

JANUARY 26, 2024

DRAFT #4 - CHAPTER 180 – ZONING ORDINANCE
SOMERSET TOWNSHIP, WASHINGTON COUNTY



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Article I. Introduction

The Township of Somerset, Washington County, enacted this Zoning Ordinance as an important part of the Township's overall Land Use Management Program that is focused on protecting the health, safety, and well-being of the Township's residents, businesses, and visitors alike.

1. Title

This chapter may be cited as the "Somerset Township Zoning Ordinance."

2. Statutory Authority

The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended), hereinafter MPC, provides that the Somerset Township Board of Supervisors may enact and amend a Zoning Ordinance to implement the Somerset Township Comprehensive Plan, permit and regulate land uses within the Township, and to accomplish any of the purposes of the MPC.

3. 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.

4. Establishment of Controls

- A. Minimum and Uniform Regulations. The regulations set by this Ordinance within each Zoning District shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- B. New Uses and Structures. In all Districts, after the effective date of this Ordinance, any new building, or other structure, or any tract of land shall be constructed, developed, and used only in accordance with the regulations specified for each Zoning District.
- C. Existing Uses and Structures. In all Districts, after the effective date of this Ordinance, any existing use, building or other structure, or any tract of land which is not in conformity with the regulations for the District in which it is located, shall be deemed as nonconforming and subject to the regulations of this Ordinance pertaining to Nonconforming Uses.

5. 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.

6. Warning and Discloser

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 floodplain 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.

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Article II. Use Definitions

What Land Uses are being regulated? Somerset Township defines the Land Uses permitted within the Township and certain associated terms used in conjunction with the regulation of those Uses throughout this Ordinance.

1. General Interpretation of Words

As contained in this Ordinance, certain words shall have the meaning assigned to them, as follows:

- A. Words used in the present tense include the future. The singular number includes the plural and the plural, singular.
- B. The word “building” includes “structure” and any part thereof.
- C. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- D. The word “person” includes an individual, corporation, partnership, incorporated association, or any other similar entity.
- E. The word “includes” or “including” shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like, kind, and character.

2. Definitions of Specific Terms and Uses

The following words and phrases shall have the meaning given in this section, as follows:

Abandonment: A property or structure that has been left empty or is no longer in use for 12 consecutive months.

Access Drive: A paved or unpaved strip of land across public or private property designed and intended to provide a means of vehicular access from a public street to a tract of land, a structure, or a parking area.

Accessory Building: A building which is on the same lot, but detached from the principal building, and which is customarily incidental and subordinate to the principal building, including, but not limited to, private garages and storage sheds.

Accessory Dwelling Unit: A dwelling unit that is either attached to the principal permitted building or as a permitted accessory building on a lot that serves as a mother-in-law-type suite, or a granny-flat-type suite; not including units to be used as a rental unit or short-term rental unit.

Accessory Solar Energy System (ASES): An area of land, or other area, used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for on-site consumption and not for distribution to or use by any other structure or party on any other lot or parcel. An accessory solar energy system consists of one (1) or more free-standing ground or roof-mounted solar energy arrays or modules, or solar-related equipment and is intended to primarily reduce on-

site consumption of utility power or fuels. An accessory solar energy system is an accessory use and must be subordinate to the principal use on the property. ASES may be found nationally, regionally, and locally, to be associated on the same lot with both residential and non-residential uses.

Accessory Uses: A subordinate use, which is clearly incidental and related to that of a main structure or main use of land.

Agricultural Services: The use of land, structures, or buildings for the purpose of buying and selling commodities and services that are necessary to support agriculture operations but does not include any manufacturing, assembling, processing, warehousing, or construction use.

Agriculture: Growing or producing for use on the lot or for sale: domestic livestock, farm grains, feeds or hay, fruits, nursery stock, vegetables, dairy products, poultry, eggs, or other crops or produce typical of farm activity and related use of equipment and structures necessary for the foregoing purposes, including, but not limited to, barns and silos.

Airport: Any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking off of aircraft, including all contiguous property that is held or used for airport purposes.

Airport Elevation: The highest point of an airport's usable landing area measured in feet above sea level. The airport elevation of Bandel Airport is 1,210 feet.

Airport Hazard: Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport.

Airport Hazard Area: Any area of land or water upon which an airport hazard might be established or not prevented as provided for in this Ordinance and any Pennsylvania relating to Aviation.

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

Animal Day Care: Any establishment where domestic animals are groomed, trained, exercised, and socialized, but only for part of the 24-hour day and not overnight for continuous days.

Animal Shelter: A facility where stray, lost and abandoned, or stranded animals, mostly dogs and cats, and sometimes sick or wounded wildlife, are kept and rehabilitated.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

Approach Surface (Zone): An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each of the primary surfaces. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach.

Assisted Living Facility: Coordinated and centrally managed rental housing, including self-contained units, designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen, and organized social activities, for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

Auction House: Any place of business where goods, wares, merchandise, or chattels of any kind are regularly sold at auction.

Automotive Sales, Rental and Service: The retail sales, rental, and service of automobiles, motorcycles, and trucks under 26,000 gross vehicle weight, but not including any heavy equipment or any other vehicle which is not classified as a "motor vehicle" under the Pennsylvania Motor Vehicle Code, and which may include the servicing and repair of customers' vehicles, as an Accessory Use.

Bakery: A retail store, which sells baked goods to businesses and the general public, which may involve onsite processing of the goods offered for sale on the premises, and which may include onsite processing of goods for delivery to other retail or wholesale outlets, as an Accessory Use.

Bank – Financial Institution: A bank, credit union, savings and loans association or similar institution that lends money or is engaged in finance-related business.

Banquet Facility: A location where public and private events, such as weddings, catered receptions, rehearsal dinners, business meetings/retreats and similar events are held. A banquet facility can be a Principal or Accessory Use.

Bar/Nightclub: Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

Barn: A building, accessory to a farm, that is used for storing agricultural equipment, hay, grain, and other crops, and often for housing livestock.

Bed and Breakfast: A dwelling which is the principal residence of the operator where no more than four (4) sleeping rooms are offered to transient overnight guests for compensation and where the only meal served and included with the overnight accommodations is breakfast.

Billboard: Any off-premises sign with a changeable advertising face which advertises an establishment, person, activity, product, or service which is unrelated to or not available on the premises on which the sign is located.

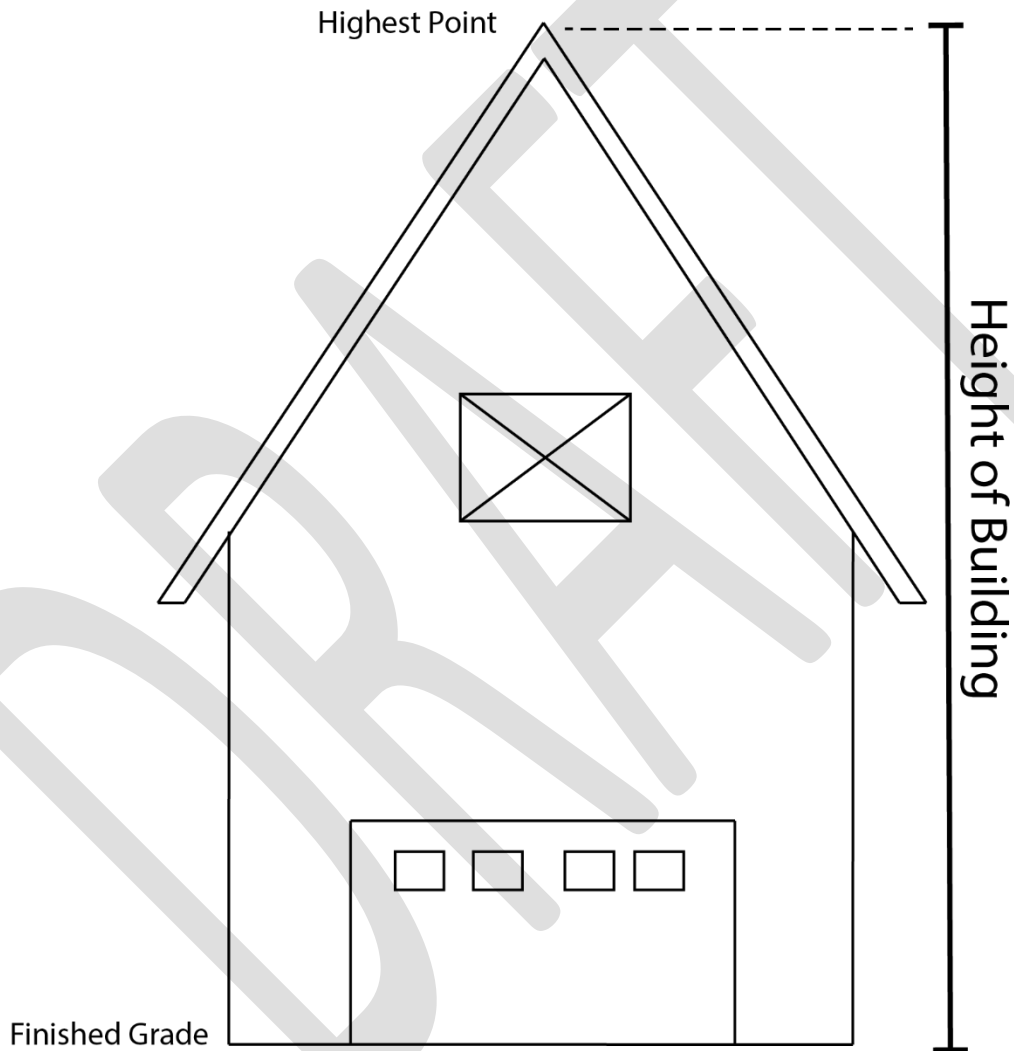
Bufferyard: A landscaped area of a certain depth which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes, or other natural landscaping material and shall consist of a mix of types and sizes of plant material.

Builders Supply: A retail store which sells primarily raw building or landscape materials, including, but not limited to, lumber stone, and topsoil.

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

Building Height: The vertical distance from the average elevation at grade level to the highest point of the roof.

Figure 200. Building Height



Campground/Recreational Vehicle (RV) Park: A plot of ground upon which two or more campsites are located, established, or maintained for temporary occupancy by persons using tents or recreational vehicles, and which is not to be used for long-term residency of occupants.

Car Wash: Any facility including self-service facilities, whether automatic, semi-automatic or manual, for washing and polishing vehicles.

Cartway or Roadway: The improved or paved portion or portions of a street available for vehicular or other traffic; the portion or portions between curbs where curbs are used.

Casino: A business establishment where the principal use is legal gambling activities and that may also include a restaurant or nightclub as an Accessory Use.

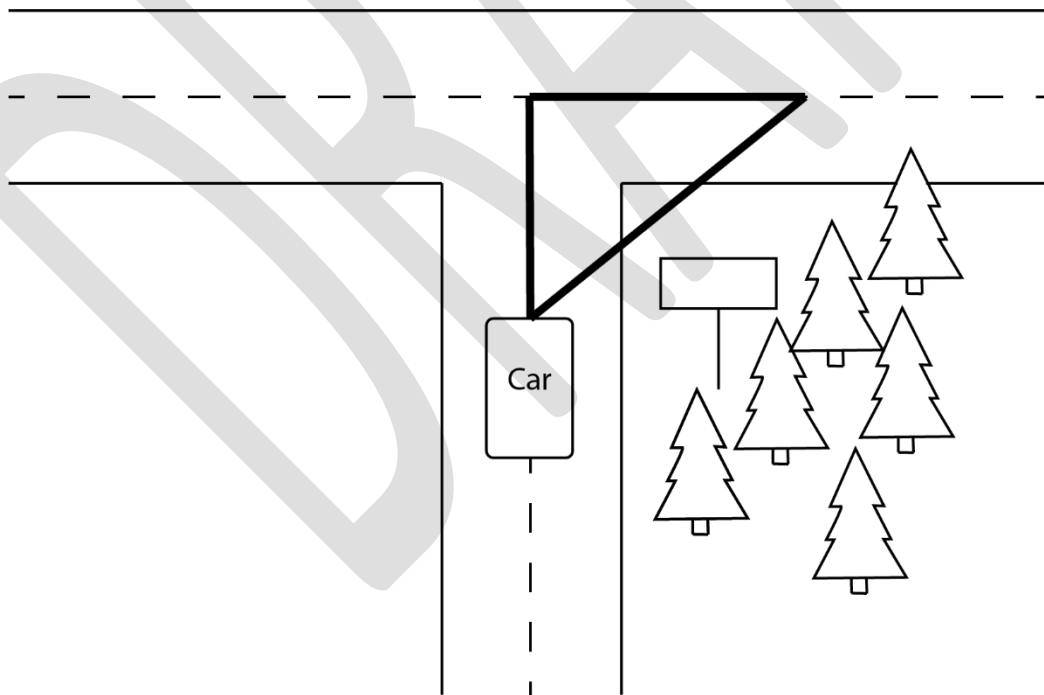
Chapter: Reference to the Zoning Ordinance provisions of the Somerset Township Code of Ordinances itself, when used generally, and to another chapter of the Township Code of Ordinances, if referenced specifically.

Cemetery: Property used for interring dead persons or domestic pets (pet cemetery), including mausoleums and columbariums, but not including crematoriums or family plots.

Child Day Care Home: A residential dwelling in which childcare is provided by the owner or occupant for up to six (6) children under the age of 16, who are not relatives of the operator, at any one time for part of a 24- hour day and that is licensed by the Pennsylvania Department of Public Welfare as a “Child Day Care Home.”

Clear Sight Triangle: An area of unobstructed vision at every intersection of a public street, private street or commercial driveway with a public street defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

Figure 201. Clear Sight Triangle



Clinic-Medical, other than Methadone Clinic: Any establishment, including mobile diagnostic units, where human patients receive medical, dental, chiropractic, psychological and surgical diagnosis, treatment, and counseling under the care of a group of licensed medical doctors and/or dentists or other licensed medical

practitioners and their supporting staff, where said patients are not provided with board or room or kept overnight on the premises.

Club – Private: Any establishment operated by an organization for social, recreational, educational, fraternal or sororal purposes, but open only to members and their guests, and not to the general public.

Commercial Recreation: An enterprise operated for profit by other than a public entity, either indoors or outdoors, for the pursuit of sports, recreation, or leisure activities, including, but not limited to, such establishments as miniature golf, golf or batting practice facilities, bowling alleys, ice or roller rinks, playing fields, racquet clubs, swimming pools, theaters, dance halls, amusement parks, amphitheaters and other similar facilities.

Communications Antenna: Any structure designed for transmitting or receiving wireless communications of video, voice, data or similar transmission, including, but not limited to, omnidirectional or whip antennas, directional or panel antennas, and satellite or microwave dish antennas, which may be mounted to an existing building, an existing public utility storage or transmission structure or an existing communications tower, but not including transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens or any satellite dish antenna for private use by citizens, which is less than 24 inches in diameter.

Communication Tower: Any structure, whether freestanding or attached to a building, designed to support multiple communications antennas, including monopole, self-supporting and guyed towers and one (1) or more of the following mounts for antennas: rotatable platform, fixed platform, multi-point or side arm mounts and pipe mounts for microwave dish antennas.

Community Center: A facility where activities are programmed for children, adults, or seniors by a public or not-for-profit entity. Activities must be community-oriented and may be located indoors or on associated playfields.

Conditional Use: A use permitted in a particular Zoning District pursuant to the provisions of this chapter.

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

Conference and Training Center: A facility used for corporate or professional meetings, seminars and/or employee training and which may include supporting dining and lodging facilities and related recreational facilities as Accessory Uses.

Conical Surface (Zone): An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach.

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

Contractors Office/Yard: An establishment which may or may not include administrative offices for a business that provides landscaping, construction, remodeling, home improvement, land development and related services on a contractual basis, but which involves the storage, either indoors or outdoors, of materials, equipment and vehicles used in the business.

Convenience Store: A retail establishment offering for sale a limited selection of goods, such as food products, household items, and other goods commonly associated with the same and generally having a gross floor area of less than 10,000 square feet. Convenience stores may sometimes be located in conjunction with a gas/fuel station.

Correctional Institution: A place where charged or convicted criminals or juvenile delinquents are confined, detained, or held in custody.

County: The County of Washington, Pennsylvania.

Crematorium: A location containing properly installed, certified apparatus intended for use in the act of cremation.

Day Care Center: A facility, other than a residential dwelling unit, where day care for any number of elderly persons or child care and educational instruction for seven (7) or more children under the age of sixteen, who are not relatives of the operator, is provided at any one time for part of a 24-hour day, and that is licensed by the Pennsylvania Department of Public Welfare as a "Day Care Center."

Day Spa: A commercial establishment without accommodations, that offers facilities for health and fitness. A resort with invigorating baths, or a place with therapeutic services such as massages, saunas, ~~baths~~baths, and manicures.

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

Designated Floodplain Districts: Those floodplain districts identified as being inundated primarily by the 100-year flood. Included would be areas identified as the Floodway District (FW) and the Flood-Fringe District (FF).

Developer: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision or development of land hereunder for himself or for another.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or changed in the use of buildings or land; or extension of any use of land, for which permission may be required pursuant to this Ordinance.

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

Distributed Antenna System (DAS): Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

Distribution Center: An establishment primarily engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including trans-shipment by rail or motor vehicle.

Domestic Animal: Animals, fish, or fowl customarily found in a dwelling and kept for company or pleasure, including dogs and cats, provided there is not a sufficient number to constitute a kennel, as defined herein; hamsters, gerbils; parakeets or canaries; and similar small animals and birds, but not including any exotic animals such as lions, tigers, bears, ocelots or other feral cats, large or poisonous snakes, alligators, monkeys or other animals found in a zoo; nor any horses, any pigs, chickens or other fowl or livestock normally found on a farm.

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

Drive-Thru Facilities: Any Accessory Use which involves a window, service lane, bay, or other facility where customers are provided service while inside their vehicle.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Drug and/or Alcohol Counseling Center: A building used for counseling and rehabilitation of persons addicted to drugs and/or alcohol, but does not provide in-patient or physician services, including dispensation of medication.

Dry Cleaning Facility with Drop-Off and Pick-Up: An establishment for the cleaning of clothing and fabric with chemical solvents rather than water, where clothing can both be dropped-off for service and picked-up when service is completed.

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

Dwelling, Multi-Family: A residential building or portion thereof containing three (3) or more dwelling units.

Dwelling, Single Family Detached: A residential building containing one (1) dwelling unit which has a minimum habitable floor area of 900 square feet, and which is the only principal building on the lot.

Dwelling Quadruplex: A multi-family building, containing only four (4) dwelling units in one (1) structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units, which are placed at right angles to one another, rather than in a row, and which units have no other units above or below which share common floors/ceilings.

Dwelling, Townhouse: A single-family dwelling unit, with its own separate entrance to the outside, constructed in a group of three (3) or more like dwelling units that are separated by unpierced common walls that extend from the foundation to the roof, with no interconnectivity between the units.

Dwelling, Two Family: A residential building containing two (2) independent dwelling units, each having separate entrances, and which is the only principal building on the lot.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A grant of limited uses of private land for a public or quasi-public purpose.

Electric Vehicle (EV) Charging Station: A public or private parking space that is served by battery charging station equipment that has its primary purpose of the transfer of electric energy (by conductive or inductive means) to a battery or another energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an Accessory Use to any Principal Use.

Emergency Services: Facilities owned and operated by a public or non-profit agency, which provide services related to the protection of public safety and welfare, including emergency medical services, emergency management services, fire departments, police protection, and similar facilities.

Engineer: A registered professional engineer in Pennsylvania designated by Somerset Township.

Essential Services: The erection, construction, alteration or maintenance by public utilities, or municipal, or other government agencies of underground or overhead gas, electrical, steam or water distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental agencies or for the public health and safety or general welfare, but not including buildings.

Erosion: The removal of surface materials by the action of natural elements.

Excavation: Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displace, relocated, or bulldozed. It shall include the conditions resulting therefrom.

Exotic Animal Park: An enclosed area of land where uncaged wild animals roam fairly freely, in conditions designed to mimic their natural habitat as closely as possible.

FAA: Federal Aviation Administration of the United States Department of Transportation.

Fence: A fabricated barrier used to enclose an area of land.

Feed Lot: A highly mechanized intense cattle-feeding operation involving large numbers of animals in a relatively small area, with little or no grazing land.

Financial Institution with Drive Thru Facilities: A bank, credit union, savings and loan association, or similar institution that lends money or is engaged in finance-related business, along with an associated drive-thru facility.

Flood: A temporary inundation of normally dry land areas.

Floodplain: The area along a natural watercourse which may from time to time be overflowed by water therefrom.

Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred-year magnitude.

Floor Area: The sum of the gross horizontal area of the several floors of a principle building or buildings on the same lot. All dimensions shall be measured between the exterior faces of walls.

Forestry: The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

Funeral Home: An establishment engaging in preparing the dead for burial, conducting funerals, and cremating the dead.

Gas/Fuel Station: A building(s), premises, or portions thereof, which are used, arranged, designed, or intended to be used for the retail sale of gasoline or other fuel for motor vehicles. This Land Use classification shall include electric recharge stations for electric motor vehicles. A gas/fuel station may include one or more of the following uses:

Gas/Fuel Station with a Car Wash: A gas/fuel station and the associated car wash facilities.

Gas/Fuel Station with a Convenience Store: A gas/fuel station and the associated drive-thru facilities, as described in this Ordinance.

Gas/Fuel Station with a Restaurant: A gas/fuel station and the associated fast service restaurant.

Golf Course/Country Club: A recreational facility which has a course for playing golf as its Principal Use and which may have a clubhouse, locker rooms, restaurant, swimming pool, pro shop, practice facilities, facilities for racquet sports, maintenance facilities, and similar facilities as Accessory Uses.

Government Offices: An office of any federal, state, or local government or agency.

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

Greenhouse/Nursery: A retail or wholesale business that sells flowers, plants, shrubs, trees, and other natural flora and products that aid their growth and care and that may include a greenhouse and/or the growing of plant material outside on the lot. See also ["Sheds"](#) with regards to residential greenhouses.

Group Care Facility: A dwelling unit that houses at least three (3), but no more than eight (8) residents who maintain a common household and practice on a permanent or long-term basis, a joint economic, social and cultural life where support services including, supervision, personal care, social or counseling services and transportation to persons who need such assistance because of physical disability, old age, mental retardation or other ["handicap"](#) or ["disability"](#) as defined by the fair housing Amendments Act or Americans with Disabilities Act; but shall not involve the housing of persons on a transient basis, nor shall it involve the housing or treatment of persons who are criminal offenders, juvenile offenders or delinquents or any persons who have been found by any governmental tribunal, court or agency to be danger to society who are on release or are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or similar institutions.

Health Club/Fitness Center A commercial recreational enterprise or private club that has as a principal use of a gymnasium, swimming pool or other sports facility and that may offer massages, whirlpool baths, steam rooms, saunas and/or medical facilities as Accessory Uses to the Principal Use.

Heliport: Any area of land, water or structure which is used or intended to be used for the landing and takeoff of helicopters and any other appurtenant areas, which are used for heliport buildings or helicopter facilities or rights-of-way, together with all heliport buildings and facilities thereon.

Hobby Farm: A farm, as defined herein, located on a tract which has less than the ten (10) acres required by this Ordinance for a farm, but which meets the minimum acreage requirements for a Hobby Farm, which is accessory to a single-family dwelling, and which is for the personal use and enjoyment of the residents and does not constitute the principal economic activity of the residents.

Horizontal Surface (Zone): An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.

Horse Boarding: A commercial facility designed for the feeding, housing, and exercising of horses not owned by the owner of the property and for which the owner of the property receives compensation.

Horse Grooming: A commercial horse facility dedicated to the physical care and hygiene, including but not limited to brushing, combing, or washing of a horse.

Hospital: An establishment (including sanitariums) for the short-term care of patients suffering from physical or mental illnesses, but not including narcotics addiction or those found to be criminally insane, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

Hotel: An establishment which provides transient lodging accommodations to the general public, and which may provide such additional supporting services as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

Hunting and/or Fishing Club: A legally chartered organization for the pursuit of hunting, fishing, marksmanship, and related activities that may or may not include a clubhouse and that has a roster of membership and a regular calendar of activities limited to members and their guests.

Impoundment (For Oil and Gas Operations): An open, earthen receptacle used to store fresh water, wastewater or other fluids produced by or used exclusively for oil and gas operations at one (1) or more well sites.

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

Independent Living Facility: A facility designed to provide individual dwelling units for persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, handicapped facilities, common dining facilities, common laundry facilities, minimal housekeeping services, common leisure and recreational facilities, transportation services and similar supporting services for the convenience of the residents.

Individual Wind Energy Facility: A wind energy conversion system that has a rated capacity of not more than 60kw that converts wind energy into electricity, consisting of a wind turbine, a tower and associated control or conversion electronics, including collection, distribution, and storage equipment, intended for private use to reduce on-site consumption of utility power, or supplement or replace utility power.

Junk Vehicle: A vehicle which is inoperative or is unable to meet the vehicle registration and inspection standards of the Pennsylvania Motor Vehicle Code. The term does not include a vehicle which would qualify as an antique or classic vehicle, except for its lack of restoration or maintenance.

Junk Yard/ Salvage Yard: Land or structure used for the collection, storage, processing and/or sale of scrap metal, scrapped, abandoned, or junked motor vehicles, machinery, equipment, wastepaper, glass, rags, containers, and other discarded materials. Under this Ordinance, two (2) or more scrapped, abandoned, or junked motor vehicles shall constitute a junk yard. Refuse or garbage kept in a proper container for prompt disposal shall not be regarded as a junk yard.

Kennel: An establishment where more than three (3) dogs or more than six (6) cats who are more than six (6) months old are bred, trained, and/or boarded.

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. Development in accordance with Section 503 of the MPC.

Landfill: Any site licensed by the Pennsylvania Department of Environmental Protection (DEP) for the disposal of solid waste, other than hazardous waste, as defined and regulated by Federal Statute.

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

Laundry Facility: A business that provides home-type washing, drying, or ironing machines or dry-cleaning machines for hire to be used by customers on the premises.

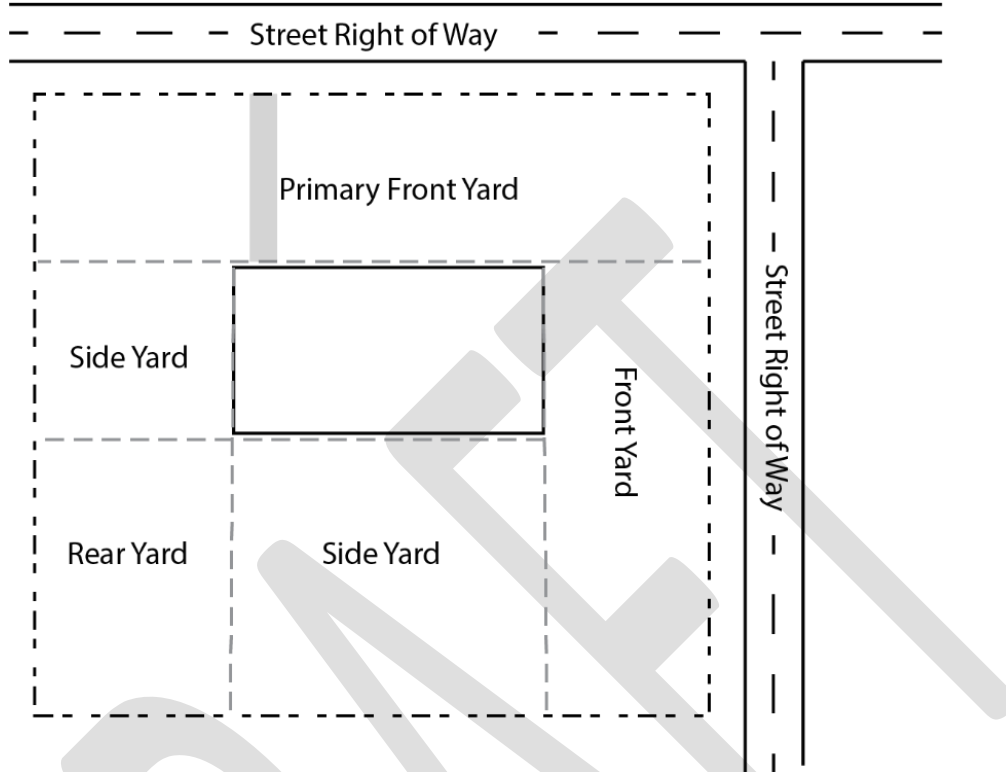
Library: Public or non-profit establishments engaged in the provision and circulation of books and other printed and electronically produced materials for reading, study, research, and reference.

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 as a unit.

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

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Figure 202. Corner Lot

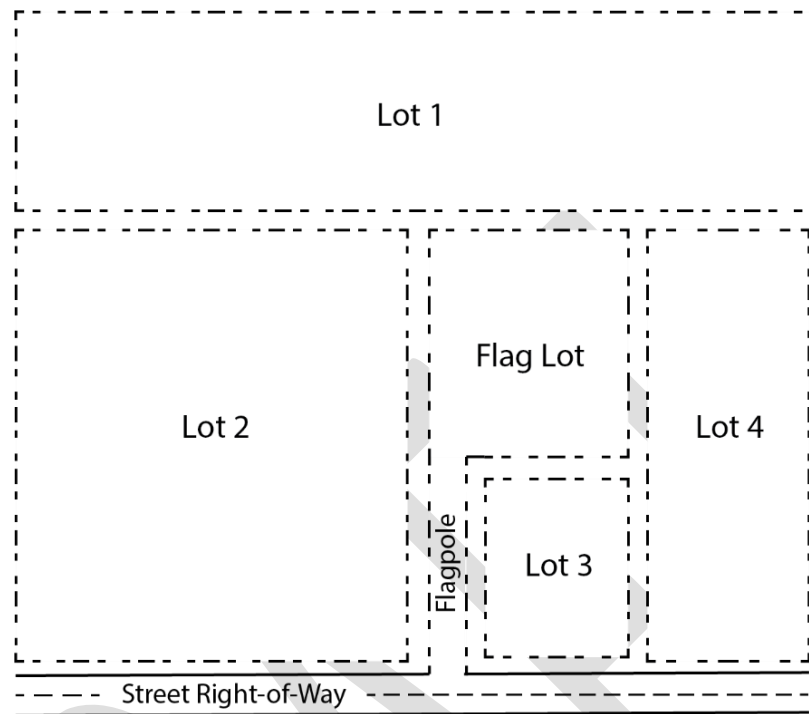


Lot Coverage: That portion of the lot that is covered by the footprint on the grounds of all principal and accessory structures expressed as a percentage of the total lot area.

Lot Depth: Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

Lot, Flag: A lot surrounded by another lot or lots on all sides and where access to such lot is by means of a narrow strip of lot or easement. The narrow strip of lot or easement shall be termed as the flagpole portion of the lot.

Figure 203. Flag Lot



Lot line, Front: That line which bounds the lot contiguous with the street right-of-way.

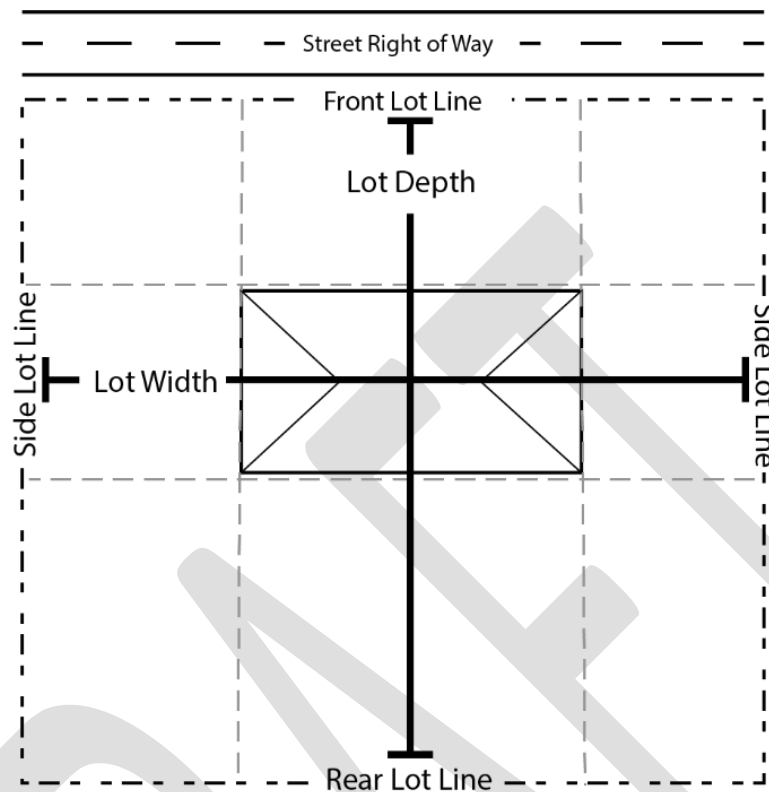
Lot line, Rear: That line which is generally opposite to the front lot line.

