

# **Union City Borough Zoning Ordinance**

**Adopted May 22, 2018**

**Amended May 28, 2018**

**Amended August 11, 2020**

**Amended December 22, 2020**

**Amended September 28, 2021**

**Amended June 14, 2022**

**Amended July 26, 2022**

**Amended March 13, 2023**

**Prepared By:**

**The Union Area Regional Planning Commission**

**Assisted by**

**The Erie County Department of Planning**

**Contents**

Article 1 General Provisions ..... 1

    101 Authority ..... 1

    102 Title ..... 1

    103 Effective Date ..... 1

    104 Purpose and Provisions ..... 1

    105 Community Development Objectives ..... 1

    106 Applicability ..... 2

    107 Interpretation ..... 2

    108 Municipality Liability ..... 3

    109 Disclaimer ..... 3

    110 Validity/Severability ..... 3

    111 Repeal ..... 3

Article 2 Definitions ..... 5

    201 Interpretation ..... 5

    202 Specific Terms ..... 5

Article 3 Administration and Enforcement ..... 37

    301 Administration ..... 37

        301.01 Zoning Administrator ..... 37

        301.02 Powers and Duties of Zoning Administrator ..... 37

    302 Zoning Permits ..... 38

        302.01 Permit Requirement ..... 38

        302.02 Permit Exemptions ..... 38

        302.03 Permits for Temporary Uses and Structures ..... 39

        302.04 Application for Zoning Permits ..... 40

        302.05 Issuance of Zoning Permits ..... 41

        302.06 Revocation of Permits & Appeals ..... 43

        302.07 Certificate of Use and Occupancy ..... 43

    303 Interpretation of Ordinance Text ..... 44

    304 Uses Not Specifically Regulated ..... 44

    305 Enforcement, Violations and Penalties ..... 44

    306 Fees ..... 46

307 Amendments.....	46
308 Zoning Hearing Board .....	46
308.01 Creation of the Board.....	46
308.02 Expenditures for Services.....	47
308.03 Legal Council .....	47
308.04 Jurisdiction .....	47
308.05 Hearings .....	48
308.06 Variances.....	50
308.07 Special Exceptions.....	51
308.08 Parties Appellant Before Board .....	51
308.09 Time Limitations for Appeal.....	51
308.10 Time Limitations of Board’s Decision.....	52
308.11 Stay of Proceedings.....	52
Article 4 Nonconforming Lots, Structures, and Uses.....	55
401 Continuation of Nonconforming Uses and Structures.....	55
402 Registration.....	55
403 Existing, Nonconforming Lots of Record.....	55
404 Nonconforming Uses and Structures.....	56
405 Change of Use .....	56
406 Abandonment and Discontinuance .....	56
Article 5 Zoning Districts & Use Tables .....	59
501 Designation of Districts .....	59
502 Zoning Map .....	59
503 Interpretation of Zoning Boundaries .....	59
504 District Purposes .....	60
504.01 R-1 Suburban Residential District .....	60
504.02 R-2 Urban Residential District.....	60
504.03 RLB Residential Limited Business District .....	60
504.04 C-1 Central Business District .....	60
504.05 C-2 Commercial District .....	60
504.06 I-1 Industrial District.....	61
505 District Use Table .....	61

Article 6 Lot Area, Yard and Height Regulations.....	66
601 General Requirements.....	66
602 Summary Chart of Lot Area, Yard and Height Regulations.....	66
603 Emergency Access.....	67
604 Frontage onto Public Right-of-Way.....	67
605 Clear Sight Triangle.....	67
606 Lot Depth to Width Ratio.....	68
607 Yard Adjustment Regulations.....	68
607.01 Front Yards.....	68
607.02 Accessory Buildings and Structures.....	68
607.03 Projection in Yards.....	68
608 Height Regulation Exceptions.....	69
609 Number of Principal Uses and Principal Buildings per Lot.....	69
Article 7 General Regulations.....	72
701 Accessory Buildings or Structures.....	72
701.01 General Requirements.....	72
701.02 Fences and Walls.....	72
701.03 Swimming Pools (private residential).....	74
702 Buffer Yard and Screening Requirements.....	74
702.01 General Requirements.....	74
702.02 General Design Standards.....	74
702.03 Installation and Maintenance.....	75
702.04 Modifications of Requirements.....	76
703 Exterior Lighting.....	76
704 Storage.....	77
704.01 Temporary Storage Units.....	77
704.02 Recreational Vehicles & Recreational Equipment.....	77
704.03 Commercial Vehicles & Equipment Storage.....	78
704.04 Outside Storage and Display.....	78
705 Performance Standards.....	79
706 Encroachments into Rights-of-Way and Easement Areas.....	80
707 Individual Mobile Homes.....	81

708 Limitation on Number of Dogs.....	81
709 Dumpsters.....	81
Article 8 Off-Street Parking and Loading .....	82
801 General Regulations.....	82
802 Off-Street Parking Requirements.....	82
803 ADA Parking Requirements.....	90
804 Parking Space Dimensions .....	90
805 Location of Parking Spaces.....	91
806 Joint Parking Facilities .....	91
807 Drainage, Surfacing, and Maintenance Standards.....	92
808 Screening, Landscaping and Setbacks.....	92
809 Driveway Regulations.....	92
810 Access Drive Regulations .....	93
811 Stacking Requirements for Drive-in, Drive-Through Facilities .....	94
812 Loading Area Requirements.....	94
Article 9 Signs.....	98
901 Applicability.....	98
902 Definitions Specific to Signs .....	98
903 General Regulations.....	99
904 Prohibited Signs .....	100
905 Government Signs.....	100
906 Billboards .....	100
Article 10 Criteria for Special Exceptions and Identified Permitted and Accessory Uses.....	102
1001 General Criteria for Special Exceptions.....	102
1002 Specific Criteria Applicable to Identified Uses .....	102
1002.01 Adult-Related Uses.....	103
1002.02 Agriculture .....	103
1002.03 Campgrounds and Recreation Vehicle Parks .....	103
1002.04 Cemeteries .....	104
1002.05 Day Care Facilities, All Types.....	104
1002.06 Essential Service Structure, Class 2.....	105
1002.07 Farmers Market and/or Flea Market .....	105

1002.08 Funeral Homes, Mortuaries and Crematoriums .....	106
1002.09 Home Based Business or Occupation .....	106
1002.10 Mixed Use Structures (Residential and Commercial) .....	107
1002.10.1 Mixed Use Structures (Residential and Industrial) (Amended by Ordinance No. 1146, adopted June 14, 2022) .....	107
1002.11 Mobile Home Parks.....	107
1002.12 Scrap (Junk or Salvage) Yards.....	107
1002.13 Solid Waste Processing and/or Disposal Facilities .....	108
1002.14 Target Ranges and Paintball Facilities.....	111
1002.15 Treatment Center/Pre-Release Detention Facility .....	111
1002.16 Special Events of a Temporary Nature.....	112
Article 11 Supplementary Regulations.....	113
1101 Wireless Communications Facilities.....	113
1101.01 Definitions Specific to Wireless Communications Facilities.....	113
1101.02 Historic Buildings or Districts .....	116
1101.03 Bulk and Area Requirements .....	116
1101.04 Design, Construction, and Operations .....	117
1101.05 Aesthetics, Landscaping, and Screening (Amended by Ordinance No. 1132, Adopted August 11, 2020) .....	119
1101.06 Replacement, Collocation, or Modification (Amended by Ordinance No. 1132, Adopted August 11, 2020) .....	119
1101.07 Permit Requirements (Amended by Ordinance No. 1146, adopted June 14, 2022) .....	120
1101.08 Discontinuation, Abandonment and Removal.....	121
1101.09 Fees for Wireless and Small Wireless Communications Facilities (Established by Ordinance No. 1132, Adopted August 11, 2020).....	122
1101.10 SWF Zoning Permit Application and Right-of-Way Standards (Amended by Ordinance No. 1146, adopted June 14, 2022) .....	123
1101.11 Miscellaneous SWF Provisions (Amended by Ordinance No. 1146, adopted June 14, 2022) .....	125
Union City Borough Zoning Map (updated July 2022).....	127

## **Article 1 General Provisions**

### **101 Authority**

This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code.

### **102 Title**

This Ordinance shall be known and may be cited as the Union City Borough Zoning Ordinance. The accompanying district map shall be known, and may be cited, as the Union City Borough Zoning Map.

### **103 Effective Date**

This ordinance shall take effect upon its enactment by the Union City Borough governing body.

### **104 Purpose and Provisions**

The purpose and provisions of this Ordinance are those as set forth by Sections 603, 603.1 and 604 of the Pennsylvania Municipalities Planning Code, and to implement the Community Development Objectives stated in Section 105 of this Ordinance.

### **105 Community Development Objectives**

This Ordinance and zoning map are intended to promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water and sewage, schools, public grounds and other public requirements as well as preventing the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. More specifically, these broad purposes are designed to clearly achieve the objectives of the Union Area Comprehensive Plan Update adopted in 1985, as amended. The specific objectives upon which this ordinance has been based include the following:

- A. To support and encourage order and beauty in the development of the Borough of Union City's environment for the convenience and pleasure of present citizens and future residents through sound land development practices and the provision of adequate public utilities and facilities.
- B. To encourage future land development to compliment a logical, harmonious and efficient pattern of future Borough growth.
- C. To encourage future residential use to occur in harmonious arrangement within compact neighborhood units.
- D. To preserve strategic properties suitable for industrial development for the establishment of suitable diversified industry in the Borough.
- E. To guide commercial development in such a way so as to minimize adverse influence on adjacent roads or land values, to maintain and protect existing commercial uses, and to encourage new

commercial facilities to locate in functionally designed centers with safe and adequate highway access.

- F. To protect property values to insure suitable, attractive and efficient development of the community.
- G. To encourage development of integrated and cohesive suburban development.
- H. To encourage developers to incorporate adequate public facilities and open space in neighborhood design.

## **106 Applicability**

- A. This Zoning Ordinance shall apply throughout Union City Borough, Erie County, Pennsylvania.
- B. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance:
  - 1. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement of extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board.
  - 2. Change of the type of use or expansion of the use of a structure, building or area of land.
  - 3. Creation of a lot or alteration of lot lines.
  - 4. Creation of a new use.
- C. This Ordinance shall not apply to an existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

## **107 Interpretation**

In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of Union City Borough. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than are elsewhere established, the provisions of this Ordinance shall prevail. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive shall apply. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the



intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.

### **108 Municipality Liability**

The granting of a zoning permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by the municipality, or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

### **109 Disclaimer**

It is recognized that: the Act of June 22, 1937 (P.L. 1937, NO. 394) known as “The Clean Streams Law”; the Act of May 31, 1945 (P.L. 1198, No 418) known as the “Surface Mining Conservation and Reclamation Act”; the Act of April 27, 1966 (1st Special Session, P.L. 31, No. 1) known as “The Bituminous Mine Subsidence and Land Conservation Act”; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the “Coal Refuse Disposal Control Act”; the Act of December 19, 1984 (P.L. 1140, No. 223) known as the “Non-coal Surface Mining Conservation and Reclamation Act”; the Act of June 30, 1981 (P.L. 128, No. 43) known as the “Agricultural Area Security Law”; the Act of June 10, 1982 (P.L. 454, No. 133) entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances”: and the Act of May 20, 1993 (P.L. 12, No 6) known as the “Nutrient Management Act” preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. Nothing contrary to those Acts shall be mandated by this Zoning Ordinance.

### **110 Validity/Severability**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Ordinance or the zoning district boundaries as shown on the zoning map, shall, for any reason, be declared to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Ordinance as a whole or any of the remaining article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Ordinance. The remaining portions of the Ordinance shall remain in effect as though the part or section declared unconstitutional or invalid was never a part thereof.

### **111 Repeal**

The pre-existing Union City Borough Zoning Ordinance, as amended, is hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the pre-existing Zoning Ordinance as amended shall, as nearly as possible, be construed to reference this Ordinance.

(This page intentionally left blank.)

## Article 2 Definitions

### 201 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. 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. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

### 202 Specific Terms

Abandonment: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut or Abutting: To physically touch or border on; or to share a common property line but not overlap. Buildings which physically touch. Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic or a perennial waterway.

