensions and nature of any structure involved, and such other information as the Zoning Officer may require for administration of this Chapter, together with a filing fee in accordance with the schedule affixed by resolution of the Governing Body.

6. Occupancy permits shall be required upon completion of any work authorized by a zoning certificate, site development and/or conditional use. An Occupancy permit must be obtained within one (1) year after authorized approval, unless an extension of up to one (1) year is granted by Zoning Officer. After two (2) extensions original authorization will be forfeited.

(Ord. 3-1985, 9/16/1985, §502; as amended by Ord. 4-90, 8/13/1990)
§503. Enforcement Notice.

1. If it appears to the Township of Somerset that a violation of this Chapter has occurred, the Township of Somerset shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

   A. The name of the owner of record and any other person against whom the Township of Somerset intends to take action.
   
   B. The location of the property in violation.
   
   C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
   
   D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
   
   E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.
   
   F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

((Ord. 4-90, 8/13/1990)

§504. Causes of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township of Somerset, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township of Somerset at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given. (Ord. 4-90, 8/13/1990)

§505. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of Somerset, pay a judgment of not more than five hundred ($500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township of Somerset as a result thereof. No judgment
shall commence or be imposed, levied or payable until the date of the
determination of a violation by the district justice. If the defendant
neither pays nor timely appeals the judgment, the Township of Somerset may
enforce the judgment pursuant to the applicable rules of civil procedure.
Each day that a violation continues shall constitute a separate violation,
unless the district justice determining that there has been a violation
further determines that there was a good faith basis for the person,
partnership or corporation violating this Chapter to have believed that
there was no such violation, in which event there shall be deemed to have
been only one (1) such violation until the fifth (5th) day following the
date of the determination of a violation by the district justice and
thereafter each day that a violation continues shall constitute a separate
violation.

2. The court of common pleas, upon petition, may grant an order of
stay, upon cause shown, tolling the per diem fine pending a final adjudica-
tion of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpret-
ed to grant to any person or entity other than the Township of Somerset the
right to commence any action for enforcement pursuant to this Section.

4. District justices shall have initial jurisdiction over proceedings
brought under this Section.

(Ord. 4-90, 8/13/1990)

§506. Enactment of Zoning Ordinance Amendments.
1. The Board of Supervisors may from time to time amend, supplement,
or repeal any of the regulations and provisions of this Chapter. The
procedure for the preparation of a proposed zoning ordinance as set forth
in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607,
is hereby declared optional.

2. Before voting on the enactment of an amendment, the Board of
Supervisors shall hold a public hearing thereon, pursuant to public notice.
In addition, if the proposed amendment involves a zoning map change, notice
of said public hearing shall be conspicuously posted by the Township of
Somerset at points deemed sufficient by the Township of Somerset along the
perimeter of the tract to notify potentially interested citizens. The
affected tract or area shall be posted at least one (1) week prior to the
date of the hearing.

3. In the case of an amendment other than that prepared by the
Planning Commission the Board of Supervisors shall submit each such
amendment to the Planning Commission at least thirty (30) days prior to the
hearing on such proposed amendment to provide the Planning Commission an
opportunity to submit recommendations.

4. If, after any public hearing held upon an amendment, the proposed
amendment is changed substantially, or is revised, to include land pre-
viously not affected by it, the Board of Supervisors shall hold another
public hearing, pursuant to public notice, before proceeding to vote on the
amendment.

5. At least thirty (30) days prior to the public hearing on the
amendment by the Board of Supervisors, the Township of Somerset shall
submit the proposed amendment to the county planning agency for recommendations.

6. Within thirty (30) days after enactment, a copy of the amendment to this Chapter shall be forwarded to the county planning agency.

(Ord. 4-90, 8/13/1990)

§507. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §§610 and 916.1 of the MPC, 53 P.S. §§10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with §908 of the MPC, 53 P.S. §10908, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. If the Township of Somerset does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;

D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

E. The impact of the proposal on the preservation of agriculture...
§508. Procedure for Township Curative Amendments.

1. If the Township of Somerset determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

A. The Township of Somerset shall declare by formal action, this Chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Board of Supervisors shall:

   (1) By resolution make specific findings setting forth the declared invalidity of this Chapter which may include:

       (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;

       (b) Reference to a class of use or uses which requires revision; or,

       (c) Reference to this entire Chapter which requires revisions.

   (2) Begin to prepare and consider a curative amendment to this Chapter to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township of Somerset shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.