Lot Line, Side: Any lot line which is not a front lot line or a rear lot line.

Lot of Record: Any lot which is contained in a plan or subdivision duly recorded in the Office of the Recorder of Deeds of Washington County.

Lot Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Figure 204. Lot Lines



Manufacturing Facility, Heavy: Any manufacturing process that is not included in the definition of "light manufacturing."

Manufacturing Facility, Light: The processing or fabrication of materials and products which does not produce noise, vibration, air or water pollution, fire hazards or other disturbances or danger to other properties.

Massage Parlor: Any establishment which provides services of massage or body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth, not including any athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service to the principal service.

Medical Marijuana Dispensary: The use of the premises by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to dispense medical marijuana, or as otherwise defined in any subsequent amendments to the Medical Marijuana Act, Act 16 of 2016.

Medical Marijuana Grower/Producer: The use of the premises by a person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, holding a permit issued by the Commonwealth of Pennsylvania Department of Health, to grow and process Medical Marijuana, or otherwise defined in any subsequent amendments to the Medical Marijuana Act, Act 16 of 2016.

Methadone Treatment Facility (Clinic): A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

Micro-Brewery/Micro Distillery/Winery: An establishment that brews, distills, and produces 465,000 gallons or less per year of alcoholic beverages for consumption on site with distribution. This use does not include any restaurant services and is primarily for the production and sale of alcoholic beverages.

Micro-Brewery Pub: An establishment that brews, distills, and produces 465,000 gallons or less per year of alcoholic beverages for consumption on site with distribution. Such uses may be in combination with restaurants or remain independent, and they may also have "tasting rooms" and retail sales of the products.

Mineral: A solid inorganic substance of natural occurrence that includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay, and other mineral resources. This definition does not include liquids, such as oil and gases, such as natural gas.

Mineral Removal: Any extraction of any mineral for sale or other commercial purposes, which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun, or other elements of nature. The term "mineral" includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay, and other mineral resources. Mining activities carried out beneath the mine openings are not included in this definition.

Mobile Home: 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.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Motel: A structure in which lodging is provided for the accommodation of guests, offered to the public for compensation, which contains an office supervised by a person in charge at all hours with a majority of all rooms having direct access to the outside.

Movie Theater: A specialized theater for showing movies or motion pictures, excluding any sexually oriented business.

Municipalities Planning Code (MPC): The Pennsylvania Municipal Planning Code, Act 247, of 1968, as amended.

Museum: An institution, building, or room for preserving and exhibiting artistic, historical, or scientific objects.

Music and Art Studio: Establishments engaged in the creation, display and sale of music, photography and art products and supplies and which may include training of individuals or groups of students.

No Impact Home-Based Business: A business or commercial activity administered or conducted as an Accessory Use to a dwelling that is clearly secondary to its Principal Use as a residential dwelling and that

involves no customer, client, or patient traffic, whether vehicular or pedestrian, or pickup, delivery or removal functions to or from the premises in excess of those normally associated with Residential Use.

Nonconforming Lot: A lot, area, or dimension of which was lawful prior to the adoption or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

Nonconforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in a Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Nursing Home: An institution licensed by the Commonwealth for the long-term care of patients requiring skilled nursing or intermediate nursing care, but not including facilities for major surgery or care and treatment of narcotics addiction.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds the limited height set forth by this Ordinance.

Office, Business and Professional: A building containing the office or offices of a business or businesses engaged in providing professional services, including, but not limited to, the following: accounting; auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; data processing and computer services; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices, including agency and administrative office facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices outside the home, but not including medical offices or offices that are incidental and accessory to another business or retail sales activity in the building.

Oil and Gas Development: Well location and assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth; construction, installation, use, maintenance and repair of oil and gas pipelines and all equipment directly associated with oil and gas operations, provided the equipment is located at or immediately adjacent to a well site, impoundment, oil and gas pipeline, natural gas compressor station or natural gas processing plant. While the PA Oil and Gas Act includes IMPOUNDMENTS, NATURAL GAS COMPRESSOR STATIONS and NATURAL GAS

PROCESSING PLANTS in the definition of OIL AND GAS OPERATIONS, for the purposes of this Ordinance, these terms are separately defined so that they can be separately regulated in conformance with the authority granted by the PA Oil and Gas Act.

Drilling Equipment: The derrick, all parts and appurtenances to such structure and every piece of apparatus, machinery or equipment used, erected, or maintained in connection with oil and gas operations, as defined herein.

Compressor Stations: A device used alone or in series to raise the pressure of natural gas and/or by-products to create a pressure differential to move or compress a liquid, vapor, or gas.

Hydraulic Fracturing (Fracking): The process of injecting water, customized tracking fluid, steam, or gas into an oil or gas well under pressure to break apart rock layers, in order to release gas and improve recovery of gas.

Impoundment: An open, earthen receptacle used to store fresh water, wastewater or other fluids produced by or used exclusively for oil and gas operations at one (1) or more well sites.

Gas Well: A well drilled for the intent of extracting gas or other hydrocarbons from beneath the surface of the earth. The two (2) types of gas wells regulated by this Ordinance are:

Gas Well, Conventional: A conventional drilling technique in which the drilling is entirely vertical, is of a shallower depth, less than 5,000 feet, and generally does not involve a fracturing process.

Gas Well, Unconventional: A type of drilling using newer technology that drills to depths of 5,000 feet or more and includes horizontal drilling up to and in excess of one and a half (1½) miles from the deepest penetration of the drill site. Unconventional wells utilize a fracking process to extract the natural gas.

Gathering System Facility: A facility associated with a gathering system or water collection line such as a drip station, vent station, pigging facility, chemical injection station, or transfer pump station.

Natural Gas: A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas from natural gas fields known as non-associated gas, coal beds, shale beds and other formations, but does not include coal bed methane.

Natural Gas Compressor Station: A facility designed and constructed to compress natural gas and/or oil that originates from a single well site or a collection of such well sites, operating as a midstream facility for delivery of gas and/or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one (1) or more natural gas and/or oil compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural Gas Processing Facility: A facility that receives natural gas and associated hydrocarbons from a gathering line system serving one (1) or more well sites that compresses, condenses, pressurizes or otherwise treats natural gas and which removes water and water vapor and/or separates materials such as ethane, propane, butane and other constituents or similar naturally occurring substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, including, but not limited to: cooling facilities, storage tanks and related equipment and facilities.

Oil: Hydrocarbons in liquid form at a standard temperature of 60 degrees Fahrenheit and pressure of 14.7 PSIA, also referred to as petroleum.

Oil and Gas Well: A bore hole drilled or being drilled as part of oil and gas operations for the purpose of, or to be used for, producing, extracting, or injecting gas, petroleum or another liquid related to oil and gas production or storage, including brine disposal, but excluding a bore hole drilled to produce potable water.

Oil and Gas Well Head (Well Bore): The precise point of entry into the ground where drilling takes place, including the structure that is placed over the opening upon completion of drilling and that is maintained during production.

Oil and Gas Well Pad: The disturbed area of the well site occupied by the well head, all drilling equipment and all surface facilities, structures and equipment incidental to oil and gas operations, but not including the access road.

Oil and Gas Well Site: The area occupied by all equipment or facilities necessary for or incidental to drilling, production or plugging of a well, including, but not limited to, the access road, the well pad, tanks, meters, storage tanks and impoundments.

Operator: Any person, partnership, company or corporation and its subcontractors and agents who have an interest in real estate for the purpose of oil and gas operations or impoundments or who own and/or administer a natural gas compressor station or a natural gas processing facility.

Protected Structure: Any occupied residence, business, school, church or public building located within 1,000 feet of a natural gas well head, as defined herein, that may be adversely affected by noise generated from the drilling or hydraulic fracturing at the well site, as defined herein, excluding any structure owned by an oil or gas lessor who has signed a lease with the operator granting surface rights to drill the subject well, or whose owner or occupants have signed a waiver relieving the operator from complying with the noise abatement provisions of this Ordinance.

One-Hundred-Year Flood: A flood that, on average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood could occur in any year).

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

Other Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Outdoor Amusement: An enterprise operated for profit by other than a public entity which is conducted wholly or partly outside an enclosed structure for the pursuit of sports, recreation, and amusement activities, including, but not limited to, such establishments as drive-in theaters, arenas, stadiums, racetracks, swimming pools, ballfields, parks, tennis courts, miniature golf courses and the like.

Owner: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lease if they are authorized under the lease to exercise the rights of the owner, or other person having a proprietary interest in the land, shall be deemed to be an owner for the purpose of this chapter.

Parcel: Any designated piece or tract of land located in the Township established by a plat or otherwise as permitted by law.

Parking Area: A portion of a lot designed for the parking of motor vehicles in accordance with the requirements of this chapter.

Parking Garage: A parking area located in a parking structure or parking garage, which is the Principal Use on the lot, which may be operated by either a public agency or a private entity, whether for profit or not, and which is available to the general public for the parking of motor vehicles.

Parking Lot: A parking area on the surface of a lot that is the Principal Use on the lot and that is open for public use or operated by a private entity, whether for profit or not, for use by the owners or tenants of the lot and their invited guests only.

Parking, Off-Street: Parking spaces available for the parking outside of a road right-of-way for one or more motor vehicles, excluding residential driveways, such that each vehicle shall have dimensions not less than nine (9) feet by 18 feet, exclusive of passageways and driveways appurtenant thereto and giving access thereof, and having direct access to a street, alley, or aisle.

Plat: A map or plan of a subdivision or use indicating the location and boundaries of individual properties.

Person: An individual, partnership, corporation, or other legally recognized entity.

Personal Care Boarding Home: A facility licensed by the Commonwealth located within a dwelling where room and board is provided to more than three (3), but no more than 12 permanent residents, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding 24 consecutive hours, but who are not in need of hospitalization or skilled nursing care or intermediate nursing care.

Personal Services: Any enterprise providing services pertaining to the person, their apparel, or personal effects commonly carried on or about the person, including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barber shops, beauty parlors, diet and nutritional counseling, fitness or exercise salons, nail or tanning salons, day spas and related activities.

Pet Services: A business establishment that sells pet food and other pet care products to the general public and that may offer pet grooming, a boarding kennel and/or limited veterinary services as Accessory Uses; or a business establishment that offers services for the care during part of a 24 hour day of domestic pets as a Principal Use, and which may sell food or other pet care products as an Accessory Use.

Place of Worship: A building, other than a dwelling, used primarily as a space for religious activities for a recognized religious denomination, which may also include Accessory Uses, such as rooms for religious education, social and recreational activities, administrative offices and preschool or elderly day care, and includes, but is not limited to, churches, mosques, and temples.

Planning Commission: The Planning Commission of Somerset Township, Washington County, Pennsylvania.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved layout plan or any other planning document.

Primary Surface (Zone): An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways, or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Private: Belonging to or concerning an individual person, company, or interest independent from federal, state, or local government agency.

Private Garage: An accessory structure, or a portion of the principal structure, used for the storage of one (1) or more vehicles and the personal property of the occupant(s) of the principal structure, that is subordinate to a Principal Use and structure and that is located on the same lot as such Principal Use and structure. A private garage shall not constitute the principal structure on a lot.

Private Non-Profit Multi-Purpose Sports and Recreational Facilities: Any combination of indoor and outdoor recreation and athletic facilities for active and passive recreation that may include, but not limited to, indoor and outdoor athletic fields, spectator stands or bleachers, exercise or walking trails, facilities for gymnastics or aerobic exercise, picnic shelters and day camping facilities. In addition, certain non-sports and recreation activities that are subordinate and secondary to the athletic facilities, including snack bar, pro-shop, locker rooms, comfort facilities, administrative offices, and the like.

Public: Owned, operated, or controlled by a government agency, federal, state, county or local.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986 (P.L.338, No. 84) known as the "Sunshine Act", 65 P.S. § 271 et seq.

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature

of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Park/Playground: Outdoor recreation facilities available to the general public, owned by a government agency, for the pursuit of sports, recreation and leisure activities.

Public Utility Building: Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment operated by a public utility or any structure housing machinery or equipment necessary to the provision of essential services, including, but not limited to, sewage treatment plants, water plants, switching facilities, substations, and similar facilities.

Radio, TV, Microwave Tower: Transmission towers and antennas, other than communications towers and antennas as defined herein, which are licensed by the Federal Communications Commission (FCC) to radio and television stations for the purpose of broadcasting programming.

Recreational Vehicle: A vehicle, which is built on a single chassis, not more than 400 square feet, measured at the largest horizontal projections, designed to be self-propelled or permanently towable by light-duty truck, not designed for use as a permanent dwelling but as temporary living quarters for recreational camping or travel. This Use is not an all-terrain vehicle (ATV) or a mobile home.

Recycling Collection: A center for the acceptance and processing of small amounts of recyclable materials from the public, including the crushing, baling, shredding, chipping, or other operations, which physically reduce the mass of the materials, but which do not involve any processing which alters the composition of the materials in any way.

Repair Garage: A building, or part thereof, where the Principal Use is the servicing and repairing of motor vehicles, including engine overhaul, body work, and recapping/retreading of tires. All storage of parts and dismantled vehicles and all repair work is conducted entirely inside an enclosed building.

Research and Development Testing Labs: Any establishment which carries on investigation in the natural, physical, or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include pilot manufacturing, as an Accessory Use, to test concepts, determine physical layouts, material flows and processes, types of equipment required, costs and other information necessary prior to undertaking full-scale production.

Residence in Combination with Commercial Use: A dwelling unit located in the same building, with an office and/or retail store.

Restaurant: An establishment where food and beverages are served to customers at a table or counter by a restaurant employee and where customers are given an individual menu and/or are offered buffet service, which includes a complete meal. Restaurants may also offer take-out service as a secondary and minor portion of their operations.

Restaurant, Fast Service: An establishment, which may include drive-thru facilities, where food and beverages are served for consumption either on or off premises and where the primary method of operation involves the serving of food in edible or disposable containers.

Restaurant, Fast Service with Drive-Thru: A fast-service restaurant including drive-thru facilities, which involves a window, service lane, bay, or other facility where customers are provided service while inside their vehicles, characterized by a limited menu and catering only to drive-thru traffic.

Retail Sales: Business establishments located entirely within an enclosed building which sell goods, services, or merchandise to the general public for personal, household or office consumption (including online sales and online auctions) and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

Riding Academy: An establishment engaged in instruction in the handling and riding of horses, which may include boarding stables and an indoor or outdoor riding rink or arena.

Right-of-Way: Land legally dedicated for public purposes, including, but not limited to, a street, alley, or interior walk.

Roadside Sales Stand: An accessory retail stand for the sale of homegrown fruits and vegetables.

Runway: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

School, Public or Private: A place of instruction operated by a public or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, vocation or post-secondary education. This definition shall not include privately operated, for-profit schools of trade, vocation, avocation, or business.

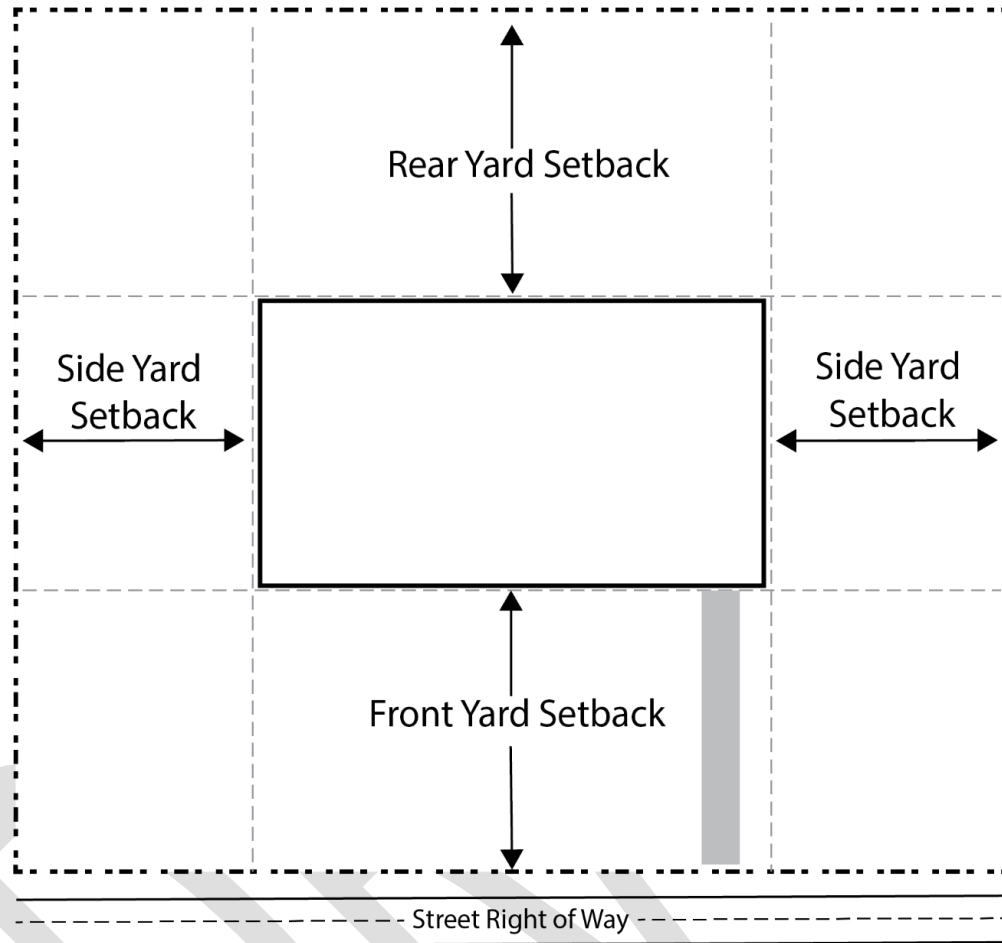
Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited, or remains suspended in water, it is usually referred to as "sediment."

Septic Tank: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

Service Station: A retail place of business, engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including the sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of automotive maintenance and repair, excluding such repairs as spray painting, body, fender, axle, frame, major engine overhaul or recapping/retreading of tires. A service station may also include the operation of a convenience food store.

Setback Line: The line within a property defining the required minimum distance between any structure and the ultimate adjacent right-of-way, and the line defining side and rear yards where required.

Image 205. Setback Lines



Sewage Disposal System, On-Site: A system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

Sewage Disposal System, Public: A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

Sexually Oriented Business An adult arcade, adult bookstore, adult cabaret, adult live theater, adult mini-motion picture theater, adult motion picture theater, adult motel, adult news rack, bath house, body painting studio, massage parlor or out call service or any other business featuring adult entertainment, as defined herein.

Adult Arcade: Any place where the public is permitted or invited wherein coin-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine

at any one time and where the images displayed are distinguished or characterized by the depicting or describing of nudity or sexual conduct, as defined herein.

Adult Bookstore: An establishment having a substantial or significant portion of its stock in trade, including, but not limited to, video cassettes, movies, books, magazines, and other periodicals, which are distinguished or characterized by their emphasis on matters depicting or relating to nudity or sexual conduct, as defined herein, or an establishment with a segment or section devoted to the display of such material.

Adult Cabaret: An establishment devoted to adult entertainment either with or without a liquor license.

Adult Entertainment: Movies which are unrated or are rated "X" by the Motion Picture Coding Association, videos, still or motion pictures, photographs, slides, films or other visual representations, books, magazines, or other printed material or live dramatic, musical or dance performances which depict nudity or sexual conduct, as defined herein.

Adult Live Theater: Any commercial establishment which features live shows for public viewing in which all or some of the performers are displaying nudity or engaging in sexual conduct, as defined herein.

Adult Motion Picture Theater: An enclosed building with a capacity for accommodating less than 50 people used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to nudity or sexual conduct, as define herein.

Adult Motel: A hotel or motel presenting adult entertainment by means of television.

Adult News Rack: Any coin-operated machine or device which dispenses material substantially devoted to the description of nudity or sexual conduct, as herein defined.

Sign: A name, identification, description, display (including electronic) or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign does not include the display of any official court or public office notices, nor any official or municipal traffic control or parking sign or device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school, or religious group. A sign shall not include a name, identification, description, display, or illustration that is located complete within an enclosed building.

Address Marker: A marker, not more than two (2) square feet in size, indicating the address and/or name of a residential property or indicating the address of a commercial property.

Animated: Any sign or part of a sign or sign face that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation of the sign or sign face.

Area: The entire sign face (one (1) side only), or, where the sign consists of raised letters or symbols, or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle, circle or oval that can encompass the letters, symbols, or irregularly shaped sign face.

Awning: A sign displayed on or attached flat against the surface or surfaces of an awning.

Banner: Any sign intended to be hung, either with or without frames, of lightweight material such as paper, plastic, or fabric of any kind. National flags, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.

Billboard: An off-premises sign that conveys information regarding an establishment, an activity, a person, a product, or a service that is unrelated to or unavailable on the premises on which the sign is located.

Canopy: A permanent freestanding roofed structure without walls and not intended for human shelter.

Changeable Copy: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged, mechanically, or electronically, without altering the face or the surface of the sign.

Directional: A sign, no greater than five (5) square feet in size, that provides on-site directional assistance or instruction to vehicular or pedestrian traffic relative to parking area, entrances and exits. Such sign shall contain no advertising other than the business name or logo and shall provide directional information, such as "No Parking," "Entrance," "Exit" "One Way," "Loading Only," "Telephone," and other similar directives. Directional incidental signs shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

Freestanding: A sign that is supported from the ground and not attached to a building. The sign may be attached to a pole, mast, frame, or other structure that is not itself an integral part of, or attached to, a building.

LED: Any sign or portion thereof that displays electronic images, graphics, or pictures, with or without textual information, using LEDs (light-emitting diodes), fiber optics, light bulbs, or other illumination devices or combination thereof within the display area and where a static message change sequence is accomplished immediately or by means of fade, re-pixilation, dissolve or other such modes, devices, processes, products, applications or technologies from a proximate or remote location. Such signs include computer-programmable and microprocessor-controlled electronic displays.

Monument: A freestanding sign in which a solid structure, the width of which is equal to or greater than the width of the sign face, is used to mount the sign area on, in or as an integral part of such structure.

Political: A temporary sign directly associated with any national, state, or local government election.

Pole: A freestanding sign erected on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation underneath it

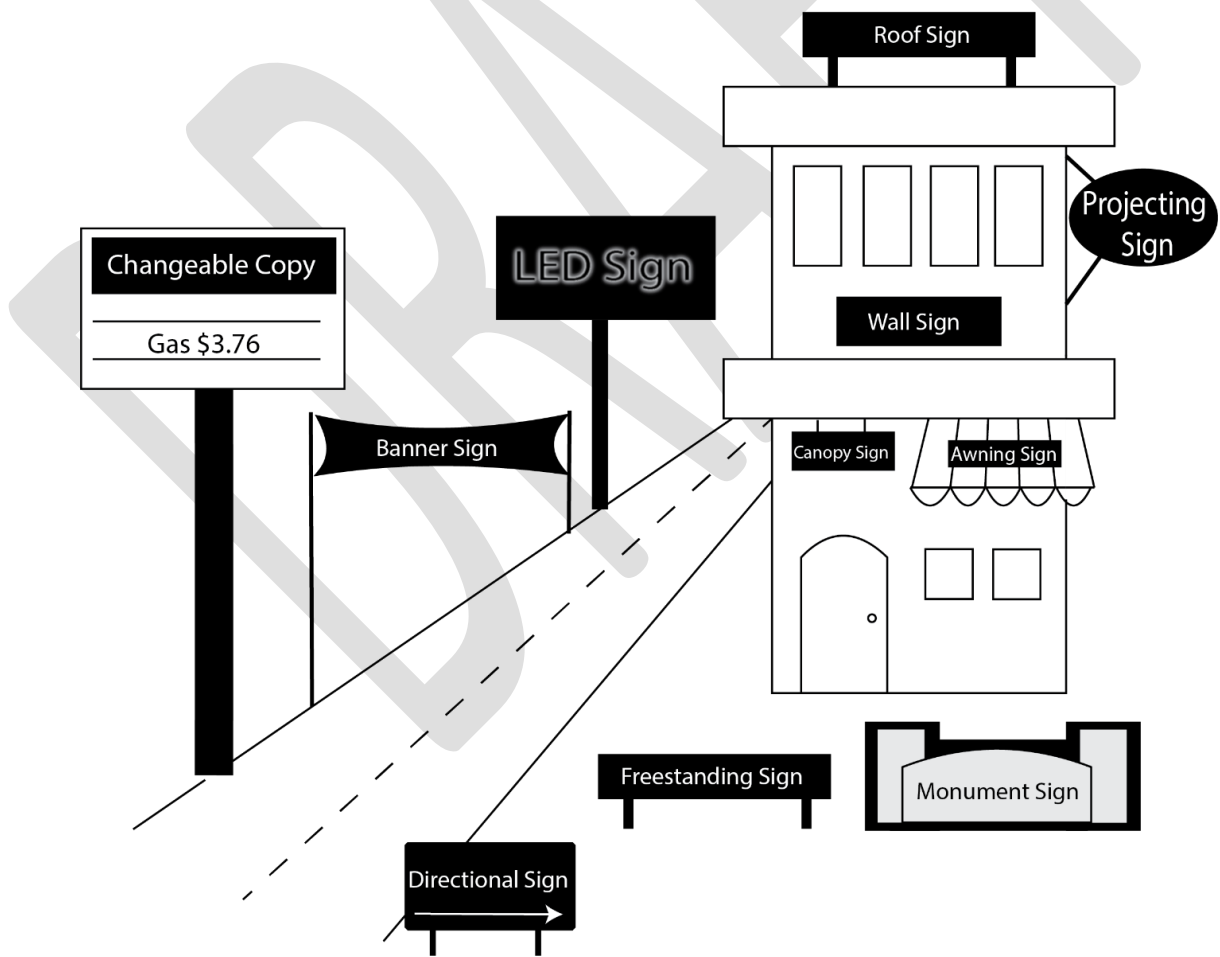
Projecting: a sign attached or affixed to a wall of a building or structure and protruding from the wall surface in such a way that more than one face of the sign is visible.

Roof: A sign erected and maintained upon or above the roof of any building and supported solely on the roof structure.

Temporary: Any sign not permanently attached to the ground or other permanent structure or designed to be transported.

Wall Identification: A sign attached to and erected parallel to the face of an outside wall of a building and projecting outward no more than six (6) inches from the wall of the building which identifies the business or group of businesses located in the building.

Figure 206. Various Building Signs



Sight Distance: The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in this [Chapter](#).

Shopping Center: A group of retail and/or business establishments that are planned, owned, and managed as a total entity with customer and employee parking provided on site. The two (2) main configurations of shopping centers are malls and strip centers.

Short-Term Rental Unit: A residential dwelling that is rented wholly or partially for a fee for a period of less than 30 continuous days and does not include a hotel or a bed and breakfast establishment or a bed and breakfast homestay.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plans of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 or horizontal distance.

Slope, Steep: Land area where the inclination of the land's surface from the horizontal plan is 15% or greater.

Solar Energy Facility: Items, including a solar photovoltaic cell, module, panel or array, or solar hot air/water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for, or intended to be used for, collection of solar energy.

Special Event Barn, Accessory Use: A permanent structure that is currently being used as a barn on a farm and which is sometimes used for the commercial purpose as a venue for weddings, receptions, and other gatherings, to include, but not limited to, birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, business engagements, where such Commercial Use of the barn is secondary to the farming activity on the property.

Special Event Barn, Principal Use: A permanent existing structure that was previously used as a barn and is fully or partially repurposed as a venue for the commercial purpose of hosting weddings, receptions, and other gatherings to include, but not limited to, birthday parties, retirement parties, anniversary parties, graduation parties, formal dinners, and business engagements.

Special Exception: A use permitted in a particular Zoning District pursuant to the provisions of the Standards for Conditional and Special Exceptions Article of this Zoning Ordinance.

Stadium or Arena: A large, open, or enclosed place used for athletic competitions and major events and partly or completely surrounded by tiers of seats for spectators.

Storage Rental Facility: A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property.

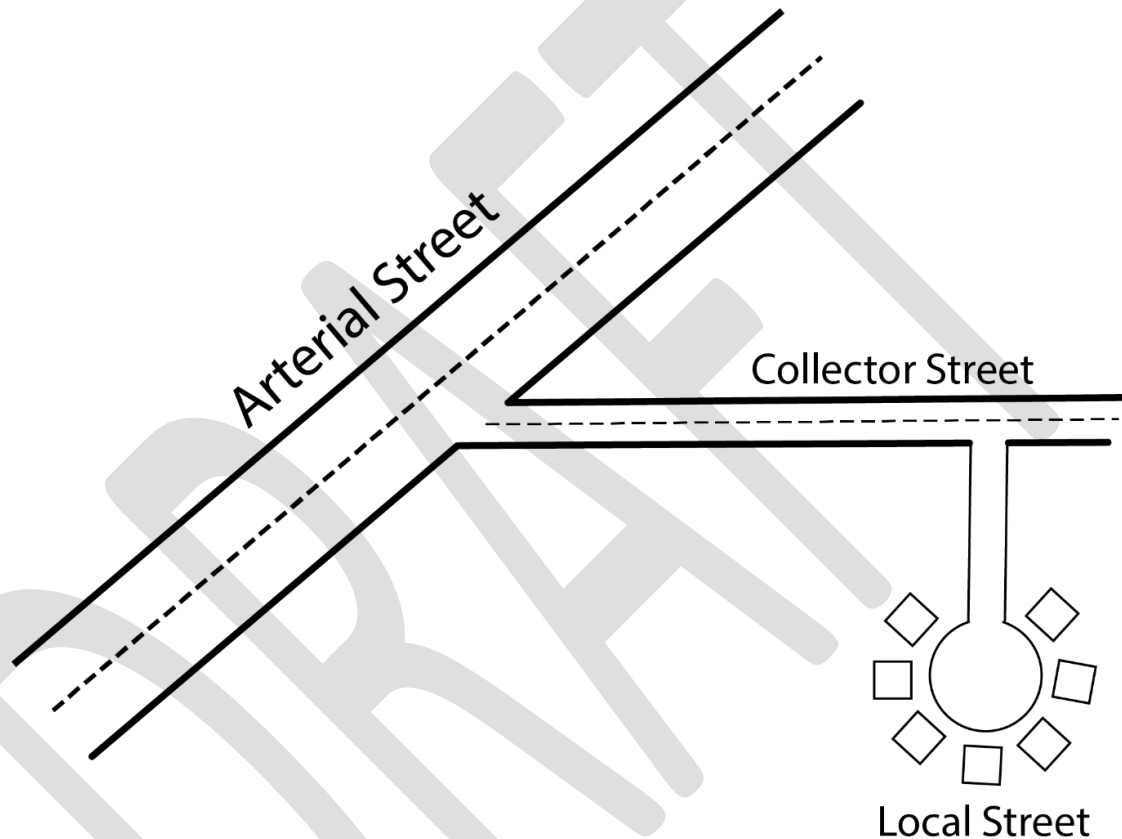
Street: A public or private recorded right-of-way that affords primary means of vehicular access to abutting property, but not including alleys. **Street, Arterial:** Streets serving large volumes of comparatively high-speed

and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

Street, Collector: Streets that, in addition to providing access to abutting properties, intercept local access streets and provide routes to community facilities and to arterial streets.

Street, Local Access: Streets that are primarily used to provide access to abutting properties.

Image 207. Streets



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

Structural Alteration: Any change in the support members of a building such as bearing walls, columns, beams, or girders; changes in the means of ingress and or egress; enlargement of floor area or height of a structure; or relocation of a structure from one person position to another.

Supervisors: The Board of Supervisors of Somerset Township, Washington County, Pennsylvania.

Surveyor: A licensed surveyor registered by the Commonwealth of Pennsylvania.

Swimming Pool: A body of water in an artificial or semi-artificial receptacle or other container, whether located in or out of doors, in-ground or aboveground, which is used for swimming, bathing, or wadding and having a depth at any point of more than 24 inches and a surface area of more than 100 square feet, including the equipment necessary to maintain the swimming pool and the healthful condition of the water.

Theater: An establishment, other than an adult live theater, an adult mini-motion picture theater, or an adult motion picture theater, inside a completely enclosed building devoted to showing motion pictures and/or live dramatic or musical performances.