Access or Access Drive: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Building: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

Accessory Structure: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Acre: A measure of land area containing 43,560 square feet.

Activity: The use of land for a specific purpose.

Addition: (1) A structure added to the original structure at some time after the completion of the original; (2) an extension or increase in floor area or height of a building or structure.

Adjacent Land: See "Adjoining Lot or Land"

Adjoining Lot or Land: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See Abut)

Adult Related Use: An establishment consisting of, including, or having the characteristics of any or all of the following:

1. Adult Bookstore, Newsstand, Video Store, or Combination: An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes, offers for sale adult oriented merchandise and which may in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.
2. Sex Shop: Any establishment offering, for sale or rent, items from any two of the following categories: sexually oriented books, magazines, and videos; leather goods marketed or presented in a context to suggest their use for sexual activities; sexually oriented toys and novelties; or video viewing booths; or an establishment that advertises or holds itself out in any forum as a sexually oriented business.
3. Video Viewing Booths: Often referred to a peep shows and characterized by small private booths rented to individuals to view sexually explicit films or tapes
4. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons. The term includes an adult mini-motion picture theater, which is defined as an enclosed building with a capacity of less than 50 persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons; and an adult-drive-in movie theater, which is defined as an outdoor movie theater attended primarily by patrons in their automobiles, used for presenting material, in any form or media (i.e. live shows, film, television, etc.) Distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
5. Adult Cabaret: An establishment, either with or without a liquor license, offering sexually oriented live entertainment, which may include topless and go-go dancers, strippers, or male or female impersonators.

Agriculture: The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, viticulture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products, provided, however, that the owning of chickens within the Borough in accordance with a separate Borough ordinance regulating such ownership shall not be considered Agriculture for purposes of the Zoning Ordinance; livestock, including beef cattle, sheep, swine horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and Commercial Greenhouse products; or lands devoted

to a soil conservation or forestry management program. **(Amended by Ordinance 1146, approved June 14, 2022)**

Airport: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair and various accommodations for passengers.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Alternative Fuels: known as non-conventional or advanced fuels, alternative fuels are any materials or substances that can be used as fuels, other than conventional fuels like fossil fuels (petroleum (oil), coal, and natural gas), nuclear materials, or artificial radioisotope fuels that are made in nuclear reactors. Some well-known alternative fuels include biodiesel, bio alcohol (methanol, ethanol, butanol), chemically stored electricity (batteries and fuel cells), hydrogen, non-fossil methane, non-fossil natural gas, vegetable oil, propane, and other biomass sources.

Amendment: A change in use in any district or change in zoning district, which includes revisions to the zoning text and/or the official zoning map.

Animal: A living organism other than a plant or bacterium, including fish, amphibians, birds, and mammals, excluding humans.

Animal, Domestic: Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Animal Shelter: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Antenna: Defined in Section 1101.01.

Applicant: A landowner or developer (as herein defined) who has filed an application for development including his personal representatives, heirs, successors and assigns.

Application: The application form and all accompanying documents and exhibits required of an applicant by an approving authority for review and approval purposes.

Assisted Living Facility: Coordinated and centrally managed 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: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Automotive Repair Garage: Any building, land area, or other premises, or portion thereof, used for automobile repair services.

Automobile Repair Services: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, welding, and painting service.

Automobile Service Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Basement: A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half feet.

Base Station: Defined in Section 1101.01.

Bed and Breakfast Inn: An owner-occupied dwelling where overnight accommodations and a morning meal are provided to transients for compensation.

Berm: A mound of earth or the acct of pushing earth into a mound.

Billboard: Defined in Section 902.

Board: The Zoning Hearing Board of the Borough of Union City, Erie County, Pennsylvania.

Boarding House (Including "Rooming House"): A residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a motel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Borough: Union City Borough, Erie County, Pennsylvania.

Borough Council: The duly elected governing body of Union City Borough, Erie County, Pennsylvania.

Brew Pub: A restaurant that prepares handcrafted natural beer intended for consumption on the premises as an accessory use.

Buffer Area or Buffer Strip: A strip of land consisting of landscaped areas, fences, walls, berms or combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buffer Yard: See Buffer Area

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

Building, Accessory: See “Accessory Building”.

Building, Detached: A building surrounded by open space on the same lot.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building Coverage: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total gross lot area.

Building Footprint: The area encompassed by a building’s outer wall at ground level.

Building Frontage: Defined in Section 902.

Building Height: The vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

Building Line: A line parallel to the street right-of-way line touching that part of a building closest to the street.

Building, Non-Conforming: See Non-Conforming Structure or Building.

Building Permit: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

Building Setback Line: See Setback Line.

Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research, development, and testing; photo finishing; and personal supply services.

Camper: Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

Campground: A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Camping Unit: Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

Campsite: Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

Cartway: The paved area of a street between the curbs, including travel and parking lanes and acceleration and deceleration lanes, but not including shoulders, curbs, sidewalks, or swales.

Car Wash Facility: Any building or premises used for washing motor vehicles.

Cemetery: Property used for the interment of the dead.

Certificate of Use and Occupancy (or Certificate of Occupancy): A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances.

Change of Use: Any use that substantially differs from the previous use of a building or land.

Child Day Care Center or Home: See “Day Care Services for Children”

Church: See House of Worship.

Clear-Sight Triangle: An area of unobstructed vision at street intersections 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. Within this clear-sight triangle nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than 24 hours.

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

Collocation: Defined in Section 1101.01.

Commercially Reasonable: Defined in Section 1101.01.

Commercial Message: Defined in Section 902.



Commercial Use: Activity involving the sale of goods or services carried out for profit.

Commercial Recreation Facility: Includes all indoor and/or outdoor recreation facilities which are operated as a business and where the facility is available to the general public for a user fee or where the facility (facilities) is available on a membership basis.

Commercial Recreation, Indoor – a facility that offers various indoor recreational opportunities for its patrons (paying or non-paying) including ice skating, billiards, bowling, video games, paint ball, indoor shooting ranges, and similar pursuits.

Commercial Recreation, Outdoor – a facility which offers various outdoor or spectator opportunities for its patrons (paying or non-paying) including go-cart raceways, miniature golf, concerts and music parks, and similar pursuits.

Compatible Land Use: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

Comprehensive Plan: The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of the Borough of Union City, as amended from time to time.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

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

Contiguous: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

Contracting Operation: An operation engaged in a trade or activity related to building maintenance and/or construction, such as painting, electrical work, carpentry, plumbing, heating, air-conditioning, roofing, and similar activities.

Convenience Store: A retail establishment with primary emphasis on quick purchases from a limited variety of consumable goods, typically gasoline, snacks, food and related sundries. These are typically located along high traffic roads and have extended business hours, with most products consumed off the premises.

County Planning Commission: The Erie County Planning Commission.

Coverage, Building: The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot to the total lot area.

Coverage, Lot: That part of the lot that is covered by impervious surfaces.

Cul-De-Sac: See Street, Cul-De-Sac.

Curb: A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

Day Care Center, Adult: A use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care Services for Children: - provides out-of-home care for part of a 24-hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

- a. Child Day Care Home (Family): A home other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator. See Title 55, Chapter 3290 of the PA Code.
- b. Child Day Care Home (Group): the premises in which care is provided at one time for more than six (6) but fewer than sixteen (16) older school-age level children, or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises. See Title 55, Chapter 3280 of the PA Code.
- c. Child Day Care Center: A premises in which care is provided at any one time for seven or more children unrelated to the operator. See Title 55, Chapter 3270 of the PA Code.

Childcare for less than four (4) children will not be considered as Day Care Services.

Data Collection Unit (DCU): Defined in Section 1101.01.

dB(A): the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighting scale and the fast meter response, as specified in American National Standards Institute standard S 1.4.

dB(C): the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the C-level weighting scale and the fast meter response, as specified in American National Standards Institute standard S 1.4.

Density: The number of families, individuals, dwelling units, households, or housing structures per unit of land.

DEP: Pennsylvania Department of Environmental Protection.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such lands.

Development: Any man made change to improved or unimproved real estate, including, but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Development Plan: The provisions for a planned development, including 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.

Distributed Antenna Systems (DAS): Defined in Section 1101.01.

Distribution Center: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District: A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

District, Residential: For purposes of this ordinance, Residential Districts include the following zoning districts: R-1, Suburban Residential District; and R-2, Urban Residential District.

District, Non-Residential: For purposes of this ordinance, Non-Residential Districts are all zoning districts that are not Residential Districts.

Dog Kennel – See Kennel.

Dormitory: A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.

Driveway: A private roadway providing access to a street or highway.

Drive-Through Facility: A facility, accessory to a commercial use including but not limited to financial institutions, restaurants and drug stores that permits customers to receive services or obtain goods while remaining in their motor vehicles.

Dry Cleaning and Laundry Services: A business establishment primarily engaged in laundering, dry cleaning, and pressing apparel and linens of all types. These establishments may also provide clothing repair and alteration services. For purposes of this Ordinance, the term is used to refer to an establishment that renders services primarily to the general public. See also, definition of Laundry and/or Dry Cleaning Establishment (Industrial).

Dump: A land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind.

Dumpster: An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof. See Dwelling, Two-Family.

Dust-free Surface - a surface of asphalt paving, concrete, brick, cobblestone (or similar pavers), crushed limestone, gravel or similar stone material installed and compacted as needed. Dirt, clay and similar material will not be accepted as a dust-free surface.

Dwelling: A structure or portion thereof that is used exclusively for human habitation.

Dwelling, Attached: A one-family dwelling with ground floor outside access, attached to two or more one-family dwellings by common vertical walls without openings.

Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.

Dwelling, Multi-Family: A building containing three or more dwelling units, including units that are located one over another.

Dwelling, Two-Family: A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling, Single-Family: A one-family dwelling.

Dwelling Unit: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Electronic Display Sign: A sign that includes internally illuminated components capable of changing the message periodically. Electronic displays may include but are not limited to LCD, LED, or plasma displays.

Emergency: Defined in Section 1101.01.

Emergency Medical Treatment Facility: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing emergency health service to people on an outpatient basis.

Emergency Services: Emergency services shall include fire departments, police services, ambulance and emergency response services.

Engineer, Municipal: A registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.

Enlargement: An increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

Equipment Compound: Defined in Section 1101.01.

Erosion: The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

Essential Service, Class 1: The erection, construction, alteration or maintenance by public utilities or municipal departments, authorities, or commissions of: underground gas, underground or above ground electrical, telephone, cable television transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith. Essential Services does not include wireless communications facilities and/or antennae.

Essential Service, Class 2: The erection, construction, alternation or maintenance by public utilities or municipal departments, authorities, or commissions of building or structures necessary for the furnishing of adequate services for the public health, safety and general welfare such as water and sewer pump stations, water storage towers, electric substations, natural gas regulator stations, telephone substations or similar type structures, but excluding office buildings, the outside storage of equipment or maintenance depots, wireless communications facilities and/or antennae.

Establishment: An economic unit where business is conducted or services or industrial operations are performed.

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

Existing Use: The use of a lot or structure as of the effective date of this ordinance.

Exterior Wall: Any wall that defines the exterior boundaries of a building or structure.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Facility: A place where an activity occurs.

Facility Owner: The entity or entities having an equity interest in the facility, including their respective successors and assigns.

Farm or Farmland: A parcel of land used for agricultural purposes.

Farm Building or Farm Structure: Any building or structure used for agricultural purposes.

Farmer's Market: The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural product, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Family: One or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one common household and reside in one dwelling unit; or no more than six persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. A roomer, boarder or lodger is not considered a family member; any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Fill: Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

Financial Institution: An establishment primarily involved with monetary, not material, transactions and that has routine interactions with the public.

Finished Grade: See Grade, Finished.

Flea Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floor Area, Gross (GFA): The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

Floor Area, Habitable: The gross floor area of a dwelling which is used or designed for living, sleeping, eating or cooking, but not including garages, enclosed porches, and unfinished basements or attics.

Floor Area, Net: The total of all floor areas of a building, excluding stair-wells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

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.

Fraternal Organization: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

Front Lot Line: See Lot Line, Front.

Front Yard: See Yard, Front.

Frontage: That side of a lot abutting on a street; the front lot line.

