

ARTICLE V

SECTION 500 MINIMUM OFF-STREET PARKING REGULATIONS

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| Residential Dwelling | 1 space for each unit |
| Multi-Family Dwelling | 1-1/2 spaces for each unit |
| Residential Dwelling with Permitted Occupation | 1 space for resident and 2 spaces for patron use |
| Motels & Hotels | 1 for each guest room and 1 for every 2 employees |
| Retail Stores & Offices | 1 for every 200 square feet of floor area |
| Restaurants | 1 for every 4 customer seats and 1 for every 2 employees |
| Industrial Establishments | 1 for every 3 employees |
| Theater or Church | 1 for every 4 seats |
| Hospital or Nursing Home | 1 for every 4 beds and 1 for every 2 employees |

SECTION 501 OFF-STREET LOADING REGULATIONS

Sufficient off-street loading and unloading area shall be provided for the smooth movement of goods in all districts. On-street loading and unloading is strictly prohibited.

SECTION 502 ACCESS

Access drives shall not open upon any public right-of-way within thirty (30) feet of the terminus of limited access required by the Commonwealth of Pennsylvania, or within fifty (50) feet of the nearest right-of-way line of any intersecting public street or highway. Minimum distance between adjacent edges of pavement of driveways shall be fifty (50) feet. Not more than two (2) driveways shall be permitted per lot except where frontage exceeds three hundred (300) feet in length or where frontage is along a divided highway and then only with prior Board Approval. Driveway widths shall be in accordance with the Department of Highways Driveway Regulations.

SECTION 503 VISION CLEARANCE IN RESIDENTIAL DISTRICTS

On a corner lot, no fence or other structure more than 3-1/2 feet in height above the plane of the established grades of the streets shall be erected on any part of the front yard or side yard herein established that is included within the right-of-way lines of intersecting streets and a line connecting said street lines a point which is twenty (20) feet from their point of intersection, measured along said street lines, and no planting of foliage shall be placed or maintained within such area that in the judgment of the Zoning Officer will materially obstruct the view of the driver of a vehicle approaching the street intersection.

ARTICLE VI

SECTION 600 EXISTING LOTS OF RECORD

A single-family dwelling is permitted on a lot of record in the Effective Date of this Ordinance, the owner of which does not then own any adjoining property, irrespective of its area or width; provided that the width of each side yard be not less than 10 percent of the width of the lot, the depth of the rear yard be not less than 20 percent of the depth of the lot, and there is a minimum of 20 feet frontage on a public right-of-way. Setback requirements shall be in conformance with those established for the specific zone that the property is located within.

SECTION 601 NON-CONFORMING USES

Any building, structure, or use which does not conform to the use regulations contained in this Ordinance at the time it becomes applicable to such building, structure, or use, may be continued, subject to the following provisions:

- A. Any building or structure occupied by a non-conforming use which has been damaged by fire, flood, explosion, or any Act of God, such that its value has been reduced to less than 50 percent of its fair market value, as determined by the Zoning Hearing Board immediately prior to the time of such damage, shall be required to conform to the use regulations in this Ordinance.
- B. Any non-conforming use which is voluntarily discontinued, or becomes inactive for a period of one year or more, shall not be permitted to resume, except in compliance with the use regulations of this Ordinance.
- C. Any building or structure devoted to a non-conforming use, having a fair market value of less than 500 dollars, as determined by the Zoning Hearing Board, can be continued in use for a period not to exceed two years after such determination. Whereupon such use shall cease and the building, structure, or use shall thereafter be required to conform to this Ordinance.
- D. Such repairs and maintenance work as required to keep a non-conforming building, structure, or use in sound condition may be made provided no additions shall be made except as are required by law or authorized by the Zoning Hearing Board as provided in Section 601.
- E. If no additions or structural alterations are made, any non-conforming use of a structure or structures and premises may be changed to another non-conforming use, provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- F. Any business that is established and is operating at the time the new zoning law becomes effective, and which does not meet the minimum setback of 30 feet from the right-of-way, shall be allowed to continue operation at its present location. Owner shall be allowed to remodel, repair, or sell, and future owner shall have the right to remodel or repair building at its present location. Any additions shall comply with the 30-foot minimum setback regulation.