Tiny Home: A detached single-family dwelling unit, as defined by this Ordinance (except that the size of the unit is not less than 100 and 150 square feet) that is constructed or mounted on a foundation and is connected to utilities. A small dwelling unit built on a chassis is considered a recreational vehicle.

Transitional Surface (Zone): An imaginary surface that extends outward and upward from the edge of the primary and approach surfaces to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1).

Truck Stop: A facility designed to provide fueling, service, and repair of trucks and associated motorized equipment, and which may incidentally provide eating and lodging facilities.

Truck Terminal: A facility to accommodate the service, repair and storage of trucks and other motorized equipment and trailers, and which may incidentally provide warehousing activities and transfer facilities.

Township: The Township of Somerset, Washington County, Pennsylvania.

Use: An activity, business, or purpose for which any lot or structure is utilized.

Use, Authorized: Any Principal Use or Accessory Use allowed by this chapter as a Permitted Use by Right, Conditional Use, or Use by Special Exception.

Use by Special Exception: An Authorized Use, which may be granted only by the Zoning Hearing Board in accordance with standards and criteria found in this Ordinance.

Use, Conditional: An Authorized Use, which may be granted only by the Board of Supervisors pursuant to the standards in this chapter and criteria after recommendation by the Planning Commission and after public hearing held in accordance with the requirements of this Ordinance.

Use, By Right: An Authorized Use which, upon an application, may be granted by the Zoning Officer in accordance with the provisions of this Ordinance.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Variance: Relief granted under the provision of the Township Review and Approval Article of the Zoning Ordinance.

Veterinary Clinic: An establishment where animals are examined and treated by veterinarians, and which may include kennels for temporary boarding of animals during treatment.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Warehousing: The storage and handling of freight or merchandise, but not including the maintenance of commercial vehicles.

Water Facility: Any water works, water supply works, water distribution system or part thereof, designed, intended, or constructed to provide or distribute potable water.

Wild or Exotic Animal: Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise as controlled by the Commonwealth of Pennsylvania. It shall include any animal which is wild, fierce, dangerous, noxious, or naturally inclined to do harm. Wild animals, however domesticated, shall also include but not limited to:

- 1) Amphibians: All venomous frogs, toads, turtles, etc.
- 2) Bear (Ursidae): All bears, including grizzly bears, brown bears, black bears, etc.
- 3) Cat Family (Felidae): All except commonly accepted domestic cats; including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, wild cats, etc.
- 4) Crocodylians: All alligators, caimans, crocodiles, gavials, etc.
- 5) Dog Family (Canidae): All except domesticated dogs; including wolf, fox, coyote, dingo, or offspring of domesticated dogs bred with a wolf, fox, coyote, dingo, etc.
- 6) Mongooses (Feliformia): Mongooses, civets, etc.
- 7) Pig: All wild or domestic swine, etc., excluding certified Vietnamese potbellied pigs.
- 8) Porcupine (Erethizontidae): All porcupines, etc.
- 9) Primates (Hominidae): All sub-human primates, etc.
- 10) Raccoons (Procyonidae): All raccoons, etc.
- 11) Reptiles: All venomous or constricting snakes; venomous lizards, etc.
- 12) Venomous Invertebrates: All venomous spiders, scorpions, etc.
- 13) Weasels (Mustelidae): All including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, etc., excluding domesticated ferrets.

Wind Energy Facility: An area of land under common ownership or control containing one (1) or more wind turbines used primarily for generating electricity to off-site customers, including substations, meteorological

towers to measure wind speed, cables, wires and other accessory structures and buildings necessary to the operation of the facility.

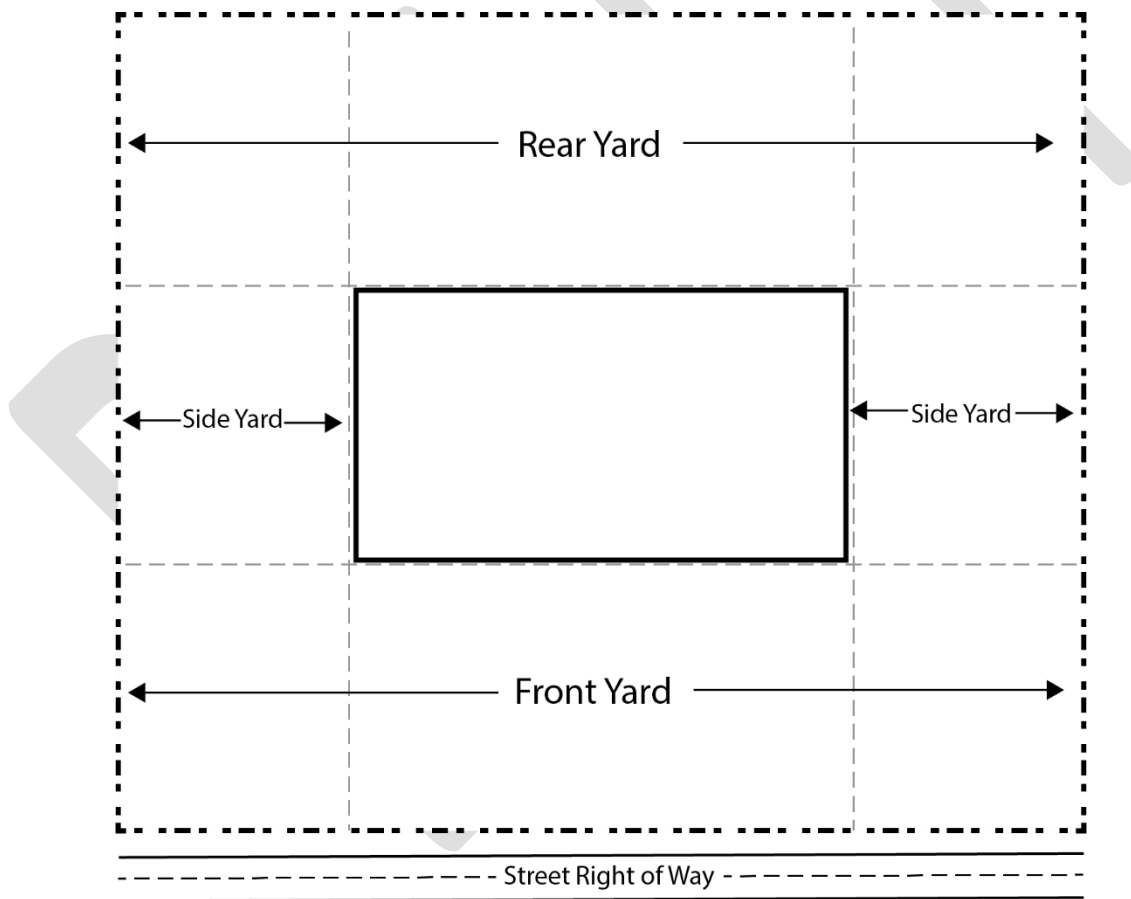
Yard: Any open, unoccupied space on a lot, other than a court, that is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this Ordinance.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high-water line and a line parallel thereto.

Yard, Rear: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high-water line and a line parallel thereto.

Yard, Side: An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.

Figure 208. Yard Diagram



Zoning District: An area of parcels in the Township in which regulations under this Ordinance uniformly apply. The boundaries of each district are shown on the official Township Zoning Map.

Zoning Overlay District: A Zoning Overlay District superimposes an additional set of regulation over existing Zoning District, or multiple Zoning Districts. Zoning overlays, or overlay zoning, are Zoning Districts applied to

specific geographies based on unique, defined criteria, which are in addition to the standards outlined for the underlying base Zoning District. Where an overlay regulation conflicts with a base district regulation, the requirements of an Overly District shall supersede those of the base district.

DRAFT

Article III. Zoning District Regulations

Where are each of the defined land uses permitted in the Township? The Township of Somerset Zoning Ordinance establishes Zoning Districts, each with a clear purpose, within which certain land uses are permitted. Those districts are established and defined in this Section.

1. Establishment of Zoning Districts

For the purpose of this Zoning Ordinance, the entire Township of Somerset is hereby divided into the following Districts:

- A-1 Agriculture
- B-1 Business
- B-2 Business, Special
- M-1 Industrial
- R-1 Single Family Residential
- R-2 Residential

Where the Zoning District does not follow the property lines, the district boundary should be 500 feet from the right of way for the following districts:

- M1: Route 70, Wherry Road
- B1: SR 136, SR 519, and SR 70, SR 917

2. Purpose of Zoning Districts

A-1 Agriculture

The purpose of the A-1 Agriculture District is to preserve the agricultural land within the Township, as well as encourage a minimum of other low-intensity uses that complement the rural nature of the Township.

B-1 Business

The purpose of the B-1 Business District is to provide sufficient space for commercial, services, shopping, and retail uses, including vehicle and highway-oriented businesses and services, as well as neighborhood serving businesses and facilities.

B-2 Business, Special

The purpose of the B-2 Business District is to provide sufficient space for commercial, services, shopping, and retail uses, along with certain uses that would require a special exception, as such uses could disturb and/or cause a nuisance to residents.

M-1 Industrial

The purpose of the M-1 Industrial District is to provide an appropriate location and sufficient space for uses of industrial nature, as well as prohibit residential uses to protect the well-being of the Township's residents.

R-1 Single Family Residential

The purpose of the R-1 Single Family District is to provide low-density, single-family residential, agriculture, complementary low-intensity uses, and other uses that are a benefit to the health and well-being of the Township's residents.

R-2 Residential

The purpose of the R-2 Residential District is to provide low to medium density residential uses, as well as multi-family uses, along with the complementary low intensity uses and other uses that are a benefit to the health and well-being of the Township's residents.

ADO Airport District Overlay

The purpose of this district overlay is to create an Airport District Overlay that considers safety issues around the Bandel Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for the use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

3. Zoning Map

A. Zoning Map Title.

A map entitled "Somerset Township Zoning Map" is hereby adopted as part of this chapter. The Zoning Map shall be kept on file for examination in the office of the Township Secretary.

B. Application and Interpretation of Zoning District Boundary Lines.

The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, centerlines of streets, the limits of the Township, or as dimensioned on the Zoning Map. In case of doubt concerning the exact location of the boundary line, the determination shall be made by the Township Zoning Officer.

Where a district boundary line divides a lot held in single ownership at the effective date of this Ordinance, the district boundary line applies, and the regulations of each Zoning District apply to the land area of the lot that sits within each Zoning District.

4. Area and Bulk Regulations By District

The following area and bulk regulations for principal and accessory structures shall be observed for all Permitted Uses by Right, Conditional Uses, or Uses by Special Exception.

- A. No more than one (1) principal structure shall be constructed on a single lot.
- B. Lots which abut on more than one (1) street shall provide the required front yards along every street.
- C. 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 the structure's accessory to a single-family house may extend into required rear and side yards, but not closer than 10 feet to rear and side yard lot lines.
- D. Any nonconforming 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 that 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.
- E. 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.
- F. 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 300. Non-Residential Uses – Setbacks from Other Uses

MINIMUM SIDE OR REAR YARD ABUTTING ANY LOT IN ANY RESIDENTIAL DISTRICT	USE
20 feet	Off-street parking spaces, access drives for non-residential uses
40 feet	Schools, public structures, or places of worship
70 feet	Recreation facilities, entertainment facilities, hotel and motel, all business uses and all industrial uses
100 feet	Feed lots for more than twenty (20) animals

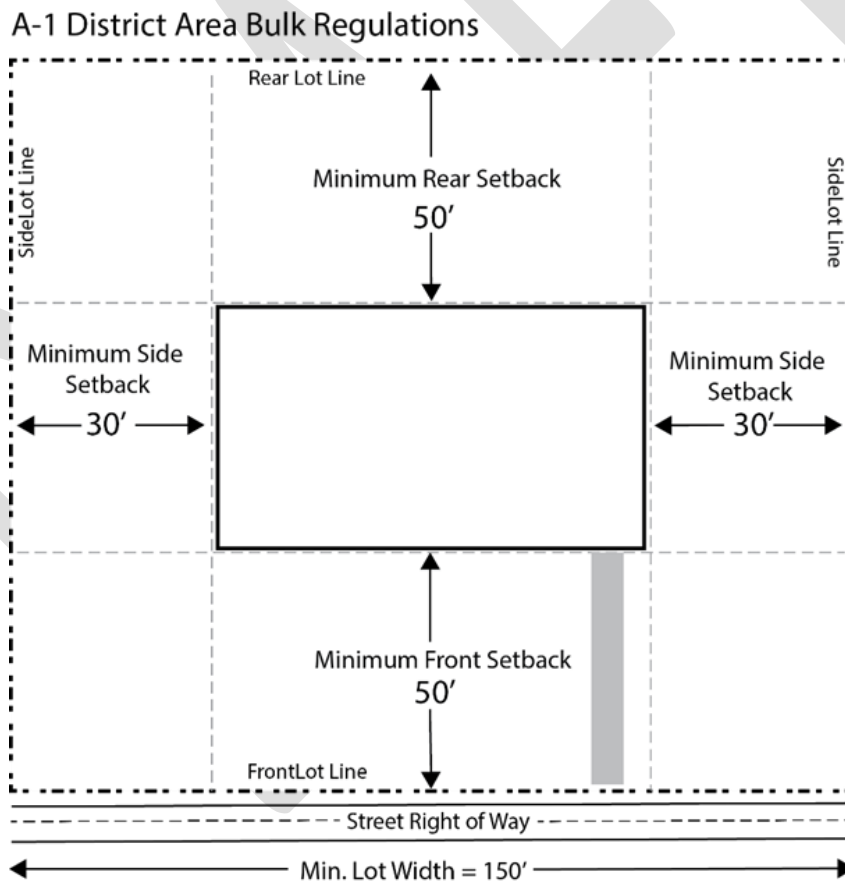
G. A-1 District

Table 301. A-1 Area and Bulk Regulations

AREA AND BULK REGULATIONS IN THE A-1 DISTRICT

Minimum Lot Size	Lots with public sewer = 0.5 acre Lots without public sewer = 1 acre <u>1 acre</u>
Maximum Lot Coverage	20%
Minimum Lot Width	150 feet
Minimum Front Setback	50 feet
Minimum Side Setback	30 feet
Minimum Rear Setback	50 feet
Maximum Height	Principal Structure = 50 feet Accessory Structure = 50 feet

Figure 300. A-1 Area and Bulk Regulation Diagram



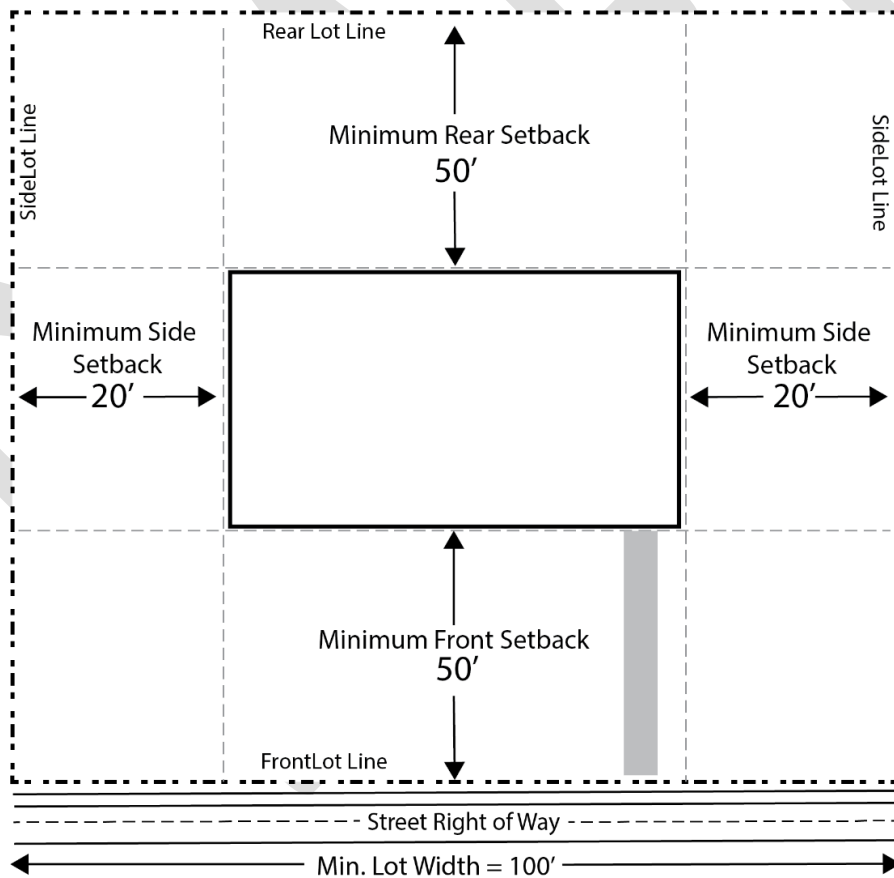
*Corner lots shall provide front yards on each street frontage. The rear yard shall be the yard, which is opposite the front yard on which the principal structure faces. The remaining yard or yards shall be the side yards.

H. B-1 and B-2 District

Table 302. B-1 and B-2 Area and Bulk Regulations

AREA AND BULK REGULATIONS IN THE B-1 AND B-2 DISTRICTS	
Minimum Lot Size	Lots with public sewer = 7,500 feet Lots without public sewer = 20,000 feet
Maximum Lot Coverage	40%
Minimum Lot Width	100 feet
Minimum Front Setback	50 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	50 feet
Maximum Height	Principal Structure = 35 feet Accessory Structure = 35 feet

Figure 301. B-1 and B-2 Area and Bulk Regulation Diagram
B-1 and B-2 District Area Bulk Regulations



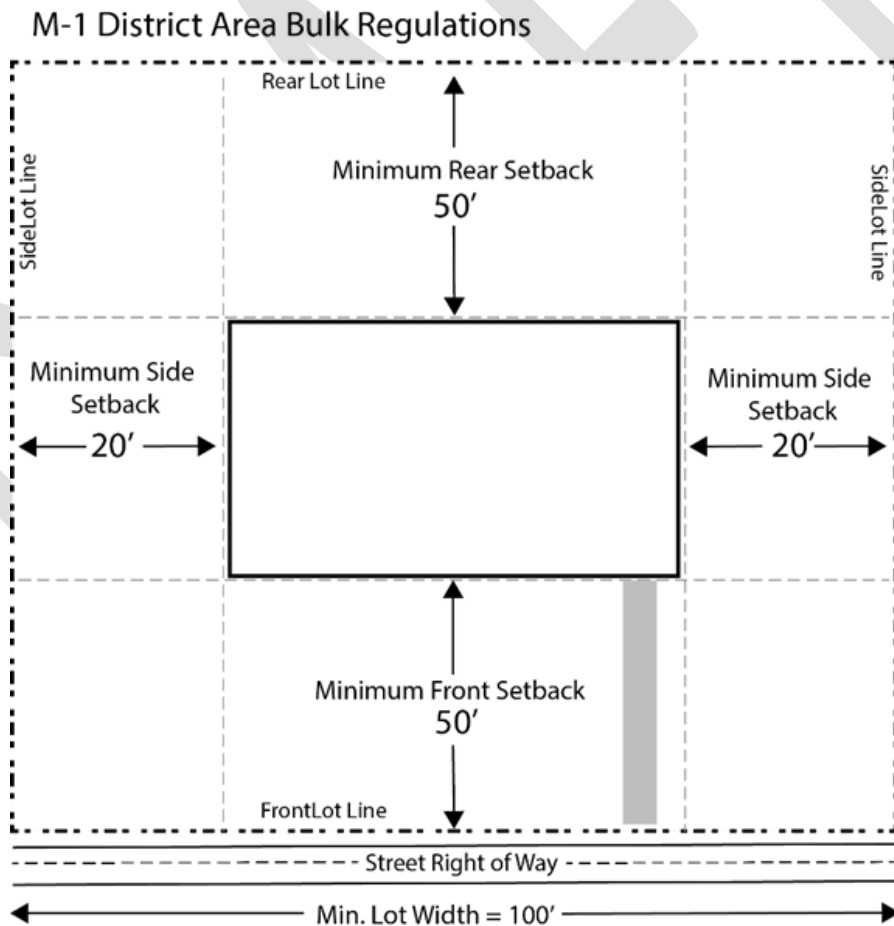
*Corner lots shall provide front yards on each street frontage. The rear yard shall be the yard, which is opposite the front yard on which the principal structure faces. The remaining yard or yards shall be the side yards.

I. M-1 District

Table 303. M-1 Area and Bulk Regulations

AREA AND BULK REGULATIONS IN THE M-1 DISTRICT	
Minimum Lot Size	20,000 square feet
Maximum Lot Coverage	40%
Minimum Lot Width	100 feet
Minimum Front Setback	50 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	50 feet
Maximum Height	Principal Structure = 35 feet Accessory Structure = 35 feet

Figure 302. M-1 Area and Bulk Regulation Diagram



*Corner lots shall provide front yards on each street frontage. The rear yard shall be the yard, which is opposite the front yard on which the principal structure faces. The remaining yard or yards shall be the side yards.

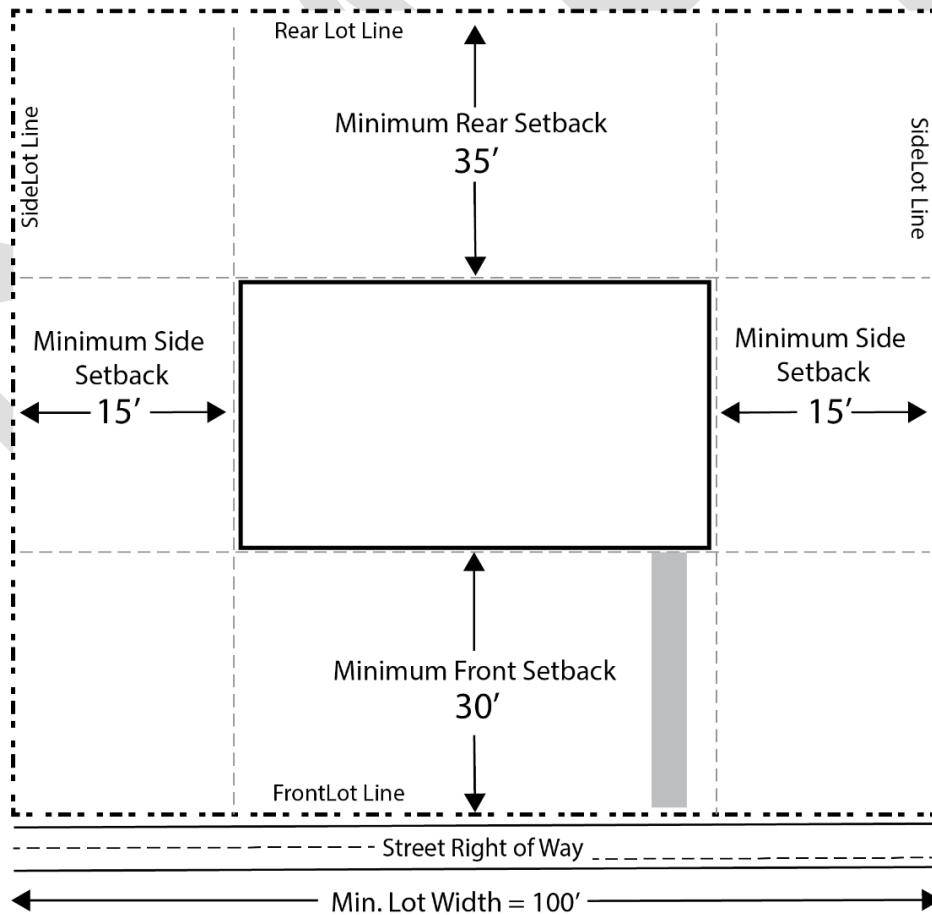
Table 304. R-1 Area and Bulk Regulations

AREA AND BULK REGULATIONS IN THE R-1 DISTRICT

Minimum Lot Size	Lots with public sewer = 6,000 square feet Lots without public sewer = 10,500 square feet
Maximum Lot Coverage	40%
Minimum Lot Width	75 feet
Minimum Front Setback	30 feet
Minimum Side Setback	15 feet
Minimum Rear Setback	35 feet
Maximum Height	Principal Structure = 35 feet Accessory Structure = 35 feet

Figure 303. R-1 Area and Bulk Regulations Diagram

R-1 District Area Bulk Regulations



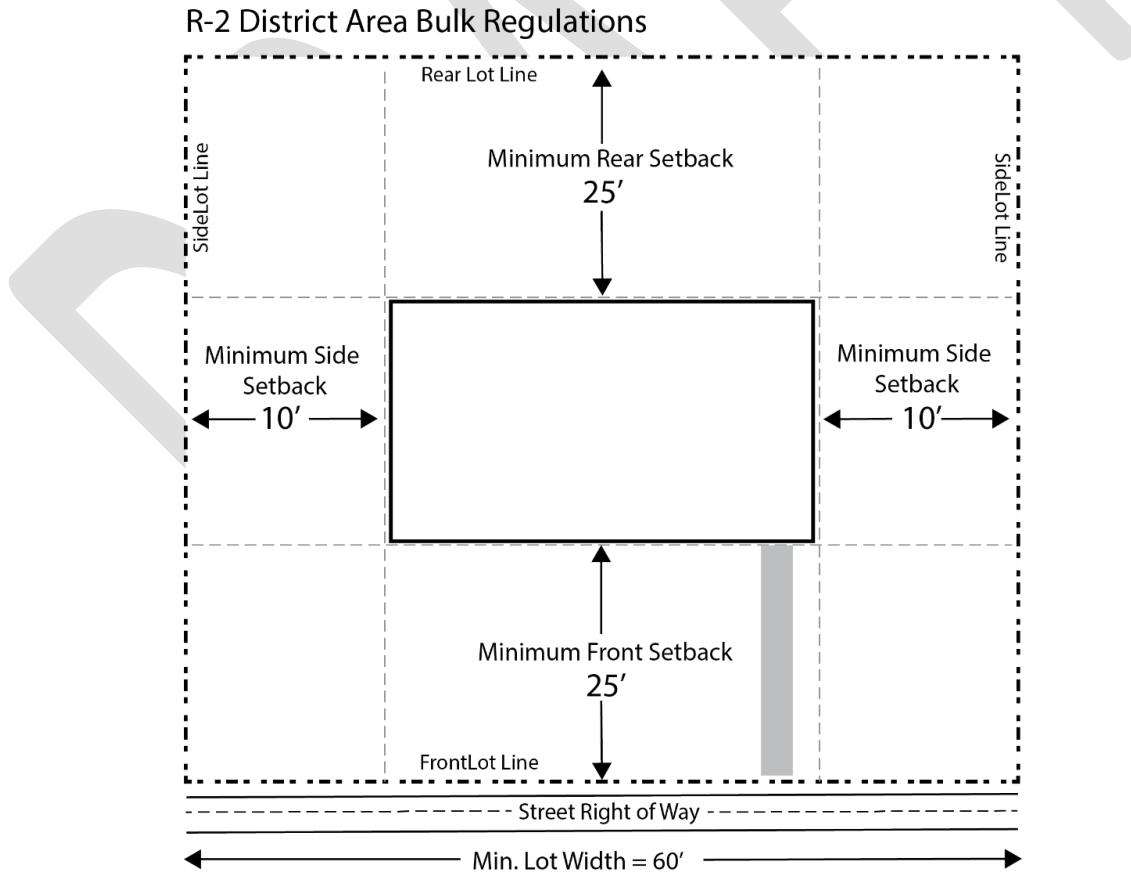
*Corner lots shall provide front yards on each street frontage. The rear yard shall be the yard, which is opposite the front yard on which the principal structure faces. The remaining yard or yards shall be the side yards.

K. R-2 District

Table 305. R-2 Area and Bulk Regulations

AREA AND BULK REGULATIONS IN THE R-2 DISTRICT	
Minimum Lot Size	Lots with public sewer = 2,500 square feet Lots without public sewer = (7,200) square feet
Maximum Lot Coverage	40%
Minimum Lot Width	60 feet
Minimum Front Setback	25 feet
Minimum Side Setback	10 feet
Minimum Rear Setback	25 feet
Maximum Height	Principal Structure = 35 feet Accessory Structure = 35 feet

Figure 304. R-2 Area and Bulk Regulation Diagram



*Corner lots shall provide front yards on each street frontage. The rear yard shall be the yard, which is opposite the front yard on which the principal structure faces. The remaining yard or yards shall be the side yards.

5. ADO – Airport District Overlay

- A. Relation to other Zoning Districts: The Airport District Overlay shall not modify the boundaries of any underlying Zoning District. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction, in addition to those contained in the underlying Zoning District.
- B. Establishment of Airport Zones: There are hereby created and established certain zones within the Airport District Overlay Ordinance, as defined in this Ordinance and depicted on Bandel Airport Hazard Area Map, hereby adopted as part of this Ordinance, which include:
- 1) Approach Surface Zone
 - 2) Conical Surface Zone
 - 3) Horizontal Surface Zone
 - 4) Primary Surface Zone
 - 5) Transitional Surface Zone
- C. Permit Applications: As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in subsection D of this section.
- D. Variance: Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the department's BOA, as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
- 1) No Objection – The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination, a variance shall be granted.
 - 2) Conditional Determination – The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively

mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 9 – Obstruction Marking and Lighting.

- 3) **Objectionable** – The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Ordinance.

- E. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the Airport District Overlay in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing Bandel Airport.
- F. **Pre-Existing Nonconforming Uses:** The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the nonconformity, and a nonconforming use, once substantially abated, (subject to the underlying Zoning Ordinance) may only be reestablished consistent with the provisions herein.
- G. **Obstruction Marking and Lighting.** Any permit or variance granted pursuant to the provisions of this Ordinance may be conditioned according to the process described in this section to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.
- H. **Violations and Penalties:** Violations and penalties are subject to this Zoning Ordinance.
- I. **Appeals:** Appeals are subject to the procedures of this Zoning Ordinance.
- J. **Conflicting Regulations:** Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

- K. Severability: If any of the provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

6. Authorized Uses

For the following identified Uses and Districts, the table below indicates whether identified Principal Uses are Permitted by Right (R), Conditional Use (CU) or Special Exception (SE) in each Zoning District. Only one Principal Use, as identified in the “Use Chart” below, is permitted on a lot or parcel.