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Garage: A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Garden Center: A commercial operation offering for retail sale plants, flowers, lawn and garden supplies and other items, and which may include a nursery or Commercial Greenhouse, and may also include the sale of bulk stone, bark and other materials. **(Amended by Ordinance 1146, approved June 14, 2022)**

Gas Station / Gasoline Service Station: See "Automobile Service Station".

General Advertising for Hire: Defined in Section 902.

General Public: Any and all individuals without prior qualifications.

Glare: The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course: A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

Governing Body: The Borough Council of the Borough of Union City, Erie County, Pennsylvania.

Government/Regulatory Sign: Defined in Section 902.

Grade: (1) The average elevation of the land around a building; (2) the percent of rise or descent of a sloping surface.

Grade, Finished: The elevation of the land surface of a site after completion of all site preparation work.

Greenhouse, Commercial: A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale. **(Amended by Ordinance 1146, approved June 14, 2022)**

Greenhouse, Personal: A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for personal enjoyment on the premises as an accessory use. **(Amended by Ordinance 1146, approved June 14, 2022)**

Group Quarters: Any dwelling or portion thereof which is occupied as a residence by persons unrelated to each other and which has common eating facilities. Group quarters include, but are not limited to, boarding- or lodging houses, fraternity and sorority houses, theme houses and other quarters of an institutional nature. Group quarters are often owned and operated by a parent religious, educational, charitable or philanthropic institution. Group quarters shall exclude hotels, motels, dormitories, emergency shelters, student housing, nursing facilities and personal care facilities. In zoning districts where group quarters are permitted, other than institutional, group quarters shall be limited to no more than 10 persons.

Half-Way House: A noninstitutionalized living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

Hazardous Material: Materials which are classified by the U.S. Environmental Protection Agency or the Pennsylvania Department of Environmental Protection as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks and large containers, located in flood prone areas.

Hazardous Waste: Any substance classified by the U.S. Environmental Protection Agency or the Pennsylvania Department of Environmental Protection as having the potential to damage health or impair safety, including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:



1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(NOTE: “Hazardous Waste” shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended).

Height: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop: A heliport but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Home Based Business or Occupation: A business, occupation or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling. The use includes, but is not limited to, no impact, home based business, as defined by the Pennsylvania Municipalities Planning Code.

Home Based Business (No Impact): - 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.

Home Gardening: The non-commercial, cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining a residential dwelling. For purposes of this ordinance, home gardening is an accessory use considered to be customary to a residential use.

Hospital: A building or part thereof used for medical, psychiatric, obstetrical, or surgical care on a twenty-four hour basis. The term “hospital” shall include facilities used for medical research and training for health-care professions, general hospitals, mental hospitals, tuberculosis hospitals, children’s hospitals, and any such other facilities which provide inpatient care. The term “hospital” shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

Hotel: A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

Household: Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

House of Worship: (1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (2) a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

Illuminated Sign: Defined in Section 902.

Impervious Surface (Impervious Area): A surface that prevents the infiltration of water into the ground. Impervious surface (or areas) include, but is not limited to: buildings and similar structures, patios, sidewalks, and parking or driveway areas.

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

Incidental: Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

Industrial Park: A tract of land that is planned, developed, and operated as a coordinated and integrated facility for a number of separate industrial uses, with consideration for circulation, parking, signage, utility needs, aesthetics, and compatibility.

Industry: The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

Industry, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve, hazardous or commonly recognized offensive conditions.

Industry, Light: A use engaged in the basic processing and manufacture, predominantly from previously prepared, materials of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Institutional Use: A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or-operated building, structure, or land used for public purpose.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

Junkyard: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk

Junk Vehicle: Includes any vehicle or trailer that meets any of the following conditions:

1. Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
2. Cannot be towed, in regards to a trailer designed to be towed,
3. Has been separated from its axles, engine, body or chassis, and/or
4. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Kennel: An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. For purposes of this Ordinance, a use meeting the definition of “pet grooming establishment” is not intended to be a “kennel”.

Kennel Accessory: A use in conjunction with and accessory to the principal use of a veterinary clinic or pet grooming establishment which includes only the interior housing for animals under treatment, and with no outdoor operations or boarding for compensation.

Laboratory: A building, part of a building, or other place equipped to conduct scientific experiments, tests, investigations, etc., or to manufacture chemicals, medicines, or the like.

Laboratory, Research: An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

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.

Laundromat: An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

Laundry and/or Dry Cleaning Establishment (Industrial): A business establishment equipped with large-scale clothes washing and dry cleaning equipment, and primarily engaged in rendering services to commercial, industrial or institutional establishments rather than the general public.

Lease: A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

Library: A place in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use but not for sale.

Livestock: Any wild or domestic animal of the bovine, swine or sheep family.

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or private roads.

Lot, Double Frontage: See Lot, Through

Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

Lot, Improved: A lot with buildings or structures.

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

Lot, Minimum Area: The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

Lot, Nonconforming: A lot the area or dimension of which was lawful prior to the adoption or amendment of this 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.

Lot, Reverse Frontage: A through lot with frontage on two parallel streets with vehicular access restricted to only one of the streets.

Lot, Through: A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

Lot Depth: The average distance measured from the front lot line to the rear lot line.

Lot Frontage: The length of the front lot line measured at the street right-of-way.

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front: The lot line separating a lot from a street right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: A lot that exists as shown or described on a plat or deed in the records of the Recorder of Deeds of the County of Erie, Commonwealth of Pennsylvania.

Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors.

Manufacturing, Heavy: The assembly, fabrication, production or processing of goods and materials using processes that have the potential to create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place; or the processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials; or that necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. For purposes of this ordinance, heavy manufacturing shall also include those manufacturing processes which do not meet the definition of light manufacturing.

Manufacturing, Light: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing does not exceed 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute "heavy" manufacturing", resource extraction, or recycling and salvage operations.

Manufactured Home: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

Marquee: Defined in Section 903.

Massage Therapy: An establishment whose business emphasis is the administration of non-sexually-oriented massage to patrons by employees.

Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used, for example purposes only, for gas price display signs and athletic scoreboards.

Mineral Extraction: The removal or separation of mineral resources, by any means, from the surface or sub-surface of land or water. Mineral extraction includes, but is not limited to: surface mining for gravel, sand or coal, oil and gas drilling, and the removal of topsoil, clay, shale or peat.

Minerals: any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mini-Storage Warehouses: See Self-Storage Facility

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) 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 Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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

Modification or Modify: Defined in Section 1101.01.

Monopole: Defined in Section 1101.01.

Mortuary: A place for the storage of human bodies prior to their burial or cremation.

Motel: A building or group of buildings whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances, and designed for temporary occupancy by primarily transient automobile travelers and providing for accessory off-street parking facilities.

Multiple-Family Dwelling - see Dwelling, Multiple-Family.

Municipal Building or Structure: A building or structure owned and operated by the municipality to provide a governmental service to the public.

Municipality: The Borough of Union City, Erie County, Pennsylvania.

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

Natural Gas Processing Plant: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow the natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

Natural Gas, Oil and Gas Development: Uses that include the process of perforating the earth's surface and rock layers to extract fossil fuels, natural gas or oil, for energy production and all associated equipment, structures and construction at the drilling site including the well pad, access roads, hydraulic fracturing, production, pipelines, tanks, meters, and temporary work crew and supervisor trailers for exploration and production at a single well pad, including multiple wells at a single well pad, and all subsequent site reclamation activities which follow the production phase. The term does not include Natural Gas Compressor Stations or Natural Gas Processing Plants.

Non-Tower Wireless Communications Facilities (Non-Tower WCF): Defined in Section 1101.01.

Normal Farming Operations: The customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in year after year in the production and preparation for market of crops, livestock, and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes the storage and utilization of agricultural and food processing wastes for animals and the disposal of manure, other agricultural waste and food processing waste on land where the materials will improve the condition of the soil or the growth of crops or will aid in the restoration of the land for the same purposes.

New Use: Any new activity or use of land in a lot or parcel that was not occurring as of the effective date of this ordinance.

Nightclub: Any building used for on-site consumption of alcoholic or nonalcoholic beverages and in which music, dancing, or entertainment is conducted. Nightclub includes an "Under 21" club which features entertainment.

Noise: (1) Any undesired audible sound; (2) any sound that annoys or disturbs humans or that causes or tends to cause an adverse psychological or physiological effect on humans.

Nonconforming Building: See "Nonconforming Structure".

Nonconforming Lot: See "Lot, Nonconforming"

Nonconforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this 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 structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Non-Residential District: See District, Non-Residential

Nursery, Plant or Horticulture: Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

Nursing Home: A facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania.

Occupancy or Occupied: The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building; (2) holding real property by being in possession.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

Official Traffic Sign: Defined in Section 902.

Off-site Commercial Message: Defined in Section 902.

Off-Street Loading: Designated areas located adjacent to buildings where trucks may load and unload cargo, and that is not located on a dedicated street right-of-way.

Off-Street Parking: A temporary storage area (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

Operator: (1) The entity responsible for the day-to-day operation and maintenance of a facility or establishment. (2) A person or company that engages in or runs a business or enterprise.

Outdoor Lighting: An illumination source outside any building, including but not limited to an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed to be "outdoor lighting."

Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.



Owner: See Landowner.

Parapet: The extension of the main walls of a building above the roof level.

Parcel: A lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

Park: A tract of land, designated and used by the public for active and passive recreation.

Parking Lot: An off-street, ground-level open area that provides temporary storage for motor vehicles.

Parking Space: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

Party Wall or Common Wall: A common shared wall between two separate structures, buildings, or dwelling units.

Performance Standards: A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

Permit: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law by not allowed without such authorization.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Personal Services Establishment: An establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Service activities shall include and be similar to barbershops; beauty salons; health spas; massage therapy; photographic studios; radio and television repair; repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult regulated facilities as defined herein.

Pet: A domestic or tamed animal or bird kept for companionship or pleasure and treated with care and affection.

Pet Grooming Establishment: A business activity that is operated and conducted within an enclosed premises and includes and is limited to the grooming and/or washing of pets and/or domestic animals and which shall not include any training or boarding of animals and/or any outdoor activities.

Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247, as reenacted and amended.

Planning Commission: The Union Area Regional Planning Commission, Erie County, Pennsylvania.

Playground: An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

Poultry: Domesticated fowl collectively, especially those valued for their meat and eggs, such as chickens, turkeys, ducks, geese, and guinea fowl.

Premises: A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

Principal Building: See Building, Principal

Principal Use: The primary or predominant use of any lot or parcel of land.

Private: Not publicly owned, operated, or controlled.

Professional Offices: Include but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

Property: A lot, parcel, or tract of land together with the building and structures located thereon.

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 the Pennsylvania Municipalities Planning Code.

Public Meeting: A forum held pursuant to notice under 65. C.S. CH7 (Relating to open meetings).

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality; or other notice schedule as required by Pennsylvania Law. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Unless otherwise required by Pennsylvania Law, 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.

Public Parks and Recreation Areas: Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

Public Recreation Facility/Public Grounds: Recreation facilities owned and/or operated by an agency of the municipality or other governmental body, including but not limited to parks, swimming pools, golf courses, etc.

Public Sewer and Water System: Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

Public Sign: Defined in Section 902.

Public Street/Road: A street ordained or maintained or dedicated and accepted by a Borough, City, Township, County, State or Federal governments and open to public use.

Public Utility: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Public Utility Building or Structure: Any building or structure which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

Rear Yard: See Yard, Rear

Recreation, Active: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

Recreation, Passive: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, board and table games.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation Facility, Public: A recreation facility open to the general public.

Recreational Equipment: Includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and similar vehicles and equipment; and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.

Recreational Vehicle: A vehicle-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more sites are located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

Recycling Center: A use involving the collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste processing facility. This definition shall not include a "junkyard."

Replacement: Defined in Section 1101.01.

Residence: A home, abode, or place where an individual is actually living at a specific point in time.

Residential Area: A generic term describing an area that gives the impression that it is predominately a place where people live.

Residential District: See District, Residential

Resort: A facility for transient guests where the primary attractions are recreational features or activities.

Restaurant: An establishment where food and drink are prepared, served, and consumed, mostly within the principal building.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail Sales Area: The retail sales area shall be considered to be the total area of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor area as listed above.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

Right-of-Way Lines: The lines that form the boundaries of a right-of-way.

