

## ARTICLE 9. CONDITIONAL USES

### Section 1. Purpose

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

### Section 2. Conditional Uses Enumerated

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

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

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

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

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

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

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

7. Exposition centers and fairgrounds.

8. Heliports and helistops.

9. Hospitals and sanitariums, but not animal hospitals.

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

11. Private clubs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Section 3. Procedures, Preliminary Site Plan Required

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

#### Section 4. Approval Valid One Year

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

#### Section 5. Existing Conditional Uses

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

#### Section 6. Revocation of Permits

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