Table 306. Somerset Township Zoning Use Chart

Use	Zoning Districts					
	A-1	M-1	B-1	B-2	R-1	R-2
Residential Uses						
Mobile Home	R	--	--	--	R	R
Mobile Home Parks	--	--	--	--	CU	--
Multi-Family Dwellings	--	--	--	--	<u>RCU</u>	<u>RCU</u>
Quadruplex Dwelling	<u>CU</u>	--	--	--	<u>RCU</u>	<u>RCU</u>
Single-Family Dwelling Unit	R	--	R	--	R	R
Tiny Home	--	--	--	--	CU In Mobile Home Park	--
Townhouse	<u>--CU</u>	--	--	--	<u>--CU</u>	<u>RCU</u>
Two-Family Dwelling (Duplex)	--	--	--	--	--	R
Non-Residential Uses						
Agriculture	R	R	R	R	R	--
Agricultural Services	R	R	R	<u>--R</u>	<u>--R</u>	--
Airport	SE	--	--	--	--	--
Animal Day Care	<u>CU</u> R	CU	CU	CU	--	--
Animal Shelter	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>--</u>	<u>--</u>
Assisted Living Facility	CU	--	CU	CU	CU	<u>RCU</u>
Auction House	--	--	R	R	--	--
Automotive Sales, Rental and Service	--	CU	CU	<u>RCU</u>	--	--
Bakery	<u>--CU</u>	<u>CU--</u>	R	R	--	--
Bank - Financial Institution	--	R	R	R	--	--
Banquet Facility	--	CU	CU	<u>RCU</u>	--	--
Bar/Nightclub	--	--	CU	CU	--	--

Use	A-1	M-1	B-1	B-2	R-1	R-2
Bed and Breakfast	CU	CU	CU	CU	CU	CU
Billboard	SE	SE	SE	SE	--	--
Builders Supply	--	R	R	R	--	--
Campground/RV Park	SE	--	--	--	--	--
Car Wash	--	R	R	R	--	--
Casino	--	CU	CU	CU	--	--
Cemetery	CU	CU	CU	CU	CU	CU
(Medical) Clinics, Other than Methadone Clinic	R	R	R	R	--	--
Club - Private		CU	CU	CU		
Commercial Recreation	CU	--	--	--	--	--
Communications Antenna	--	--	--	--	R	R
Communications Tower	CU	CU	CU	CU	CU	CU
Community Center	R	R	R	R	R	R
Conference and Training Center	--	CU	R	R	--	--
Contractor's Office/Yard	CU	CU	CU	CU	--	--
Convenience Store	--	CU	CU	CU	--	--
Correctional Institution	SE	SE	--	--	--	--
Crematorium	CU	CU	--	--	--	--
Day Care Center	CU	CU	R	R	CU	CU
Distributed Antenna System (DAS)	CU	CU	CU	CU	CU	CU
Distribution Center	--	CU	--	--	--	--
Drug and/or Alcohol Counseling Center	--	--	CU	CU	--	--
Dry Cleaning Facility with Drop-off and Pick-up	--	CU	--	--	--	--
Electric Vehicle (EV) Charging Station	--	CU	R	R	--	--
Emergency Services	R	R	R	R	R	R
Essential Services	R	R	R	R	R	R
Exotic Animal Park	CU	--	--	--	--	--
Financial Institution, with Drive-Thru Facilities	--	--	CU	CU	--	--
Forestry	R	R	R	R	R	R
Funeral Home		CU	R	R	CU	CU
Gas/Fuel Stations	--	CU	R	R	--	--
Gas/Fuel Station with Car Wash	--	CU	CU	CU	--	--
Gas/Fuel Station with Convenience Store	--	CU	CU	CU	--	--
Gas/Fuel Stations, with Drive-Thru	--	CU	CU	CU	--	--
Gas/Fuel Stations with Restaurant	--	CU	CU	CU	--	--

Golf Course/Country Club	SE	SE	SE	SE	SE	SE
Greenhouse/Nursery	R	R	R	R	--	--
Government Offices		R	R	R	R --	R --
Group Care Facility	R --CU	R CU	CUR	R CU	R --CU	R --CU
Health Club/Fitness Center	--	R	R	R	--	--
Heliport	--	CU		--	--	--
Hobby Farm	R	--R	--	--	--R	--
Hospital	--	R	R	R	--	--
Hotel	--	--CU	CU	CU	--	--
Hunting or Fishing Club	CUR	CU --	--	--	--	--
Impoundment (for Oil and Gas Operations)	CU	CU	--	--	--	--
Independent Living Facility	--CU	--CU	--CU	--CU	CU	CU
Junk Yard/Salvage Yard	--	CU	--	--	--	--
Kennel	CU	CU	CU --	CU --	--	--
Landfill	--	CU	--	--	--	--
Laundry Facility	--	R	R	R	CU	--CU
Library	--	--	R	R	SE	SE
Manufacturing Facility, Heavy	--	CU	--	--	--	--
Manufacturing Facility, Light	--	R	--	--	--	--
Massage Parlor	--	--		SE	--	--
Medical Marijuana Dispensary	--	--	CU	CU	--	--
Medical Marijuana Grower/Processor	CU	CU	--	--	--	--
Methadone Treatment Facility (Clinic)	--	SE		SE	--	--
Micro-Brewery/Micro-Distillery/Winery	SE	CU	CU	CU	--	--
Micro-Brewery Pub	--	--	CU	CU	--	--
Mineral Removal	CU	CU	--	--	--	--
Motel	--	--	CU	CU	--	--
Movie Theater	--	--	R	R	--	--
Museum	CU	CU	R	R	CU	CU
Music and Art Studio	--	--	R	R	--	--
Natural Gas Compressor Station	CU	CU	--CU	--CU	--	--
Natural Gas Processing Facility	CU	CU	--CU	--CU	--	--
Nursing Home	CU	--	--	--	CU	--
Office-Business and Professional	--	CU	CU	CU	--	--
Oil and Gas Development	CU	--CU	--CU	--CU	--	--
Outdoor Amusement	CU	--CU	CU	CU	CU --	CU --
Parking Garage	--	CU	CU	CU	--	--
Parking Lot	CU	CU	CU	CU	CU	CU
Personal Care Boarding Home	--	--	--	--	CU	--
Personal Services	--	CUR	CUR	CUR	--	--

Use	A-1	M-1	B-1	B-2	R-1	R-2
Personal Services Over 5,000 SF	CU	CU	CU	CU	--	--
Pet Services	<u>R</u>	CU	CU	CU	--	--
Place of Worship	SE	--	R	R	SE	SE
Principal Solar Energy System	CU	CU	CU	CU	CU	--
Private Non-Profit Multi-Purpose Sports & Recreation Facilities	CU	--	CU	CU	--	--
Public Park/Playground	R	R	R	R	R	R
Public Utility Building	R	R	R	R	R	R
Recycling Collection		CU	--	--	--	--
Repair Garage	CU	CU	R	R	--	--
Research and Development Testing Labs	<u>CU</u>	CU	CU	CU	--	--
<u>Residence in Combination with Commercial Use</u>	--	<u>CU</u>	<u>CU</u>	--	--	--
Restaurant	--	--	CU	CU	--	--
Restaurant, Drive-Thru	--	--	CU	CU	--	--
Restaurant, Fast Service	--	--	CU	CU	--	--
Retail Sales	--	--	R	R	--	--
Riding Academy	CU	--	--	--	--	--
Schools, Public or Private	CU	--	R	R	CU	CU
Sexually Oriented Businesses	--	--	--	SE	--	--
Shopping Center	--	--	R	R	--	--
Short-Term Rental Unit	--	--	--	--	SE	SE
Special Event Barn	CU	CU	CU	--	--	--
Stadium or Arena		CU	CU	CU	--	--
Storage Rental Facility	--	R	R	R	--	--
Theater	--	--	R	--	--	--
Truck Stop	--	CU	CU	--	--	--
Truck Terminal	--	CU	CU	--	--	--
Uses - Not Listed, Comparable	CU	CU	CU	CU	--	--
Veterinary Clinic	CU	CU	CU	--	--	--
Warehousing	--	R	--	--	--	--
<u>Wind Energy Facility</u>	--	<u>SE</u>	--	--	--	--

Accessory Uses

Use	A-1	M-1	B-1	B-2	R-1	R-2
Dwelling Unit	R	--	--	--	R	R
Apiaries (Keeping of Bees)	R	--	--	--	R	R
Barn	R	--	--	--	R	R
Chickens and Ducks, Keeping of	R	R	R	R	R	--
<u>Antennas on Approved Communication Tower or Existing structure</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>

Use	A-1	M-1	B-1	B-2	R-1	R-2
Electric Vehicle (EV) Charging Station	R	R	R	R	R	R
Garage, Private	R	--	R	R	R	R
Hobby Farm	R	-- <u>R</u>	R <u>--</u>	R <u>--</u>	R	--
Home Occupation	R	--	R	R	R	R
Individual Wind Energy Facility	R	--	R	R	R	R
Mobile Food Vendor (Food Truck)	R	R	R	R	R	R
No-Impact Home-Based Business	R	R	R	R	R	R
Riding Academy	R	--	--	--	--	--
Roadside Sales Stand	R	R	R	R	R	R
Solar Energy Facility, Accessory	R	R	R	R	R	R
<u>Special Event Barn, Accessory</u>	<u>R</u>	--	<u>R</u>	--	--	--
Storage Shed	R	R	R	R	R	R
Swimming Pool	R	--	R	R	R	R

Article IV. Standards for Conditional and Special Exception Uses

In addition to the general standards and criteria for all Conditional Uses and Uses By Special Exception listed above, an application for any of the following uses, which are listed in any zoning district as a Conditional Use or Use By Special Exception, shall comply with the applicable standards and criteria specified below for that use.

1. Airport

- A. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, related to the use of airports and/or heliports.
- B. No part of the takeoff/landing strip and/or pad shall be located within 300 feet from any property line.
- C. The applicant shall provide the delineation of the airport or heliport hazard zone, which includes approach, transitional, horizontal, and conical zones as shown in the official records and navigational charts of the Federal Aviation Administration. This information shall be provided to Somerset Township and all adjoining municipalities with land located within the hazard zone.

2. Animal Day Care

- A. The operator of any animal day care shall hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
- B. Minimum lot size of five (5) acres.
- C. Hours of operation shall be limited to 9 a.m. to 7 p.m.
- D. Any exterior fenced area wherein animals exercise or are otherwise kept or permitted to remain must be located a minimum of 150 feet from any principal structure on adjacent lots, measured from any point of the perimeter of the exterior exercise area.
- E. The perimeter of the exterior exercise area must be fenced with weatherproof material, a minimum of five (5) feet in height, and the area must be accessible only through a self-latching gate.
- F. Indoor exercise runs shall be required.
- G. Any structure used to house animals shall be equipped with code-approved nontoxic noise dampening material or acoustic tile, and all housing structures for animals shall be located indoors.

3. Animal Shelter

- A. The operator of any animal shelter shall hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
- B. Any exterior fenced area wherein animals exercise, or are otherwise kept or permitted to remain, must be located a minimum of (150) feet from any principal structure on adjacent lots.
- C. The perimeter of the exterior exercise area must be fenced with weatherproof material, a minimum of five (5) feet in height, and the area must be accessible only through a self-latching gate.
- D. Any structure used to house animals shall be equipped with code-approved nontoxic noise dampening material or acoustic tile, and all housing structures for animals shall be located indoors.

4. Assisted Living Facility

- A. The assisted living residence shall meet all licensing requirements of the Commonwealth of Pennsylvania Department of Public Welfare.
- B. The facility shall have direct access to a state or county highway.
- C. The assisted living residence shall be the sole occupant of the lot.
- D. A minimum lot size of two (2) acres shall be required.
- E. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- F. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot, in accordance with the requirements of this Ordinance.

5. Automotive Sales, Rental and Service

- A. Ingress, egress, and internal circulation shall be designed to ensure safety and accommodate peak demands without hazard or delay.
- B. Such uses shall have direct access to a collector or arterial street.
- C. All site lighting shall be provided by sharp cut-off fixtures and shall be shielded away from the street and adjacent lots.
- D. Uses involving the servicing or repair of motor vehicles shall not be located any closer than 200 feet to any residential lot, school, church, playground, or public building.
- E. All areas of the lot occupied by the use shall be paved with asphalt or concrete.

F. All areas of the lot, not occupied by the use, shall be landscaped.

6. Banquet Facility

- A. The parcel on which the facility is located shall be at least five (5) acres in size and able to accommodate all facets of the event within the boundaries of the property.
- B. Banquet facilities, including all fixtures, tents, and parking, shall be set back at least 50 feet from all property lines.
- C. Any banquet facility shall be subject to the following setback requirements:
 - 1) Residential Zoning District Boundaries: (750) feet
 - 2) Existing Residential Structures: (1,000) feet
- D. The conduct of the event, including fixtures, tents, and parking, may extend to the grounds but may not extend into the building setback areas.
- E. Parking shall be on the property on which the banquet facility is located. Under no circumstances may parking be on state or township roads, on other public property, or on private property other than that on which the banquet facility is located.
- F. The required building setback areas may not be used for parking.
- G. No event may begin before 11:00 a.m. or extend past ~~11:00~~ 11:00 p.m., with all attendees exiting the premises by midnight.
- H. All entertainment must end by ~~10:00~~ 10:00 p.m.
- I. All entertainment, including, but not limited to, DJs, music, bands, a dance floor, or a stage shall be limited to the interior of the special event venue.
- J. No pyrotechnics or open fires may be used.

7. Bar/Night Club

- A. Nightclubs shall cease operations between the hours of 2:00 a.m. and 11:00 a.m.
- B. Outdoor seating areas shall be fully enclosed, connected to and accessible only from the interior of the principal structure, and shall cease operation at 11 p.m.
- C. There shall be no noise or vibration discernible along any property line greater than the average noise level occurring on adjacent streets and properties.
- D. All operations shall be conducted within a completely enclosed building, and doors and windows shall remain closed during hours when entertainment is presented.

- E. The owner/operator of the night club shall provide private security, licensed under the laws of the Commonwealth of Pennsylvania, if the maximum permitted occupancy of the night club exceeds 100 persons.
- F. Any night club, which proposes a maximum permitted occupancy of 200 or more persons, shall be located at least 500 feet from any property line which adjoins any Residential Zoning District classification.

8. Bed and Breakfast

- A. The minimum lot area shall be 20,000 square feet.
- B. The maximum number of sleeping rooms offered shall be four (4).
- C. The owner/operator shall be a full-time resident of the dwelling.
- D. No meals, other than breakfast, shall be served on the premises. Meals shall not be served to customers who are not overnight guests.
- E. The maximum length of stay for any guest shall be seven (7) consecutive overnight stays in any 30-day period.

9. Campground/Recreational Vehicle Park

- A. The minimum site required for a Campground/Recreational Vehicle Park shall be 10 acres.
- B. The Campground/Recreational Vehicle Park shall be screened from any adjacent residential properties or Zoning Districts in accordance with the screening and buffer requirements of this Ordinance.
- C. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicle.
- D. The site shall have adequate sanitary facilities as determined by the Township Engineer.

10. Casino

- A. A traffic study shall be required as part of the application for development. The study shall identify traffic control measures, within the proposed site and at the points of ingress and egress warranted at peak usage of the facility. The study shall be reviewed by the Township Engineer.
- B. Any casino shall have frontage on and direct access to a major highway.
- C. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.

- D. All property lines, which adjoin Residential Uses or Residential Zoning Districts, shall be screened by applicable screening measures, as outlined in the screening requirements of this Ordinance.
- E. No direct beams or rays of light from exterior lighting fixtures, signs, or vehicles maneuvering on the development site shall be permitted to shine into any property in a Residential Zoning District and associated open spaces of adjacent residential properties.
- F. Location of buildings and structures, traffic, circulation, and parking lots shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.

11. Cemetery

- A. A minimum site of 10 acres is required.
- B. A drainage plan shall be submitted with the Application for Conditional Use Approval to show existing and proposed runoff characteristics.
- C. All property lines adjoining Residential Use or Zoning classification shall be screened by a bufferyard as defined by this Ordinance.

12. Club – Private

- A. The minimum site required for a club shall be 40,000 square feet.
- B. Clubhouses shall be located at least 50 feet from any property line.
- C. All property lines adjoining Residential Use or Zoning classification shall be screened by a bufferyard as defined by this Ordinance.
- D. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
- E. Operations shall be discontinued between the hours of 2 a.m. and 6 a.m.
- F. Ingress, egress, and internal circulation shall be designed to ensure safety and minimize impact on local roads.

13. Commercial Recreation

- A. A minimum site of one (1) acre shall be required.
- B. All principal structures shall be located at least forty (40) feet from any property line.
- C. Parking shall be provided in accordance with the off-street parking requirements of this Ordinance. Security fencing, at least six (6) feet in height, and screening shall be provided along all property lines adjoining Residential Use or Zoning District classification. Screening shall be a buffer area, as described in this Ordinance.

- D. No outdoor speakers shall be permitted.
- E. All lighting shall be shielded from adjacent streets and properties.
- F. The use shall comply with the Performance Standards of this Ordinance.
- G. Any facility located within two hundred (200) feet of a property line adjoining a Residential Use or Zoning District classification shall cease operations at ~~12:00 midnight~~11:00 p.m.

14. Communication Tower

A. Compliance With Other Regulations.

- 1) If applicable, the applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower and communication antennas. If not applicable, the Township may require evidence of any exemption.
- 2) All applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation shall be met.
- 3) All applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable airport zoning regulations shall be met.

B. Dimensional Requirements

- 1) Towers shall be no taller than necessary to perform their intended function. The maximum height of any communications tower shall be no more than 300 feet unless preempted by airport zoning.
- 2) Communication towers may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District it is located within, but the minimum area devoted to the communications tower shall be at least two (2) acres.

C. Yard and Setback Requirements.

- 1) The minimum dimension between the tower base and any abutting property line shall be at least the height of the tower plus 10 feet.
- 2) No two (2) towers, existing or proposed, shall be within 3,000 feet of one another unless two (2) or more towers are placed on the same parcel or lot. The distance between any tower base and the edge of the site is at least the height of the tower closest to the edge.
- 3) No tower shall be located within 500 feet of a residential lot with an occupied residential building unless waived by resident.

- 4) All support guy wire anchors and accessory buildings shall be located within a fenced area upon the site.
 - 5) Any communications equipment building shall comply with the required yards and height requirements of applicable Zoning District for an accessory structure.
- D. Shared use of a tower. Before a new tower site can be approved, the developer shall demonstrate that there is no feasible existing elevated location within 3,000 feet of the proposed site capable of supporting his/her equipment at the required height. Existing structures, such as steeples, silos or water tanks may be used, as well as existing towers in lieu of a new tower. The developer shall provide letters from the owners of the elevated locations stating that they have refused the developer the use of their site.
- E. Fencing, Access, Landscaping, Lighting, and Other Standards.
- 1) Pole towers will be preferred over lattice towers.
 - 2) A security fence at least eight (8) feet high shall surround the entire area around the base of the tower, any accessory buildings and guy anchors on the ground.
 - 3) Access to the site, if it does not abut a public road, shall be over an easement at least 20 feet wide between road and site, and shall be improved with a dust-free, all-weather surface to a width of at least 10 feet for its entire length.
 - 4) Existing trees on the site shall not be removed except within the fenced area or for the access easement. An evergreen screen at least six (6) feet high shall be planted at the base of the tower and accessory buildings to screen them from the view of nearby residences.
 - 5) The tower and site shall not be lit except as may be required by the Federal Aviation Administration.
- F. Tower Design and Maintenance.
- 1) The tower installation shall be designed by a registered Pennsylvania professional engineer, who shall supervise the construction at no cost to the Township, shall certify that the structure has been designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association. The structure must be capable of carrying at least twice the anticipated initial load, with a safety factor for two (2), and of withstanding wind and ice loads in accordance with accepted engineering practices.
 - 2) The developer shall provide a schedule for regular inspection and maintenance of the tower and site and shall be responsible to mow the entire site that is not in woods or in agricultural or other active use.

G. Submission Requirements.

- 1) Even if a tower site is to be leased, a subdivision or land development plan shall be prepared to show the site, described by bearings and distances, within the property from which the site will be leased or sold.
- 2) Evidence of a lease agreement must be presented.
- 3) A site development plan, drawn to scale, shall also be prepared to precisely show the location of the tower on the site, fencing, support buildings on the ground, guy anchors, and access easement.
- 4) The subdivision plan shall be reviewed and, if approved, recorded per timing provision of the Somerset Township Subdivision and Land Development Ordinance.
- 5) Once finalized, the applicant shall submit the name, address, and emergency telephone number for the operator of the communications tower for the use of emergency management personnel.
- 6) The applicant shall submit a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas.

H. Timing of approval. All applications for new Communication Towers shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such Communications Towers, including an application fee in an amount established from time to time by resolution of the Board of Supervisors. If the Township receives an application for a Communications Tower and the application is not fully completed, then the Township shall notify the applicant within 10 business days that the application is not complete and the time for approval of the application shall not commence until a fully completed application is received by the Township.

I. Ultimate Disposition. The developer, or current owner, shall be responsible for the removal of the tower and the returning of the site to its original condition within one (1) calendar year after if the tower is abandoned or the equipment is no longer operational. Landscaping installed during development of the site may remain in place. Each tower owner shall inform the Township of any changes in ownership or responsibility for a tower immediately after the change occurs.

15. Conference and Training Center

- A. Ingress, egress, and internal traffic circulation shall be designed to ensure safety, accommodate emergency vehicles and minimize congestion.
- B. Vehicular access shall be provided from the site to a street defined as collector or arterial by the Township without traversing local streets beyond the frontage that the site may have on a local street.

- C. Outdoor lighting shall be shielded and reflected away from adjoining streets and residential properties.
- D. All property lines adjoining Residential Use or Zoning classification shall be screened by a bufferyard as defined by this Ordinance.

16. Contractor's Office/Yard

- A. All outdoor storage shall be within rear or side yard setbacks and behind the front lot line.
- B. All use shall be screened from view, in accordance with the screening regulations as described in this Ordinance.

17. Convenience Store

- A. Buffering of parking and loading areas as described in this Ordinance shall be required.
- B. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- C. All lighting shall be shielded away from adjacent properties and streets.
- D. The facility shall be connected to public sewers.

18. Correctional Institution

- A. A traffic impact study shall be required.
- B. To ensure public safety and health, the site shall be served by and connected to a public sewer system and public water system at the cost of the landowner and/or developer.
- C. An applicant shall apply for all applicable federal, state, and county permits prior to filing the Conditional Use Application. Copies of all such application materials shall be submitted with the Conditional Use Application. No correctional institution use shall be initiated until all applicable federal, state, and county permits have been obtained for the subject facility and proof of such permits have been provided to the Township.
- D. Parking facilities for staff and visitors shall be in accordance with "Off-Street Parking and Loading."
- E. All parking areas shall be screened for view from public or private streets.
- F. Lighting shall be required throughout the property for safety purposes. Such lighting shall be oriented away from adjacent properties and shall be zero-foot candles of illumination at the property boundary line.
- G. All structures shall be a minimum of 150 feet from all property lines.

- H. Such use shall not be located within 500 feet of any Residential Zoning District or Residential Use.
- I. Such use shall not be located within 500 feet of any School, public or private.
- J. All lots shall have a minimum size of 10 acres.
- K. Access shall be from arterial or collector streets only.
- L. An evacuation plan shall be submitted for review and approval by the responsible police department and Township emergency service providers.

19. Crematorium

- A. The minimum site required shall be five (5) acres.
- B. The crematory shall be 500 feet away from an existing or proposed dwelling.
- C. No crematorium shall be located within 200 feet of any lot line.
- D. All property lines adjoining Residential Use or Zoning classification shall be screened by a bufferyard as defined by this Ordinance.
- E. The operator of the crematorium shall have any and all applicable licenses and comply with all regulations outlined by the Commonwealth of Pennsylvania.

20. Day Care Center

- A. The use shall comply with applicable county, state, and federal regulations, including having an appropriate Pennsylvania Department of Public Welfare registration certificate or license, if required.
- B. Safe access and areas for discharging and picking up children shall be provided.
- C. Outdoor play areas shall be provided and shall be secured by a fence with a self-latching gate. The swimming pool and bathing area shall be completely enclosed by a wall or fence with self-latching gate not less than six (6) feet and not more than eight (8) feet in height.
- D. Outdoor play areas, which adjoin residential lots, shall be screened.
- E. The day care center shall be supervised by responsible non-client adults whose number shall be determined and certified by the appropriate supervisory agency(ies).
- F. The general safety of the site proposed for a day care center shall be evaluated as it relates to the needs of small children.

21. Distributed Antenna System

A. Co-location, Location and Siting.

- 1) Commercial communications antennas in the ROW shall be co-located on existing poles, such as existing utility poles that already act as standard antenna support structures or light poles. If co-location is not technologically feasible, the applicant shall locate its commercial communications antennas on existing poles that do not already act as standard antenna support structures.
- 2) Commercial communications antennas in the ROW are permitted in all Zoning Districts, subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
- 3) Commercial communications antennas shall not be located on any building in the ROW, single family detached residences, single family attached residences, or any residential accessory structure. No commercial communications antenna may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or has been designated by the Township to be of historical significance.

B. Design Regulations.

- 1) Antenna installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
- 2) Antennas and all supporting equipment shall be treated to match the supporting structure. Facilities and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the supporting structure upon which they are mounted.
- 3) Commercial communications antennas and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - a) Ground-mounted equipment and electrical meter cabinets shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
 - b) Any proposed underground vault related to commercial communications antennas shall be reviewed and approved by the Township.

- C. The applicant shall submit proof that the proposed antenna will not interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- D. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such similar period in the case of an emergency, an owner of any antenna in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any antenna when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- 1) The construction, repair, maintenance, or installation of any Township or other public improvement in the ROW.
 - 2) The operations of the Township or other governmental entity in the ROW.
 - 3) Vacation of a street or road; or the release of a utility easement.
 - 4) An emergency, as determined by the Township.
- E. Prior to receipt of a Zoning Permit for the construction or placement of a commercial communications antenna, the applicant shall provide to the Township financial security sufficient to guarantee the removal of the proposed antenna. Said financial security shall remain in place until the antenna is removed.
- F. Any commercial communications antenna shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. All antennas shall, at all times, be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- G. Any commercial communications antenna shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).
- H. The commercial communications antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair. Such maintenance shall be performed to ensure the upkeep of the facility, in order to promote the safety and security of the Township's residents. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

- I. No commercial communications antenna may, by itself or in conjunction with other antennas, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended.
- J. In the event that use of a commercial communications antenna is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned antennas shall be removed as follows:
 - 1) All abandoned or unused antennas and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Township.
 - 2) If the antenna is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Township, the antenna and any related equipment may be removed by the Township and the cost of removal assessed against the owner of the antenna.
- K. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all commercial communications antennas in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- L. Each person that owns or operates a commercial communications antenna shall provide the Township with a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the commercial communications antenna.
- M. Each person that owns or operates a commercial communications antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the commercial communications antenna. Each person that owns or operates a commercial communications antenna shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a commercial communications antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorney fees, reasonable expert fees, court costs and all other costs of indemnification.

N. Co-locations and modifications that fall within the provisions of the Pennsylvania Wireless Broadband Collocation Act.

- 1) Section 4 (a-d) shall not apply to facilities which are governed by the Pennsylvania Wireless Broadband Collocation Act. To the extent permitted by law, the remaining provisions in Section 4 (e-1) shall apply to co-location applicants desiring to place new antennas on existing wireless communications facilities, as well as those applicants desiring to modify existing facilities. Any applicant proposing the co-location or modification of a commercial communications antenna shall submit a Building Permit to the Township Zoning Office.
- 2) Within 30 calendar days of the date that an application for a commercial communications antenna is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's 90-day review period.

22. Distribution Center

A. A traffic study shall be required as part of the application for development. The study shall identify traffic control measures, within the proposed site and at the points of ingress and egress warranted at peak usage of the facility. The study shall be reviewed by the Township Engineer.

A-B. The applicant shall prepare an environmental impact study identifying impacts to air quality, water quality and stormwater management, as a result of the distribution center development. The applicant shall provide a plan to mitigate any material detrimental impacts and a list of the required permits and approvals from all federal, state, and local agencies with jurisdiction over such matters. The study shall be reviewed by the Township Engineer.

B-C. The applicant shall provide a description of the proposed use for the nature of on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage materials, and the methods of disposal of any surplus or damaged material. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.

C-D. No outdoor storage of material shall occur within a required front yard.

D-E. If the use is within 300 feet of an existing dwelling or an existing school, private or public, the buffer yard shall increase to 50 feet. The buffer yard shall be landscaped as defined by this ordinance.

E.F. The applicant will make reasonable efforts to utilize environmentally positive design criteria for the distribution center where feasible.

23. Drug and/or Alcohol Counseling Center

- A. The site shall have frontage on and direct vehicular access to an arterial street or collector street, as defined by this Ordinance.
- B. The drug and alcohol counseling center shall not be located within 500 feet of an existing school, public park, public playground, or day care center.
- C. All property lines adjoining Residential Use or Zoning classification shall be screened by a bufferyard as defined by this Ordinance.

24. Dry Cleaning Facility with Drop-off and Pick-up

- A. All dry-cleaning facilities shall follow the rules and regulations imposed by the Pennsylvania Dry Cleaning Law (No.1990-214).
- B. All materials and equipment shall be stored within a completely enclosed building.
- C. The manufacturing of hazardous or potentially hazardous materials shall not be permitted.
- D. All waste disposal storage areas shall be located in the rear yard, in compliance with all setback requirements of the applicable zoning district and shall be screened in accordance with the bufferyard requirements of this chapter.

25. Electric Vehicle (EV) Charging Station

- A. Each electric charging position shall consist of a ten foot by 20-foot parking space that is restricted with signage to use by electric vehicles during charging.
- B. If an electric vehicle charging position is provided, at least one such position shall be handicap accessible.
- C. Such electric vehicle charging positions shall be separated from fuel dispensing facilities and buildings by a minimum distance of 25 feet.
- D. Electric vehicle charging stations shall be installed in compliance with all applicable building and fire codes.
- E. Required parking spaces shall not be used as charging positions.

26. Exotic Animal Park

- A. Except as shall be permitted under Township ordinances within a park, zoo, or similar permitted establishment for exhibit to the public, it shall be unlawful for any person to own, possess, keep, harbor, assist or have in one's possession any exotic or wild animal.
- B. Except as otherwise permitted in this article, it shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, parcel of land within the Township or any residence, tenancy or business premises so situated to knowingly permit any other person to be in possession of an exotic or wild animal upon the property or premises.

27. Financial Institution with Drive-Thru Facilities

- A. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- B. The drive-thru facility shall be located on or to the side or rear of the principal structure.
- C. In addition to the parking spaces required for the principal use, a minimum of five (5) standing/vehicle stacking spaces, in tandem with a total length of 100 feet, in direct line with each window or stall, shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or any aisle serving parking spaces or overflow onto adjacent properties, streets, or berms.
- D. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- E. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
- F. A pass-by lane shall be provided to allow for vehicles to exit the drive-thru area without passing by the drive-thru window.

28. Funeral Home

- A. The minimum lot size shall be one (1) acre.
- B. The site shall have frontage on and direct vehicle access to an arterial or collector street.
- C. Any funeral home adjoining any Residential Use or Residential Zoning District shall be screened from view, in accordance with the buffer yard requirements of this Ordinance.

D. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

D-E. Funeral Homes shall obtain any applicable Federal, State or Local licensing and provide copies to the Township for record keeping purposes.

29. Gas/Fuel Station

- A. The ingress and egress shall not create hazardous conditions or unique congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automobile supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.
- C. All gas stations shall have a canopy that includes adequate lighting, over all fuel pumps.
- D. Gasoline pumps shall be located at least 40 feet from the center line of the right-of-way of any other street.
- E. All fuel, oil or similar substance shall be stored at least 25 feet from any property line.
- F. All property lines adjoining Residential Uses or Residential Zoning Districts shall be screened by a buffer area, as described in this Ordinance.
- G. All lighting shall be shielded away from adjacent properties and streets.

30. Gas/Fuel Station with Car Wash

- A. The ingress and egress shall not create hazardous conditions or unique congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automobile supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.
- C. All gas stations shall have a canopy that includes adequate lighting, over all fuel pumps.
- D. Gasoline pumps shall be located at least 40 feet from the centerline of the right-of-way of any other street.
- E. All fuel, oil or similar substance shall be stored at least 25 feet from any property line.
- F. All property lines adjoining Residential Uses or Residential Zoning Districts shall be screened by a buffer area, as described in this Ordinance.

- G. All lighting shall be shielded away from adjacent properties and streets.
- H. The facility shall be connected to public sewers.
- I. The car wash facility shall be limited to hours of operation between 6 a.m. and 10 p.m. If the car wash facility is a self-serve car wash it may be open 24 hours a day, 7 days a week.
- J. The entrance to the car wash shall be designed to permit a waiting line in one (1) or more lanes for a total of at least 10 cars.
- K. In no event shall cars be permitted to stand in the public right-of-way.
- L. The entrance to the car wash shall comply with the performance standards of this Ordinance.
- M. Any vacuum facilities shall only be permitted in the rear or side(s) of the lot.

31. Gas/Fuel Station with a Convenience Store

- A. The ingress and egress shall not create hazardous conditions or unique congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automobile supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.
- C. All gas stations shall have a canopy that includes adequate lighting, over all fuel pumps.
- D. Gasoline pumps shall be located at least 40 feet from the centerline of the right-of-way of any other street.
- E. All fuel, oil or similar substance shall be stored at least 25 feet from any property line.
- F. All property lines adjoining Residential Uses or Residential Zoning Districts shall be screened by a buffer area, as described in this Ordinance.
- G. All lighting shall be shielded away from adjacent properties and streets.
- H. The facility shall be connected to public sewers.

32. Gas/Fuel Station with Drive-Thru

- A. The ingress and egress shall not create hazardous conditions or unique congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automobile supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.

- C. All gas stations shall have a canopy that includes adequate lighting, over all fuel pumps.
- D. Gasoline pumps shall be located at least 40 feet from the centerline of the right-of-way of any other street.
- E. All fuel, oil or similar substance shall be stored at least 25 feet from any property line.
- F. All property lines adjoining Residential Uses or Residential Zoning Districts shall be screened by a buffer area, as described in this Ordinance.
- G. All lighting shall be shielded away from adjacent properties and streets.
- H. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- I. The drive-thru facility shall be located on or to the side or rear of the principal structure.
- J. In addition to the parking spaces required for the principal use, a minimum of five (5) standing/vehicle stacking spaces, in tandem with the total length of 100 feet, in direct line with each window or stall, shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or any aisle serving parking spaces or overflow onto adjacent properties, streets, or beams.
- K. Entrances, exits, and standing spaces shall be adequately indicated with pavement markings and/or direction signs.
- L. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
- M. A pass-by lane shall be provided to allow vehicles to exit the drive-thru area without passing by the drive-thru window.
- N. Any drive-thru shall have no more than two (2) service lanes.
- O. Any drive-thru shall be adequately screened by a six (6) foot evergreen buffer as described in this Ordinance, where the drive-thru is adjacent to a Residential Use or Residential District.