Road: See "Street".

Roadside Stand: A structure for the display and sale of farm products primarily grown on the property upon which the stand is located.

Salvage: The utilization of waste materials.

Salvage Yard: A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.

School: Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

School, Elementary: Any school that is licensed by the state and meets the state requirements for elementary education.

School, Private: Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

School, Secondary: Any school that is licensed by the state and authorized to award diplomas for secondary education.

Screening: A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of property owners on adjoining properties the structures and uses on the premises on which the screen planting is located.

Seasonal Use: A use carried on for only a party of the year.

Self-Storage Facility: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

Service Station: See “Automotive Service Station”

Services: Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Setback: The distance between the building or structure and any lot line.

Setback Line: That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure may be erected or placed.

Shielded: The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

Short-term Rental: Any rental of a dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days. **(Amended by Ordinance No. 1132, Adopted August 11, 2020)**

Side Yard: See Yard, Side

Sidewalk: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sidewalk Area: That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Sign: Defined in Section 902.

Sign Area: Defined in Section 902.

Sign Face: Defined in Section 902.

Similar Use: A use that has the same characteristics as the specifically cited uses in terms of trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and market area.

Single Housekeeping Unit – One person or two or more individuals living together sharing household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

Site: Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site Plan: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

Solid Waste: Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

Solid Waste Disposal: The ultimate disposition of solid waste that cannot be salvaged or recycled.

Special Event of a Temporary Nature: A temporary use of land and/or structures for specially scheduled events of a temporary and short-term nature, including but not limited to fairs, festivals, circuses, concerts and the like, where the actual use, exclusive of one day each for preparation and cleanup, shall not exceed 5 days.

Special Exception Use: A use permitted in a particular zoning district and approved by the Zoning Hearing Board pursuant to the provisions of this ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code. A special exception use must be approved by the Zoning Hearing Board.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the municipality's comprehensive plan.

Stealth Technology: Defined in Section 1101.01.

Stoop: A covered or uncovered area at the front, side or rear door.

Storage Shed: A structure not intended for residential occupancy which is accessory to the principal use of the property as a place to store personal property.

Story: The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be considered as a story if more than 50% of its clear height is above finished grade, or if it is used for business, or dwelling purposes.

Street: A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street, Arterial: A high-capacity road or thoroughfare that functions primarily to deliver traffic from collector streets to freeways or expressways, and between urban centers at the highest level of service possible. For purposes of this ordinance, arterials are identified on PennDot's Federal Functional Class map of Erie County.

Street, Collector: A street that collects traffic from local streets and connects with arterials. For purposes of this ordinance, collectors are identified on PennDot's Federal Functional Class map of Erie County.

Street, Cul-De-Sac: A street with a single common ingress and egress and with a turnaround at the end.

Street, Local: A street that provides frontage for access to abutting lots and carries slow-speed traffic primarily having a destination or origin on the street itself.

Street, Private: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.

Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Structure, Accessory: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use.

Structure, Non-Conforming: See Non-Conforming Structure.

Structure, Principal: The main or primary structure on a given lot, tract, or parcel.

Structure, Temporary: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Studio: A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

Substantial Change or Substantially Change: Defined in Section 1101.01.

Swimming Pool: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty-six (36) inches, designed, used and maintained for swimming and bathing. Farm ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.

Target Range or Shooting Range: A specialized facility designed for target practice for archery or firearms.

Tavern: An establishment which serves alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

Temporary Structure: See "Structure, Temporary".

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Tower: Defined in Section 1101.01.

Tower-Based Wireless Communications Facility (Tower-Based WCF): Defined in Section 1101.01.

Transportation Terminal: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. A terminal is not used for permanent or long-term accessory storage for principal land uses at other locations. A terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. A terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with another line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

Treatment Center/Pre-Release Detention Facility:

- A. Treatment Center means a use, other than a prison, providing housing facilities for persons who need specialized housing, treatment, and/or counseling and who need such facilities because of: criminal rehabilitation, such as a criminal halfway house, criminal transitional living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol; chronic abuse of or addiction to alcohol and/or a controlled substance; or a type of mental illness or other behavior that can reasonably be expected to cause a person to be a threat to the physical safety of others.
- B. A Pre-Release Detention Facility is any use (other than a prison or state correctional institute) which involves the placement of persons under the jurisdiction or supervision of the Department of Corrections (hereafter "D.O.C.") the Board of Probation and Parole (hereafter "B.P.P.") or the Board of Pardons and/or any county probation department, without regard to any primary or secondary medical/psychological/social treatment purpose.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Variance: Permission to depart from the literal requirements of a zoning ordinance.

Vehicle Sales, Rental and Service: A facility for the sales, rental, service (including oil and tire changes) and washing of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, recreational vehicles and other vehicles

Veterinary Clinic: A facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.



Warehouse: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Water Course: A stream, river, brook, creek, or channel or ditch for water, whether natural or manmade.

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

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Facility or Wholesale Trade: An establishment or place of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless: Defined in Section 1101.01.

Wireless Communications Facility: Defined in Section 1101.01.

Wireless Communications Facility, Tower-Based: Defined in Section 1101.01.

Wireless Communications Facility, Non-Tower: Defined in Section 1101.01.

Wireless Support Structure: Defined in Section 1101.01.

Yard: An open space that lies between the principal building or buildings and the nearest lot line.

Yard, Buffer: See Buffer Yard.

Yard, Front: A space extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the building to the closest point to the front lot line.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required: The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as provided in the zoning ordinance.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Yard Depth: The shortest distance between a lot line and a yard line.

Yard Line: A line drawn parallel to a lot line at the distance therefrom equal to the depth of the required yard.

Zone: Same as District.

Zoning: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

Zoning Administrator: The administrative officer designated to administer the zoning ordinance and issue zoning permits, or his/her authorized representative.

Zoning District: A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Zoning Map: The map or maps that are a part of the zoning ordinance and delineate the boundaries of zoning districts.

Zoning Officer: See Zoning Administrator.

Zoning Permit: A document issued by a zoning administrator, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

## **Article 3 Administration and Enforcement**

### **301 Administration**

#### **301.01 Zoning Administrator**

The duty and authority of administration and enforcement of the provisions of this Ordinance are hereby conferred upon the Zoning Administrator and his or her subordinates and/or designees, who may not hold an elective office in the municipality. The Zoning Administrator shall be appointed by the Borough Council.

#### **301.02 Powers and Duties of Zoning Administrator**

The duties of the Zoning Administrator shall be:

- A. Administer the zoning ordinance in accordance with its literal terms;
- B. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The zoning administrator shall also issue zoning permits for special exception uses, or for variances after the same have been approved;
- C. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record;
- D. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, and curative amendments;
- E. Determine the date before which steps for compliance must be commenced and the date before which the steps must be completed. The zoning administrator shall determine an appropriate duration of time for compliance of the specified activity, not to exceed 30 days. Extensions up to a total of 90 days from the date of receipt of the enforcement notice may be granted at the discretion of the zoning administrator if applied for in writing;
- F. Upon the request of the Borough Council or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
- G. To be responsible for keeping this Ordinance and the zoning map up to date, including any amendments thereto;
- H. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in this Ordinance, or otherwise permitted by law;
- I. To review proposed subdivisions and land developments for compliance with this Ordinance; and
- J. To take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended.

## 302 Zoning Permits

A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the zoning administrator or his/her designee. No zoning permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this Ordinance.

### 302.01 Permit Requirement

A Zoning Permit is required to be issued prior to the start of any of the following activities, unless otherwise exempted under Section 302.02 of this Ordinance:

- A. Erection, construction, placement, or alteration of any building or structure
- B. Construction of an addition to a building or structure, including decks and porches
- C. Demolition or moving of a building or structure
- D. Making or effecting a change of use of vacant land or any building or structure
- E. Making any change or extension to a nonconforming use
- F. Construction or installation of swimming pools, spas or hot tubs with a holding capacity of over thirty-six inches (36") of water in depth.
- G. Construction or alteration of signs except as exempted in this Ordinance (see Article 9, Signs).
- H. Any temporary use and/or structure that requires a zoning permit under Section 302.03 of this Ordinance.
- I. Placement or setting of a Dumpster in a Residential Zoning District in accordance with Section 709 of this Ordinance for a period in excess of three (3) months. Permitted Dumpsters may not be relocated without issuance of a new Permit. **(Amended by Ordinance No. 1151, adopted March 13, 2023)**

### 302.02 Permit Exemptions

No Zoning Permit shall be required for the following: *(Note, even when a zoning permit is not required, certain activities may still require a permit(s) under the UCC (Uniform Construction Code) or other ordinances.)*

- A. Ordinary repairs and maintenance of buildings or structures which do not structurally change the building or structure
- B. Remodeling or improvement of existing buildings that does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building.
- C. Steps not exceeding 32 square feet.
- D. Stoops not exceeding 32 square feet.
- E. Chimneys not exceeding 32 square feet.
- F. Handicap ramps (not including decks or turning radii).
- G. Overhangs, provided they do not extend more than twenty-four (24) inches beyond the outside wall.
- H. Mailboxes.
- I. Retaining walls in accordance with Section 701.02(E).
- J. Temporary structures: those structures, consisting of materials of poles, fabric and vinyl, not exceeding three hundred twenty (320) square feet and that have no foundation or footing and

which are removed when the designated time period, activity or use for which it was erected has ceased, but in no event to exceed one hundred eighty (180) calendar days in a calendar year from when first erected. Provided, however, that a temporary structure of any size erected for less than one (1) calendar week in any calendar year shall not be subject to the terms and conditions of this Ordinance. Examples of temporary structures are carports, picnic shelters and rollout portable awnings. Except for temporary structures that are erected for less than one (1) calendar week, all temporary structures shall still meet the setback requirements of this Ordinance for the district in which the temporary structure is located. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**

- K. Signs exempted by this Ordinance (see Article 9, Signs).
- L. Roof mounted cupolas, roof mounted wind turbines, roof mounted solar panels and roof mounted antennas.
- M. The demolition of detached garages, carports, sheds or greenhouses that are not attached to a single family dwelling and are less than 1000 square feet (measuring the perimeter). **(Amended by Ordinance No. 1132, Adopted August 11, 2020)**
- N. Accessory structures, including gazebo structures, if the accessory structure has been installed on a residence's deck and the owner of the residence previously received a Zoning Permit approving the construction of the deck. **(Amended by Ordinance No. 1140, Adopted September 28, 2021)**
- O. The following temporary uses do not require a zoning permit:
  - 1. Christmas tree sales conducted on properties located within the RLB, Residential Limited Business; C-1, Central Business; C-2, Commercial; and I-1, Industrial Districts between Thanksgiving Day and December 25th.
  - 2. Mobile amusement and lighting equipment for promotion, advertisement and grand openings on properties located in the RLB, Residential Limited Business; C-1, Central Business; C-2, Commercial; and I-1, Industrial Districts for events not exceeding five (5) days in duration.
  - 3. Temporary storage units, subject to the requirements of Section 704.01.
  - 4. The temporary occupancy of recreational vehicles or recreational equipment for a period not exceeding 30 consecutive days or 30 days within a calendar year. The use shall comply with all applicable requirements of Section 704.02 (Recreational Vehicles & Recreational Equipment).
  - 5. Within a legally permitted campground or recreational vehicle park, the temporary occupancy of recreational vehicles or recreational equipment for a period not exceeding 9 consecutive months or 9 months within a calendar year.

### **302.03 Permits for Temporary Uses and Structures**

A zoning permit for a temporary use or structure may be issued by the zoning administrator in accordance with the following:

- A. A zoning permit for a temporary use or structure shall not be issued for any temporary use or structure where said use would violate any of the provisions of this Ordinance.