3. Upon the initiation of the procedures as set forth in subsection (1), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by subsection (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Township of Somerset, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter; Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township of Somerset by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision,
§508(4), cont'd

the Township of Somerset may utilize the provisions of this Section to propose a curative amendment to this Chapter to fulfill said duty or obligation.

(Ord. 4-90, 8/13/1990)

§509. Zoning Hearing Board.

1. There is hereby created for the Township of Somerset a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.

2. The membership of the Board shall consist of three (3) residents of the Township of Somerset appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township of Somerset.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.

5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township of Somerset and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township of Somerset and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

6. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

(Ord. 4-90, 8/13/1990)

§510. Hearings. The Zoning Hearing Board shall conduct hearings and made decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely
request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

2. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.

3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township of Somerset, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

4. The parties to the hearing shall be the Township of Somerset, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

12. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board. (Ord. 4-90, 8/13/1990)

§511. Jurisdiction.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

   A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

   B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where
the ordinance appealed from is the initial zoning ordinance of the Township of Somerset and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.

F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.

G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.

H. Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.

I. Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.

2. The Board of Supervisors, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.

B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.

C. Applications for conditional use under the express provisions of this Chapter.

D. Applications for curative amendment to this Chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.

F. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or
provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

(Ord. 4-90, 8/13/1990)

§512. Variances.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

(Ord. 4-90, 8/13/1990)
§513. Parties Appellant Before the Board. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Board of Supervisors pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Township engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township of Somerset, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. (Ord. 4-90, 8/13/1990)

§514. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township of Somerset if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

(Ord. 4-90, 8/13/1990)

§515. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action
shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

(Ord. 4-90, 8/13/1990)
$601. General. Certain words used in this Chapter are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is mandatory and not permissive.

ACCESSORY USES - a subordinate use which is clearly incidental and related to that of a main structure or main use of land.

AGRICULTURE - any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos and any other use or structure that is clearly related to an agricultural operation.

AREA - area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

BOARD - any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications. [Ord. 4-90]

CLINIC - any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

COMPLETELY DRY SPACE - a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL USE - a use permitted in a particular zoning district by the Board of Supervisors pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et seq. [Ord. 4-90]

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

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township of Somerset lies. [Ord. 4-90]

DETERMINATION - final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The Board of Supervisors;
2. The Zoning Hearing Board; or
3. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appeal-
able only to the boards designated as having jurisdiction for such appeal.

[Ord. 4-90]

DWELLING - any structure designed or used as the living quarters for one or more families.

DWELLING UNIT - one or more living or sleeping rooms with cooking and sanitary facilities for one (1) person or one (1) family.

ESSENTIALLY DRY SPACE - a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FAMILY - either an individual, or two (2) or more persons related by blood or marriage or adoption, or a group of not more than four (4) persons not so related occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

FAMILY BUSINESS - a limited business, commercial or light industrial use which is accessory to a farm or residential use, operated for the convenience of the family residing on the same premises, where the land area of the premises is not less than five (5) acres, and where such family business utilizes only such structures as might be normal to agricultural operations.

FLOOD PLAIN - a relatively flat or low land area which is subject to inundation from the rapid accumulation of surface waters including Floodway Districts, Flood-Fringe Districts and General Flood Plain Districts.

FLOOD-FRINGE DISTRICT - that area of the one hundred (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 Flood Insurance Study.

FLOODPLAIN DISTRICT - a floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown on the Flood Boundary and Floodway Map of the Flood Insurance Study.

FLOODWAY DISTRICT - the portion of a floodplain delineated for regulation by this Chapter which must be reserved to discharge the waters of the one hundred (100) year flood without causing more that a one (1) foot rise in flood heights. The areas included in this District are specifically defined on Tables 1 through 6 of the Flood Insurance Study.

FLOOD INSURANCE STUDY - a study prepared by the U.S. Department of Housing and Urban Development for the Federal Insurance Administration dated February 1, 1979, which includes Flood Boundary and Floodway Maps.

FLOODPROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real
property, water and sanitary facilities, structures, and their contents.

FRONT YARD DEPTH - the prescribed minimum open space extending across the entire width of the lot between the front line of building and street right-of-way.

GOVERNING BODY - the Township Supervisors, Somerset Township, Washington County, Pennsylvania.

HAZARDOUS MATERIAL - any of the following materials or substances: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, nitric oxides, petroleum products, phosphorus, potassium, sodium, sulphur, sulphure products, pesticides, insecticides, fungicides, and all poisons, flammable gasses and radioactive substances.

HELIPORT - ground facilities provided for the landing and takeoff, servicing and storage of helicopters.