33. Gas/Fuel Station with Restaurant

- A. The ingress and egress shall not create hazardous conditions or unique congestion of traffic circulation in the immediate area.
- B. All automobile parts and supplies shall be stored within a building, except that automobile supplies may be displayed for sale at the fuel pump and at a distance no greater than five (5) feet away from the pumps.

- C. All gas stations shall have a canopy, which includes adequate lighting, over all fuel pumps.
- D. Gasoline pumps shall be located at least 40 feet from the centerline of the right-of-way of any other street.
- E. All fuel, oil or similar substance shall be stored at least 25 feet from any property line.
- F. All property lines adjoining Residential Uses or Residential Zoning Districts shall be screened by a buffer area, as described in this Ordinance.
- G. All lighting shall be shielded away from adjacent properties and streets.
- H. The use shall comply with the minimum parking requirements for restaurant uses, as described in the off-street parking requirements of this chapter.
- I. Required off-street parking for the restaurant shall be clearly designated and shall be located within 300 feet of the entrance to the restaurant.
- J. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front façade of the principal structure in which it is located.
- K. Outdoor storage of restaurant materials shall not be permitted.

34. Golf Course/ Country Club

- A. Golf courses or country clubs shall have a minimum site of 10 acres.
- B. Clubhouses shall be located at least 100 feet from any property line adjoining Residential Use or Zoning classification and at least 50 feet from all other property lines.
- C. Clubhouses, which are located within 300 feet of a Residential Use or Zoning classification, shall be screened by a bufferyard, in accordance with the bufferyard regulations of this Ordinance.
- D. Where eating and/or drinking facilities are provided, parking requirements for restaurants shall apply, in addition to the parking requirements for golf courses.
- E. Operations shall be discontinued between the hours of 2:00 a.m. and 6:00 a.m.
- F. Swimming pools shall be subject to the swimming pool provisions of this Ordinance.
- G. Ingress, egress, and internal circulation shall be designed to ensure safety and minimize impact on local roads.

35. Government Offices

- A. The minimum lot area required shall be two (2) acres.
- B. The site shall have frontage on and direct vehicular access to an arterial street or collector street, as defined by this Ordinance.
- C. Ingress and egress to and from the site shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
- D. Buildings shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
- E. All outside storage shall be completely enclosed by a six (6) foot high hedge or solid fence.
- ~~F.~~ F.—A buffer area, as described in this Ordinance, shall be provided along all property lines adjacent to any Residential Use or Zoning classification.

36. Group Care Facility

- A. There shall be adequate supervisors as needed by an adequate number of person(s) trained in the field for which the group home is intended.
- B. Any Group Care Facility is required to be licensed or certified under an applicable state, county, or federal program as a condition of Township approval. A copy of such licensing or certification shall be filed with the Township, and Township and shall be required to be shown to the Zoning Officer unthein the future upon request.
- C. The facility shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Township.
- A-D. If the facility is located within a residential zoning district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area.

~~37~~36. Helipad

- A. Helipads shall be located at least 100 feet from any property line or public street.
- B. Helipads shall be limited to use by emergency services and health systems.
- C. Evidence of compliance with all applicable regulations of the Federal Aviation Administration and Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.
- D. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.

- E. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
- F. An application for a helipad on a roof shall be accompanied by a certification by a Registered Engineer that the loads imposed by the helicopter will be supported by the structure.
- G. Lighting shall be shielded away from adjacent properties.

3837. Hobby Farm

- ~~A. A hobby farm is permitted as a Conditional Use in the Residential District (R-1).~~
- ~~B.A.~~ The minimum lot area for a hobby farm is 10 acres, which can include acreage around a newly created lot so long as the acreage is vacant, used as farmland, and located on a family owned and operated farm.
- ~~C.B.~~ The owner of the hobby farm shall reside on the lot.
- ~~D.C.~~ Hobby farms may include any of the activities encompassed by agriculture, as defined by this chapter. The sale of agricultural products raised on the hobby farm shall be permitted. Private stables are also permitted and included in the definition of "Hobby Farm."
- ~~E.D.~~ The number of animals maintained on a hobby farm, if any, shall be reasonably related to the size of the lot, the area available for grazing, and the capacity of the land to sustain the animals without creating a nuisance.
- ~~F.E.~~ On a lot utilized for a private stable, one (1) horse or pony shall be permitted on the first three (3) acres of land. One (1) additional horse or pony shall be permitted for each additional acre over three (3) acres. However, no private stable or hobby farm shall have more than a total of eight (8) horses or ponies at any one time.
- ~~G.F.~~ No stables or buildings, in which animals are kept or manure is stored, shall be located within 75 feet of any lot line or within 100 feet of any occupied dwellings within the parcel or located on adjacent parcel, other than the stable owner's dwelling.
- ~~H.G.~~ No grazing of any animals shall be permitted closer than 50 feet from an occupied dwelling within the parcel or located on an adjacent parcel, excluding the private stable or hobby farm owner's dwelling.
- ~~H.H.~~ A hobby farm owner shall not permit litter and droppings from their horses or any other animals to collect, so as it results in a presence of fly larvae or objectionable odors.
- ~~H.I.~~ The area of the lot used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent lots.

~~K.~~ J. The primary residence/principal structure on the lot shall meet the Zoning Districts lot area and bulk requirements.

~~L.~~ K. The minimum accessory building setbacks are the same as the principal building setbacks.

1. Maximum structure height is 35 feet.
2. Maximum lot coverage is 30 percent.

3938. Hotel

- A. The maximum permitted building height for motel/hotels may be increased to 75 feet provided that the required yards are increased by one (1) foot for every foot of building height in excess of 50 feet.
- B. Ingress, egress, and internal traffic circulation shall be designed to ensure safety, accommodate emergency vehicles and minimize congestion.
- C. Vehicular access shall be provided from the site to a street defined as collector or arterial by the Township without traversing local streets beyond the frontage that the site may have on a local street.
- D. Outdoor lighting shall be shielded and reflected away from adjoining streets and residential properties.
- E. Swimming pools proposed as Accessory to a motel/hotel shall be subject to the fencing requirements of this Ordinance and any other Ordinance of the Township regulating swimming pools.
- ~~F.~~ All property lines adjoining Residential Use or Zoning classification shall be screened by a bufferyard as defined by this Ordinance.

40. Hunting or Fishing Club

- A. The minimum lot area for a hunting or fishing club shall be 20 acres.
- B. No more than one (1) permanent ~~single-family~~ single-family dwelling shall be developed and occupied as part of the club facilities.
- C. All facilities and services provided on the property shall be for the exclusive use of club members.
- D. Shooting ranges shall be designed and operated so as to provide no danger or hazards to adjacent properties and shall comply with shooting range standards of the Pennsylvania Fish and Wildlife Commission.

E. Buffering and screening of activities from adjacent residential uses may be required by the Board of Supervisors.

4139. Independent Living Facility

- A. The minimum site required shall be one (1) acre.
- B. The facility shall be fully licensed by the Commonwealth of Pennsylvania.
- C. The minimum front, rear and side yards shall be 40 feet each.
- D. The site shall be serviced by public water and sewer.
- E. Water volume and pressure shall be adequate for fire protection.
- F. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles and to minimize impact on local roads.
- G. The parking and circulation plan shall be referred to the Pennsylvania State Police and Volunteer Fire Company for comments regarding traffic safety and emergency access.
- H. All property lines adjoining Residential Uses, or the Residential Zoning District classification shall be screened by a buffer area as described in this Ordinance.
- I. Adequate open space shall be provided for outdoor activity, consistent with the needs of the residents.

42. Individual Wind Energy Facility

- A. All individual wind energy equipment shall be located on the same lot as the principal use.
- B. Individual Wind Energy Facilities shall be set back from the nearest property line 1:1 times the overall height of the structure. However, an individual wind energy facility shall not be located no less than 100 feet from an overhead utility line and no less than 300 feet from a street line. In no case shall a facility be located within or above a front yard or within or above a minimum required side and/or rear yard.
- C. The maximum height of the structure, including all moving and rotating parts, shall be 65 feet, measured from the undisturbed ground elevation at the base of the device, to the highest point of the arc of the blade, or to the top of the tower, whichever is greater.
- D. ~~Minimum~~The minimum distance between the undisturbed ground at the base of the device and any protruding blade shall be 15 feet, as measured at the lowest point of arc of the blades.
- E. Wind turbines shall not be climbable up to 10 feet above the ground surface.

F. Every proposed facility shall be designed and engineered to provide for safe operation. Detailed engineering plans, prepared by a licensed professional engineer, for all proposed individual wind energy facilities shall be submitted with applications for approval.

A-G. Any individual wind energy facility that is ~~defective, or~~ defective or has been abandoned and is deemed to be unsafe by the Township shall be repaired or removed. Abandonment shall be determined by the Township where the wind energy facility is found to be inoperable, not in operation, or in violation of applicable federal, state or local laws or regulations for a continuous period of six months.

4340. Junk/Salvage Yard

- A. The minimum site size shall be five (5) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- C. No garbage or other organic waste shall be stored on the premises.
- D. The manner of storage of junk shall facilitate access for firefighting and shall prevent accumulation of stagnant water.
- E. Junk yards shall comply with the performance standards of this Ordinance.
- F. No junk shall be stored or accumulated, and no structure shall be constructed within 100 feet of any dwelling unit or within 40 feet of any property line or public street.
- G. The premises shall be enclosed by a metal chain-link fence not less than eight (8) feet in height supported on steel posts with a self-latching gate.
- H. The fence shall be supplemented with screening material, which creates a visual barrier that is at least 80 percent opaque.
- I. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance. The required fence shall be located inside the buffer area, and where a buffer area exists, supplemental screening of the fence shall not be required.
- J. The operator shall obtain a license from the Township prior to initiating operations, which shall be renewable annually upon payment of a fee established by Resolution of the Board of Township Supervisors and inspection by the Zoning Officer to determine continuing compliance with these standards.

4441. Kennel

- A. The minimum site area for a kennel shall be 40,000 square feet.

- B. Any kennels shall be located at least 100 feet from any other property line adjoining Residential Uses or Zoning District and at least 50 feet from any other property line.
- C. ~~Outdoor runs shall not be permitted.~~ The kennel shall be constructed for easy cleaning.
- D. A buffer area, as described in this Ordinance, shall be provided along any property line adjoining Residential Use or Zoning classification.

4542. Landfill

- A. The minimum site for a landfill shall be 20 acres.
- B. Landfill operations shall not be conducted within 200 feet of any property lines adjoining Residential Use or Zoning District classification.
- C. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- D. Fencing at least six (6) feet in height shall be provided around any work area for security and to control windblown refuse.
- E. The applicant shall show compliance with applicable state and federal laws regulating landfills.
- F. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Resources and/or the U.S. Environmental Protection Agency prior to initiating any operation.
- G. The required state or federal permits shall be maintained throughout the duration of all landfill operations.
- H. Any suspension or revocation of the required state or federal permits shall constitute a violation of this Ordinance and will result in the suspension or revocation of the zoning permit or enforcement of the penalty provisions of this Ordinance or both.
- I. In January of each year, the operator shall apply to the Zoning Officer for renewal of the zoning permit and shall present evidence of continuing compliance with all conditions of approval and required state or federal permits.

46. Laundry Facility

- A. All activities shall be conducted within a completely enclosed building.
- B. Any exhaust ventilation equipment shall be directed away from adjoining residentially zoned property.

C. During operation or cleanup or maintenance, all windows and doors on walls facing adjoining residentially zoned property shall be kept closed.

A-D. Public water and sewer shall be required.

4743. Manufacturing Facility, Heavy

- A. The emissions of dust, dirt, fly ash, fumes, vapors, or gases which can cause any damage to human health, to animals, vegetation, or to property, or which can cause any soiling, or staining of persons or property at any point beyond the lot line of the use creating the emission is prohibited.
- B. No loudspeakers shall be permitted outside any enclosed structures.
- C. No materials or waste matter of any kind shall be deposited upon a lot in such form or manner that it may be transported off the lot by natural causes or forces.
- D. No materials or other substances that can contaminate wells, watercourses, or potable water supplies shall be deposited on the site.
- E. All materials and equipment shall be stored within a completely enclosed building.
- F. The storage or manufacturer of hazardous or potentially hazardous materials shall not be permitted.
- G. The size of the proposed operation and its relationship to surrounding uses shall be evaluated by the Township to determine the appropriateness of the proposed activity in the location proposed.
- H. Adequate public facilities shall be available to meet the requirements of the proposed manufacturing processes.
- I. Adjacent public streets shall be adequate to accommodate the traffic volumes and weight limits associated with truck traffic to and from the site.
- J. The Township may impose restrictions on access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to ensure that there is no adverse impact upon the functioning of the district or adjacent parcels.
- K. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- L. All property lines adjoining Residential Use or Zoning District classification shall provide landscaped screening, in accordance with bufferyard requirements of this Ordinance.

4844. Massage Parlor

- A. Any massage Parlor shall obtain all applicable licensing from the commonwealth of Pennsylvania.

- B. No Massage Parlor shall be located closer than 500 feet from another similar use.
- C. No Massage Parlor shall be located closer than 300 feet from any public building, school, park, library, day care facility or similar uses.
- D. The location of the facility shall be designed to minimize the impact on adjacent residential properties in terms of noise, traffic, hours of operation, and light pollution.
- E. No direct beams or rays of light from exterior lighting fixtures, or signs on the site shall be permitted to shine into any property in a Residential Zoning District and associated open spaces of adjacent residential properties.
- F. The facility shall be connected to public water and sewer.
- G. Hours of operation shall be limited to seven (7) a.m. to nine (9) p.m.
- H. The facility shall comply with all applicable rules and regulations of the Commonwealth of Pennsylvania.
- I. All employees (excluding administrative staff) shall possess the proper licensing and or certifications required by Federal or State regulations.
- J. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by the employees, customers, visitors, and guests.

4945. Medical Marijuana Dispensary

- A. A medical marijuana dispensary shall be permitted in the Business Districts (B-1 and B-2).
- B. A medical marijuana dispensary shall meet all requirements of the zoning district in which the use is located, as well as the additional regulations in this chapter.
- C. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Department of Health.
- D. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
- E. A medical marijuana dispensary may not operate on the same lot as a facility used for growing and processing medical marijuana.

- F. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- G. Permitted hours of operations shall be from 8 a.m. until 8 p.m. on the same calendar day.
- H. A medical marijuana dispensary shall be a maximum of 3,000 square feet, of which no more than 500 square feet shall be used for secure storage of product and shall have an interior customer waiting area equal to a minimum of 25 percent of the gross floor area.
- I. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.
- J. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private, or parochial school or a day-care center. This distance shall be measured as a straight-line form closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality it is in.
- K. Parking requirements shall be found in the "Parking Requirements" section of this Ordinance.
- L. A landscaping buffer shall be planted where a medical marijuana dispensary adjoins to a Residential Use or District.

5046. Medical Marijuana Grower/Processor

- A. Medical Marijuana Grower/Processor shall be permitted in the A-1 and M-1 Districts.
- B. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building, which includes electronic locking systems, electronic surveillance and other features required by the Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreation vehicle or other motor vehicle.
- C. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage, or marijuana seeds, related finished product cultivation, and marijuana related materials and equipment uses in production and cultivation or for required laboratory testing.

- D. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing processing or testing occurs.
- E. Marijuana remnants and by-products shall be secured and properly disposed of, in accordance with the Department of Health policy and shall not be placed within any unsecure exterior refuse containers.
- F. The grower/producer shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- G. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

5147. Methadone Treatment Facility (Clinic)

- A. The clinic shall not be located within 500 feet of any of the following uses that existed prior to the establishment of the clinic.
 - 1) School
 - 2) Public Park/Playground
 - 3) Residential Dwelling Unit
 - 4) Day Care Center
 - 5) Place of Worship
- B. The distance shall be measured by the straight-line distance between the nearest property line of the property on which the clinic is proposed and the nearest property line of the property on which the above listed Use is located.

5248. Micro-Brewery, Distillery, Winery

- A. Hours of operation shall be limited to 11 a.m. to ~~11 p.m.~~ 2 a.m. The establishment shall only be open to customers during said hours.
- B. A maximum of 30% of the floor area in the tasting room can be provided for sitting, ~~eating,~~ and/or tasting.
- C. All entertainment, including, but not limited to, live music, shall be located only in enclosed buildings.
- ~~C.D.~~ Any micro-brewery, distillery, winery shall not offer food on-site to patrons.
- ~~D.E.~~ An establishment shall not be located within 600 feet of another similar establishment.

~~E.F.~~ Any micro-brewery, distillery, winery shall be setback 50 feet from any property line.

~~F.G.~~ Required parking spaces shall be provided, and no parking shall be permitted in the setback required for this Use.

~~H.~~ The micro-brewery shall have adequate sewer systems, if not connected to public sewer systems.

~~G.I.~~ A traffic study shall be provided and reviewed by the Township.

5349. Micro-Brewery Pub

- A. Hours of operation shall be limited to 11 a.m. to ~~12 a.m.~~11 p.m. The establishment shall only be open to customers during said hours.
- B. All entertainment, including, but not limited to, live music, shall be located only in enclosed buildings. All entertainment shall end at 10:00 p.m.
- C. An establishment shall not be located within 600 feet of another similar establishment.
- D. Any micro-brewery, distillery, winery shall be setback 50 feet from any property line.
- E. Required parking spaces shall be provided, and no parking shall be permitted in the setback required for this Use.
- F. The Micro-Brewery shall have adequate sewer systems, if not connected to public sewer systems.
- G. Required off-street parking for the restaurant shall be clearly designated and shall be located within 300 feet of the entrance to the restaurant.
- H. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the Use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- I. Outdoor storage of materials shall not be permitted.

5450. Mineral Removal

- A. There shall be no removal of minerals or vegetative cover within 200 feet of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGS).
- B. Mineral removal shall be prohibited in watersheds of rivers or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.

- C. No mineral removal shall be conducted within 300 feet of any public building, school, church, community or institutional building, commercial building, public park, or private recreational area.
- D. No mineral removal shall be conducted within 100 feet of the outside right-of-way line of any public road, except where access roads or haulage roads join the right-of-way line of the public road and where the appropriate state or federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with the law.
- E. No mineral removal shall be conducted which will adversely affect any publicly owned park or places included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.
- F. No mineral removal shall be conducted within 100 feet of a cemetery.
- G. No mineral removal shall be conducted within 500 feet of any occupied dwelling unless the consent of the owner of the dwelling has been obtained in advance of the filing of the application for zoning approval.
- H. The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:
 - 1) Lawful existing or permitted uses of adjacent properties.
 - 2) The quality or adequacy of any public or private water supply source.
 - 3) Any flood-prone or landslide-prone areas within the Township.
- I. The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.
- J. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed, which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.
- K. The applicant shall provide reclamation plans for the site which demonstrate that the condition of the land after the operation is complete will allow economically and ecologically productive uses of the type permitted in the district in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any fire development plan.
- L. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall comply with designated weight limits on Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local roads with the Township.

- M. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations in the amount of \$100,000 for each mile of Township road or portion thereof proposed to be traversed for removing minerals from the site. The term of the bond shall begin on the date the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations, including any backfilling and any reconstruction of a damaged roadway due to weight in excess of the posted weight for the road. Any failure to complete the reconstruction required by this chapter shall result in forfeiture of the required bond. Those portions of the Township roads, which have been damaged, shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.
- N. Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.
- O. Deep mine openings and aboveground structures shall not be located within 500 feet of any existing dwelling. Ventilating structures shall be located so as to comply with the performance standards of this chapter regarding noise and to minimize noise impacts on adjoining properties.
- P. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state or federal permits, including proof of insurability, before initiating any work and of maintaining the required permits throughout the duration of all operations. Any suspension or revocation of the required state or federal permits shall constitute a violation of zoning approval and shall result in the suspension or revocation of zoning approval and/or enforcement of the penalty provisions of this chapter.
- Q. Conditional Use. Approval shall expire if work authorized in the Conditional Use Application is not commenced within 90 days of the date of approval of the application by the Supervisors, unless the applicant submits a written request for an extension to the Supervisors prior to the expiration of the 90 days explaining the reasons for the delay in initiating the work and the Supervisors approve the request.
- R. Once work is initiated under an approved Conditional Use Application, zoning approval shall be valid for a period of one (1) year from the date of the Conditional Use Approval by the Supervisors. An application for renewal of zoning approval must be submitted prior to the date of expiration of zoning approval and can be granted by the Zoning Officer upon demonstration by the applicant that all conditions of the Conditional Use Approval and the required federal and state permit remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation. Upon expiration or revocation of zoning approval for the Conditional Use, the applicant may reapply for Conditional Use Approval.

5551. Mobile Home Parks

- A. The minimum area of a mobile home park shall be 20 acres.

- B. Each mobile home site within the mobile home park shall have a minimum of 12,000 square feet where an approved collective sewerage system and treatment plant is provided, and not less than one (1) acre where on-site sewage treatment facilities are to be utilized.
- C. Each mobile home site shall have a minimum width of 60 feet.
- D. Not less than 10 percent of the gross area of the mobile home park shall be improved for recreational activities for the residents of the park.
- E. The mobile home park shall be appropriately landscaped and shall be screened from adjacent properties, in accordance with the bufferyard requirements of this Ordinance.
- F. The mobile home park shall meet all applicable requirements of the Subdivision and Land Development (SALDO) chapter of the code of the Township of Somerset.
- G. Any 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 foundations shall be completely enclosed. The unit shall be anchored securely with tie downs and shall have its wheels removed.
- H. Any mobile home should have a floor area of not less than 840 square feet.

5652. Motel

- A. The maximum permitted building height for motel/hotels may be increased to 75 feet provided that the required yards are increased by one (1) foot for every foot of building height, in excess of 50 feet.
- B. Ingress, egress, and internal traffic circulation shall be designed to ensure safety, accommodate emergency vehicles, and minimize congestion.
- C. Vehicular access shall be provided from the site to a street defined as collector or arterial by the Township without traversing local streets beyond the frontage that the site may have on a local street.
- D. Outdoor lighting shall be shielded and reflected away from adjoining streets and residential properties.
- E. Swimming pools proposed as Accessory to a motel/hotel shall be subject to the fencing requirements of this Ordinance and any other Ordinance of the Township regulating swimming pools.
- F. All property lines adjoining Residential Use or Zoning classification shall be screened by a bufferyard, as defined by this Ordinance.

5753. Museum

- A. Any parking area adjoining a Residential Use or classification shall be screened by a bufferyard as described in this Ordinance.

5854. Natural Gas Compressor

- A. All Oil and Gas Development Conditional Use Application requirements and conditions and standards apply to Natural Gas Compressor Stations.
- B. All noise generating equipment and processes shall be contained within a completely enclosed building, and windows and doors shall remain closed during operations.
- C. Adequate public utilities shall be available to meet the demands of the facility.
- D. The front, rear, and side yard requirements shall be at a minimum of 200 feet.
- E. The site shall be designed utilizing natural topography and/or constructed earth mounds, so as to obstruct visibility from adjacent streets and properties.
- F. Adjacent public streets shall be adequate to accommodate traffic volumes and weight limits associated with traffic to and from the site.
- G. The storage, handling, transportation, and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection (PADEP) and the Somerset Township Code of Ordinances.
- H. Secondary containment shall be provided at sites utilizing liquid separators.
- I. Compressors and other power-driven equipment shall use spark-less electrical motors when practicable, as an alternative to internal combustion motors.
 - 1) If an internal combustion engine is used, it shall not be discharged into the open air unless it is equipped with an exhaust muffler, mufflers, or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of noxious gases, fumes or ignited carbon or soot. All such equipment shall be maintained in good operating condition according to the manufacturer's specifications.
 - 2) A security fence, as specified in the Fencing, Screening and Buffering section of this Ordinance, shall be set back at 10 feet from the property line and 20 feet from a public right-of-way.

5955. Natural Gas Processing Facility

- A. All Oil and Gas Development Conditional Use Application requirements and conditions and standards apply to Natural Gas Processing Plants.
- B. All noise generating equipment and processes shall be contained within a completely enclosed building and windows and doors shall remain closed during operations.
- C. Adequate public utilities shall be available to meet the demands of the facility.
- D. The front, rear and side yard requirements shall be a minimum of 200 feet.
- E. The site shall be designed utilizing natural topography and/or constructed earthen mounds, so as to obstruct visibility from adjacent streets and properties.
- F. Adjacent public streets shall be adequate to accommodate traffic volumes and weight limits associated with traffic to and from the site. The storage, handling, transportation, and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, and the Township of Somerset Code of Ordinances.
- G. Power driven equipment shall use sparkless electrical motors when practicable as an alternative to internal combustion motors.
- H. If an internal combustion engine is used, it shall not be discharged into the open air unless it is equipped with an exhaust muffler, mufflers, or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of noxious gases, fumes or ignited carbon or soot. All such equipment shall be maintained in good operating condition according to the manufacturer's specifications.
- I. A security fence, as specified in the Fencing, Screening and Buffering section of this Ordinance, shall be set back at least 10 feet from the property line and 20 feet from a public right-of-way.

6056. Nursing Home

- A. The institution shall be accredited by the Commonwealth of Pennsylvania.
- B. The institution shall be the sole occupant of the lot.
- C. Access drives shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from the intersection.
- D. Parking areas shall be screened for view of neighboring dwelling units or those directly across the street from the lot by installing bufferyards, as described in this Ordinance.

6157. Office, Business and Professional

- A. Any parking area for an office shall be screened from view from existing Residential Use or Residential Zoning District.

6258. Oil and Gas Development and Impoundments (Including, but not limited to, Oil and Gas Wells, Deep and Horizontal (Unconventional) and Oil and Gas Wells, Shallow and Vertical (Conventional), other than Natural Gas Compressor Stations or Natural Gas Processing Plants)

A. Procedure.

- 1) Drilling rigs shall be exempt from the height limitations of the Zoning District in which they are located. If the well site is located in an area that is subject to airport zoning regulations, the applicant shall present a letter from the Federal Aviation Administration (FAA) indicating that the height of the rig complies.
- 2) Seismic testing shall be exempt from obtaining zoning approval provided the testing is conducted on property in a Zoning District where oil and gas operations is an authorized use.
- 3) Conditional Use approval shall be required for each well site; however, if multiple well heads are proposed to be located at the well site, separate approval is not required for each well head, if the original Conditional Use Application indicates that multiple well heads are proposed.
- 4) Zoning approval shall not be required for inground or above-ground gathering or transmission lines; however, permits for crossing or disturbance of any state or Township street shall be required.

B. Content of Conditional Use Application.

- 1) The minimum site area required to apply for Conditional Use approval for oil and gas development shall be five (5) contiguous acres.
- 2) A narrative describing the proposed use, including:
 - a) The approximate number of acres to be disturbed and the associated equipment to be used in developing the well site;

- b) The proposed number of wells, including the PA DEP permit number for all proposed wells, if available at the time of application or provided when issued later;
 - c) A map showing the planned access route to the well site on public streets and a plan indicating the type, number, and weight of vehicles used for transportation of materials and equipment;
 - d) A description of how potential damage to public roads adjacent to the tract will be addressed;
 - e) A schedule of anticipated beginning and ending dates of well site preparation, drilling, perforating, hydraulic fracturing, and production measured in weeks or months from the date of Conditional Use approval.
 - f) An accurate legal description of the surface lease property and a list of property owners with tax parcel numbers.
- 3) The well survey plat submitted to the Pennsylvania Department of Environment Protection (PA DEP) showing the planned surface location of the well(s).
 - 4) A site plan prepared by a licensed engineer showing compliance with these expressed standards and criteria of Conditional Use approval.
 - 5) The well site emergency address.
 - 6) A copy of the Operator's Preparedness Prevision and Contingence ("PPC") Plan as required by the PA DEP.
 - 7) A statement that the development and operation of the well site will comply with all applicable federal and state permitting requirements.
 - 8) A copy of any state and federal permits already obtained at the time of the Conditional Use Application submission.
 - 9) A noise management plan documenting how noise impacts will be mitigated.
 - 10) Copies of all permits issued by the PA DEP for water withdrawal and disposal identifying the source of water, proposed truck routes and/or temporary water line, on-site storage and treatment and disposal facilities.
 - 11) A plan for the transmission of gas from the well site to an off-site pipeline, or a statement that there is no off-site pipeline. The plan shall identify gathering lines and compressor stations that serve the well site and which are located within the Township or within 1,000 feet beyond the Township boundary. Township approval shall be required to utilize public

rights-of-way. Contact information for the pipeline owner and compressor station operator shall also be included.

C. Prior to Development of the Well Site.

- 1) The operator shall meet with representatives of the school district and public safety officials to develop a Traffic Management Plan to ensure safety of pedestrians, students and drivers on public streets, school crossing, pedestrian crossings and school bus or transit stops during times of anticipated heavy or frequent truck traffic associated with site development, drilling, and hydraulic fracturing.
- 2) The operator shall invite residents of properties within 1,000 feet of the well site to a meeting to be held at least 30 days prior to the initiation of drilling, to present the operator's plans for the well and to allow for questions and answers.
- 3) At the meeting with the residents, the operator shall provide the following information to each resident within 1,000 feet of the planned surface location of the well or wells.
 - a) A copy of the well survey plat showing the location of the planned well;
 - b) A general description of the planned operations at the planned well and associated equipment to be used in the development of the well; and
 - c) The contact information for the operator and the well site supervisor.
- 4) The Township shall be provided with the name of the person supervising the drilling operation and a phone number where such person can be reached 24 hours a day.
- 5) Upon request from the Township, the operator will, prior to drilling of its first oil and gas well in the Township, make available with at least 30 days' notice, at its sole cost and expense, one (1) appropriate group training program of up to five (5) hours for first responders. Such training shall be made available at least annually during the period when the operator anticipates drilling activities in the Township. First responders shall have a minimum of five (5) hours of training per year to meet this standard.
- 6) No later than 30 days prior to beginning of any work on an approved well site, the applicant shall submit to the Township a true and correct copy of all permits (General ESCGP-1) issued by the Pennsylvania Department of Environmental Protection (PA DEP). In addition, the Township shall be provided with copies of all plans (erosion and sedimentation control, grading, etc.) required by the PA DEP. All required permits shall be maintained throughout the duration of the drilling operation. Any suspension or revocation of permits by the PA DEP shall be reported to the Township and shall constitute a violation of Township zoning approval and may result in the suspension or revocation of zoning approval.

- 7) Access directly to state roads shall require Pennsylvania Department of Transportation (Penn DOT) Highway Occupancy Permit approval. Prior to initiating any work at a well site, the Township shall be provided with a copy of the Highway Occupancy Permit.
- 8) The operator shall execute a Maintenance Agreement with the Township and post a bond in favor of the Township in a form acceptable to the Township and in an amount to be determined by the Township Engineer, in accordance with limits provided by law prior to beginning any work at a well site to guarantee restoration of Township streets damaged, as a result of hauling associated with the drilling operation.

D. Development of the Well Site.

- 1) No construction activities involving excavation, alteration, or repair work on any access road or well site shall be performed between the hours of 7:00 p.m. and 7:00 a.m. These time restrictions shall not apply to drilling and hydraulic fracturing.
- 2) The operator shall take all necessary safeguards as directed by the Township to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud, and debris occur, as directed by the Township.
- 3) Driveways shall be of sufficient length so that there will be no stacking of vehicles on public streets.
- 4) The access driveway off the public street to the well site shall be gated at the entrance to prevent illegal access into the well site. The well site assigned address shall be clearly visible on the access gate for Emergency 911 purposes. In addition, the sign shall include the well name and number, the name of the operator, and the telephone number of the person responsible, who may be contacted in case of emergency.
- 5) Any on-site freshwater impoundments, retention ponds or wastewater pits shall be fenced to restrict access by unauthorized persons or animals.

E. Drilling and Hydraulic Fracturing.

- 1) At least 30 days prior to the commencement of drilling, the operator shall provide a copy of the drilling permit issued by the PA DEP to the Township Zoning Officer.
- 2) Drilling shall not be permitted within any floodway identified in the Flood Insurance Study (FIS) prepared and approved by the Federal Emergency Management Agency (FEMA).
- 3) Oil and gas drilling activities shall comply with all applicable federal and state safety regulations.
- 4) During drilling and hydraulic fracturing, clearly visible warning signage shall be posted at the well site.