- B. Unless otherwise specified by this Ordinance, zoning permits for a temporary use or structure are limited to a one week period renewable for a maximum of three additional weeks during any one calendar year.
- C. A zoning permit is required for any of the following temporary uses or structures:
  - 1. Mobile amusement and lighting equipment for promotion, advertisement and grand openings on properties located in the RLB, Residential Limited Business; C-1, Central Business; C-2, Commercial; and I-1, Industrial Districts for events exceeding five (5) days.
  - 2. Temporary occupancy of recreational vehicles or recreational equipment for a period of time greater than 30 consecutive days or 30 days within a calendar year, but no greater than 60 consecutive days or 60 days within a calendar year. Unless specifically stated otherwise in this ordinance, the period of occupancy shall not exceed 60 consecutive days or 60 days within a calendar year. The use must comply with all applicable requirements of Section 704.02 (Recreational Vehicles & Recreational Equipment). Such permit shall not be renewable. *Note: In accordance with Section 302.02 (M, 4) no permit is required for the temporary occupancy of recreational vehicles or recreational equipment for a period not exceeding 30 consecutive days or 30 days within a calendar year.*
  - 3. Temporary stands for the sale of produce and related incidental items. Such stands are subject to the following:
    - a. Such stands shall be permitted within the RLB, Residential Limited Business; C-1, Central Business; and C-2, Commercial Districts.
    - b. Such stands shall be permitted within the R-1, Suburban Residential District provided they are used for the display and sale of farm products primarily grown on the property upon which the stand is located.
    - c. Such stands shall comply with all applicable requirements of this ordinance.
    - d. Such stands shall be permitted for a period not exceeding 180 days in any one calendar year.
    - e. Such stands shall be removed upon expiration of the zoning permit for the temporary use or structure.
  - 4. Special Events of a Temporary Nature, as defined in Article 2 of this Ordinance, and subject to the requirements set forth in Section 1002.16.

### **302.04 Application for Zoning Permits**

- A. Submittal: All applications for a zoning permit shall be made in writing on a form provided by the municipality, and shall be accompanied by any additional information that the municipality may require for administration of this Ordinance. Such completed application, with required fees as may be adopted from time to time by Resolution of the Borough Council, shall be submitted to a designated municipal employee. An application shall be considered to be complete when it is completely filled out by the applicant, all necessary information is submitted, and the appropriate fee(s) is/are paid.
- B. Uniform Construction Code: Where the proposed use is regulated under the Uniform Construction Code, the applicant shall submit an application for a building permit concurrently with the zoning permit.

- C. Areas Subject to Flooding: If the proposed development, excavation or construction is located within an area subject to regulation by the Union City Borough Floodplain Ordinance, the application shall comply with all applicable requirements of that ordinance.
- D. The only determination by the zoning administrator that shall be official shall be a written determination after the zoning administrator receives a duly submitted, written, official application.
- E. In all instances in which the zoning administrator expresses a reasonable doubt as to the ability of a proposed use to meet all of the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his/her application. If such evidence is not presented, the zoning permit will be denied.
- F. By Whom Application is Made: Application for a zoning permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making the application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.
- G. The zoning administrator may call upon other Union City Borough staff and/or Borough appointed consultants in the review of submitted materials for applications;
- H. Reconsideration of Application: An applicant whose request for a permit has been denied by the zoning administrator may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. Additional fees may apply as set by the Borough Council.
- I. Expiration of Zoning Permit: The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended one time for one (1) additional year, upon written request by the applicant on a form provided by the municipality.
- J. Inspections: Inspections of the property in question by the zoning administrator or other duly appointed official may be required at various intervals during the construction process. By submitting an application for a zoning permit, the landowner authorizes the municipality to perform such inspections as required.

### **302.05 Issuance of Zoning Permits**

- A. Issuance of Permits: Upon receiving the application, the zoning administrator shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he/she shall reject such application in writing, stating the reasons therefore. He/she shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all other laws and ordinances applicable thereto, he/she shall issue a permit therefore as soon as practical but not later than ninety (90) days from receipt of the application.

- B. Permitted By Right Uses: The zoning administrator shall issue a zoning permit under this Ordinance in response to an application for a use that is “permitted by right” if it meets all of the requirements of this Ordinance.
- C. Special Exception Use: A zoning permit under this Ordinance for a use requiring a Special Exception Permit shall be issued by the zoning administrator only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board and any conditions required by this Ordinance.
- D. Applications Requiring a Variance: A permit under this Ordinance for applications requiring a Variance shall be issued by the zoning administrator only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board.
- E. Stormwater Management: No zoning permit shall be issued until the applicant complies with all applicable requirements of the Union City Borough Stormwater Management Ordinance. This may include, but is not limited to the following submissions, as applicable: small projects stormwater management application, stormwater management site plan, NPDES permit and/or soil erosion and sedimentation permit.
- F. Highway Occupancy Permit: Where necessary for access onto a State road, no zoning permit shall be issued until the applicant is issued a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
- G. Sewage Facilities Approval: Where applicable, no zoning permit shall be issued until the applicant submits written confirmation that the Erie County Health Department and/or Pennsylvania Department of Environmental Protection (PADEP) has approved the sewage disposal system which is to serve the use. If the use is to be served by a public sewer system, no zoning permit shall be issued until the applicant submits a copy of the permit approving connection to the sewer system.
- H. Water Facilities Approval: Where the use will be served by a public water system, no zoning permit shall be issued until the applicant submits a copy of the permit approving connection to the public water system.
- I. Compliance with Subdivision and Land Development Ordinance: If an application under this Ordinance is also regulated by the Union City Borough Subdivision and Land Development Ordinance (“SALDO”), then any permit or approval under this Ordinance shall automatically be conditioned upon compliance with the SALDO. For example, if an applicant applies for a permit for a single-family detached dwelling on a proposed new lot, the permit for such dwelling shall not be valid until after the lot is granted final subdivision and land development approval and the lot is officially recorded by the Erie County Recorder of Deeds.
- J. Service Connections (Demolition): Before a building or structure is demolished or removed, the owner or owner's agent shall notify all utilities having service connections within the structure. A zoning permit authorizing the demolition or removal of a building or structure shall require that prior to issuance of a permit, the owner shall submit a certification that all service utilities and adjacent property owners have been notified of the proposed demolition and that service connections have been removed.



- K. A copy of each zoning permit application and any other zoning approvals shall be retained in municipal files.
- L. After the permit under this Ordinance has been issued, the applicant may undertake the action specified in the permit, in compliance with this Ordinance and any other applicable ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.
- M. Compliance with Ordinance: The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this Ordinance, except as stipulated by the Zoning Hearing Board.
- N. Compliance with Permit and Plot Plan: All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan, if applicable.
- O. Display of Zoning Permit: All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.

### 302.06 Revocation of Permits & Appeals

- A. Revocation: The zoning administrator shall revoke, withhold or suspend a permit or approval issued under the provisions of this Ordinance in the case of one or more of the following:
  - 1. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties).
  - 2. Upon violation of any condition lawfully imposed by the Zoning Hearing Board for a Special Exception Use or a Variance.
  - 3. Any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application.
  - 4. Any other just cause set forth in this Ordinance.
- B. Appeals: A party with legitimate standing, or as otherwise provided by State law, may appeal the revocation, withholding or suspension of an approval or permit issued under the provisions of this Ordinance to the Zoning Hearing Board pursuant to the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code (MPC).

### 302.07 Certificate of Use and Occupancy

- A. It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a zoning permit is required until in cases where a building permit is required under the Uniform Construction Code (UCC), an Occupancy Permit has been issued by the Building Code Official. **(Amended by Ordinance No. 1132, Adopted August 11, 2020)**
- B. In cases where a Certificate of Use and Occupancy is required, the following apply:
  - 1. The zoning permit shall serve as the application for the Certificate of Use and Occupancy.

2. A Certificate of Use and Occupancy shall only be issued by the zoning administrator if the zoning administrator determines that the activity complies with this Ordinance, to the best knowledge of the zoning administrator.
3. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.
4. The zoning administrator shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under a zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he/she shall issue a Certificate of Use and Occupancy for the intended use listed in the original application.

### **303 Interpretation of Ordinance Text**

- A. The zoning administrator shall literally apply the wording of this Ordinance and the location of all zoning district boundaries to applications. In any case, the zoning administrator may also request an advisory opinion from the municipal solicitor or the Zoning Hearing Board solicitor to aid in the zoning administrator's determination.
- B. If an applicant disagrees with the zoning administrator's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board pursuant to the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code (MPC)

### **304 Uses Not Specifically Regulated**

If a use clearly is not permitted by right, or as a special exception use by this Ordinance within any zoning district, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions will be met:

- A. Proposed use will be equal or less intensive in external impacts and nuisances than uses that are permitted in the zoning district.
- B. Proposed use will be closely similar in impacts and character to uses permitted in that zoning district. (See Section 405 (B))
- C. Use will meet all standards that apply under Section 1001 for a Special Exception use.
- D. Use is not specifically prohibited in that zoning district.

### **305 Enforcement, Violations and Penalties**

- A. Violations: Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
  1. Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof, or as may otherwise be required by this Ordinance.
  2. Placement of false statements on or omitting relevant information from an application for a zoning permit.

3. Undertaking any action in a manner which does not comply with an approved zoning permit.
4. Violation of any conditions imposed by a decision of the Zoning Hearing Board in granting a variance, special exception or other approval.

B. Causes of Action; Enforcement; Remedies

1. Enforcement: If it appears to the zoning administrator that a violation of this Ordinance has occurred, the zoning administrator shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice, the zoning administrator may at his/her option informally request compliance.
2. Enforcement Notice: The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state the following, at minimum:
  - a. The name of the owner of record and any other person against whom the municipality intends to take action.
  - b. The location of the property in violation.
  - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
  - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
  - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
3. Evidence & Fees: In any appeal of an enforcement notice to the Zoning Hearing Board, the municipality shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to an appeal to an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
4. RESERVED. **(Amended by Ordinance No. 1146, approved June 14, 2022)**
5. Jurisdiction: Magisterial District justices shall have initial jurisdiction over proceedings brought under Section 305.
6. Violations and Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including the reasonable attorney's fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the

determination of a violation by the Magisterial District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a Magisterial District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this 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 fifth day following the date of the determination by the Magisterial District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the municipality.

### **306 Fees**

Determination: The Borough Council may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Borough Council may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Borough Council.

### **307 Amendments**

- A. Power of Amendment: Amendments to this Ordinance are to be made in accordance with section 609 of the MPC, as amended.
- B. Curative Amendments: Curative amendments to this Ordinance are to be made in accordance with section 609.1 or 609.2 of the MPC, as amended, as amended.

### **308 Zoning Hearing Board**

#### **308.01 Creation of the Board**

A. Membership of the Board. The membership of the Zoning Hearing Board (the "Board") shall consist of three residents of the Borough to be appointed by the Borough Council. The Borough Council may appoint at least one but not more than three residents of the Borough to serve as alternate members. Other matters pertaining to the Board's membership, removal of members, vacancies, organization and expenditures shall be governed by Sections 903 and 905 through 907 of the MPC, as may be amended. Board members serving in such capacity as of the date and time of the adoption of this Ordinance shall be considered to be reappointed for a new term starting with the effective date of this Ordinance.

B. Appeals and applications.

(1) Forms. Appeals and applications to the Board shall be submitted to the Zoning Administrator on such forms as are adopted for use by the Borough Council, which may require such additional information as the Borough Council deems appropriate.

(2) Fees. The Borough Council may, from time to time, adopt such fees by Resolution as may be necessary to administer appeals and applications governed by this Ordinance per section 306 of this Ordinance.

(3) Time limitations; Persons aggrieved. 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 an appropriate Borough officer, agency or body 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. See also Section 914.1 of the MPC.

### **308.02 Expenditures for Services**

Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

### **308.03 Legal Council**

Where legal council is desired, an attorney, other than the municipal solicitor, shall be used.

### **308.04 Jurisdiction**

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

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 (relating to enactment of zoning ordinance amendments) and 916.1(a)(2) (relating to substantive or validity challenges with requests for curative amendments) of the Planning Code.
- B. Appeals from the determination of the zoning administrator, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- C. Appeals from a determination by the municipal engineer or the zoning administrator with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- D. Applications for variances from the terms of this Ordinance or the flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code (relating to variances) and Section 308.06 of this Ordinance.
- E. Applications for special exceptions under this Ordinance or the floodplain or flood hazard ordinance.
- F. Appeals from the zoning administrator's determination under Section 916.2 (relating to preliminary opinions) of the Planning Code.
- G. Appeals from the determination of the zoning administrator or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation

and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.