LAND DEVELOPMENT - any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

   (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

   (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

B. A subdivision of land.

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

   (1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

   (2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or

   (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

[Ord. 4-90]
LIGHT MANUFACTURING - the processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight non-ferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products but not animal slaughtering, curing, nor rendering of fats.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Ord. 4-90]

LOT OF RECORD - any lot which individually or as a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Washington County.

LOT, DEPTH OF - a mean horizontal distance between the front and rear lot lines.

LOT, MINIMUM AREA OF - the horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

LOT, WIDTH OF - the mean width measured at right angles to its depth.

MANUFACTURING - the processing and fabrication of any articles, substance or commodity.

MOBILEHOME - a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [Ord. 4-90] -

MOBILEHOME LOT - a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome. [Ord. 4-90]

MOBILEHOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes. [Ord. 4-90]

MULTIPLE FAMILY STRUCTURE - a residential structure containing three (3) or more dwelling units.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [Ord. 4-90]
NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment. [Ord. 4-90]

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs. [Ord. 4-90]

NONCONFORMING USE - a use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. [Ord. 4-90]

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPANCY PERMIT - a document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of structure or parcel of land and indicating that the use and structure is in compliance with the Ordinances of the Municipality having jurisdiction over the location of such use or structure, and that the structure and land may be used for the purposes set forth in the Zoning Certificate.

ONE HUNDRED (100) YEAR FLOOD - a flood of such magnitude that has only a one (1%) percent chance of occurring each year, although such flood may occur in any year.

PLANNING AGENCY - the designated Planning Agency of Somerset Township.

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

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with
PUBLIC MEETING - a forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq. [Ord. 4-90]

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township of Somerset. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Ord. 4-90]

REAR YARD DEPTH - the prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

REGULATORY FLOOD ELEVATION - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

REPORT - any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to or by any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [Ord. 4-90]

SCREENING - screening relative to this Chapter shall mean a fence, evergreen hedge or wall at least six (6) feet high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bushes or trees or of a constructed fence or wall.

SIDE YARD WIDTH - the prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side line.

SIGN - any surface, fabric or device bearing lettered pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboards, poster panels, or other graphic displays) designed to carry the above visual information.

SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq. [Ord. 4-90]
STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. [Ord. 4-90]

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 4-90]

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 4-90]

SUPPLY YARD - a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobile and similar vehicles.

VARIANCE - relief granted pursuant to the provisions of this Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S §10101 et seq. [Ord. 4-90]

ZONING CERTIFICATE - a document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

(Ord. 3-1985, 9/16/1985, §601; as amended by Ord. 1-1986, 9/8/1986; and by Ord. 3-1986, 10/13/1986; and by Ord. 4-90, 8/13/1990)
ORDINANCE 3 of 86

AN ORDINANCE AMENDING ORDINANCE NUMBER THREE OF 1985, THE ZONING ORDINANCE FOR THE TOWNSHIP OF SOMERSET, WASHINGTON COUNTY, PENNA.

BE IT ORDAINED AND ENACTED by the Township of Somerset and it is hereby ordained and enacted by the authority of same as follows:

Table 201 shall be amended by addition of the following:
Add: "Accessory Use" to the list of Permitted uses in the B-1 Business District.

Article Six shall be amended by addition of the following:

HELIPORT: Ground facilities provided for the landing and takeoff, servicing and storage of helicopters.

In addition to these text changes, the Zoning Map will be amended in one area:

The Donatelli Property shall be changed to M-1 Industrial from B-1 Business; (Interstate 70 & Rt. 917)

ORDINANCED AND ENACTED this ___ day of ___ , 1986

ATTEST:

TOWNSHIP OF SOMERSET

[Signature]
Secretary

[Signature]
Chairman, Board of Supervisors
SOMERSET TOWNSHIP

CHAPTER 27, PART B
ZONING

Somerset Township, by and through its Board of Supervisors, hereby amends the above Ordinance as follows:

Chapter 27, Part B (Zoning Map Amendments) of the Code of Ordinances of Somerset Township is hereby amended to change the designation of the O. W. Wilkerson property (Map attached) situated at the intersection of Township Route 782B and Interstate 70 in Somerset Township, Washington County, Pennsylvania, from an A-1 designation to a B-1 designation.

Chapter 27, Part 6 (Definitions) Section 601 is amended as follows:

"LIGHT MANUFACTURING - the processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight non-ferrous metal castings; film processing; light sheet
metal products; plastic goods; pharmaceutical goods; and food products but not animal slaughtering, curing, nor rendering of fats.