- 5) During drilling and hydraulic fracturing, all equipment shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons, however, a guard station with 24-hour staffing, seven (7) days a week, at the entrance to the well site may be provided in lieu of fencing the site.
- 6) During drilling and hydraulic fracturing, a secured entrance gate shall be provided on the access road. Arrangements shall be made for access by emergency management personnel. All gates shall be kept locked when employees and subcontractors are not on the premises.
- 7) The operator shall implement the traffic management plan developed after consultation with school district and public safety officials to ensure safety of pedestrians, students, and drivers on public streets and at crosswalks, school bus stops and transit stops during times of heavy truck traffic traveling to and from the site.
- 8) Recognizing that adequate and appropriate lighting is essential to the safety of those involved in oil and gas drilling, the operator shall take steps, to the extent practicable, to direct site lighting downward and inward toward the well site, well head or other area being developed, so as to attempt to minimize glare on public streets and adjacent buildings within 300 feet of the well site, well head or other area being developed.
- 9) All operations, including drilling and hydraulic fracturing, shall comply with the noise standards in the Township Zoning Ordinance.

If, after initiation of oil and gas deep well drilling and/or hydraulic fracturing activities, a complaint is received by the Township from any persons, whether a resident or otherwise, occupying a protected structure, as defined herein, regarding noise generated during drilling or hydraulic fracturing activities, the operator shall, within 24 hours of receipt of the complaint from the Township, continuously monitor for a 48 hour period at a point which is the closer to the complainant's building of:

- a) The complainant's protected structure property line nearest to the well site or equipment generating the noise; or
 - b) 100 feet from the protected structure.
- 10) If the operator of any oil and gas operations engages in any noise testing as required by this Ordinance, the operator shall provide preliminary data to the Township no later than 10 business days following completion of the noise testing. Once the monitoring is complete, the operator shall meet with representatives of the Township and affected residents to discuss whether possible noise abatement measures are warranted to comply with the noise standards of this Zoning Ordinance.
 - 11) In the case of oil and gas operations, the Township may require acoustical blankets, sound walls, mufflers, or other alternative methods to ensure compliance with the noise

standards depending on the location of a proposed well site with respect to protected structures and the results of noise monitoring.

12) Only essential safety and emergency personnel shall be permitted to occupy any trailer or temporary living quarters on the site overnight.

F. Production.

1) Remediation of the well site shall be accomplished in accordance with the requirements of the Pennsylvania Department of Environmental Protection (PA DEP).

2) All permanent equipment, including, but not limited to, well heads, tanks, meters, and piping, shall be screened from view from any protected structure, as defined herein, by a landscaped area, masonry wall or opaque fence, as approved by the Township.

6359. Outdoor Amusement

A. A minimum site of one (1) acre shall be required.

B. All principal structures shall be located at least 40 feet from any property line.

C. Parking shall be provided in accordance with the off-street parking requirements of this Ordinance. Security fencing, at least six (6) feet in height, and screening shall be provided along all property lines adjoining Residential Use or Zoning District classification. Screening shall be a buffer area, as described in this Ordinance.

D. No outdoor speakers shall be permitted.

E. All lighting shall be shielded from adjacent streets and properties.

F. The use shall comply with the performance standards of this Ordinance.

G. Any facility located within 200 feet of a property line adjoining a Residential Use or Zoning classification shall cease operations at ~~12:00 midnight~~11:00 p.m.

6460. Parking Garage

A. Such uses shall not be located any closer than 200 feet to any residential lot, school, church, playground, or public building.

B. All lighting shall be shielded from streets and adjacent lots.

C. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazards or delay.

6561. Parking Lot

- A. Any parking lot shall comply with the off-street parking requirements of this Ordinance.
- B. All lighting shall be shielded from streets and adjacent lots.
- C. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and accommodate peak demands without hazards or delay.

6662. Personal Care Boarding Home

- A. No personal care boarding home shall be established within 1,000 feet of another personal care boarding home.
- B. Adequate provisions shall be made for access for emergency, medical, and fire vehicles.
- C. 24-hour supervision shall be provided by staff qualified by the sponsoring agency.
- D. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs, and the area shall be secured by a fence with a self-latching gate.
- E. Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy, and a copy of an annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.

67. Personal Services Over 5,000 Square Feet

- A. No off-street loading or dumpsters shall be allowed in the front or side yards.
- B. A traffic study shall be submitted and reviewed by the Township.
- C. Any personal service over 5,000 square feet shall not have any more than 25 employees.

6863. Place of Worship

- A. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- B. No storage of equipment or material shall be permitted outside a structure.
- C. All lights shall be shielded and reflected away from adjoining property.
- D. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.

- E. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of this Ordinance.

6964. Principal Solar Energy System (PSES)

- A. The PSES layout, design, installation, and on-going maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations; and shall comply with the PA Uniform Construction Code (UCC) as enforced by the Township; and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- B. PSES installers must certify that they are listed as a Certified Installer to the Zoning Officer on the PA Department of Environmental Protection (DEP) approved solar installer list, or that they meet the criteria to be a DEP-approved installer by meeting or exceeding one of the following requirements:
 - 1) Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - 2) Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three (3) PV systems.
- C. All on-site distribution and plumbing lines inside of the fence line of the PSES shall be placed underground or out of sight from public streets and neighboring properties to the extent feasible.
- D. The developer of a PSES shall provide the Township Zoning Officer written confirmation that the public utility company, to which the PSES will be connected, has been informed of the developer's intent to install a grid-connected system and such connection has been approved.
- E. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be permitted on any equipment of the PSES, provided they comply with all existing sign regulations.
- F. All PSES shall be placed such that concentrated solar radiation or glare does not project onto adjacent structures or roadways or adjoining property owners.
- G. A noise study, conducted by an independent noise study expert, and paid for by the applicant, shall be included in the application. Noise from the operation of a PSES shall not exceed 50dba, as measured at the property line of the nearest property that is not participating (by means of a lease, easement, solar easement, or other agreement) in the development and/or operation of the PSES.

- H. No trees or other landscaping, otherwise required by the Township for previous developments, may be removed for the installation or operation of a PSES, except to the extent provided in the approved Land Development Plan for the PSES.
- I. The PSES owner and/or operator shall provide the Township with a phone number and identify an individual responsible to act as a contact for the public with inquiries or complaints throughout the life of the project.
- J. Decommissioning.
 - 1) The PSES owner is required to notify the Township within 30 days following permanent cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months, and the owner of the PSES has evidenced its intent to permanently discontinue operation of the PSES.
 - 2) The PSES owner shall then have 12 months in which to dismantle and remove the PSES, including all solar-related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations, and other associated facilities, from the property, except to the extent the owner of the property agrees that roads and foundations may remain in place. If the owner fails to dismantle and remove the PSES to the extent required by this paragraph within the established time frames, the Township may complete the decommissioning at the owner's expense. The costs of such decommissioning together with a penalty of 10 percent to be charged upon the land upon which the PSES exists as a municipal lien, or alternatively to recover such costs and penalty together with reasonable attorney fees incurred by the Township, in a suit at law against the owner or owners, but, failing to recover same, the judgment, therefore, shall be charged upon the land as a lien; and, this subsection is separate from and in addition to the fine, penalty, and costs which may be imposed by any other subsection of this Ordinance.
 - 3) Prior to the issuance of a permit by the Township, the owner shall provide financial security in the form of cash, a letter of credit or bond, acceptable to the Township, in the amount of 85 percent of the estimated cost of decommissioning based on an estimate provided by a professional engineer registered in the Commonwealth of Pennsylvania to secure the expense of dismantling and removing the PSES and stabilizing the land for storm water management purposes. The decommissioning cost estimate shall be updated by a professional engineer registered in the Commonwealth of Pennsylvania at the developer/owner's expense every five (5) years thereafter, and the financial security shall be adjusted accordingly.
- K. By accepting a permit issued by the Township for the PSES, the applicant shall be deemed to have acknowledged and agreed that the issuance of said permit for a solar energy system shall not, and does not, create in the property owner, its, his, her or their successors and assigns in title or, create

in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining property or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property, and that any such rights would need to be acquired by means of a solar easement.

L. Solar Easements.

- 1) Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
- 2) Any such easement shall be appurtenant; shall run with the land benefitted and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement may include, but not be limited to:
 - a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - d) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefitting from the solar easement in the event of interference with the easement;
 - e) Owner information, deed book volume and page or document number, along with the parcel identification number.

M. Permit Requirements.

- 1) PSES shall comply with the Township's Subdivision and Land Development Ordinance. The installation of a PSES shall be in compliance with all applicable permit requirements, codes and regulations.
- 2) The PSES owner and/or operator shall repair, maintain, and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

N. Ground Mounted Principal Solar Energy Systems: A PSES, and any associated accessory equipment (other than fencing, collection lines, transmission lines and similar installations) shall comply with the following area and dimensional requirements with respect to the PSES, and any such associated accessory equipment as a whole, and lot lines of separate parcels of land included therein that are interior to the facility and not outside of the perimeter of the facility shall not be subject to the following minimum lot size and setback requirements. The setback requirements can also be satisfied by submission to the Township of a written setback waiver executed by the affected adjoining landowner irrevocably consenting to installation and operation of the solar related equipment and any associated accessory equipment closer to the property line than otherwise permitted by this Ordinance.

Table 400 – PSES Area and Dimensional Requirements

Minimum Lot Area	Minimum Lot Width	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Height	Maximum Lot Coverage
32,000 Square Feet	150 Feet	20 Feet	15 Feet	15 Feet	15 Feet	N/A

Substation improvements, poles and wires shall not be subject to the foregoing height limitation.

The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and be required to meet the lot coverage limitation for the use providing the highest maximum lot coverage limitation in the applicable zoning district.

O. Screening.

- 1) Any areas of a ground mounted PSES that are directly adjacent to a parcel containing an occupied residence and are within the line of sight from the residential structure (other than a residence of the owner participating in the PSES) shall provide a suitable landscaping buffer area at least 10 feet in width of evergreen-type plants that shall be of a kind, or used in such a manner, so as to provide a continuous opaque screen within 36 months of commencement of operations in such line-of-sight area to be screened. In lieu of a vegetative screen, a decorative fence meeting the Zoning Ordinance requirements may be used.

P. Ground mounted PSES shall not be placed within any legal easement or right-of-way location if such placement would violate the terms and conditions of such easement or right-of-way.

Q. Ground mounted PSES shall not be placed in any stormwater conveyance system in any manner that would impede stormwater runoff from collecting in a constructed conveyance system.

R. Security.

- 1) All ground mounted PSES (excluding transmission lines) shall be completely enclosed by a minimum seven (7) foot high fence.

A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding PSES informing individuals of potential voltage hazards.

S. Access.

- 1) A minimum 20-foot-wide access road, from a public roadway, shall be provided to the site.
- 2) Maintenance roads, a minimum of 12 feet in width, shall be provided between solar arrays to permit access for maintenance and emergency vehicles.

T. The ground mounted PSES shall not be artificially lighted except to the extent required by applicable federal, state, or local authority or as required for safety purposes.

U. When a ground mounted PSES is removed, any earth disturbance resulting from the removal shall be graded and re-seeded.

V. Roof and Wall Mounted Principal Solar Energy Systems:

- 1) For roof and wall mounted PSES, the applicant shall provide evidence that the plans comply with the PA UCC and all applicable Township Ordinances.
- 2) PSES mounted on the roof or wall of any structure shall be subject to the maximum height restrictions of the underlying Zoning District.

7065. Private Non-Profit Multi-Purpose Sports and Recreation Facilities

- A. Multi-purpose sports and recreation facilities must contain an area of 10 acres or more.
- B. The site must be planned to provide all ingress and egress onto or from a public roadway.
- C. Development, including principal and accessory buildings and structures, shall be located to minimize the possibility of any adverse effect upon any adjacent properties.
- D. A buffer area, as described in this Ordinance, shall be provided along all property lines where parking is less than 100 feet from adjacent residential dwellings in any zoning district.
- E. Natural drainage ways shall be retained whenever possible.
- F. The layout of the facilities and fields shall be done by a registered architect, landscape architect, or engineer.

- G. Open space shall comprise not less than 60 percent of the net project area.
- H. Parking areas shall be lighted in such a way as to shine away from adjacent residential dwellings.

71. Quadruplex

- A. If a development proposes more than two (2) buildings, the buildings shall be separated by a minimum of 25 feet from any other principal buildings. All buildings constructed on opposing sides of a street or road shall be constructed in an offset or staggered manner.
- B. Developments of more than 25 dwelling units shall include a variety of complementary designs and colors between the buildings or clusters of buildings to avoid extreme repetition. Extreme design and color variations on different parts of the same building are discouraged.
- C. All vehicular access points shall be limited to interior roadways or driveways.
- D. Any mailboxes provided shall be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside is specifically discouraged.

7266. Recycling Collection

- A. Operations shall be regulated so that nuisances, such as visual blight, noise, odors, blowing debris and dust, shall not be created.
- B. Materials shall be stored in such a manner as to discourage the presence of rodents or other disease carrying animals. If after operations commence, the Zoning Officer determines that a vector problem exists, the operator shall be responsible for taking whatever measures are necessary to rid the premises of said nuisances.
- C. Adequate off-street loading areas shall be provided for loading and unloading of recyclable materials. Under no circumstances shall vehicles be parked on a public right-of-way.
- D. All materials shall be stored within a completely enclosed container.
- E. Recycling collection facilities proposed for use by the general public shall be clearly identified to include the type of material to be deposited, the name and telephone number of the operator, the hours of operation, and a display notice that no materials may be left outside the recycling enclosure or containers.
- F. Containers for the 24-hour donation of materials shall be located at least 100 feet from any property line adjoining an existing single-family dwelling or Residential Zoning District.
- G. All containers shall be of durable construction and shall be waterproof and rustproof. All containers shall be properly maintained and shall be covered or secured when the facility is not in

operation. All containers shall be of sufficient size to accommodate the materials collected based on the collection schedule established.

- H. Recycling collection facilities, which are accessible to the general public, shall provide a minimum of five (5) parking spaces, which shall be located within 100 feet of the facility, and shall be clearly marked for use by visitors to the recycling collection facility during its hours of operation.
- I. Adequate loading areas shall be provided for the periodic removal of materials or exchange of containers.

73. Repair Garage

- A. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as bodywork and grinding) and outdoor welding shall not occur within 250 feet of a residential lot line.
- B. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots.
- C. Overnight outdoor storage of junk, other than junk vehicles, shall be prohibited within view of a public street or a dwelling.
- A-D. Service bay doors shall not face directly towards an abutting dwelling, not including a dwelling separated from the garage by a street.

7467. Research and Development Labs

- A. Any parking areas shall be screened from view with a bufferyard as described in this Ordinance.

7568. Residence in Combination with Commercial Use

- A. The minimum lot area required shall be 11,000 square feet.
- B. Dwelling units in basements or garages shall not be permitted.
- C. Dwelling units shall have a minimum habitable floor area of 8400 square feet.
- D. Off-street parking shall be provided on the lot, in accordance with the ratios for each use specified in this Ordinance. Shared parking for residential and commercial uses shall not be permitted.

7669. Restaurant

- A. Required off-street parking for the restaurant shall be clearly designated and shall be located within 300 feet of the entrance to the restaurant.

- B. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- C. Outdoor storage of materials shall not be permitted.

7770. Restaurant, Drive-Thru

- A. Required off-street parking for the restaurant shall be clearly designated and shall be located within 300 feet of the entrance to the restaurant.
- B. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- C. Outdoor storage of materials shall not be permitted.
- D. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- E. The drive-thru facility shall be located on or to the side or rear of the principal structure.
- F. In addition to the parking spaces required for the principal use, a minimum of five (5) standing/vehicle stacking spaces, in tandem, with a total length of 100 feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or any aisle serving parking spaces or overflow onto adjacent properties, streets, or berms.
- G. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- H. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
- I. A pass-by lane shall be provided to allow vehicles to exit the drive-thru area without passing by the drive-thru window.
- J. Any drive-thru shall have no more than two (2) service lanes.
- K. Any drive-thru shall be adequately screened by a six (6) foot evergreen buffer as described in this Ordinance, where the drive-thru is adjacent to a Residential Use or Residential District.

7871. Restaurant, Fast Service

- A. Required off-street parking for the restaurant shall be clearly designated and shall be located within 300 feet of the entrance to the restaurant.
- B. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.
- C. Outdoor storage of materials shall not be permitted.
- D. The property shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.
- E. The drive-thru facility shall be located on or to the side or rear of the principal structure.
- F. In addition to the parking spaces required for the principal use, a minimum of five (5) standing/vehicle stacking spaces, in tandem, with a total length of 100 feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the property. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or any aisle serving parking spaces or overflow onto adjacent properties, streets, or berms.
- G. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.
- H. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the property.
- I. A pass-by lane shall be provided to allow vehicles to exit the drive-thru area without passing by the drive-thru window.
- J. Any drive-thru shall have no more than two (2) service lanes.
- K. Any drive-thru shall be adequately screened by a six (6) foot evergreen buffer as described in this Ordinance, where the drive-thru is adjacent to a Residential Use or Residential District.

7972. Riding Academy

- A. Such uses shall be accessory to a farm or, when proposed as a Principal Use, shall have a minimum site area of 10 acres.
- B. No building housing animals shall be closer than 200 feet to any property line.

- C. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- D. All training areas and bridal paths shall be adequately fenced to protect adjoining properties.

8073. School, Public or Private

- A. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- B. No storage of equipment or material shall be permitted outside a structure.
- C. All lights shall be shielded and reflected away from adjoining property.
- D. Ingress, egress, and internal traffic circulation shall be designed to ensure safety and access by emergency vehicles.
- E. Adequate off-street parking and loading facilities shall be provided in accordance with the requirements of the off-street parking requirements of this Ordinance.
- F. Swimming pools shall be subject to the provisions of the accessory structure requirements of this Ordinance.

8174. Sexually Oriented Business

- A. Adult business, as defined by this Ordinance, shall not be permitted in any Zoning District other than the B-2 Business District.
- B. Adult business shall be required to meet the proper licensing and requirements outlined in Chapter 122, "Sexually Oriented Businesses", of the Somerset Township Code. In addition to the following regulations:
 - 1) Any adult business shall be subject to the following setback requirements:
 - a) Residential Zoning District boundaries: 250 feet
 - b) Existing residential structures: 500 feet
 - 2) Any sexually oriented business shall not be located within 500 feet of any of the following:
 - a) School
 - b) Public Park/Playground
 - c) Residential Dwelling Unit
 - d) Day Care Center

e) Place of Worship

8275. Short-Term Rental Unit

- A. Short-term rentals may be permitted as a Special Exception Use in the R-1 and R-2 District.
- B. No more than one short-term rental unit may be located in a structure, and a short-term rental unit may not be located in a structure which also contains one (1) or more dwelling units.

8376. Special Event Barn

- A. The parcel on which the Special Event Barn is located shall be at least 10 acres in size and able to accommodate all facets of the event within the boundaries of the property.
- B. Special Event Barns, including fixtures, tents, and parking, shall be set back at least 50 feet from all property lines.
- C. Any Special Event Barn shall be subject to the following setback requirements:
 - 1) Residential Zoning District boundaries: (750) feet
 - 2) Existing occupied residential structures: (1000) feet
- D. Any additions or changes to the barn to accommodate the use as a Special Event Barn shall be secondary and shall not drastically alter the visual or material character of the barn, except as necessary to provide for safe use by patrons, and all additions or changes shall comply with applicable building codes.
- E. Attendance at a single event at a Special Event Barn shall be limited to no more than 200 persons. Staff for the event (e.g., security, caterers, etc.) shall not be included in the attendance count. The maximum attendance limit at an event may be reduced below 200 persons by the Board of Supervisors as a part of the Conditional Use approval.
- F. The conduct of the event including fixtures, tents, and parking may extend to the grounds, but may not extend into the building setback areas.
- G. No more than 24 events per calendar year and no more than two (2) per month shall be permitted at a Special Event Barn, excluding any rehearsal for the same event.
- H. A Special Zoning Permit for Special Event Barn shall be required. No special event shall take place without a valid special zoning permit issued to the owner of the Special Event Barn, and such permit is invalid upon any single violation of any requirement of this Ordinance, including, but not limited to, exceeding the permitted number of events annually and the permitted number of attendees, or violation of any condition attached to any Conditional Use approval granted by the Board of Supervisors. The Permit Application shall include the following information, at a

minimum, and shall be of a form and substance as determined by the Township necessary to determine compliance with the requirements of this Ordinance:

- 1) Proof of Conditional Use approval.
 - 2) Documentation of any conditions attached to a Conditional Use approval.
 - 3) Proof of Insurance.
 - 4) Written acknowledgement by the Applicant and Operator of the Conditional Use requirements for Special Event Barn.
 - 5) The dates of the validity of the permit.
 - 6) Proof of any applicable Township inspections and approvals.
 - 7) Documentation of the date and time of each special event to be held and actually held at the Special Event Barn.
- I. Parking shall be on the property on which the Special Event Barn is located. Under no circumstances may parking be on state or township roads, on other public property, or on private property other than that on which the Special Event Barn is located.
 - J. The parking area shall be accessible by means of a driveway that shall be covered by gravel or paved surface and is at least 40 feet in length. The driveway accessing the parking area shall be wide enough to accommodate two-way traffic or there shall be separate entrances and exits to the parking area(s).
 - K. Parking shall be in areas covered by gravel. Grass, dirt, or mud parking is prohibited. The size of the parking area shall be adequate to accommodate all vehicles at the event.
 - L. The required building setback areas may not be used for parking.
 - M. No event may begin before 11:00 a.m. or extend past 11:00 p.m., with all attendees to exit the premises by midnight.
 - N. All entertainment must end at 10:00 p.m.
 - O. All entertainment, including, but not limited to, DJs, music, bands, a dance floor, or a stage shall be limited to the interior of the Special Event Barn. Outdoor recreation activities conducted by the attendees shall not be considered entertainment for the purposes of interpreting this section.
 - P. If the Barn does not include sufficient restroom facilities to meet building code requirements (at least one ADA access facility), then portable restroom trailers, approved by the Somerset Township Sewage Enforcement Officer, are required. The restroom trailer(s) must be placed in a location to reduce visibility from public roads and nearby adjacent residential structures. The restroom(s) must be removed within 24 hours of the event.

- Q. The owner of the Special Event Barn shall provide bonded, insured on-site independent security guards for each event, and a certificate showing that the Special Event Barn is covered by special event liability insurance shall be displayed at all times.
- R. No sale of food or beverages, including, but not limited to, cash bars, concession stands, or other similar sales, is allowed at any event associated with the use of the Special Event Barn.
- S. Alcoholic beverages may be served only as allowed by local and state laws. There shall be no sale of alcoholic beverages.
- T. Signs shall be erected only in accordance with the sign provisions herein.
- U. Any structure being used as a Special Event Barn shall be inspected and approved by a Certified Engineer approved by the Township, and a copy of the Engineer's Report shall be submitted to the Township prior to the issuance of the Special Zoning Permit. The structure must also be inspected and approved by the Township Building Code Official prior to the issuance of the Special Zoning Permit.
- V. Any changes necessary to accomplish the use as a Special Event Barn (e.g., modifications to the building, driveways, parking areas, etc.) are subject to the Township's Land Development and Stormwater Ordinances, Zoning Ordinance, and the Uniform Construction Code, where applicable.
- W. No pyrotechnics may be used in conjunction with activities associated with the Special Event Barn.
- X. Special events may be held only on Fridays, Saturdays, and Sundays.
- Y. Trash shall be removed within 48 hours following the end of every special event.
- Z. All trash must be stored within a commercial dumpster and the dumpster area must be fenced on all sides with wood or vinyl fencing six (6) feet tall.
- AA. Any Special Event Barn that has been damaged or destroyed by fire or other means may be reconstructed and used as before, if the restructuring is performed within 12 months of discontinuance of use, and if the restored building covers no greater area and contains no greater cubic content than did the building that was destroyed.

8477. Stadium or Arena

- A. The site shall have frontage on and direct vehicular access to a major highway.
- B. Ingress, egress, and internal traffic circulation shall be designed to minimize congestion during peak usage of the facility.
- C. A traffic report shall be submitted with the application for development which identifies traffic control measures within the site and at the points of ingress and egress warranted at peak usage of the facility.

- D. Where parking is arranged perpendicular to aisle ways collecting traffic, a planting or landscaped island shall be required at the intersection of interior collector aisle ways. Such island shall begin parallel with the last parking space or spaces at the end of a row of parking spaces and not occupy space assigned to the aisle way itself.
- E. All property lines which adjoin Residential Uses or Residential Zoning Districts shall be screened by a landscaped strip at least fifty (50) feet in depth, which shall be comprised of a combination of high-level and low-level plantings and earthen moundings; such screening shall be a minimum of six (6) feet in height at the time of planting and in accordance with the requirements of this Ordinance.
- F. The private living areas and associated open spaces of all adjacent residential properties shall be effectively screened from parking lots and service areas, as well as from any other portion of the development site which is actively used.
- G. No direct beams or rays of light from exterior lighting fixtures, signs or vehicles maneuvering on the development site shall be permitted to shine into the private living areas and associated open spaces of adjacent residential properties.
- H. Access for the development site shall be provided from non-residential streets and shall not require the use of any residential collector or residential local streets.
- I. Outdoor speakers shall be permitted for emergency announcements and crowd control only. Events may not be broadcast to the exterior of the arena.
- J. Location of buildings and structures, traffic circulation and parking lots shall be designed to provide adequate access for emergency medical vehicles and fire-fighting equipment.
- K. The storage of equipment or materials in close proximity to the Principal Use shall be permitted in a roofed structure with either opaque vertical walls or heavy vegetative planting around the perimeter, which provides an effective screen from adjacent properties.

85. Townhouse

- A. The maximum number of dwelling units with any townhouse building shall be eight (8) per building.
- B. Development of more than 25 dwelling units shall include a variety of complementary designs and color between buildings or clusters of buildings to avoid extreme repetition. Extreme design and color variations on different parts of the same building are discouraged. Variations in rooflines of structures is strongly encouraged.
- C. For every attached grouping of townhouses, a minimum of two changes in the front wall plane shall be provided. Such change shall involve a minimum variation or offset of four feet.

D. Each principal building shall be separated by a minimum of 25 feet from any other principal building. All buildings constructed on opposing sides of the street or road shall be constructed in an offset or staggered manner.

A.E. If the townhouses are subdivided into individual lots, a minimum private area of 200 square feet shall be provided.

8678. Truck Stop

- A. The minimum site required shall be two (2) acres.
- B. The site shall have direct access to a State Legislative Route and evidence of an approved Penn DOT Highway Occupancy Permit for driveway access shall be submitted to the Township. All property lines adjoining Residential Use or Zoning District classification shall be screened by a buffer area, as described in this Ordinance.
- C. All underground fuel storage tanks shall be in full conformance with all applicable state regulations.
- D. All areas used for repairing or fueling of trucks shall be set back a minimum 250 feet from an existing dwelling.
- E. A copy of state approved permits and plans showing exact location of tanks, piping and appurtenances shall be filed with the Township.
- F. The plan shall comply with the performance standards of this Ordinance.

8779. Truck Terminal

- A. The minimum site required shall be two (2) acres.
- B. A truck terminal shall provide a designated overnight parking area that is screened from adjacent properties and shall meet the minimum requirements set in this Ordinance.
- C. Any entrance for trucks, loading/unloading area, outdoor storage, or truck parking shall be a minimum of 250 feet away from any dwelling.
- D. Truck terminal shall be located no closer than 1,000 feet from any other truck terminal.
- E. All underground fuel storage tanks shall be in full conformance with all applicable state regulations.
- F. A copy of state approved permits and plans showing exact location of tanks, piping and appurtenances shall be filed with the Township.

8880. Uses Not Listed, Comparable Uses

- A. The Zoning Hearing Board shall consider a proposed use not listed in the Table of Authorized Uses only if the proposed use is not comparable to other authorized uses listed in the Table of Authorized Uses.
- B. If a Use not specifically listed is found by the Zoning Officer to be comparable to a Use listed in the Table of Authorized uses, it shall not be eligible for consideration as a "Use Not Listed".
- C. In considering a proposed Use not listed, the Zoning Hearing Board may attach reasonable conditions to the application for special exception to advance the goals and objectives of the Township Comprehensive Plan and this Zoning Ordinance. The conditions may also include those requirements applicable to uses permitted in specific districts, as well as conditions to fulfill the performance standards of this Ordinance.

8981. Veterinary Clinic

- A. The minimum site area for a kennel or veterinary clinic shall be 40,000) square feet.
- B. Such uses shall be located at least 100 feet from any property line adjoining Residential Use or Zoning classification and at least 50 feet from any other property line.
- C. Outdoor runs shall not be permitted. The kennel shall be constructed for easy cleaning.
- D. A buffer area, as described in this Ordinance, shall be provided along any property line adjoining Residential Use or Zoning classification.

9082. Wind Energy Facility

- A. The minimum site required for a wind farm shall be 10 acres.
- B. If the applicant is not the landowner, the applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the proposed facility and vehicular access is provided to the facility.
- C. The wind turbines shall be exempt from the height regulations of the District, provided they comply with the setback and ground clearance requirements of subparagraphs D through H, below.
- D. Each wind turbine shall be set back from the nearest inhabited dwelling, school, hospital, church or public building, a distance no less than two (2) times the total height of the tower, plus the length of the turbine blades or 1,000 feet, whichever is greater.
- E. Each wind turbine shall be set back from the nearest property line, a distance no less than 1.1 times the total height of the tower, plus the length of the turbine blades, unless easements are secured from adjacent property owners.

- F. The height shall be measured by the distance measured from the natural grade or finished grade to the tip of the rotor blade at its highest point.
- G. Each wind turbine shall be set back from the nearest public street, a distance no less than 1.1 times the height of the tower, plus the length of the turbine blades measured from the nearest right-of-way of the public street.
- H. Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line, a distance not less than 1.1 times the total height of the tower, plus the length of the turbine blades measured from the existing power line or telephone line.
- I. The blade tip of any wind turbine shall have ground clearance at its lowest point of no less than 75 feet.
- J. Wind turbines shall be painted a non-reflective, non-obtrusive color.
- K. Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority.
- L. Wind turbines shall not be used for displaying any advertising, except for the reasonable identification of the manufacturer or operator of the wind farm.
- M. Electrical controls, control wiring and power lines shall be wireless or not above ground, except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
- N. The applicant shall minimize or mitigate any interference with electromagnetic communications such as radio, television or telephone signals caused by the wind farm.
- O. Audible noise due to wind farm operations shall not exceed fifty decibels (50 dBA) for any period of time when measured at any residence, school, hospital, church or public building existing on the date of Conditional Use approval of the wind farm.
- P. In the event that audible noise due to a wind farm operation contains a steady pure tone, such as a whine, screech or hum, the above standards for audible noise shall be reduced by five decibels (5 dBA).
- Q. Appropriate warning signage shall be placed on wind farm towers, electrical equipment, and wind farm entrances.
- R. Wind turbine towers shall be equipped with anti-climbing devices for a distance of 15 feet above the ground.
- S. All access doors to wind turbine towers and electrical equipment shall be kept locked when the site is unattended.

- T. A reasonably visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

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Article V. General Regulations

1. Structures and Uses on Individual Lots

- A. Only one Principal Use, as identified in the Use Chart of this Ordinance, is permitted on a single lot or parcel.
- B. A principal structure shall exist on the property before a permit for an accessory structure can be issued.
- C. All occupied structures in the Township shall be constructed on permanent foundations.

2. Nonconforming Structures and Uses

- A. The following provision shall apply to all nonconforming structures or uses. Nothing contained in this section shall require any change in the overall layout, plans, construction, size or designated use of any building or structure or part thereof in which approval and required permits have been granted prior to the effective date of this Zoning Ordinance.
- B. Nonconforming structure: When a structure exists on a lot at the effective date of this chapter, or any amendment that may follow, and does not conform to the requirements regarding height, setbacks, yards, or lot coverage, said structure may remain subject to the following:
 - 1) No structure shall be enlarged or structurally altered in a way that would increase its non-conformity, except through a variance issued by the Zoning Hearing Board.
 - 2) If any nonconforming structure is totally destroyed by fire or an act of God, repairs and reconstruction may be allowed to occur, provided that any existing nonconformities are not increased.
- C. Nonconforming Uses: Where, at the effective date of this Ordinance or amendments that may follow, a structure or lot exists that is made no longer permissible under the Use Regulations of this Ordinance or amendment thereto, such Use may be sold or otherwise transferred to other owners and may continue as a Nonconforming Use provided the following provision are met:
 - 1) No Nonconforming Use of a structure or land shall be enlarged, increased in capacity, or extended to occupy a greater lot area than was occupied at the effective date of this Ordinance or amendments thereto, except if granted approval by the Zoning Hearing Board. The Zoning Hearing Board shall grant approval based on the following conditions:
 - a) The Zoning Hearing Board shall seek the review and comments from the Township Planning Commission.