### **308.05 Hearings**

The Board shall conduct hearings and make decisions in accordance with Article IX of the Planning Code and the following requirements:

- A. Notice of hearings shall be given to the public by public notice as set forth in the Planning Code in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Written notice shall be given to the applicant, the zoning administrator, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the 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.
- B. The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs.
- C. The first hearing shall be held within sixty (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 shall be held within forty-five (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 one hundred (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 one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An 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 municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- D. The hearings shall be conducted by the Board or the 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, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- E. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to

require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

- F. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. 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.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious testimony or evidence may be excluded.
- I. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- J. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials 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.
- K. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under 916.1 of the Planning Code (relating to validity challenges or substantive questions), where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to commence, conduct, or complete the required hearing as required by Article IX of the Planning Code, 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 herein above provided, the Board shall give public notice of said decision within ten (10) days in the same manner as provided in Section 308.05 (A) of this Ordinance. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

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

### **308.06 Variances**

- A. The Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of the Pennsylvania Municipalities Planning Code, the Board may by rule prescribe the form of application and may require preliminary application to the zoning administrator. The Board may grant a variance provided the following findings are made where 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 conditions, and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or 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 a 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, nor be detrimental to the public welfare; and
  - 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. Conditions: In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Planning Code. These conditions shall be enforceable by the zoning administrator and failure to comply with such conditions shall constitute a violation of this Ordinance.
- C. Site Plan Approval: Any site plan presented in support of a variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan.



### **308.07 Special Exceptions**

- A. The Board shall hear and decide requests for special exceptions in accordance with the standards and criteria of this Ordinance. The applicant must demonstrate compliance with all applicable provisions of this Ordinance, including the general requirements and standards listed in Section 1001 and any applicable specific requirements and standards identified in Section 1002 of this Ordinance.
- B. Filing Requirements: In addition to the required zoning permit information, each Special Exception application shall include the following:
  - 1. Ground floor plans and elevations of proposed structures;
  - 2. Names and address of adjoining property owners including properties directly across a public right-of-way;
  - 3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
  - 4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;
- C. Conditions: In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and this Ordinance. These conditions shall be enforceable by the zoning administrator and failure to comply with such conditions shall constitute a violation of this Ordinance.
- D. Site Plan Approval: Any site plan presented in support of the Special Exception pursuant to Section 308.07 (B)(3) shall become an official part of the record for said Special Exception. Approval of any Special Exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another Special Exception Approval.
- E. Conditional Approvals: When this Ordinance requires certificates, licenses, permits or similar documents, and when, in the Board's opinion, such documents will be issued in a matter of time, the Board may issue a conditional approval based upon the final issuance of such documents.
- C.

### **308.08 Parties Appellant Before Board**

Appeals under Section 308.04 and proceedings to challenge the Ordinance under Section 308.04 may be filed with the Board, in writing, by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance under Section 308.06 and for special exception under Section 308.07 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

### **308.09 Time Limitations for Appeal**

- A. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate

municipal officer, agency or body 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. See also Section 914.1 of the Planning Code.

- B. All appeals from determinations adverse to the landowners or applicants shall be filed by the landowner or applicant within 30 days after notice of the determination is issued.

### **308.10 Time Limitations of Board's Decision**

- A. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing, extend either of these deadlines.
- B. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he/she fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.
- C. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he/she fail to complete such construction or alteration within said three (3) year period, the Zoning Hearing Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.
- D. As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in this section. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Zoning Hearing Board must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

### **308.11 Stay of Proceedings**

Upon filing of any proceeding referred to in Section 913.3 of the Pennsylvania Municipalities Planning Code and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the zoning administrator or of any agency or body, and all official action thereunder shall be stayed unless the zoning administrator or any other appropriate agency or body

certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the zoning administrator or other appropriate agency or body. See also Section 915.1 of the Planning Code.

(This page intentionally left blank.)

## **Article 4 Nonconforming Lots, Structures, and Uses**

### **401 Continuation of Nonconforming Uses and Structures**

All lawful uses of land, buildings, signs, or other structures existing on the effective date of this ordinance, or amendments that may later be adopted, may be continued, altered, restored, reconstructed, sold, or maintained in accordance with the provisions of this Ordinance. These uses of land, buildings, signs, or other structures shall be considered “nonconforming”.

### **402 Registration**

- A. Nonconforming uses and structures may be reported to the zoning administrator by the owner, user, lessor, or lessee, and be registered by the zoning administrator within one (1) year of the effective date of this Ordinance.
- B. The zoning administrator, upon proof of a legal nonconformity, is authorized to register the existence of the nonconforming uses and/or structures.
- C. Should a nonconforming use or structure not be reported or identified within one (1) year, the owner, user, lessor, or lessee of the nonconforming use or structure shall have the burden of establishing that the use or structure was nonconforming upon the effective date of this ordinance. Sufficient proof of the following shall be provided, in a form acceptable to the zoning administrator:
  1. The date of construction of the building or structure, and the date the use was established.
  2. The continuous operation of the nonconforming use.
  3. Such other proof as may be deemed necessary by the zoning administrator.

### **403 Existing, Nonconforming Lots of Record**

The following requirements shall apply to the development and use of a nonconforming lot:

- A. Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the zoning district in which it is located even though its lot area and width are less than the minimum required by this Ordinance. However, such lot must comply with the yard, height, and coverage standards of the zoning district wherein it is located.
- B. If two or more lots of record with continuous frontage are held in single ownership and if both, all or any of such lots do not meet the requirements in this Ordinance for lot area and width in the zoning district, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance. The zoning administrator, upon receipt of an application for a permit, shall refer the application to the Zoning Hearing Board. The Zoning Hearing Board may require the lots of record to be replotted to create fewer lots, which would comply with the minimum requirements of this Ordinance.

- C. No provision of this Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Hearing Board, after providing notice to adjacent property owners and holding a public hearing, may grant a variance for a reduction in the requirement for side yard and rear yards for non-conforming lots of record which lack required lot width.

#### 404 Nonconforming Uses and Structures

- A. Alterations and Reconstruction:
  - 1. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use.
  - 2. A nonconforming building which is damaged by fire, an explosion, or a natural disaster, etc, may be rebuilt and used for the same purposes, provided that:
    - a. The reconstruction of the building is commenced within 18 months from the date of the destroying of the building and is carried to completion without undue delay, and
    - b. The reconstructed building does not exceed the height, gross floor area, or volume of the building destroyed.
- B. Extensions, Expansions, and Enlargements: Nonconforming uses or structure shall not be allowed to expand, extend or enlarge. **(Amended by Ordinance No. 1132, Adopted August 11, 2020)**

#### 405 Change of Use

- A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- B. A nonconforming use may be changed to another nonconforming use only by the granting of a special exception by the Zoning Hearing Board in compliance with this Ordinance. Where a special exception approval is required, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
  - 1. Traffic safety and generation (especially truck traffic)
  - 2. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards
  - 3. Amount and character of outdoor storage
  - 4. Late night and early morning hours of operation if the new use would be close to dwellings
  - 5. Compatibility with the character of surrounding uses.

#### 406 Abandonment and Discontinuance

A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped, and the use is not actively advertised for sale or lease. Such nonconforming use shall not thereafter be reinstated except in conformance with this

Ordinance. A nonconforming structure or land, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.

(This page intentionally left blank.)



## Article 5 Zoning Districts & Use Tables

### 501 Designation of Districts

For the purpose of this Ordinance, Union City Borough is hereby divided into zoning districts which shall be designated as follows:

- R-1 Suburban Residential District
- R-2 Urban Residential District
- RLB Residential Limited Business District
- C-1 Central Business District
- C-2 Commercial District
- I-1 Industrial District

### 502 Zoning Map

The locations and boundaries of the above districts are shown upon the map attached to and made a part hereof this Ordinance, which shall be designated the "Union City Borough Zoning Map". This zoning map and all notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein. In the event the Union City Borough Zoning Map is amended at the request of a property owner, the property owner shall, in addition to any other fee authorized herein, pay for the cost of amending and reprinting the Union City Borough Zoning Map. The cost shall be adopted by resolution, from time to time, by the Borough Council. **(Amended by Ordinance No. 1132, Adopted August 11, 2020) (Amended by Ordinance No. 1134, Adopted December 22, 2020) (Amended by Ordinance No. 1140, Adopted September 28, 2021) (Amended by Ordinance No. 1146, adopted June 14, 2022) (Amended by Ordinance No. 1149, adopted July 26, 2022)**

### 503 Interpretation of Zoning Boundaries

The following rules shall apply in the interpretation of zoning district boundaries as shown on the zoning map:

- A. Where a district boundary approximately follows the center line of a road, alley, or railroad line, the center line of such road, alley or railroad line shall be interpreted to be the zoning district boundary.
- B. Where a district boundary approximately parallels a road right-of-way or alley, the boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the scale of the zoning map.
- C. Where a district boundary approximately follows a lot line, the lot line shall be interpreted to be the zoning district boundary.
- D. Where a district boundary approximately follows a municipal boundary, the municipal boundary shall be interpreted to be the zoning district boundary.
- E. Where a district boundary is shown parallel to or as an extension of a lot line or other identifiable feature, it shall be construed as such.
- F. Where a district boundary is shown as connecting identifiable physical features or points on the map, such as the intersection of lot lines, it shall be construed as such.

- G. Where a stream, creek or other water body is bounded by two or more zoning districts the boundary line of these districts shall be extended to the center of the body of water.
- H. All distances pertaining to the delineation of zoning districts as shown on the zoning map shall be measured from the existing road right-of-way line when such distance is measured from a public road.
- I. Vacation of Public Ways: Whenever any road or alley is vacated, the location of the zoning district or districts adjoining such road or alley shall not be affected.
- J. Where it is not possible or practical for the zoning administrator to determine the location of a zoning district boundary line, or if a petitioner contests the zoning administrator's determination of the boundary, the Zoning Hearing Board, upon appeal, shall determine and establish the location of said boundary line.

## **504 District Purposes**

### **504.01 R-1 Suburban Residential District**

The purpose of the R-1, Suburban Residential Zoning District is to accommodate low and medium density, residential growth within Union City Borough. Those areas designated R-1 Suburban Residential are to be used primarily for single-family residential and two-family residential dwellings; and associated public, institutional and recreational uses, in general conformance with the Union Area Comprehensive Plan.

### **504.02 R-2 Urban Residential District**

The purpose of the R-2, Urban Residential Zoning District is to accommodate all basic forms of housing including multi detached dwellings and higher density housing structures for more than one family. It includes single family attached dwellings (such as duplexes, townhouses, and condominiums), apartment buildings, and similar uses.

### **504.03 RLB Residential Limited Business District**

The purpose of the RLB, Residential Limited Business District is to provide for a mixture of residential and compatible, non-residential uses in areas located along major transportation corridors or on the periphery of more intensive development.

### **504.04 C-1 Central Business District**

The purpose of the C-1, Central Business District is to encourage the development and expansion of Union City Borough's traditional central business district in a manner that allows the existing character of development to be preserved to the greatest extent possible. The intent is to allow for sidewalk-fronting buildings and a dense development pattern that allows common walls; and to accommodate parking in a convenient manner that does not interfere with street traffic. The district allows for a wide variety of commercial, service, office, retail, and related uses.

### **504.05 C-2 Commercial District**

The purpose of the C-2, Commercial District is to provide land for the purpose of supplying commodities or services to the general public. Included are uses relating to both retail and wholesale trade, professional and personal services, general office facilities, sales and service, entertainment, restaurants, motels or hotels, and similar uses.

### 504.06 I-1 Industrial District

The purpose of the I-1, Industrial District is to provide areas where various industrial, heavy commercial, and high impact land uses can be conducted or developed without creating undesirable or incompatible situations and/or conflicts with adjacent land uses and zoning districts and without causing increased traffic congestion and/or traffic circulation problems and conflicts.

### 505 District Use Table

The types of uses permitted for each zoning district are listed in the following table and are considered principal uses unless they are listed in the accessory use section. Uses shall be defined according to the common meaning of the term or according to definitions as set forth in Article 2. Uses that are not listed for a district are not permitted.

Uses permitted within each zoning district are identified as those Permitted by Right (zoning decision by Zoning Administrator); and those Permitted by Special Exception (zoning decision by Zoning Hearing Board).