Ordained and enacted this __ day of __________, 1992.

ATTEST:                      TOWNSHIP OF SOMERSET

Township Secretary          By David Blackburn, Chairman

David Blackburn, Chairman
Chapter 27 of the Code of Ordinances of Somerset Township, Washington County, Pennsylvania are hereby amended as follows:

Section A, Part 2, Table 201, B-1 District under Conditional Uses, is hereby amended to delete references to "mobile home sales, auto sales, repair" and "recreational vehicle sales". Instead, the following terms are offered: "retail stores with outside display" and "auto repairs".

Section A, Part 6, (Definitions), is hereby amended to add the following definitions:

RETAIL STORES - any single use building or structure in an enterprise, activity or other undertaking related to or connected with retail trade and traffic or commence in goods. A building or structure that houses more than one such use shall be deemed a "shopping center".

RETAIL STORES WITH OUTSIDE DISPLAY - This definition shall include those activities defined in retail sales above when such sales require exterior display of merchandise. Same shall include, but not be limited to, auto sales, recreational vehicle sales, farm and garden equipment sales.

BE IT ORDAINED AND ENACTED this 12/14 day of December, 1994.

ATTEST:

SOMERSET TOWNSHIP

By: David Blackburn, Chairman

Mary Pletcher
SOMERSET TOWNSHIP
Chapter 27. Zoning

Chapter 27 of the Code of Ordinances of Somerset Township, Washington County, Pennsylvania are hereby amended as follows:

Section A, Part 2, Table 201, is hereby amended to include within A-1 and R-1 Districts Commercial Recreation as a conditional use.

Section A, Part 6 (Definitions), is hereby amended to add the following definition:

COMMERCIAL RECREATION. This activity shall include golfing, swimming and any other recreational or athletic activities for which a fee is paid.

BE IT ORDAINED AND ENACTED THIS 6th DAY OF April, 1995.

ATTEST:

SOMERSET TOWNSHIP

[Signature]

David Blackburn, Chairman
SOMERSET TOWNSHIP

CHAPTER 27, PART 6

ZONING ORDINANCE AMENDMENT

Somerset Township, by and through its Board of Supervisors, hereby amends the above Ordinance as follows:

The definition section of the Zoning Ordinance (Part 6) is hereby amended to include the following definitions for Modular and Mobile Homes:

MODULAR HOME - a sectional, single family dwelling, intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For the purposes of these regulations, modular homes shall be treated the same as conventional stick-built family dwellings.

MOBILE HOMES - a transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit or two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Be it ordained and enacted this 9th day of October, 1995.

ATTEST:

TOWNSHIP OF SOMERSET

TOWNSHIP SECRETARY

DAVID BLACKBURN, CHAIRMAN
SOMERSET TOWNSHIP

CHAPTER 27, PART 2 & PART 6

ZONING ORDINANCE AMENDMENT

Somerset Township, by and through its Board of Supervisors, hereby amends its Zoning Ordinance as follows:

Chapter 27, Part 2, Table 201 "Public Buildings" will now be included as a conditional use within agricultural areas.

Chapter 27, Part 6, Definitions. "Public Buildings". A structure owned, leased and/or operated by a governmental department or agency or a quasi governmental non-profit department or agency. Such quasi governmental non-profit uses may include community centers, historical buildings, fire and police stations, park and recreational fields and playgrounds.

Be it ordained and enacted this ___ day of ___ , 1995.

ATTEST:

TOWNSHIP SECRETARY

TOWNSHIP OF SOMERSET

BY: DAVID BLACKBURN, CHAIRMAN
SOMERSET TOWNSHIP
CODE OF ORDINANCES
CHAPTER 27, PART 3, PART 6 AND TABLE 201
ZONING ORDINANCE AMENDMENT

Somerset Township, by and through its Board of Supervisors, hereby amends the above Ordinance as follows:

1. Chapter 27, Part 6 hereby amended to add the following:

   **Cellular Telecommunication Facility** - A telecommunication facility consists of equipment and structures involved in receiving telecommunication or radio signals from a mobile radio communication source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

   **Tower** - A tower is a structure that is intended to support equipment used to transmit and/or receive telecommunication signals. Examples of such structures include monopoles and lattice constructed steel structures.

   **Antenna** - A device used to collect or transmit telecommunications or radio signals. Examples are; panels, microwave dishes and single poles known as whips.

   **Telecommunications Equipment Building** - The building in which the electronic receiving and relay equipment for communications is housed.