- b) The enlargement, extension, reconstruction, or alteration of the Nonconforming Use may be accomplished, provided the total of such changed shall not increase the total building or land by more than 25% of the total land area occupied at the time that the Use became Nonconforming.
 - c) The total cost of the expansion or enlargement shall not exceed 25% of the total assessed value of the building or land at the time that expansion is proposed.
 - d) All other applicable regulations of this chapter shall be met, and the expansion or enlargement shall not eliminate any required off-street parking or loading spaces.
- 2) An exception to the regulations above shall be made if the Nonconforming Use is an existing Single-family dwelling in the B2 Zoning District. Property owners who occupy these Uses may construct structural additions to existing structures without the approval of a variance, as long as the alteration complies with the Zoning District Area and Bulk Regulations as described in this Ordinance.
 - 3) When a Nonconforming Use is changed to an Authorized Use, it shall conform to the applicable District requirements, and the Nonconforming Use shall not thereafter be resumed.
 - 4) Abandonment. When a Nonconforming Use is discontinued for 12 consecutive months or 18 months in any three (3) year period, it shall be considered abandoned and shall not thereafter be used, except in conformance with the regulations of the zoning district in which the Use is located.

3. Exception to Height Limitations

The height regulations of this chapter shall not apply to agricultural accessory structures, belfries, chimneys, church spires, elevator bulkheads, flagpoles, monuments, ornamental towers, silos, smokestacks, spires, tanks, television and radio antennas, transmission towers, water or fire towers or windmills.

4. Fences

- A. Fences shall be constructed using durable construction materials and shall be kept and maintained in such condition as to not cause nuisance to any adjacent property, lot, or use.
- B. Decorative walls and fences (such as split rail fencing), which are not intended to enclose or secure property and which are not in excess of four (4) feet in height, shall be permitted in any front yard.
- C. Fences which are at least 50% transparent and which are not in excess of five (5) feet shall be allowed in any side or rear yard.

- D. Privacy fences (fences less than 50% transparent) which are not in excess of six (6) feet, shall be permitted in any rear yard, provided that the fence is attached to the principal structure.
- E. Any swimming pool shall be enclosed by a fence not less than four (4) feet in height and does not exceed six (6) feet in height.
- F. Fence may be constructed on a property line, provided a valid property boundary survey is provided with the application.

5. Landscaping and Bufferyards

- A. General Responsibility for Maintenance of All Landscaping and Bufferyards. It shall be the responsibility of the owner/applicant to assure the continued growth of all required landscaping and/or to replace the same in the event of frost, vandalism, disease, or other reasons for discontinued growth of the required trees, shrubs, bushes, and ground cover.
- B. Landscaping. Any portion of a lot, which is not used for building, other structures, loading or parking spaces, sidewalks or storage areas shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs, in accordance with a landscape plan submitted with an application for zoning approval.
- C. Bufferyard. Where required by this chapter and unless otherwise stated, a bufferyard shall be at least five (5) feet in depth and consist of evergreen trees or shrubs, planted at oblique lines to one another so that a continuous screen is provided.

6. Outdoors Sales Display

- A. No movable vehicle such as a truck or trailer shall be used for outdoor sales or display unless the owner has applied for and obtained a transient merchant license from Somerset Township.
- B. The outdoor sale or display area shall not reduce the area required for off-street parking or loading for the principal use, nor shall its location interfere with the free flow of traffic on the site or the use of any off-street parking or loading area.
- C. The outdoor sale or display area shall not be located within 50 feet of any property line adjoining a residential or zoning district.
- D. If the outdoor sale or display area is for seasonal use and involved the erection of a temporary structure, the temporary structure shall be removed within 48 hours of the termination of the seasonal storage or display.

7. Outside Storage

- A. Any article or material stored temporarily outside an enclosed building as an incidental part of the primary operations, shall be so screened by the requirements of a bufferyard, as described in this Ordinance, so that it cannot be seen from adjoining public streets or adjacent lots, when viewed by a person standing on ground level.

8. Floodplain Regulations

- A. Floodplain Districts identified as being subject to the 100-year flood in the Flood Insurance Study are established as the (FW) – Floodway District, the (FF) – Flood Fringe District, and the (FA) – Floodplain General District. Floodplain Districts shall be overlays to Zoning Districts established in this chapter, and provisions for Floodplain Districts are supplemental requirements to the Zoning Districts.
- 1) Boundaries of Floodplain Districts are established as delineated by the Flood Insurance Study, which includes Flood Boundary and Floodway Maps, and which are declared to be part of this chapter.
 - 2) Interpretation of District Boundaries. Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the identification of any Floodplain area, an initial determination shall be made by the Board of Supervisors, and any aggrieved party may appeal to the Board of supervisors. The burden of proof shall be on the appellant who may submit such technical evidence as he/she desires.
 - 3) Where specific 100-year flood elevations cannot be determined for this FA - Floodplain General District using other sources of data including the U.S. Army Corps of Engineers, Floodplain 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 Protection, Dam Safety, Obstructions, and Stormwater 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 and Economic Development.
- B. Floodplain Provisions. No use or development shall be permitted within a Floodplain District, except as a Conditional Use, in accordance with the provisions of the underlying zoning district and the Conditional Use regulations as described in this chapter.
- 1) The following uses are prohibited within any Floodplain District: mobile homes, mobile home parks, hospitals, nursing homes, correctional institutions, and campgrounds for recreational vehicles.

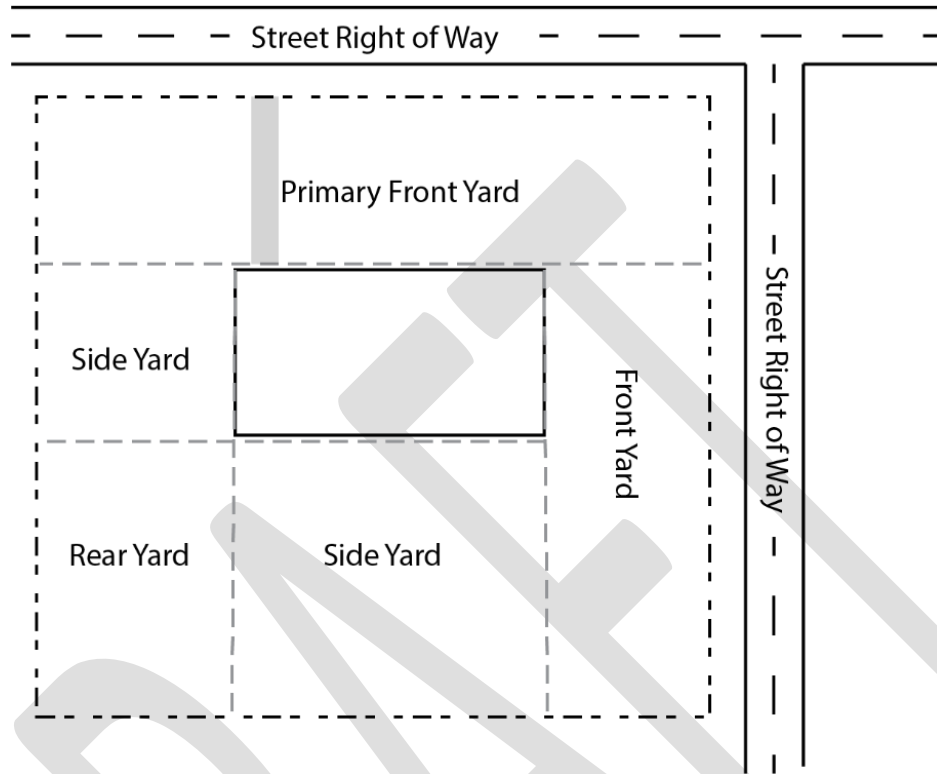
- 2) No structure or use shall be permitted in any Floodplain District, which produces or uses any hazardous material, or stores or maintains a supply of any hazardous material in an amount of 50 gallons or more, or which uses, produces, or stores radioactive substances in any amount.
- 3) No use proposed in any Floodplain District shall diminish the capacity of the floodway of any drainage system.
- 4) No use or substantially improved residential structure shall be permitted within any Floodplain District unless its lowest floor is at least one (1) foot above the 100-year flood elevation.
- 5) No new or substantially improved non-residential structure shall be permitted within any floodplain unless its lowest floor is at least one (1) foot above the 100-year flood elevation, or it is so designed and constructed that the space enclosed by such structure shall remain either completely or essentially dry up to that height.
- 6) No obstruction shall be placed in any floodplain, 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 waterborne debris, or that might be carried downstream by floodwaters to damage downstream property.
- 7) No part of an on-site sewage disposal system shall be permitted in any flood zone.
- 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.

9. Corner and Flag Lots

A. Corner Lots.

1. Corner lots shall provide front yards on each street frontage. The rear yard shall be the yard, which is opposite the front yard on which the principal structure faces. The remaining yard or yards shall be the side yards.
2. The front of which shall be the frontage of at least dimension on a street, except that where any two frontages shall each exceed 150 feet in length, either frontage may be designated as the 'front' of the lot.

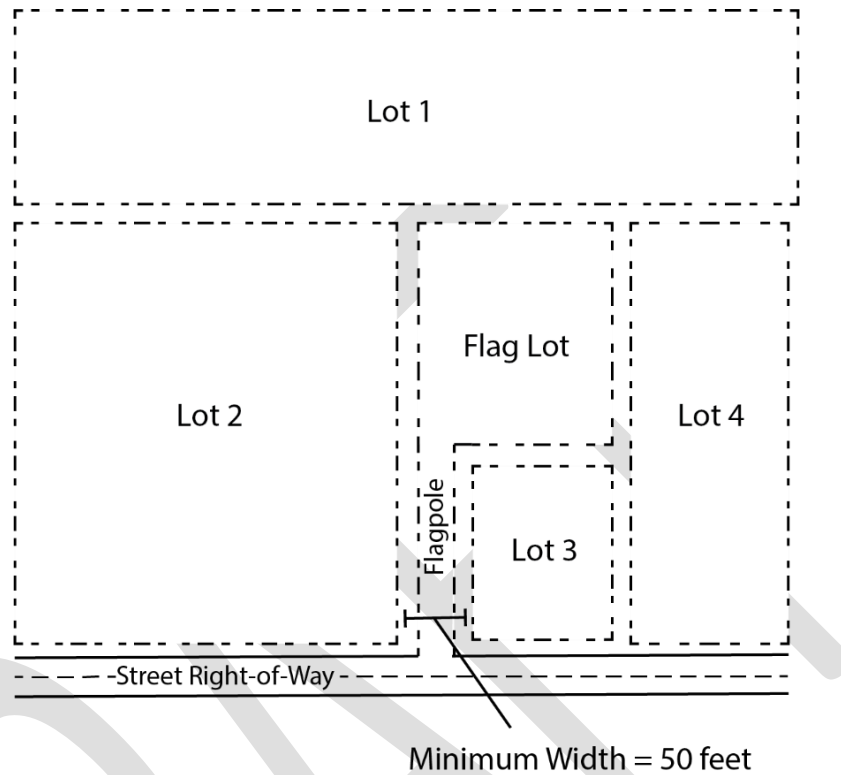
Figure 500. Corner Lot



B. Flag Lots.

1. The minimum required front yard on a flag lot shall be measured from the rear lot line of the forward lot that lies between the flag lot and the public street from which the flag lot has access. Since the width of the portion of the flag lot, which provided access from the public street, is not buildable under the Zoning Ordinance, applying the front yard along the public street is meaningless.
2. The minimum width of the portion of the flag lot that provides access to the public street shall be 50 feet.
3. If undeveloped acreage adjoins the property proposed for a flag lot, the Planning Commission may require the width of the portion of the flag lot that provides access to the public street to be increased to provided one (1) half or all of the right-of-way required for a future public street.

Figure 501. Flag Lot



10. Visibility at Intersections

A. Corner Lots.

1. At every intersection of a public street, private street, or commercial driveway with a public street there shall be triangular areas deemed to be clear sight triangles. A clear sight triangle shall be determined by the intersecting street center lines and a diagonal line connecting the two points, one at each center line. The distance of each point from the intersection of the street or driveway center lines, as applicable, shall be as specified by PennDOT's Intersection Sight Distance or Formula Sight Distance, in the latest edition of AASHTO "A Policy On Geometric Design of Highways and Streets" as applied by PennDOT.
2. There shall be no obstruction of vision between a height of two feet and 10 feet above the center line grade of the street within the clear sight triangle.
3. Clear sight triangles shall be graded as necessary and kept clear of any buildings, plantings, or other obstructions, with the exception of items required by a governmental or quasi-governmental entity or public utility, such as, but not limited to, traffic signage, utility poles, etc.

11. Performance Standards

- A. Fire and Explosive Hazards. All activities and all storage of flammable and explosive material at any point, shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate firefighting and fire suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the Laws of the Commonwealth of Pennsylvania.
- B. Radioactivity or Electrical Disturbances: There shall be no activities which emit radioactivity at any point. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.
- C. Smoke: There shall be no emission at any point from chimney or otherwise for longer than five (5) minutes in any hour of visible gray or visible smoke of any other color with a shade darker than No. 3 on the Standard Ringlemann Chart as issued by the U. S. Bureau of Mines.
- D. Smoke, Ash, Dust, Fume, Vapor, Gases and Other Forms of Air Pollution: There shall be no emission at any point from any chimney or otherwise, which can cause any damage to health, to animals or vegetation or other forms of property; or which cause any excessive soiling at any point.
- E. Liquid and Soil Wastes: There shall be no discharge at any point, into any private sewerage system, or stream or into the ground of any materials in such a way or of such a nature or temperature as can contaminate or otherwise cause the emission of hazardous materials, except in accordance with the standards of the Pennsylvania Department of Environmental Protection (DEP) and the Board of Supervisors.
- F. Noise and Vibration: There shall be no vibration or noise level at the property line greater than the average noise level occurring on adjacent streets or properties, with the exception of construction activity between the hours of 7 a.m. and 7 p.m.
- G. Glare: No direct or sky-reflected glare, whether from floodlights or from high temperature processes, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. For purposes of interpreting this subsection, glare shall be defined as direct or indirect light from any source which exceeds one half (1/2) foot candle on any adjoining property.
- H. In all zoning districts, all lighting devices located within 100 feet of a property line adjoining Residential Use or Zoning classification shall be designed with shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle which is less than 90 degrees. Cutoff angle is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- I. Odor: There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive on adjoining streets or adjacent lots.
- J. Operation: All primary operations shall be conducted entirely within closed buildings.

Article VI. Supplemental Regulations

1. Accessory Dwelling Units

- A. The accessory dwelling unit shall not exceed 40 percent of the total square footage of the principle single-family structure.
- B. Only one (1) accessory dwelling shall be permitted per lot.
- C. The lot shall comply with the underlying area and bulk regulations of the Zoning District in which the accessory dwelling unit is located.
- D. The accessory dwelling unit shall require an on-lot septic system, if the unit is not connected to the public sewer system.
- E. The owner of the property must maintain principal residency in either the principal structure or the accessory dwelling unit.
- F. The accessory dwelling unit shall be architecturally consistent with the principal structure.
- G. A Zoning Permit for an accessory dwelling unit must be approved and issued prior to its construction.

2. Accessory Solar Energy Systems

- A. ASES shall be permitted as a use by right in all Zoning Districts. Such use shall be subordinate to the Principal Use.
- B. Exemptions
 - 1) ASES with an aggregate collection and/or focusing area of one hundred (100) square feet or less are exempt from these regulations.
- C. The ASES layout, design, installation and on-going maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), or other similar certifying organizations; and shall comply with the PA Uniform Construction Code (UCC) as enforced by the Township; and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
Upon completion of installations, the ASES shall be maintained in good working order, in accordance with the standards set forth in the Somerset Township Zoning Ordinance. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement by the Township in accordance with all applicable Ordinances.

- D. ASES installers must certify to the Zoning Officer they are listed as a “Certified Installer” on the PA Department of Environmental Protection (DEP) approved solar installer list, or that they meet, or exceed, the criteria to be a DEP-approved installer.
- E. All on-site utility, distribution lines, and plumbing shall be placed underground to the extent feasible.
- F. The owner of an ASES shall provide written confirmation to the Township Zoning Officer that the public utility company to which the ASES will be connected has been informed of the customer’s intent to install a grid-connected system and such connection has been approved. Off-grid systems shall be exempt from this requirement.
- G. The display of advertising is prohibited except for reasonable size identification of the manufacturer of the system in compliance with all applicable requirements of the Somerset Township Zoning Ordinance and as approved by the Zoning Officer.
- H. Solar Easements
 - 1) Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
 - 2) Any such easement shall be appurtenant; shall run with the land benefitted and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include, but not be limited to:
 - a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - d) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefitting from the solar easement in the event of interference with the easement;
 - e) Owner information, deed book volume and page number or document number, along with the parcel identification number.
 - 3) If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate agreement(s) with adjacent property owner(s).

I. By accepting a permit issued by the Township for the ASES, the applicant shall be deemed to have acknowledged and agreed that the issuance of said permit for a solar energy system shall not, and does not, create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself:

- 1) The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining property or other property or the growth of any trees or vegetation on such property; or
- 2) The right to prohibit the development on or growth of any trees or vegetation on such property.

J. Decommissioning

- 1) Each ASES and all solar-related equipment shall be removed within twelve (12) months of the date when the Use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of same.
- 2) The ASES shall be presumed to be discontinued or abandoned, if no electricity is generated by such solar collector for a period of twelve (12) months.
- 3) The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last twelve (12) months.

K. Permit Requirements

- 1) Zoning/building permit applications shall document compliance with this section and shall be accompanied by drawings showing the location of the system on building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
- 2) The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
- 3) The ASES must be properly maintained and be kept free from all hazards, including, but limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violations to the owner of the ASES to conform or to remove the ASES.

L. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

1. A roof or wall mounted ASES may be located on a principal or accessory structure.

2. ASES mounted on roofs or walls of any structure shall be subject to the maximum height regulations specified for principal and accessory structures within the underlying Zoning District in which they are located.
3. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying Zoning District in which they are located.
4. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the PA Uniform Construction Code (PA UCC) and any applicable building codes of the Township that the roof or wall is capable of bearing the load imposed on structure.

M. Ground Mounted Accessory Solar Energy Systems

1. Setbacks

- a) Ground mounted ASES are prohibited in front yards between the principal structure and the street.
- b) A ground mounted ASES may be located in the portion of the front yard, not between the principal structure and the street, provided that: (1) the applicant demonstrates that, due to solar access limitations, no other location exists on the property where the ASES can function effectively; and (2) vegetative screening is provided.

2. Height

- a) Freestanding ground mounted ASES shall not exceed the maximum accessory structure height in the underlying Zoning District and Stormwater Management Ordinance.

3. Coverage

- a) The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.

4. Screening

- a) Ground mounted ASES shall be screened from any adjacent property that is zoned, or used, for residential purposes. The screen shall consist of plant materials which provide a visual screen from the adjacent property. In lieu of a vegetative screen, a decorative fence meeting the Zoning Ordinance requirements may be used.

5. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
6. Ground mounted ASES shall not be placed within any legal easement or right-of-way location.
7. Ground mounted ASES shall not be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater management system.

3. Billboard

- A. Billboards shall be permitted within 200 feet of any highway, provided the following regulations are met.
- B. No billboard shall be located within 250 feet of any residential property.
- C. No billboard shall be located within 1,000 feet of another existing or proposed billboard.
- D. No billboard shall be larger than 12 feet by 36 feet.

3. Electric Vehicle Charging Stations

- A. If an electronic vehicle charging station is to be constructed, it shall be done so, in addition to the minimum parking requirements for the Principal Use, that the said charging station is an accessory to.
- B. Charging stations shall have the appropriate signage and indicators, indicating the use of the charging station clearly and distinguishing it from other, non-charging station spaces. Said signage includes “reserved for EV” signs. The use of green road paint is also encouraged to further distinguish the spot from other non-charging station spaces.
- C. The signage and other indicating makers shall not interfere in any way with the parking space, drive lane, or exits.
- D. All electronic charging stations shall include the contact information for those responsible for the maintenance of the station, as well as those to call in case of emergency.
- E. All electronic vehicle charging stations shall have safety information located in a prominent location.

4. Forestry

- A. Applicant shall submit a Zoning Permit Application for timbering in the Township and receive application approval prior to commencement of any timbering activities on the site.

- B. The minimum site shall be five (5) acres.
- C. All operations shall be located at least 300 feet from any existing dwelling.
- D. Applicant shall notify all property owners adjacent to the timbering site prior to the commencement of timbering activities.
- E. All operations shall be discontinued between 7:00 p.m. and 7:00 a.m., provided further that such operations shall not take place during any hours on Sundays or legal bank holidays.
- F. Routes to be used by the hauling trucks shall be approved by the Township and the operator shall demonstrate that there shall be no negative impact on roads from the proposed operation.
- G. A performance bond shall be posted in favor of and in the amount required by the Township to guarantee restoration of Township roads used as hauling routes.
- H. The applicant shall submit a copy of the state and/or county permit for hauling on state and/or county roads.
- I. The applicant shall show compliance with the following laws and regulations of the Commonwealth and all necessary permits shall be maintained during the operation:
 - 1) Erosion and sedimentation control regulations contained in Chapter 102, issued pursuant to the Pennsylvania Clean Streams Law.
 - 2) Stream-crossing and wetlands protection regulations contained in Chapter 105, issued pursuant to the Pennsylvania Dam Safety and Encroachments Act.
 - 3) Stormwater management plans and regulations issued pursuant to the Pennsylvania Stormwater Management Act.
- J. Any suspension or revocation of state permit shall constitute revocation of zoning approval, and the operator shall be subject to the enforcement provisions of this Ordinance.
- K. A logging plan shall be submitted which shows, at a minimum:
 - 1) The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings.
 - 2) The design, construction and maintenance of water-control measures and structures such as culverts, broad-based dips, filter strips and water bars.
 - 3) The design, construction and maintenance of stream and wetland crossings, if any.
 - 4) The general boundaries of the proposed operation in relation to township and state or county roads, including any accesses to those roads.

- 5) The site location, including boundaries of the property and boundaries of the proposed harvest area.
 - 6) Significant topographic features.
 - 7) The location of all earth-disturbance activities, such as roads, landings and water control measures and structures.
 - 8) The location of all crossings of waters of the Commonwealth.
- L. Felling or skidding on or across any public street is prohibited without the express written consent of the Township, County, or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the street.
 - M. No tops of trees or debris shall be left within 25 feet of any public street or any private road providing access to adjoining residential property.
 - N. All tops of trees and debris within 50 feet of a public street or residential property line shall be cut to a maximum of four (4) feet above the adjacent ground level.
 - O. No tops of trees or debris shall be left on any adjoining property or across any property line without the consent of the adjoining owner.
 - P. Upon completion of the timber removal, haul roads shall be restored to their original condition.

5. Hobby Farms

- A. A tract of at least three (3) acres, but less than 10 acres shall be required for a hobby farm.
- B. Hobby farms may include any of the activities encompassed by agriculture, as defined by this Ordinance, however, the hobby farm shall be restricted to personal use and enjoyment and any sale of animals or produce shall not constitute the principal economic activity of the residents of the hobby farm.
- C. The number of animals maintained on a hobby farm, if any, shall be reasonably related to the size of the property, the area available for grazing and the capacity of the land to sustain the animals without constituting a nuisance.
- D. Any area of the property used for grazing shall be adequately fenced to properly enclose the animals and to protect adjacent properties.
- E. No grazing of animals shall be permitted any closer than 100 feet to any occupied dwelling, other than the owner's dwelling.
- F. No building housing animals shall be located closer than 100 feet to any occupied dwelling, other than the owners.

- G. The owner of the hobby farm shall not permit any litter or droppings from horses or other animals to collect so as to result in the presence of fly larvae or objectionable odors.

6. Home Occupation

- A. The employees of a home occupation may include the residents of said dwelling and a maximum of one (1) non-resident.
- B. A home occupation shall not exceed 25 percent of the gross floor area of the residence, including the space to maintain the equipment needed in the occupation.
- C. The use shall not create any additional environmental impact other than those impacts, including, but not limited to, road infrastructure, traffic, garbage, water, and sewage, normally resulting from Residential Use.
- D. There shall be no storage of materials or equipment outside of an enclosed building.
- E. The use shall not cause greater vehicular or pedestrian traffic than is that which is normal for the residence in the neighborhood.
- F. All needs for parking shall be provided for on the lot.
- G. There shall be no regular display of merchandise available for sale on the premises; however, merchandise may be stored on the premises for pickup/delivery.

7. Mobile Home

- A. Mobile homes shall be permitted outside of mobile home parks only when they comply with the following requirements:
 - 1) 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 foundations shall be completely enclosed. The unit shall be anchored securely with tie downs and shall have its wheels removed.
 - 2) The mobile home should have a floor area of not less than eight 840 square feet.

8. Private Garage, Detached

- A. Private garage accessory to a single-family dwelling in any permitted Residential District shall be located within the rear or side yards of the lot and are subject to the height and yard requirements in the zoning district in which they are located.
- B. Only one (1) private garage shall be permitted per lot.

9. Residence in Combination with Business

- A. The minimum lot area required for each dwelling unit shall be 2,800 square feet and shall be provided in addition to the lot area required for business use.
- B. Dwelling units shall not be permitted on the street floor of a commercial building.
- C. Dwelling units shall not be permitted in basements, garages, or any other accessory structures.
- D. Dwelling units shall have a minimum habitable floor area of 800 square feet.
- E. Off-street parking shall be provided on the lot in accordance with the ratios for each use specified in this Ordinance. Shared parking for Residential and Commercial Uses shall not be permitted.

10. Recreational Vehicles

- A. A recreational vehicle must be parked on the owner's property and behind the property line. It must be parked in such a manner as not to restrict visibility of traffic using any adjacent public street. A recreation vehicle's wheels must, at all times, be blocked or otherwise rendered immobile so as to prevent any movement of the vehicle while it is in a stopped position.
- B. Recreational vehicle parking is limited by the following regulations:
 - 1) Under no circumstances shall any recreational vehicle be parked on any public street in violation of existing state or local laws.
 - 2) No recreational vehicle shall be used for the purpose of habitation while parked or stored on an owner's property within the Township.

11. Roadside Sale Stands

- A. Roadside stands for the sale of homegrown fruits and vegetables shall be permitted, if they do not entail a structure having a floor no greater than 100 square feet.
- B. All roadside sales stands shall be erected no closer than 30 feet off the road, and parking space is provided off the road.

12. Special Event Barn, Accessory

~~A. The maximum attendance limit at an event may be reduced below 200 persons by the Board of Supervisors as a part of the Conditional Use approval.~~

B.A. The conduct of the event including fixtures, tents, and parking may extend to the grounds, but may not extend into the building setback areas.

~~C.B.~~ No more than 24 events per calendar year ~~and no more than two (2) per month shall be permitted at a Special Event Barn~~, excluding any rehearsal for the same event.

~~D.C.~~ A Special Zoning Permit for Special Event Barn shall be required. No special event shall take place without a valid special zoning permit issued to the owner of the Special Event Barn, and such permit is invalid upon any single violation of any requirement of this Ordinance, including, but not limited to, exceeding the permitted number of events annually and the permitted number of attendees, or violation of any condition attached to any Conditional Use Approval granted by the Board of Supervisors. The Permit Application shall include the following information, at a minimum, and shall be of a form and substance as determined by the Township necessary to determine compliance with the requirements of this Ordinance:

~~1) Proof of Conditional Use approval.~~

~~2)1) Proof of Insurance.~~

~~3) Written acknowledgement by the Applicant and Operator of the Conditional Use requirements for Special Event Barn.~~

~~4)2) The dates of the validity of the permit.~~

~~5)3) Proof of any applicable Township inspections and approvals.~~

~~6)4) Documentation of the date and time of each special event to be held and actually held at the Special Event Barn.~~

~~E.D.~~ Parking shall be on the property on which the Special Event Barn is located. Under no circumstances may parking be on state or township roads, on other public property, or on private property other than that on which the Special Event Barn is located.

~~F.E.~~ The parking area shall be accessible by means of a driveway that shall be covered by gravel or paved surface and is at least 40 feet in length. The driveway accessing the parking area shall be wide enough to accommodate two-way traffic or there shall be separate entrances and exits to the parking area(s).

~~G.~~ ~~Parking shall be in areas covered by gravel. Grass, dirt, or mud parking is prohibited. The size of the parking area shall be adequate to accommodate all vehicles at the event.~~

~~H.F.~~ The required building setback areas may not be used for parking.

~~I.G.~~ No event may begin before 11:00 a.m. or extend past ~~101:00~~ 11:00 p.m., with all attendees to exit the premises by midnight.

~~J.H.~~ All entertainment must end at ~~109~~ 10:00 p.m.

~~K.I.~~ All entertainment, including, but not limited to, DJs, music, bands, a dance floor, or a stage shall be limited to the interior of the Special Event Barn. Outdoor recreation activities conducted by the attendees shall not be considered entertainment for the purposes of interpreting this section.

~~L.J.~~ If the Barn does not include sufficient restroom facilities to meet building code requirements (at least one ADA accessible facility), then portable restroom trailers, approved by the ~~Somerset Township~~ Washington County Sewage Enforcement Officer, are required. The restroom trailer(s) must be placed in a location to reduce visibility from public roads and nearby adjacent residential structures. The restroom(s) must be removed within 24 hours of the event.

~~M.~~ The owner of the Special Event Barn shall provide bonded, insured on-site independent security guards for each event, and a certificate showing that the Special Event Barn is covered by special event liability insurance shall be displayed at all times.

~~N.~~ No sale of food or beverages, including, but not limited to, cash bars, concession stands, or other similar sales, is allowed at any event associated with the use of the Special Event Barn.

~~O.K.~~ Alcoholic beverages may be served only as allowed by local and state laws. There shall be no sale of alcoholic beverages.

~~P.~~ Signs shall be erected only in accordance with the sign provisions herein.

~~Q.L.~~ Any structure being used as a Special Event Barn shall be inspected and approved by a Certified Engineer approved by the Township, and a copy of the Engineer's Report shall be submitted to the Township prior to the issuance of the Special Zoning Permit. The structure must also be inspected and approved by the Township Building Code Official prior to the issuance of the Special Zoning Permit.

~~R.M.~~ Any changes necessary to accomplish the use as a Special Event Barn (e.g., modifications to the building, driveways, parking areas, etc.) are subject to the Township's Land Development and Stormwater Ordinances, Zoning Ordinance, and the Uniform Construction Code, where applicable.

~~S.~~ No pyrotechnics may be used in conjunction with activities associated with the Special Event Barn.

~~T.~~ Special events may be held only on Fridays, Saturdays, and Sundays.

~~U.N.~~ Trash shall be removed within 48 hours following the end of every special event.

~~V.~~ All trash must be stored within a commercial dumpster and the dumpster area must be fenced on all sides with wood or vinyl fencing six (6) feet tall.

~~W.O.~~ Any Special Event Barn that has been damaged or destroyed by fire or other means may be reconstructed and used as before, if the restructuring is performed within 12 months of discontinuance of use, and if the restored building covers no greater area and contains no greater cubic content than did the building that was destroyed.

13. Storage Shed

- A. Storage sheds accessory to single-family dwelling in any Residential District shall be located within the rear or side yards of the lot and are subject to the height and yard requirements in the zoning district in which they are located.

14. Swimming Pools

- A. 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.
- B. Swimming pools shall only be permitted in the side or rear yards of a lot.

15. Tiny Home In A Mobile Home Park

- A. The Tiny Home shall have a minimum of 150 square feet of habitable floor area.
- B. The Tiny Home must be served by water and sewer. Connection to public water and/or sewer shall conform to the regulations of the Authority responsible for each utility. If public water and/or sewer is unavailable, the Tiny Home shall be physically connected to a sewage disposal and water supply system that does not exceed the total number of occupant's maximum capabilities for which the system was designed. Any connection to and/or expansion of an individual on-lot sewage disposal system shall be reviewed by the Municipal Sewage Enforcement Officer, and the applicant shall present evidence of such review and all necessary approvals.
- C. The Tiny Home shall provide one (1) off-street parking space.
- D. The maximum density of the Zoning District may not be exceeded.
- E. The setback requirements as a Principal or Accessory Use of the underlying Zoning District shall be met.