Some of the uses permitted must comply with certain criteria, which are set forth in Article 10, or in other areas of this Ordinance. The District Use Table identifies applicable sections (in parenthesis) that apply to each particular use. Note that these section numbers are provided for reference purposes only, and that all applicable regulations of this Ordinance apply, regardless of whether or not they are specifically referenced in the District Use Table.

Key:	P = Permitted Use SE = Special Exception	R-1	R-2	RLB	C-1	C-2	I-1
<b>Residential Uses</b>							
Single-Family Dwellings		P	P	P			
Two-Family Dwelling		P	P	P			
Multiple-Family Dwelling (3 to 4 units)			P	P			
Multiple-Family Dwelling (5 or more units)			SE	SE			
Mixed Use Structures (Residential and Commercial) (1002.10)				P	P	P	
Mobile Home Parks (1002.11)		SE	SE	SE			
Assisted Living Facility			SE	SE		SE	
Bed and Breakfast Inns		P	P	P			
Boarding Houses and Group Quarters			SE	SE			

<b>Accessory Uses</b>						
Accessory Structures and Uses Customarily Incidental to Principal Use	P	P	P	P	P	P
Beekeeping	SE	SE				
Drive Through Facilities for Commercial Uses				P	P	
Home Based Business or Occupation (1002.09)	P	P	P	P	P	
Kennel Accessory			P	P	P	
Roadside Stand for the Sale of Agricultural Products Grown on Site	P					

<b>Key:</b>	<b>P = Permitted Use SE = Special Exception</b>	<b>R-1</b>	<b>R-2</b>	<b>RLB</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
<b>Non-Residential Uses</b>							
Agriculture (1002.02)	P						
Adult Related Uses (1002.01)							SE
Airports, Heliports and Helistops						SE	SE
Alternate Fuel Production							SE
Animal Shelter						P	P
Assembly or Finishing of Products					SE		P
Auction House					P	P	P
Automobile/Vehicle Service and Repair Facilities				SE		P	P
Banks/Financial Institutions				SE	P	P	
Brew Pub					P	P	P
Business Services				P	P	P	P
Campgrounds and Recreational Vehicle Parks (1002.03)	SE						
Car Wash Facilities				SE		P	SE
Cemeteries (1002.04)	SE						
Child Day Care Center (1002.05)				P	P	P	
Child Day Care Home (Family) (1002.05)	P	P		P			
Child Day Care Home (Group) (1002.05)	P	P		P			
Commercial Recreation, Indoor				SE	P	P	
Commercial Recreation, Outdoor						SE	
Contracting Operation							P
Convenience Store/Automotive Fueling Station						P	
Day Care Center for Adults (1002.05)				P	P	P	
Distilleries, Breweries					SE	SE	SE
Distribution Centers							P
Dry Cleaning, Laundry Services and Laundromats				SE	P	P	

Emergency Medical Treatment Facility			SE	P	P		
Emergency Services Stations	SE	SE	SE	SE	P	P	
Essential Services, Class 1	P	P	P	P	P	P	
Essential Services, Class 2 (1002.06)	SE	SE	SE	SE	SE	SE	
Farmer's Market (1002.07)			P	P	P		
Flea Market (1002.07)				P	P		
Forestry	P	P	P	P	P	P	
Funeral Homes, Mortuaries and Crematoriums (1002.08)				P	P		
Garden Center			SE	P	P		
Heavy Industry/Manufacturing						SE	
Hospitals					SE		
<b>Key:</b>	<b>P = Permitted Use</b> <b>SE = Special Exception</b>	<b>R-1</b>	<b>R-2</b>	<b>RLB</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Hotels and Motels					P	P	
Houses of Worship	SE	SE	SE	SE	SE	SE	SE
Industrial Parks							SE
Kennels					P	P	
Laundry and/or Dry Cleaning Establishment (Industrial)							P
Libraries, Museums and Art Galleries	P	P	P	P	P	P	P
Light Industry/Manufacturing							P
Manufactured/Mobile Home Sales Lot					P		
Mineral Extraction, Sand and Gravel Pits							SE
Municipal Buildings and Structures	P	P	P	P	P	P	P
Natural Gas Compressor Station							SE
Natural Gas Processing Plant							SE
Natural Gas, Oil and Gas Development							P
Nursing Homes						SE	
Offices (Medical, Dental, Business and Professional)			P	P	P		
Offices, Corporate or Related to a Principal Use			P	P	P	P	
Parking, as a principal use				P	P	P	
Parks and Playgrounds	P	P	P	P	P	P	P
Personal Services Establishments			P	P	P		
Pet Grooming Establishment			P	P	P		
Plant Nurseries and Commercial Greenhouses (Amended by Ordinance No. 1146, adopted June 14, 2022)			SE	P	P		
Public Utility Buildings (106 C)				P	P	P	
Recycling Centers							P
Rental Services			SE	P	P	P	
Research Laboratory							P
Restaurants			SE	P	P	SE	
Retail Business (less than 10,000 square feet)			SE	P	P		

Retail Business (less than 20,000 square feet)				P	P	
Retail Business (20,000 square feet or greater)				SE	SE	
Schools (public or private; elementary or secondary)	SE	SE	SE		SE	
Scrap (Junk or Salvage) Yard (1002.12)						SE
Self-Storage Facilities			SE		P	P
Short-term Rentals	SE	SE	SE	SE	SE	SE
Social Clubs and Fraternal Organizations			SE	P	P	
Solid Waste Processing and/or Disposal Facilities (1002.13)						SE
Target Ranges and Paintball Facilities (1002.14)					P	P
Taverns and Nightclubs				SE	SE	SE
Transportation Terminal						P
Treatment Center/Pre-Release Detention Facility (1002.15)						SE

<b>Key:</b>	<b>P = Permitted Use SE = Special Exception</b>	<b>R-1</b>	<b>R-2</b>	<b>RLB</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
							P
Truck and Heavy Equipment Sales, Service and Repair Services							P
Vehicle Sales, Rentals and Service						P	
Veterinary Clinics				P	P	P	
Wholesale, Warehouse and Storage Facilities							P
Wireless Communications Facilities, Non-Tower (1101)		P	P	P	P	P	P
Wireless Communications Facilities, Tower-Based (1101)						SE	SE

(This page intentionally left blank.)

## Article 6 Lot Area, Yard and Height Regulations

### 601 General Requirements

- A. No yard or lot existing upon adoption of this Ordinance shall be reduced in size or area below the minimum requirements of the zoning district within which it is located. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance.
- B. Yards shall be provided in accordance with the provisions of this Ordinance and shall be planted with grass, seed, sod, ground cover, mulch or other pervious decorative or vegetative cover excepting in cases where walks, access drives, off-street parking lots, patios and other types of surfaces are permitted by this Ordinance.
- C. The preservation of existing vegetation and natural wooded areas is permitted within the required yard areas.

### 602 Summary Chart of Lot Area, Yard and Height Regulations

The Lot Area, Yard and Height Regulations for each zoning district shall be as follows, unless specifically stated otherwise in this Ordinance.

Zoning District	Minimum Lot Area (sq. ft.) (1)	Minimum Lot Frontage (2) (3)	Minimum Front Yard Setback (4)	Minimum Side Yard Setback (5)	Minimum Rear Yard Setback (5) (6)	Maximum Building Coverage (7)	Maximum Height
<b>R-1, Suburban Residential</b>							
Single-Family Residential	8,500	60 feet	35 feet	10 feet	10 feet	40%	40 feet
All Other Uses	10,000	60 feet	35 feet	10 feet	10 feet	40%	40 feet
<b>R-2, Urban Residential</b>							
Single-Family Residential	5,000	50 feet	20 feet	10 feet	10 feet	50%	50 feet
All Other Uses	7,500	50 feet	20 feet	10 feet	10 feet	50%	50 feet
<b>RLB, Residential Limited Business</b>							
All Uses	5,000	50 feet	20 feet	10 feet	10 feet	50%	50 feet
<b>C-1, Central Business District</b>							
All Uses	1,000	15 feet	None	None	None	100%	50 feet
<b>C-2, Commercial</b>							
All Uses	5,000	50 feet	20 feet	10 feet	10 feet	75%	50 feet
<b>I-1, Industrial</b>							



All Uses	5,000	50 feet	20 feet	10 feet	10 feet	75%	50 feet
Notes							
(1) The minimum lot area shall be calculated exclusive of the public right-of-way. Multiple Family Dwellings shall have a minimum lot area of 2,500 sq. ft. per dwelling unit, except that this requirement shall not apply within the C-1 district.							
(2) Frontage distance along a public right-of-way.							
(3) The minimum frontage requirement for a lot fronting on a cul-de-sac shall be 30 feet, measured at the right-of-way line.							
(4) Measured from the street right-of-way.							
(5) The minimum side yard requirement for an accessory building or structure is 1/2 of the minimum side yard required for a principal building.							
(6) The minimum rear yard requirement for an accessory building or structure is 1/2 of the minimum rear yard required for a principal building.							
(7) The maximum building coverage shall include total of all structures, both principal and accessory.							

**603 Emergency Access**

All principal buildings shall have adequate provisions for access by emergency vehicles and fire ladders in order to reach all sides of a building.

**604 Frontage onto Public Right-of-Way**

Frontage required onto public right-of-way shall comply with the following:

- A. Each proposed new lot shall directly abut one of the following: a) a public street, not including an “alley,” b) a street proposed to be dedicated to the municipality by the subdivision plan which created such lot, or (c) an existing (at date of adoption of this Ordinance) private street which meets all of the requirements of a public street.
- B. Access to lots containing single-family dwellings and multiple family dwellings of less than 5 units shall be via driveways and access to lots containing other uses shall be via access drives.
- C. The erection of a principal building on any lot which existed at the time of the enactment of this Ordinance and does not have frontage on a public right-of-way shall be permitted if the applicant provides proof of access to the property in the form of a legal document recorded at the Erie County Recorder of Deeds. If the existing document does not address access rights and maintenance responsibilities between the landowner and effected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with the municipality prepared by the municipality’s solicitor outlining the responsibility of each party as it pertains to the private right-of-way.

**605 Clear Sight Triangle**

- A. In a clear sight triangle no walk, fence, sign or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained or permitted between 3’ and 8’ above the street grade which may cause danger to traffic or a street or public road by obscuring the view.

- B. The clear sight triangle shall be a triangular area of unobstructed vision on corner lots formed by a sight line of one hundred fifty (150) feet along the centerline of an arterial street, one hundred twenty (120) feet along the centerline of a collector street and eighty (80) feet along the centerline of a local street from the centerline intersections. When an arterial or collector and a local street intersect, each shall retain its respective footage requirements along the centerline to form the sight triangle.

## **606 Lot Depth to Width Ratio**

- A. Notwithstanding any other provision in this Ordinance, the depth-to-width ratio of lots shall be a maximum of four (4) to one (1).
- B. For purposes of calculating the depth-to-width ratio of a lot, the longest depth shall be divided by the mean lot width. Longest depth shall be the furthest distance of any part of the lot from the road right-of-way line. Mean lot width shall be calculated by dividing the total lot area (square footage) by the longest depth (linear feet).

## **607 Yard Adjustment Regulations**

### **607.01 Front Yards**

- A. Each lot shall have a front yard setback as required in the district in which the lot is located.
- B. On corner or double frontage lots each side of a lot having a street frontage shall meet the required front yard setback and shall be subject to all front yard requirements of this Ordinance.
- C. Front Yard Setback Exception: In any district within a block containing a lot proposed for construction or expansion of a building, where 50 percent or more of the improved lots on such block frontage on one side of a street currently have front yards of less depth than is currently required for that district, and where the clear majority of such lots are already developed, the average of such existing front setbacks shall establish the minimum front yard depth for the remainder of the frontage.

### **607.02 Accessory Buildings and Structures**

- A. Unless otherwise specified by this Ordinance, when an accessory building or structure is erected, constructed or placed on a corner lot, the accessory building or structure shall be located not less than the required front yard depth from the corner lot line.
- B. Accessory buildings attached to the principal building by a breezeway or similar structure shall meet all yard requirements for a principal building.
- C. Unless otherwise specified by this Ordinance, the minimum side yard requirement for an accessory building or structure is 1/2 of the minimum side yard required for a principal building.
- D. Unless otherwise specified by this Ordinance, the minimum rear yard requirement for an accessory building or structure is 1/2 of the minimum rear yard required for a principal building.