2. Chapter 27, Part 3 hereby amended as follows:

   § 3.10. **Telecommunication Facilities** - A Telecommunication Facility shall include the tower, antenna and any and all communication equipment buildings. The Township believes it advisable to regulate the construction and use of such facilities so as to promote the health and safety of its residents.
The following regulations will govern telecommunication facilities in all designated use districts:

1. Any individual or entity desiring to construct a telecommunication facility shall submit an Application to the Somerset Township Secretary accompanied by a $200.00 application fee to cover the cost of review.

2. With the application and fee stated above, the applicant will submit a Site Plan, in triplicate, relative to the proposed facility. The Site Plan shall be submitted to the Township for approval and review showing the following compliance requirements:

   A. An eight foot high security fence, of a type and quality approved by the Township, shall completely surround the Facility and its guide wires, if used;

   B. The following "buffer" plan shall be located around the perimeter of the Facility security fence:

      (1) An evergreen screen shall be used consisting of either large head plants three feet on center maximum or a row of evergreen trees planted ten feet on center maximum;

      (2) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible;

   C. The tower, antenna or comparable structure shall be designed in such fashion that its collapse zone, i.e., the diameter of the area of resulting debris if the tower should fail, will comply with the applicable set back for the governing use District (See Table 201). Proof of compliance shall be presented to the Township Engineer prior to construction.

   D. The maximum height of a Tower or antenna shall be no greater than that needed to provide the required service, but, in no event, shall it be higher than 200 feet. In order to accomplish the purposes of this Ordinance with regard to shared use situations (See Paragraph 4C), the applicant may request of the Township Supervisors an exception to this 200 foot requirement.

3. **Construction Standards.** The following construction standards will apply to all telecommunication facilities:
A. Any Tower or antenna shall be designed and constructed consistent with all applicable standards of the American National Standards Institute, ANSI/EIA-222-E Manual, as amended;

B. Any Tower shall be designed and constructed so as to permit future “shared use” situations;

C. A soil report complying with the standards of Appendix 1; Geotechnical Investigations, ANSI/EIA222-E, as amended, shall be submitted to the Township to document and verify the design specifications of the foundation for the tower and anchors for the guide wires, if used;

D. Any towers or antennas shall be designed to withstand wind gusts of at least 85 mph;

E. As to A, B, C and D, above, proof of compliance shall be submitted to the Township Engineer for approval. The applicant shall bear the cost of such review and approval.

4. **Miscellaneous Requirements.** The following requirements will apply to all telecommunication facilities:

A. The applicant shall prove, upon request, that its operation of the telecommunication facility complies with all health and safety requirements of the FCC and/or any other state, local or federal regulatory agency.

B. The applicant shall prove, upon request of the Township, but not more frequent than once a year, that any approved tower or antenna, remains structurally sound and does not pose a risk to adjoining property owners. The Township may, at its option, request a physical inspection of any tower or antenna. The Applicant shall bear the costs of such inspection.

C. Shared use towers and/or antennas shall be encouraged. If shared use of an existing or approved tower is not proposed, the applicant shall demonstrate that the proposed equipment cannot be
accommodated on an existing or approved Tower for the following reasons:

1.) The proposed equipment would exceed the structural capacity of the existing or approved towers;

2.) The proposed equipment will cause RF (Radio Frequency) interference with other existing or proposed equipment for that tower;

3.) Existing or approved towers do not have adequate space to accommodate the proposed equipment;

4.) The addition of the proposed equipment will result in NIER (Non Ionizing Electromagnetic Radiation Levels) which exceed local, federal or state emission standards.

D. To the extent possible, the applicant shall utilize existing structures to mount its antenna or tower, but in no event shall such mounted antenna or tower be in excess of 25 feet above the height of the structure. However, as to the erection of towers on existing structures, the provisions of Paragraph 2C are inapplicable.

5. Upon proof of compliance and the payment of a permit fee as set by Resolution of the Board, the applicant will be issued telecommunication facility permit by the Township. Any deviation from the requirements of this Ordinance may be grounds for revocation of this permit.

3. Chapter 27, Table 201 is hereby amended as follows:

A cellular telecommunication facility, as defined herein, shall be a conditional use in Agricultural (A-1) areas and a permitted use in Industrial (M-1) areas.

Be it ordained and enacted this 4th day of November, 1996.

ATTEST: 

TOWNSHIP OF SOMERSET

BY: David Blackburn, Chairman

297306
Somerset Township, by and through its Board of Supervisors hereby amends the above Ordinance as follows:

1. Chapter 27, Part 6, is hereby amended to add the following:

**CARE FACILITY, DEPENDENT** - A facility in which room and/or board are provided to any person, not related to the resident household, having limited or diminished ability to care for themselves due to conditions of age. A dependent care facility shall include personal care home, domiciliary care home or facility, rest home, nursing home and convalescent home.