- G. Any existing single-family detached dwellings in any district or zone shall be allowed to construct residential additions, i.e., porches, rooms, garages, etc., and accessory uses. A permit will be required. Methods for permit application and construction will follow all regulations in this Ordinance as if the residential building and property were located within a single-family residential zoning district, including all single-family zoning district standards.

This Sub-Section does not permit a non-conforming single-family detached dwelling from exercising any additional permitted uses under Section 302-A.

ARTICLE VII

SECTION 700 ADMINISTRATION

This Ordinance shall be administered and enforced in accordance with the provisions of this Section:

- A. The Board of County Commissioners shall designate a Zoning Officer to administer and enforce this Ordinance.
- B. The Zoning Officer may be provided with the assistance of such other persons as the Board of County Commissioners and the County Planning Commission may direct, to ensure the efficient administration and enforcement of this Ordinance.

SECTION 701 ZONING HEARING BOARD

The Board of County Commissioners shall appoint, by resolution, a Zoning Hearing Board which shall consist of three members. The Board of County Commissioners shall designate one such member to serve until the first day of January, 1971; and one to serve until the first day of January, 1972; shall appoint successors to these members on the expiration of their respective terms, such successor to serve a term of three years; and shall fill any vacancy for the unexpired term of any member whose term becomes vacant. The members of the Zoning Hearing Board shall be removable for cause by the Board of County Commissioners upon written charges after a Public Hearing. The Board of County Commissioners may also appoint alternates to the Zoning Hearing Board to sit on the Board when designated by the Chairman of the Zoning Hearing Board.

The Zoning Hearing Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance. Such Zoning Hearing Board shall hear and decide appeals from, and review any order, requirement, decision, or determination made by the Zoning Officer, or his duly authorized representative, in the administration of this Ordinance. It shall also hear and decide all matters referred to it, or upon which it is required to pass under this Ordinance. The concurring vote of two members of such Board shall be necessary to reverse or modify any order, requirement, decision, or determination from which there has been an appeal. The Zoning Hearing Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have the powers of the office from whom the appeal is taken.

SECTION 702 JURISDICTION

The Zoning Hearing Board, as herein specified, shall have power on application in a specific case, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, to so vary the application of such provisions in harmony with the public interest and with the spirit of this Ordinance that substantial justice shall be done. When, in its judgment, the public interest will be substantially served, or the appropriate use of neighboring property will not be substantially or permanently injured, the Hearing Board may, in a specific case, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the district regulations herein established in harmony with their general purposes and intent. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved; or any use expressly, or by implication, prohibited by the terms of this Ordinance in the district involved.

The Zoning Hearing Board may further grant a Special Exception where permitted by the district regulations, allowing certain uses in certain districts where, under the circumstances and conditions involved, to allow such use is not in derogation of the public interest or general welfare of the community, after public notice and hearing, and subject to appropriate conditions and safeguards.

SECTION 703 AMENDMENTS

The Board of County Commissioners may, from time to time, on its own notice or on petition, after public notice and hearing, amend the regulations and districts herein established. If any area is hereafter transferred to another district by a change in the district boundaries by amendment as provided in this section, the provisions of this Ordinance, with regard to building or premises existing, or buildings under construction at the time of the passage of this Ordinance, shall apply to buildings or premises existing or under construction in such transferred area at the time of the passage of such amendment.

SECTION 704 FEES

For the review of Zoning Permit Application and/or Hearing before the Zoning Hearing Board, or the Somerset County Commissioners, there shall be a non-refundable charge as established by the Board of County Commissioners under a separate resolution.

SECTION 705 ZONING PERMITS

No person, firm, or corporation, shall erect, construct, or enlarge; alter, repair, or convert; move, improve, or change the use of any land, building, or structure in the County Interchange Zoning Area, or cause the same to be done without first obtaining a separate permit for each such land, building, or structure from the Zoning Officer in accordance with the following procedure.