Article VII. Sign Regulations

1. Purpose

- A. This article is intended to:
 - 1) Encourage sound signage practices and standards with respect to size, lighting, spacing, placement and type for the purpose of safeguarding and enhancing properties in each of the Township's Zoning Districts.
 - 2) Promote the safety and welfare of the community.
 - 3) Promote the environmental integrity and natural beauty of the Township.

2. General Regulations

- A. Permits. No sign or sign structure shall be erected, displayed, altered, or relocated, except as provided for herein, until a sign permit as described in the Township Review and Approval Article of this Ordinance has been issued by the Zoning Officer. A separate permit shall be required for each sign requiring a permit.
- B. Signs Exempt from Permits. The following sign types shall not require the issuance of a sign permit:
 - 1) Address Markers.
 - 2) Signs erected by a public agency or utility providing warning or information to the public, and any signs erected by the Township or under the direction of the Township.
 - 3) Sign denoting the availability of real estate for lease or sale, a maximum of 12 square feet in an area and a maximum of one (1) sign per property. Such signs shall be permitted only if the property on which the sign is located, or building thereon, is for lease or sale. No such sign shall be located within public right-of-way.
 - 4) Political signs. Such signs shall be removed within seven (7) days after the political event for which they were intended.
- C. Inspections. Inspections by the Zoning Officer shall be made to determine compliance with these regulations and specifications. Any discrepancies shall be identified, in writing, citing the irregularities and the action(s) required to address the requirements. If no action has been taken by the sign owner within 30 days, the sign shall be deemed in violation, and permit shall be revoked, the sign may be requested to be removed, and legal actions may be undertaken.

The Zoning Officer may remove, or order the removal of, any sign erected or placed in violation of this article, at the expense of the sign owner.

Signs that are found to present an immediate hazard to the public may be ordered to be removed immediately by the Zoning Officer without notice and at the cost of the sign owner.

D. Prohibited Signs.

- 1) Animated signs.
- 2) Signs illuminated by flashing, pulsating or intermittent internal or external light source are not permitted. Internal illumination that changes intensity with a frequency of less than 15 seconds shall be considered flashing.
- 3) Signs that create glare to adjacent properties or any adjacent street are not permitted.

E. Setback and Location

- 1) Signs shall be placed no closer than 10 feet to any other property line or any right-of-way line, measured horizontally from the sign edge and shall not project within an existing street right-of-way.
- 2) Monument signs shall be placed no closer than five (5) feet to the closest property line and 18 inches from an abutting street right-of-way line.
- 3) No sign shall be erected in such a manner or location that would obstruct vision, ingress and/or egress or interfere with safe traffic flow.
- 4) No sign shall be located so as to block doors, operable windows or fire escapes, or access to them, nor shall a sign be attached to a fire escape.
- 5) Such sign shall extend vertically past the roofline of the building upon which the sign is located.
- 6) No sign shall project over a street, alley, or driveway, nor be closer than two (2) feet from the closest perpendicular edge of the curb or paved edge of any such vehicular way.

F. Lighting. No sign lighting shall be installed in a manner or of such a brightness as to create excessive glare on adjacent property or uses such that lighting inhibits the use and enjoyment of the adjacent property or uses. Flashing signs and signs with flashing lights are prohibited.

G. Sign Alterations. Any structural alteration to a sign requires the sign to be compliant with the current provisions of this chapter.

3. Residential District Sign Regulations

A. Building signs for identification of home occupations or no-impact home-based businesses shall be permitted, provided that such sign is a maximum of five (5) square feet and shall not be illuminated.

- B. Monument signs identifying a residential development or neighborhood, provided that the maximum sign area shall be 18 square feet per sign face and the sign shall not exceed four (4) feet in height.
- C. Signs displaying name, activities and/or functions for public institutions (churches, public schools, accredited private schools, and publicly owned or operated buildings), provided that:
 - 1) One monument sign is permitted on a property.
 - a) The maximum sign area shall not exceed 30 square feet per sign face, and there shall be a maximum of two (2) sign faces.
 - b) Changeable copy/lettering and LED signs are permitted, provided that they do not comprise more than 50% of the total sign area. Except as to permitted location, all other requirements of this chapter for LED signs shall be met.
 - c) The maximum height shall be four (4) feet.
 - d) No monument sign shall be located in such a manner as to obstruct traffic sight visibility.
 - 2) One building sign is permitted per building.
 - 3) The maximum sign area shall be 15 square feet, and the sign shall meet all other building sign requirements of this chapter.

4. Non-Residential District Sign Regulations

- A. In the B-1, B-2, and M-1 Districts, the following regulations apply.
 - 1) A maximum of two (2) free standing signs per building or lot.
 - 2) Building, awning, canopy or wall sign for each building or lot as follows:
 - a) One (1) sign for buildings with footprints of 5,000 square feet or less.
 - b) Two (2) signs for buildings with footprints of 5,001 – 15,000 square feet.
 - c) Three (3) signs for buildings with footprints of 15,001 square feet or more.
 - 3) One (1) additional building sign, awning, canopy, or wall sign for each building tenant, for which a Township Occupancy Permit is issued or otherwise required.
 - 4) The total square footage of all building, awning, canopy, or wall signs shall not exceed 120 square feet.
 - 5) Directional signs, a maximum of five (5) square feet in size per sign face, up to a maximum of four (4) per lot.

B. All signs shall meet the following requirements, unless otherwise specified:

- 1) A sign shall have a maximum of two (2) sign faces.
- 2) Freestanding signs.
 - a) Each sign face of a freestanding sign shall have a maximum of 40 square feet of sign area.
 - b) The maximum height of any freestanding sign shall be 10 feet.
 - c) Where two (2) or more buildings are located on the same lot or under common ownership, the maximum freestanding sign area shall be 50 square feet of sign area per sign face, provided that a total of only one (1) freestanding sign is permitted for all buildings under common ownership.
- 3) Monument signs.
 - a) The maximum square feet of a sign area per sign face shall be 40 square feet.
 - b) No monument sign shall have more than two (2) sign faces.
 - c) The maximum sign height, measured from ground level to the top of the sign, including sign face and structure, shall be six (6) feet.
 - d) The sign face of a monument sign shall be elevated from the ground level more than two (2) feet measured to the bottom of the sign face, except where the sign sits on a foundation, the width of which shall be equal to or greater than the width of the sign face width, constructed of solid material such as stone, masonry, brick, or other like materials, and the bottom of the sign shall rest on the foundation.
- 4) Any building, wall, canopy, or awning sign.
 - a) The sign shall not project above the wall, roofline, or surface to which it is mounted, nor obstruct building windows.
 - b) The sign shall not encroach upon any road right-of-way, nor shall it in any way interfere with normal pedestrian or vehicular traffic.
 - c) No sign shall extend below a point measured from grade to a height of nine (9) feet. In all instances, signs must comply with the requirements of the American with Disabilities Guidelines on protruding objects and headroom.
 - d) The sign shall not project more than five (5) feet from the building façade to which it is attached.

5) LED signs.

- a) All LED sign images, messages and graphics displayed on the sign face must be static. Animation and video displays are prohibited.
- b) The transition from one static display on the LED sign face to another must be instantaneous without any special effects, including, but not limited to, flashing, spinning, revolving transitions methods, scrolling from left to right or top to bottom, slot machines, splice, mesh, radar, kaleidoscope, spin, or another animated transition.

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Article VIII. Off-Street Parking Regulations

- A. 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 uses enlarged.
- B. No off-street parking space shall have an area less than 200 square feet exclusive of access drives.
- C. Any off-street parking lot for more than five (5) vehicles shall be graded for proper drainage so as to provide a durable surface.
- D. Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect light away from adjoining premises in any Residential District.
- E. 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 (1) space for every 250 square feet of interior space but, at a minimum, no fewer than two (2) spaces. The size for this type of parking space shall be not less than 1,000 square feet.
- F. No on-street parking will be permitted with regards to B-1, B-2, and M-1 Districts.
- G. The following table describes the minimum parking requirements of each permitted use applicable. Employee parking shall be described as the total number of employees during normal business hours.

Table 801. Minimum Off-Street Parking Spaces Required

USE	Parking Space Required
Residential Uses	
Mobile Home	2 per dwelling unit
Mobile Home Parks	N/A
Multi-Family Dwellings	2 per dwelling unit
Quadruplex Dwelling	2 per dwelling unit
Single-Family Dwelling Unit	2 per dwelling unit
Tiny Home	1 per dwelling unit
Townhouse	2 per dwelling unit
Two-Family Dwelling (Duplex)	2 per dwelling unit
Non-Residential Uses	
Agriculture	N/A
Agricultural Services	1 per employee; 1 per every 200 square feet of retail space.
Airport	N/A
Animal Day Care	1 per employee; 1 per visitor during peak visitor hours

USE	Parking Space Required
Animal Shelter	1 per employee; 1 per visitor during peak visitor hours
Assisted Living Facility	1 per every 3 units
Auction House	1 for each 3 occupants at maximum allowable occupancy
Automotive Sales, Rental and Service	1 per every 500 square feet of gross floor area
Bakery	1 per 150 square feet of service area
Bank - Financial Institution	3.5 per 1,000 square feet of gross floor area
Banquet Facility	1 per every 50 square feet of public area
Bar/Nightclub	1 per each patron seat
Bed and Breakfast	1 per guest room
Billboard	N/A
Builders Supply	1 per employee and a minimum of 10 additional spaces
Campground/RV Park	N/A
Car Wash	1 per every on-site employee and a minimum of 1 for service activities.
Casino	1 per every employee
Cemetery	1 per 3 seats in any place of public assembly
Clinics, Other than Methadone Clinic	3.5 per 1,000 square feet of gross floor area
Club -Private	1 per each 4 members
Commercial Recreation	1 per visitor at peak visitor hours; 1 per employee
Communications Antenna	N/A
Communications Tower	1 for service activities; may be paved or compacted gravel.
Community Center	1 per visitor at peak visitor hours; one per employee
Conference and Training Center	1 per visitor at peak visitor hours; one per employee
Contractor's Office/Yard	1 per employee
Convenience Store	1 per employee, 1 per 150 sq feet of gross floor area
Correctional Institution	1 per employee

USE	Parking Space Required
Crematorium	1 per employee
Day Care Center	1 per each employee; plus 4
Distributed Antenna System (DAS)	N/A
Distribution Center	1 per each employee
Drug and/or Alcohol Counseling Center	1 per employee; 1 per each counselling room provided.
Dry Cleaning Facility w/ Pick-up and Drop-off	1 per employee; plus 3
Electric Vehicle (EV) Charging Station	N/A
Emergency Services	1 per employee or volunteer during peak shift
Essential Services	1 for service activity
Exotic Animal Park	1 per employee; 1 per visitor at peak visitor period
Financial Institution, with Drive-Thru Facilities	1 per 250 square feet of gross floor area
Forestry	1 per employee
Funeral Home	8 per viewing room; 18 minimum
Gas/Fuel Stations	1 for every 150 square feet of floor area; 8 minimum
Gas/Fuel Stations w/ Car Wash	1 for every 150 square feet of floor area; 8 minimum
Gas/Fuel Stations w/ Convenience Store	1 for every 150 square feet of floor area; 8 minimum
Gas/Fuel Stations w/ Drive-Thru	1 for every 150 square feet of floor area; 8 minimum
Gas/Fuel Station w/ Restaurant	1 for every 150 square feet of floor area; 8 minimum
Golf Course/Country Club	4 per hole; 1 per employee
Greenhouse/Nursery	1 per employee; 1 per each visitor at peak visitor period
Government Offices	1 per employee; 1 for each seat in public meeting space
Group Care Facility	5 per facility
Health Club/Fitness Center	1 per employee; 1 per each visitor during peak service hours
Heliport	N/A
Hospital	1 per each 3 beds; 1 per each 2 employees on the maximum working shift
Hotel	1 per employee; 1 per guest room

USE	Parking Space Required
Hunting or Fishing Club	1 per each 4 members
Impoundment (for Oil and Gas Operations)	N/A
Independent Living Facility	1 per every 3 units
Junk Yard/Salvage Yard	1 per employee
Kennel	1 per employee; 1 per each visitor at peak visitor period
Landfill	N/A
Laundry Facility	1 per visitor at peak visitor period
Library	1 per employee
Manufacturing Facility, Heavy	1 per employee
Manufacturing Facility, Light	1 per employee
Massage Parlor	1 per employee; 1 per visitor at maximum occupancy
Medical Marijuana Dispensary	1 per employee; 1 per visitor at peak visitor period
Medical Marijuana Grower/Processor	1 per employee; 1 per visitor at peak visitor period
Methadone Treatment Facility (Clinic)	1 per employee; 1 per treatment room
Micro-Brewery/Brew Pub/Micro-Distillery/Winery	1 per employee; 1 per visitor at peak visitor period
Mineral Removal	N/A
Motel	1 per employee; 1 per guest room
Movie Theater	1 per employee
Museum	1 per employee
Music and Art Studio	1 per employee; 1 per visitor at maximum occupancy
Natural Gas Compressor Station	N/A
Natural Gas Processing Facility	1 per employee
Nursing Home	1 per every 3 beds
Office-Business and Professional	3.5 per 1000 square feet of gross floor area
Oil and Gas Development	1 per employee
Outdoor Amusement	1 per employee; 1 per visitor at peak visitor period
Parking Garage	N/A
Parking Lot	N/A
Personal Care Boarding Home	1 per employee
Personal Services	1 per every 75 square feet of retail space

USE	Parking Space Required
Pet Services	1 per every 75 square feet of retail space
Place of Worship	1 per every 4 seats in the largest meeting room
Principal Solar Energy Systems	N/A
Private Non-Profit Multi-Purpose Sports & Recreation Facilities	1 per employee; 1 per visitor at peak visitor period
Public Park/Playground	1 per employee; 1 per visitor at peak visitor period
Public Utility Building	N/A
Radio, TV, Microwave Tower	N/A
Recycling Collection	1 per employee
Repair Garage	1 per every 500 square feet of gross floor area
Research and Development Testing Labs	3.5 per 1000 square feet of gross floor area
Residence in Combination with Commercial Use	1 per dwelling unit; 1 per employee; 1 per visitor for peak retail period
Restaurant	1 per 75 square feet of surface area
Restaurant w/ Drive-Thru	1 per 75 square feet of surface area
Restaurant, Fast Service	1 per 75 square feet of surface area
Retail Sales	1 per every 75 square feet of retail space
Riding Academy	1 per employee; 1 per visitor at peak visitor period
Schools, Public or Private	1 per every 4 seats in the largest meeting room
Sexually Oriented Businesses	1 per 200 square feet of retail area
Shopping Center	Aggregate total of parking requirements for all proposed tenants
Short-Term Rental Unit	1 per rental unit
Special Event Barn	1 per employee; 1 per every visitor during peak visitor period
Stadium or Arena	1 per every 3 seats
Storage Rental Facility	N/A

USE	Parking Space Required
Theater	1 per every 4 seats in the largest meeting room
Truck Stop	1 per employee
Truck Terminal	1 per employee
Uses Not Listed, Comparable	N/A
Veterinary Clinic	1 per employee; 1 per treatment room
Warehousing	1 per every 500 square feet of gross floor area
Wind Energy Facility	N/A

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Article IX. Administrators, Regulators, Enforcement, and Interpretation

1. Somerset Township Board of Supervisors

- A. Under this chapter, the Board of Supervisors shall have the duties of considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law, and of establishing a schedule of fees and charges. Under no circumstances shall the duties of the Board of Supervisors include hearing and deciding questions of enforcement that may arise.
- B. The Board of Supervisor shall have the following duties:
- 1) Appoint the members of the Planning Commission, the Zoning Hearing Board, and the Zoning Officer.
 - 2) Receive and consider the recommendations of the Planning Commission on matters that the Commission reviews pursuant to this chapter.
 - 3) Advertise and host a public hearing before adopting a Zoning Ordinance or any amendment thereto.
 - 4) May remove members of the Planning Commission, the Zoning Hearing Board, or the Zoning Officer from their positions upon just cause and a formal hearing.
 - 5) Establish fees for the issuance of land development, building, occupancy, and sign permits. In accordance with Section 617.3(e) of the MPC, the Board of Supervisors may also prescribe fees for Conditional Use Applications, landowner curative amendments, municipal curative amendments and for hearings before the Zoning Hearing Board.
- C. The Board of Supervisors shall have the exclusive jurisdiction to hear and render final adjudications in the following matters:
- 1) All applications pursuant to Section 508 of the MPC, Approval of Plats, for approval of subdivisions or land developments under Part V of the MPC.
 - 2) Applications for Conditional Use under the express provisions of this chapter.
 - 3) Applications for curative amendments to this chapter or pursuant to Section 609.1 and 916.1(a) of the MPC.
 - 4) All petitions for amendments to Land Use Ordinances, pursuant to the procedures set forth in Section 609 of the MPC.

- 5) Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of a Land Use Ordinance or provisions thereof regarding sedimentation and erosion control and stormwater management as enabled by the MPC.
- 6) Applications for a special encroachment permit pursuant to Section 405 MPC and applications for a permit pursuant to Section 406 of the MPC.

2. Zoning Officer

- A. For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance, 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 Zoning Ordinance. Zoning Officers may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment. The Zoning Officer shall issue zoning permits and sign permits and maintain a permanent file of all zoning permits and applications as public records.
- B. Zoning permit. A Zoning Permit shall be obtained before any person or entity may:
 - 1) Occupy or use any vacant land; or
 - 2) Construct, reconstruct, move, alter, or enlarge; or
 - 3) Change the uses of a structure or land to a different use; or
 - 4) Change a Nonconforming Use.
- C. Violations. Failure to comply with any provisions of this Ordinance, or failure to secure permit or Zoning Hearing Board certification, when required, shall be a violation of the Ordinance.
- D. Enforcement notice. 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. The enforcement notice shall be sent to the owner of record of the parcel on which the violation as occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state the following:
 - 1) The name of the owner of the record and any other person against whom the Township of Somerset intends to take action.
 - 2) The location of the property in violation.

- 3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - 4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.
 - 6) 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.
 - 7) The notice will be sent via Certified and regular mail.
- E. Causes for 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 30) days prior to the time the action is begun by serving a copy of the Complaint to the Board of Supervisors. No such action may be maintained until such notice has been given.
- F. 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 therefore in a civil enforcement proceeding commenced by the Township of Somerset, pay a judgment of not more than \$500, 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 Magisterial District Judge. 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 Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation.

- 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 adjudication of the violation and judgement.
- 3) Nothing contained in this section shall be construed or interpreted 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) Magisterial District Judges shall have initial jurisdiction over proceedings brought under this section.

3. Zoning Hearing Board (ZHB)

- A. The Board of Supervisors of Somerset Township, by resolution and in accordance with Article IX of the MPC, as may be amended, appoint a Zoning Hearing Board (ZHB).
- B. 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.
- C. 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 a 15-day 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.
- D. 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.
- E. 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.
- F. 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.

G. Hearings. The ZHB shall conduct hearings and make decisions, in accordance with the following requirements as detailed in Article IX of the MPC.

- 1) Public notice shall be given, and written notice shall be given to the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made a timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, 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 Board of Supervisors may prescribe reasonable fees with respect to hearings before the ZHB. Fees for said hearings may include compensation for the secretary and members of the ZHB, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the ZHB, expenses for engineering, architectural or other technical consultants or expert witness costs.
- 3) The first hearing before the ZHB shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the ZHB shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief; And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- 4) The hearings shall be conducted by the ZHB, or the Zoning Hearing Board may appoint any member or an independent attorney 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, may, prior to the decision of the hearing, waive decision or findings by the ZHB and accept the decision or findings of the hearing officer as final.
- 5) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the ZHB, and any other person,

including civic or community organizations permitted to appear by the ZHB. The ZHB shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the ZHB for that purpose.

- 6) The Chairman or Acting Chairman of the ZHB 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.
- 7) 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.
- 8) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 9) The ZHB 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 ZHB. The cost of the original transcript shall be paid by the Board, if the transcript is ordered by the ZHB or hearing officer or shall be paid by the person appealing from the decision of the ZHB, 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.
- 10) The ZHB 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.
- 11) The ZHB 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 45 days after the last hearing before the ZHB 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 thereof. Conclusions based on any provisions of this act or of any 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 ZHB shall make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written

representations thereon to the ZHB prior to final decision or entry of findings, and the ZHB's decision shall be entered no later than 30 days after the report of the Hearing Officer.

Where the ZHB fails to render the decision within the period required by this subsection or fails to commence, conduct, or complete the required hearing as provided herein, 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 said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in 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.

H. Zoning Hearing Board's Jurisdiction. The ZHB shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- 1) Substantive challenges to the validity of any Land Use Ordinance, except those brought before the governing body pursuant to Section 609.1 and 916.1(a)(2) of the MPC.
- 2) 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 thereof, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot.
- 3) Appeals from a determination by a Township Engineer or the Zoning Officer with reference to the administration of any flood plain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance.
- 4) Applications for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or such provisions within a Land Use Ordinance, pursuant to Section 910.2 of the MPC.
- 5) Application for special exceptions under the Zoning Ordinance or Flood Plain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance, pursuant to Section 912.1 of the MPC.
- 6) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.
- 7) Appeals from the Zoning Officer's determination under 916.2 of the MPC.

- 8) Appeals from the determination of the Zoning Officer or 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 development not involving Article V or VII of the MPC.

I. Parties Appellant Before the Zoning Hearing Board.

- 1) Appeals under Section 909.1(a)(1), (2), (3), (4), (7), (8) and (9), of the MPC as amended, may be filed with the ZHB in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance under Section 910.2 of the MPC, as amended, and for Special Exception under Section 912.1 of the MPC, as amended, may be filed with the Board by any landowner or any tenant with the permission of such landowner.

J. Time Limitations.

- 1) No person shall be allowed to file any proceeding with the Board later than 30 days after an Application For Development, preliminary or final, has been approved by the Township, 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 a Zoning Officer on a challenge to the validity of an ordinance or map 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 filled by the landowner within 30 days after notice of the determination is issued.

K. Stay of Proceedings.

- 1) Upon filing of any proceeding referred to in Section 913.3 of the MPC, as amended and during its pendency before the ZHB, 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 ZHB 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 ZHB 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 ZHB.

- 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.

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.

Article X. Township Review and Approval

1. Site Plan

A. Where required by this Zoning Ordinance, a site plan shall meet the following requirements:

- 1) Property lines and total acreage of the parcel proposed for development.
- 2) All existing streets, right-of-way, and easements related to the development.
- 3) The location of existing driveways on adjacent properties.
- 4) The location of relevant natural features, including, but not limited to, streams or other natural watercourses and adjacent lands which are subject to flooding, and significant stands of existing trees.
- 5) The location of existing structures, including structures located on abutting property, if within 50 feet of the common property line.
- 6) Required front, side, and rear yard lines.
- 7) Contour lines at five (5) foot intervals.
- 8) Location of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, and other site improvements or amenities.
- 9) Contours and sufficient elevations to show proposed gradings and data to show gradient of access drives and parking facilities.
- 10) Location and approximate size of any utilities to serve the development.
- 11) Include a North directional arrow.

B. If the development is proposed within a designated floodplain, the site plan shall additionally include the following:

- 1) Topographic contour lines at intervals of two (2) feet.
- 2) The location of existing bodies of water or water courses, identified floodplains, information pertaining to the floodway, and the flow of water, including direction and velocities.

- 3) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum 1929.
- 4) The elevation of the 100-year flood, and information concerning flood depths, pressures, impact and uplift forces and other factors associated with a 100-year flood.
- 5) Detailed information concerning any proposed floodproofing measures.
- 6) 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 100-year flood elevations, pressures, velocities, impact, and uplift forces associated with the 100-year flood. Such a statement shall include a description of the type and extent of the floodproofing measures which have been incorporated into the design of the structure or development.
- 7) Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- 8) Electronic copies of all submitted applications.

2. Zoning Permit

- A. A zoning permit shall be obtained from the Zoning Officer before any person or entity may:
 - 1) Occupy or use any vacant land; or
 - 2) Construct, reconstruct, move, alter, or enlarge; or
 - 3) Change the use of a structure or land to a different use; or
 - 4) Change a Nonconforming Use.
- B. Applications for a Zoning Permit shall include the following, as well as a filing fee, in accordance with the schedule affixed by Resolution of the Board of Supervisors.
 - 1) Name, address, and telephone number of the applicant.
 - 2) A note indicating what Zoning District(s) the property is located in.
 - 3) Site Plan, in accordance with this Zoning Ordinance.
 - 4) Name of the person, firm, corporation, or associations erecting building, structures, or use, if different from the applicant.
- C. Issuance of Permit: No permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, addition, alteration, sign, or other design feature complies with all

the applicable provisions of this Ordinance, as well as the provisions of all other applicable ordinance. A Zoning Permit issued in error shall become null and void.

- D. Time Frame for Zoning Officer Action: The Zoning Officer shall act upon a request within 30 days following the submission of a complete application.
- E. Permit Validity: Unless construction shall have been commenced within one (1) year of the permit issuance date, any permit issued hereunder shall become void 12 months after said issuance date.

3. Conditional Use Application

- A. Conditional Uses, as specified in the “Standards for Conditional Uses and Special Exceptions” of this Ordinance, may be allowed or denied by the Somerset Township Board of Supervisors after recommendations by the Planning Commission, in accordance with the criteria and provisions of the “Standards for Conditional Uses and Special Exceptions.”
- B. Applications for Conditional Uses. Application 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 Somerset Township Board of Supervisors.
 - 2) Five (5) hard copies of a site plan and one (1) digital copy, in accordance with the Site Plan requirements of this Ordinance.
- C. The Somerset Township Board of Supervisors shall conduct hearings and make decisions on the Conditional Use Application, in accordance with the following:
 - 1) The Somerset Township Board of Supervisors shall conduct hearings and make decisions in regard to applications for Conditional Use, in accordance with the Pennsylvania Municipalities Planning Code, as amended. Public notice shall be given of such hearing. In addition, notice shall be given to the applicant, the landowner, all owners of adjacent property, the Zoning Officer, such other persons as the Township Board of Supervisors shall designate, and any person who has made timely requests for the same. Such notices shall be in writing and shall be given not more than 30 days nor less than seven (7) days prior to the date and time set for such hearing. In addition, written notice shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
 - 2) The Township Board of Supervisors may establish reasonable fees for the holding of such a hearing. Fees may include compensation for the secretary, the cost of advertising and giving notice, and other necessary administrative overhead connected with the hearing. The cost shall not include legal expenses in regard to the hearing, or expenses for engineering, architectural, or other technical consultants or expert witness costs.
 - 3) The hearing shall be scheduled within 60 days from the date of the applicant’s request unless the applicant has agreed in writing to an extension of time.

- 4) The parties to the hearing shall be the applicant, Zoning Officer, any person affected by the application who has made timely appearance of record before the Township Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Township. The Township Board of Supervisors shall have the power to require that all persons who wish to be considered parties enter appearances in writing.
- 5) The chairperson or acting chairperson of the Board of Supervisors shall have the 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 to cross examine adverse witnesses on all relevant issues.
- 7) The formal rule of evidence shall not apply. However, irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 8) The Somerset Township Board of Supervisors shall consider any and all recommendations from the Planning Commission on the Conditional Use Application.
- 9) The Somerset Township Board of Supervisors shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by them, or it shall be paid by the person appealing from the decision of the Board of Supervisors, if such an appeal is made. In either event, the cost of additional copies shall be paid by the person or persons requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

D. Decision on Conditional Use Applications

- 1) The Somerset Township Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the Conditional Use Application within 45 days after the last hearing before the governing body. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons thereof. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any 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. When the Somerset Township Board of Supervisors fails to render a decision within the period required by this section, or fails to hold the required hearing within 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.
- 2) When a decision has been rendered in favor of the applicant because of the failure of the Somerset Township Board of Supervisors to meet or render a decision as hereinabove

provided, the Somerset Township Board of Supervisors shall give public notice of the decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code. If the Board of Supervisors fail to provide such notice, the applicant may do so.

- 3) 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 or her not later than the day following its date. To all other persons who have filed their name and address with the Somerset Township Board of Supervisors not later than the last day of the hearing, the Somerset Township Board of Supervisors 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.
- 4) Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

E. 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 Ordinance.
- 2) The proposed Use shall meet all the Conditional provisions set in the Standards for Conditional Uses and Special Exceptions article of this Zoning Ordinance.
- 3) The proposed Use shall not involve any element or cause any Conditional Use that may be dangerous, injurious, or noxious to any other property or person, and shall comply with the performance standards of this Ordinance.
- 4) The proposed site 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 should organize vehicular access and parking to minimize traffic congestion in the neighborhood.
- 7) The proposed Use shall preserve this Ordinance and shall be consistent with the Comprehensive Plan of Somerset Township.

F. Expiration of Conditional Use Approval: Conditional Use Approval shall expire automatically without written notice to the applicant, if no application for Subdivision and Land Development, Zoning Approval for structural alteration or erection of structures, Zoning Approval For Occupancy and Use or a Grading or Building Permit to undertake the work described in the Conditional Use Approval has been submitted within 12 months of said approval, unless the Board of Supervisors,

in their sole discretion, extend the Conditional Use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) 12-month extension. Council may grant an extension for good cause shown by the applicant and provided that the extension will not be contrary to the purposes of this chapter or detrimental to the surrounding neighborhood.

- G. Effect on Prior Approval: Conditional Use Approval, granted prior to the effective date of this part, shall expire automatically without written notice to the developer, if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the Conditional Use Approval has been submitted within 12 months of the effective date of this part or as specified in the approval, unless the Board of Supervisors, in its sole discretion, extends the Conditional Use Approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) 12-month extension.

4. Special Exception Application

- A. Where the Somerset Township Board of Supervisors, in the Somerset Township Zoning Ordinance, have stated special exceptions to be granted or denied by the Zoning Hearing Board, pursuant to express standards and criteria, the Somerset Township Zoning Hearing Board shall hear and decide requests for such special exceptions, in accordance with such standards and criteria.
- B. Applications for any special exception shall be made to the Zoning Hearing Board through the Zoning Officer.
- C. The Zoning Officer shall concurrently refer the matter to the Somerset Township Planning Commission for a report thereon, as specified in this section.
- D. Application requirements shall be as follows:
 - 1) The submittal of an application for a hearing before the Zoning Hearing Board.
 - 2) A site plan, in accordance with the requirements of this Ordinance.
- E. The Application shall provide information sufficient to evaluate conformance with the standards specified in the pertinent section of this Ordinance.
- F. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of the Municipalities Planning Code, the Somerset Township Zoning Ordinance and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby, as well as the general public. In considering special exceptions, the Zoning Hearing Board shall utilize the following procedures.

- 1) The Zoning Hearing Board's decision to approve or deny an application for Special Exception Use shall be made only after public notices and the Zoning Hearing Board hearing is set forth in this Ordinance.
- 2) The Zoning Hearing Board shall consider any and all recommendations from the Planning Commission on the Special Exception Application.

5. Sign Permits

- A. No sign or sign structure shall be erected, displayed, altered, or relocated, except as provided for herein, until a Sign Permit has been issued by the Zoning Officer. A separate permit shall be required for each sign requiring a permit.
 - 1) Regular, routine, and customary maintenance, including the repainting of an existing sign, where no change in lettering size, no new graphic elements or new content of any kind is contemplated, shall not require a sign permit.
 - 2) Repair to damaged sign faces or sign structures shall not require a sign permit.
 - 3) Replacement of a sign face with an identical sign face utilizing identical materials shall not require a sign permit.
- B. Application for a permit shall be submitted on a form provided by the Township and a fee paid as set forth by the Township Board of Supervisors, as amended from time to time.
- C. Provided the application is in order, applicable fees are paid, and the requirements of the sign article are met, the Zoning Officer shall issue a Sign Permit for the erection of the sign. Such permit shall expire 12 months from the date of issuance. If construction or erection of the sign is not completed within this time frame, the permit shall be deemed null and void.

6. Variances

- A. The Zoning Hearing Board (ZHB) shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require a preliminary application to the Zoning Officer. The ZHB may grant a variance, provided that all of the following findings are made relevant in a given case:
 - 1) 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 condition and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the Zoning District in which the property is located.

- 2) 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 Zoning Ordinance, and that the authorization of variance is, therefore, necessary to enable the reasonable use of the property.
 - 3) That such unnecessary hardship has not been created by the appellant.
 - 4) 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, not be detrimental to the public welfare.
 - 5) 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.
- B. In granting any variance, the ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Act and the Zoning Ordinance.

7. Amendments

The Somerset Township Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a Supervisor, as recommended by the Planning Commission, or as may be authorized by the MPC. All amendments shall be considered, according to the applicable procedures set forth by the MPC.