**CARE FACILITY, FAMILY** - A facility which provides resident service in a private residence to five (5) or fewer individuals who are not related to the resident household. These individuals are handicapped, developmentally disabled, mentally ill, mentally retarded or otherwise in need of adult supervision and provided service in accordance with their individual needs. This category includes foster or boarding houses for children, group homes and halfway houses.

**CARE FACILITY, GROUP** - A facility which is licensed and inspected by an agency of the state which provides residential services to at least six (6) residents who are handicapped,
developmentally disabled, mentally ill or retarded; including, residents who are serving the sentence of a court of law, but not requiring or receiving skilled or intermediate nursing care or psychiatric or correctional treatment normally provided in an institutional setting, including rehabilitation homes.

2. Chapter 27, Part 2 (Table 201) is hereby amended as follows:

Dependant Care Facility, Family Care Facility and Group Care Facility are hereby designated as conditional uses in agricultural (A-1) areas and in residential (R-1 and R-2) areas.

Be it ordained and enacted this 11 day of August, 1997.

ATTEST:

Sandra L. Martin
Secretary

TOWNSHIP OF SOMERSET

By: Paul L. Myers, Board of Supervisors

By: David C. Blackburn, Board of Supervisors

By: John Moore, Board of Supervisors
Somerset Township, by and through its Board of Supervisors hereby amends the above Ordinance as follows:

1. Chapter 27, Part 6, is hereby amended to add the following:

HOME OCCUPATION - A home occupation is an accessory use of a non-residential nature which is customarily conducted within a dwelling unit by the resident therein, which is clearly incidental and secondary to the use of the property for residential purposes, and which meets the following conditions:

A. This secondary and accessory use of the dwelling unit shall not change the principal character thereof and there shall be no exterior display or sign except a name plate not exceeding 1 1/2 by 1 1/2 feet.

B. The occupation or activity shall be carried on wholly within the principal residence and no other exterior indication (excluding principle business vehicle) of the home occupation or variation from the residential character of the dwelling shall be visible.

C. Not more than two (2) paid assistants, not residing at the dwelling and not a part of the resident household, shall be employed at the location of the home occupation except by special permit.
D. No offensive odor, noise, vibration, smoke, dust or heat shall be created by the home occupation except by special permit.

E. The home occupation shall not generate traffic inconsistent with the normal level of traffic on the street or road on which it is located. Any need for parking generated by the occupation shall be met by off-street parking accommodations.

F. The home occupation shall not result in direct retail sales from the residence, outdoor storage, displays or signs other than approved herein.

G. Storage of inventory will not exceed 30% of the entire premises and must adhere to residential building codes in effect.

H. All home occupations are required to obtain a home business license, with the application form and attending fee to be set by Resolution.

A home occupation includes, but is not limited to the following: art studio, dressmaking, teaching (with musical instruction to no more than two (2) pupils at a time), infant and child day care homes (as defined by the Pennsylvania Department of Welfare - with numbers to be set as conditions), a professional office of an engineer, architect, lawyer, physician, dentist or insurance agent, telephone answering services, mail order offices, publishers, barbershops, beauty shops, computer programming and all other computer related occupations as long as they do not violate any of the provisions of this ordinance.
2. (Chapter 27), Table 201. Home occupations will be conditional uses in both agricultural (A-1) and residential areas (R-1, R-2).

3. The existing definition of "Family Business" is hereby deleted.

Be it ordained and enacted this 10 day of November, 1997.

ATTEST:

TOWNSHIP OF SOMERSET

By: Paul D. Myers
   Board of Supervisors

By: David A. Black
   Board of Supervisors

By: John Moore
   Board of Supervisors

Secretary
ORDINANCE NO. 3 of 1998

CHAPTER 27 - ZONING ORDINANCE AMENDMENT

TOWNSHIP OF SOMERSET, WASHINGTON COUNTY

Part 1. Section 104. Zoning Map. The Zoning Map of Somerset Township is hereby amended to include, at the southern half of the intersection of Interstate 70 and McIlvaine Road (Kemmerer Exit), a new classification of B-2.

Part 2. Section 201. The Zoning Districts of Somerset Township are hereby amended to include a B-2 District.