The owner, contractor, or authorized agent thereof shall file an application for said permit in writing, with the Zoning Officer on a form furnished for that purpose. An agent may be required to submit evidence to indicate his authority. The Zoning Officer shall examine applications for zoning permits within a reasonable time after filing, not to exceed thirty (30) days.

If an examination by the Zoning Officer indicates that the proposed work will be in compliance with the laws and ordinances applicable thereto, approval of such application shall be made and the Zoning Officer shall issue a permit for the proposed work. If examination and/or physical inspection reveal that a permit shall not be issued because of the proposed work being in violation of existing laws or ordinances, rejection

of such application shall be made and a report showing the reason for rejection shall be attached to the application and returned to the applicant.

A permit under which work is not commenced within 90 days after issuance shall expire by limitation. A new application shall be filed and a new permit required before work is started. A copy of the permit shall be posted on the premises for public inspection during the prosecution of the work, and until completion of the same.

Every application shall contain the following:

- A. A description of the land on which the proposed work is to be done by lot number, street address, or by metes and bounds;
- B. Show the type of use or occupancy to be made of all parts of the building or premises;
- C. State the valuation of the proposed work, i.e., contract price or estimated construction costs;
- D. File a plot plan showing size and location of all new construction and all existing structures on the site, including distances from lot lines; and
- E. A brief description of the proposed work.

SECTION 706 PENALTY FOR VIOLATION

Any person, partnership, or corporation who or which shall violate any of the provisions of this Ordinance, or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved thereunder, shall, for each and every violation or non-compliance, upon being found liable therefore in a civil enforcement proceeding, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney's fees incurred by the County of Somerset as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the Defendant neither pays nor timely appeals the judgment, the County of Somerset may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the 5th day following the date of determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

The owner of any building or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who may have assisted in the commission of such violation, shall each be guilty of a separate offense, and upon conviction thereof, shall pay a judgment as herein provided. All judgments, costs, and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the County of Somerset.

SECTION 707 ENFORCEMENT REMEDIES

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the County Zoning Officer, in addition to other remedies, may institute in the name of the County, any civil enforcement proceeding to prevent, restrain, correct, or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

ARTICLE VIII

SECTION 800 DEFINITIONS

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated in this Article. The present tense includes the future; the singular number includes the plural, and the plural the singular; the word “building” includes the word “structure” and shall be construed as if followed by the words “or part thereof”; the word “use” includes the words “arranged, designed, or intended to be used”; and the word “shall” is always intended to be mandatory when capable of such interpretation.

1. **Accessory Building:** A building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building.
2. **Accessory Use:** A use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.
3. **Board Approval:** Board approval shall be interpreted as a majority vote of the Board. In the event of a two-man quorum on the Board, both votes of approval will be required.
4. **Building:** Any structure having enclosed walls and roof, permanently located on the land.
5. **Building Area:** The aggregate of the maximum horizontal cross-section areas of all buildings on a lot above the ground level, measured at the greatest outside dimensions, excluding cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches, bay windows not extending through more than one story and not projecting more than five (5) feet, one-story open porches projecting not more than ten (10) feet, porte-cochere or car port open on three (3) sides, and not more than fourteen (14) feet high and twenty (20) feet in length, steps and balconies.
6. **Dwelling:** A building designed for, or occupied exclusively for residential purposes, including hotel, rooming house, tourist home, institutional home, residential club, motor court, and the like.
 - a. **Single-Family Dwelling:** A building designed for and occupied exclusively as a dwelling for one family.
 - b. **Two-Family Dwelling:** A building designed for and occupied exclusively as a dwelling for two families.