Table 201 shall be amended to include a B-2 District. This B-2 classification shall include as permitted uses, auto repair, gas station, light manufacturing, warehousing, supply yards and truck terminals. This District shall include as conditional uses, sexually oriented businesses, telecommunication facilities and mineral extraction.

Part 3. Section 306. Off-Street Parking. The use table shall include "sexually oriented businesses" within the category of "retail stores, personal service shops and business services".

Section 306 shall add a new subparagraph 306(4), as follows:

"Any business which encourages or promotes use by those operating or occupying tractor-trailer type vehicles, then that particular business must provide parking spaces of sufficient size to accommodate parking on site. Such facility shall accommodate one space for every 250 sq. ft. of interior space but, at a minimum, no less than two spaces. The size for this type of parking space shall be not less than 1,000 sq. ft."

Section 306 shall add a new subparagraph 306(5), as follows:

"No on-street parking will be permitted with regards to B-1, B-2 and M-1 districts."

Section 308. subparagraph (K). In B-1, B-2 and M-1 districts, all parking consistent with Section 306, shall be clearly marked and so designated.

Part 6. Definitions. The following definitions will be added to Chapter 27 of the Code of Ordinances of Somerset Township:

SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.
ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained, not located within viewing booths, to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, CD-ROM discs or other computer software, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", or

2. Instruments, devices or paraphernalia which are designed for use in connection with "specific sexual activities."

ADULT CABARET means a nightclub, bar, restaurant or other commercial establishment which regularly features:

1. Persons who appear in a state of nudity or semi-nudity; or

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or

3. Films, motion pictures, video cassettes, slides or other photographic reproductions or visual presentations of any other kind which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE THEATRE means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions or visual presentations of any kind are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT THEATRE means a theatre, concert hall, dance hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

NUDE MODEL STUDIO means any place where a person who appears semi-nude, in a state of nudity or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or in a structure

1. that no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. where in order to participate in a class a student must enroll at least three days in advance of the class; and
3. where no more than one nude or semi-nude model is on the premises at any one time.

SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.


This Ordinance Amendment shall become effective on the 13 day of July, 1998.

ATTEST: SOMERSET TOWNSHIP

Township Secretary

By: , Chairman
SOMERSET TOWNSHIP CODE OF ORDINANCES
ZONING ORDINANCE AMENDMENT
CHAPTER 27, PART 2, SECTION 206 AND TABLE 201

Somerset Township, by and through its Board of Supervisors, hereby amends the above Ordinance as follows:

1. Chapter 27, Part 2 is hereby amended to add as Section 206 a definition of “sewered lot” as a lot within the Township of Somerset that presently has access to and use of a public sewer line.

2. Chapter 27, Part 2 - Table 201. Agricultural District. Minimum Lot Size: One-half acre/sewered lot.

BE IT ORDAINED AND ENACTED this 11th day of October, 1999.

ATTEST:

TOWNSHIP OF SOMERSET

By: [Signature]

By: [Signature]

By: [Signature]

Secretary

Board of Supervisors

Board of Supervisors

Board of Supervisors
<table>
<thead>
<tr>
<th>District</th>
<th>A-1 Agriculture</th>
<th>R-1 Single Family</th>
<th>R-2 Residential</th>
<th>B-1 Business</th>
<th>B-2 Business</th>
<th>M-1 Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONDITIONAL USES</td>
<td>Two Family Dwelling Mobile Home, Public Utility Structures, Mineral Extraction, Airport, Commercial Recreation, Telecom Facility, Depend Care Facility Family Care Facility Group Care Facility Home Occupation</td>
<td>Two Family Dwelling Mobile Homes, Public Utility Structures, Clinic, Public Utility Structures, Public Building, Cemeteries, Mineral Extraction, Commercial Recreation, Depend Care Facility, Family Care Facility, Group Care Facility, Home Occupation</td>
<td>Public Buildings, Public Utility Structures, Funeral Homes, Hospital, Depend Care Facility, Family Care Facility, Group Care Facility, Home Occupation</td>
<td>Multiple Dwellings, Shopping Centers, Wholesale Business, Light Manufacturing, Research Laboratory, Retail Stores with Displays, Auto Repair, Warehousing, Supply Yards, Truck Terminal, Heliport</td>
<td>Sexually Oriented Business, Telecom. Facilities, Mineral Extracts</td>
<td>Manufacturing, Motels, Gas Stations, Restaurants, Industrial Park, Commercial Recreation, Shopping Center, Mineral Extraction, Heliport</td>
</tr>
<tr>
<td>MIN LOT AREA</td>
<td>One Acre 10,500 Sq. feet 7,200 Sq. feet 20,000 Sq. feet</td>
<td>One Half Acre/Sewered Lot 6,000 Sq. feet 2,500 Sq. feet 7,500 Sq. feet</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOT AREA/ FAMILY WIDTH</td>
<td>150 feet 75 feet 60 feet 100 feet</td>
<td>50 feet 30 feet 25 feet 50 feet</td>
<td>15 feet 10 feet 20 feet 50 feet</td>
<td>50 feet 20 feet 20 feet 50 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRONT YARD</td>
<td>150 feet 75 feet 60 feet 100 feet</td>
<td>50 feet 30 feet 25 feet 50 feet</td>
<td>15 feet 10 feet 20 feet 50 feet</td>
<td>50 feet 20 feet 20 feet 50 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SIDE YARD</td>
<td>150 feet 75 feet 60 feet 100 feet</td>
<td>50 feet 30 feet 25 feet 50 feet</td>
<td>15 feet 10 feet 20 feet 50 feet</td>
<td>50 feet 20 feet 20 feet 50 feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>REAR YARD</td>
<td>150 feet 75 feet 60 feet 100 feet</td>
<td>50 feet 30 feet 25 feet 50 feet</td>
<td>15 feet 10 feet 20 feet 50 feet</td>
<td>50 feet 20 feet 20 feet 50 feet</td>
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</tr>
</tbody>
</table>

TABLE 201
TABLE201.jpg - 09-13-1999
<table>
<thead>
<tr>
<th>Ord./Res.</th>
<th>Date</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-1986</td>
<td>10/13/86</td>
<td>Donatelli property shall be changed to M-1 Industrial from B-1 Business.</td>
</tr>
<tr>
<td>3-1988</td>
<td>07/11/88</td>
<td>Harry D. Cross property shall be changed to a B-1 designation from an R-1 designation.</td>
</tr>
<tr>
<td>3-1990</td>
<td>07/09/90</td>
<td>William and Bonita Commer property shall be changed to an A-1 designation from an M-1 designation.</td>
</tr>
<tr>
<td>1-1992</td>
<td>05/11/92</td>
<td>B-1 (Business District) conditional uses as conditional uses in M-1 (Industrial District)</td>
</tr>
<tr>
<td>2-1992</td>
<td>10/12/92</td>
<td>Zoning Map Amendment: O. W. Wilkerson property shall be changed to B-1 Business District. Also definition change of Light Manufacturing.</td>
</tr>
<tr>
<td>4-1992</td>
<td>09/13/93</td>
<td>Russell &amp; Rena Lou Kearns property along Lovett Rd. shall be changed to B-1 (Business) from A-1 Agricultural</td>
</tr>
<tr>
<td>5-1993</td>
<td>10/01/93</td>
<td>Russell &amp; Rena Lou Kearns property along Carlton Dr. shall be changed to A-1 (Agricultural)</td>
</tr>
<tr>
<td>2-1994</td>
<td>12/12/94</td>
<td>Table 201: Definition Change Delete Mobile Home Sales, Auto Sales, Repair and Recreational Vehicle Sales. Add Retail Stores with outside display and auto repairs and definition change</td>
</tr>
<tr>
<td>3-1994</td>
<td>12/12/94</td>
<td>Thomas &amp; Doris Siler property Carlton Dr. shall be changed to B-1 (Business) from A-1 Agricultural</td>
</tr>
<tr>
<td>1-1995</td>
<td>04/06/95</td>
<td>Add to Table 201: To include in A-1 (Agricultural) and R-1 (Residential) as conditional use Commercial Recreation and definition for Commercial Recreation</td>
</tr>
</tbody>
</table>
| 1-1996   | 11/04/96   | Add to Table 201: To include in M-1 (Industrial) permitted use of Telecom Facility and in A-1 (Agricultural) area conditional use of Telecom Facility. Not permitted in R-1 (Residential) or B-1 (Business)
| 3-1997   | 08/11/97   | Add to Table 201: To include as conditional uses in A-1 (Agricultural) in R-1 and R-2 Residential areas Dependent Care Facility, Family Care Facility, and Group Care Facility |
| 4-1997   | 11/10/97   | Add to Table 201: To delete "Family Business" and change definition to "Home Occupation" as conditional uses in A-1 (Agricultural) and R-1 and R-2 (Residential) areas. |
| 3-1998   | 07/13/98   | Creation of B-2 Business District |
| 3-1999   | 08/13/99   | Add to Table 201: To include as permitted uses in A-1 (Agricultural areas Minimum Lot Size- One-Half Acre/Sewered Lot. |