- c. **Multiple Dwelling:** A building not a Single-Family Dwelling, nor a Two-Family Dwelling, designed for and occupied exclusively for dwelling purposes by three or more families living independently of one another, not a row house, but customarily called an apartment house.
7. **Dwelling Unit:** A building or portion thereof providing complete housekeeping facilities for one family.
8. **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.
9. **Garage, Public:** A building, other than a private or storage garage, one or more stories in height, used solely for commercial storage, service or repair of motor vehicles.
10. **Gasoline Service Station:** Any area of land, including structure thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities, lubricating, washing, or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs.
11. **Height of Building:** A building's vertical measurement from the average level of the highest and lowest portion of the main roof, but not including chimneys, public utility poles, towers, and church steeples.
12. **Home Occupation:** An occupation for gain or support conducted only by members of a family residing on the premises and conducted entirely within the dwelling, providing that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.
13. **Hotel:** A building used for the purpose of furnishing for compensation more or less temporary lodging to the public, with or without meals, and having lodging accommodations for ten or more persons.
14. **Junk Yard:** A lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal or discarded material or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. Junk Yards are an industrial use.
15. **Loading Space:** A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.
16. **Lot:** A parcel of land which is occupied, or is to be occupied by one principal building or other structure or use, together with any accessory buildings or structures or uses customarily incidental to such principal building or other structure or use, and any such open spaces as are arranged or designed to be used in connection with such principal buildings or other structure or use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this Ordinance.
17. **Lot Area:** The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any right-of-way shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street line only.
18. **Lot Line:** A property boundary line of any lot held in single or joint ownership, except that in the case of any lot abutting a street the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the center line of the street, or any other line within the street line even though such may be the property boundary line.

19. **Lot Coverage Ratio:** The ratio of ground area covered by principal and secondary structures to the total ground area of the lot upon which such structures are erected.
20. **Motor Court or Motel:** A building and/or group of two or more detached or semi-detached buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended, or used principally for providing sleeping accommodations for automobile travelers, and is suitable for occupancy at all seasons of the year.
21. **No-Impact Home-Based Business.** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (2) The business shall employ no employees other than family members residing in the dwelling.
 - (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (8) The business may not involve any illegal activity.
22. **Non-Conforming:** A building or other structure, use, or lot, which, by reason of design, size, or use, does not conform with the requirements of the district or districts in which it is located.
23. **Parking Space:** A reasonably level, rectangular space, available for the parking of one motor vehicle, having a dimension of not less than nine feet in width by nineteen feet in length.
24. **Public Notice:** A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

25. **Shopping Center.** A concentrated grouping of retail, lodging, office, restaurant and service uses located on one or more properties designed, developed and managed as an integral entity providing common vehicle access, common maintenance and group parking. Adjacent properties under separate ownership may qualify as Shopping Centers under this ordinance if the owners of such properties are bound by, or agree to be bound by deed covenants or management agreements that clearly establish that the structures and improvements on their combined properties be treated as one development for zoning purposes, regardless of the ownership of the Shopping Center properties.
26. **Sign:** A structure, billboard, building wall, or other outdoor surface, of any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify, and publicize the name and product or service of any person.
27. **Street:** A right-of-way, municipally- or privately-owned, serving as a means of vehicular and pedestrian travel, furnishing access to abutting properties and space for sewers and public utilities.
28. **Street Line or Setback:** The dividing line between a lot and the outside boundary or ultimate right-of-way lines of a public street, road, or highway legally owned or officially plotted, or between a lot and a privately owned street, road, or way over which the owner or tenants of two or more lots each held in single and separate ownership have the right-of-way.
29. **Structural Alteration:** Any change in or addition to the supporting or structural members of a building, such as the bearing walls, partitions, columns, beams, or girders, or any change which would convert an existing building into a different structure, or adapt it to a different use or which, in the case of a non-conforming use, would prolong the life of such use.
30. **Structure:** Any form or arrangement of building material involving the necessity of providing proper support, bracing, tying, anchoring, or other protection against the forces of the elements.
31. **Yard:** An open, unoccupied space on the same lot with a building or other structure or use, open and obstructed from the ground to the sky, except for public utility lines or facilities.
 - a. **Front Yard:** A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of any structure on the lot.
 - b. **Rear Yard:** A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot.
 - c. **Side Yard:** A yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the nearest point of any structure on the lot.

APPENDICES

Resolution - Current Fee Schedule

Zoning Application Form - Building Permit

Zoning Application Form - Sign Permit

Zoning Application Form - Variance Hearing

Zoning Application Form - Appeal/Amendment Hearing

Example Zoning Maps (Not Official)