### **607.03 Projection in Yards**

- A. Patios, terraces or decks constructed at grade level and with no roof or walls may extend into any required yard space; provided, that at no time may a roof be constructed over or any walls

constructed upon or around any portion of the patio, terrace or deck that is located beyond the required building setback lines.

- B. Cornices, eaves, sills or other similar architectural features, gutters, bay windows, chimneys, or similar structures, may project into the front, rear or side yard of a lot, not more than eighteen (18) inches.
- C. Exterior stairways, fire escapes or other required means of egress, ground-mounted doors for basement access, window awnings, chase for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard.
- D. Covered porches, decks and patios, whether enclosed or unenclosed, shall be considered as part of the principal building and shall meet all yard requirements for a principal building.
- E. Walks, and window wells, and such other structures customarily incidental to the principal building may project into the front, side or rear yards of a lot providing the structure elevation shall be not more than twelve (12') inches above the yard grade.
- F. Handicapped ramps and landings necessary to provide entrance to a building may be located within a required setback area. Handicapped ramps serving an existing building may extend into a street right-of-way where necessary, if granted written approval by the Zoning Administrator.
- G. Fences and walls may be erected, altered and maintained within the required yard setbacks provided that they comply with Section 701.02 this Ordinance.
- H. Signs may be erected, altered and maintained within the required yard setbacks.

### **608 Height Regulation Exceptions**

- A. The height of any building or structure may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard (front, side and rear yards) exceeds the minimum yard regulation for the district in which the building or structure is located. However, such increase shall be limited to no more than ten (10) additional feet in the R-1, Suburban Residential and R-2, Urban Residential districts.
- B. Height regulations shall not apply to barns or silos intended for farming operations, skylights, steeples of houses of worship, antennas, spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, ventilators, water tanks, bulkheads, utility poles or towers, clock or bell towers, elevator shafts, mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.
- C. No building shall be hereafter erected less than one (1) story in height
- D. See Section 1101 for height limitations applicable to wireless communications facilities.
- E. All buildings and structures shall conform to any applicable regulations relative to objects affecting navigable air space.

### **609 Number of Principal Uses and Principal Buildings per Lot**

A lot may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that such use is a permitted use and every requirement is met for each use and each building and use, including parking requirements. The following criteria also apply:

- A. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply. For example, if Use One requires a one-acre lot area and Use Two on the same lot requires a 2-acre lot area, then the lot shall have a minimum lot area of 2 acres.
- B. A lot may include a condominium form of ownership of individual buildings, with a legally binding property-owner's association, if the applicant proves to the satisfaction of the Zoning Administrator, based upon review by the Municipal Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.
- C. Each use on a lot must be plotted in such a manner as to meet all requirements of the then applicable Subdivision and Land Development Ordinance.
- D. If a secondary residential use is added to a lot, the secondary use is only required to have one parking spot per dwelling unit.

(This page intentionally left blank.)

## Article 7 General Regulations

### 701 Accessory Buildings or Structures

#### 701.01 General Requirements

- A. All accessory buildings and structures shall comply with all applicable lot, yard and height regulations in this Ordinance.
- B. An accessory building or structure shall not be erected, set, or placed in the required front yard setback of any zoning district, with the exception of security guard stations, outdoor lighting fixtures or as otherwise permitted by this Ordinance.
- C. An accessory building or structure shall not be erected, set, or placed in a front yard, unless specifically permitted by this Ordinance
- D. Mailboxes, newspaper boxes, fences, walls, birdhouses, flagpoles, and pump covers may be placed in any required front, side or rear yard.
- E. Signs shall be erected, set, or placed in accordance with Article 9, Signs.
- F. All accessory buildings and structures shall be erected, set or placed in accordance with adopted building codes
- G. No accessory building or structure (including in-ground swimming pools, patios and decks) shall be located or erected within 10 feet of the boundary of any public utility easement or easement interest that has been granted to the Borough or to a municipal authority or of the boundary of any stormwater detention or retention facility or like facility.
- H. Storage sheds erected as accessory structures for residences and located in a yard with a fence enclosing the entirety of said yard shall be exempt from all setback requirements for accessory buildings and structures. **(Amended by Ordinance 1140, Adopted September 28, 2021)**

#### 701.02 Fences and Walls

- A. Fences and walls shall be permitted as an accessory use in all zoning districts. Any fence or wall shall be durably constructed and well-maintained. Fences or walls that have deteriorated shall be replaced or removed.
- B. No fence, wall or hedge shall obstruct the clear-sight triangle requirements of this Ordinance.
- C. No fence, wall, or structure shall be permitted or erected in a public or private drainage, utility or access easement, unless otherwise required by this Ordinance or other Union City Borough ordinance. Any such fence erected in violation of this section shall be removed or relocated at the owner's expense.
- D. Fences shall comply with the following:
  - 1. Any fence located within a front yard in a residential district shall:
    - a. be an open-style fence (such as picket, metal post, wrought iron or split rail) with a minimum ratio of 1:1 of open structural areas.
    - b. not exceed thirty-eight inches (38") in height.
    - c. not be constructed of chain link metal. Fences are encouraged to be constructed using weather resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic style metal post fences.

2. Within a residential district, on a corner lot at the intersection of two (2) streets, the maximum height of a fence shall be thirty-eight inches (38") along the street from which the residence takes its address. The maximum height in other yards shall be six and a half feet (6.5'), all subject to Section 701.02 (B) above.
  3. Brick may be used for posts or as a base for a fence, provided the maximum fence height is not exceeded.
  4. A fence shall not be required to comply with minimum setbacks for accessory structures.
  5. With the exception of fences located within the C-2, Commercial or I-1 Industrial districts, all fences shall have a maximum height of six and a half feet (6.5') unless specified otherwise by this ordinance.
  6. Fences within the C-2 Commercial district shall have a maximum height of eight and a half feet (8.5'), and fences within the I-1 Industrial district shall have a maximum height of ten and a half feet (10.5'), unless specified otherwise by this ordinance.
  7. A maximum height of twelve feet (12') shall be permitted where the applicant proves to the zoning administrator that such height is necessary to protect public safety around a specific hazard, such as around an electric substation.
  8. Fences erected around the perimeter of a tennis court, basketball court or similar recreational facility shall be exempt from the height limitations for fences and walls.
  9. Structural posts of a fence may extend above the height of the fence.
  10. All fence heights shall be measured from the average surrounding ground level.
  11. No fence shall be built within an existing street right-of-way.
  12. A fence may be built without a setback from a lot line, only if a survey has been done that shows the lot line for the property upon which the fence is built or the neighboring property owner has provided express written approval for the placement of the fence at the lot line without a setback. In the event that owner does not possess a survey or written approval from the neighboring property owner, a fence must be built with a minimum setback of two (2) feet from a lot line. **(Amended by Ordinance No. 1126, Adopted May 28, 2019) (Amended by Ordinance No. 1140, Adopted September 28, 2021)**
  13. Barbed wire shall not be used as part of fences around dwellings.
  14. If one side of a fence includes posts or supports, those posts or supports shall be placed on the interior of the fence, as opposed to facing onto a street or another lot.
  15. If a fence is finished only on one side, the finished side shall face outward away from the lot or parcel upon which it is located.
- E. Walls shall comply with the following:
1. Engineered retaining walls necessary to hold back slopes are exempted from the regulations of this Section and are permitted by right as needed in all zoning districts.
  2. Walls, except a retaining wall, within a front yard in a residential district shall have a maximum height of thirty-eight inches (38"). Within a residential district, on a corner lot at the intersection of two (2) streets, the maximum height of a wall shall be thirty-eight inches (38") along the street from which the residence takes its address; the maximum in other yards shall be six feet (6'), all subject to Section 701.02 (B) above.
  3. Walls that are structurally part of a building shall be regulated as part of that building.

4. All wall heights shall be measured from the average surrounding ground level.

### **701.03 Swimming Pools (private residential)**

Where permitted, private swimming pools, including above-ground and in-ground pools, shall comply with the following conditions and requirements:

- A. The pool shall be intended and used solely for the enjoyment of the occupants of the property on which it is located.
- B. The pool may be located only in the rear yard or side yard of the property on which it is an accessory use.
- C. The pool, including any above-ground decking, shall not be located closer than 10 feet from the boundary of any public easement affecting the property.
- D. The pool area or the entire property on which the pool is located shall meet the barrier requirements as established in the Pennsylvania Construction Code.

## **702 Buffer Yard and Screening Requirements**

### **702.01 General Requirements**

The buffer yard and screening requirements of this Section shall apply to the following types of land developments commencing after the effective date of this Ordinance:

- A. Any new commercial, industrial or institutional land development that abuts a residential zoning district.
- B. Any expansion of an existing commercial, industrial or institutional land development that abuts a residential zoning district, and that increases gross floor area by fifty percent (50%) or greater.
- C. Any new multiple family residential development that consists of 10 or more dwelling units, and that abuts pre-existing residential development or platted residential lots.
- D. Any expansion of an existing multiple family residential development that results in a total of 10 or more dwelling units, and that abuts pre-existing residential development or platted residential lots.

### **702.02 General Design Standards**

When required by this Ordinance, buffer yards shall comply with the following criteria:

- A. Buffer yards shall be designed to assure the protection of adjoining land uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the character of the area.
- B. Buffer yards shall be a minimum of six (6) feet in width, unless a wider width is specified by another section of this Ordinance, or unless a wider width is required by the Zoning Hearing Board as a condition of approval of a variance or special exception.
- C. Areas of the buffer yard not covered with a fence, wall, screening plantings, mulch or other pervious decorative cover shall be planted with grass or other attractive vegetative ground cover.



- D. Buffer yards shall be located along the side and rear lot lines that are not abutting a street and that are adjacent to a residential zoning district.
- E. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way nor any access drive serving a lot or parcel.
- F. Buffer yards may be used for controlled passive recreational purposes, but all other uses, including off-street parking and outdoor storage of materials or equipment, are prohibited. If necessary, driveways or walkways may cross a buffer yard.
- G. No building or other structure shall be constructed or placed on or within a buffer yard unless specifically permitted by this Ordinance.
- H. Screening: Buffer yards shall contain suitable, sight-obscuring screening, defined as one or more of the following:
  - a. A sight-obscuring planting of shrubs and/or bushes of a variety that keep green leaves year round and will maintain full, dense growth from the ground to a height of between four (4) and six (6) feet. Plants shall be a minimum of three (3) feet in height at the time of planting, and shall be spaced to provide full, dense coverage without interruption.
  - b. Upon approval of the Zoning Hearing Board, a wall, fence (finished side out), or earthen berm may be substituted for planting materials. The Zoning Hearing Board shall establish conditions on the location, height, and design of same.
  - c. As a condition of approval of a variance or special exception, the Zoning Hearing Board may require a wall, fence (finished side out), or earthen berm in conjunction with planting materials. The Zoning Hearing Board shall establish conditions on the location, height, and design of same.
- I. Existing Vegetation: Protection of existing vegetation is encouraged. Existing healthy vegetation may be used toward buffer and screening landscape requirements, to the extent that it provides the required level of density. If gaps occur in the natural setting of vegetation, as determined by the zoning administrator, new plant materials shall be required to achieve the necessary density levels.
- J. Security Fences: Land developments of a hazardous nature including quarries, junk yards, outside storage, towers, fuel storage, or similar industrial activities may choose to incorporate a security fence in the required buffer area. If chain link or similar fencing materials are used, the exterior side of the fence shall be landscaped with evergreen shrubs a minimum of three (3) feet in height and six (6) feet on center at installation.

### **702.03 Installation and Maintenance**

- A. It shall be the responsibility of the property owner or an association of property owners to install and permanently maintain the buffer yard and screening and/or landscaping required by this Ordinance.
- B. Fences and walls shall be maintained in a safe and structurally sound condition.
- C. Dead or diseased plants shall be removed and replaced within one (1) year.

#### **702.04 Modifications of Requirements**

- A. In the event that the location, topography, lot size, existing vegetation, or other characteristics of the development site warrant exceptions to the strict application of the buffer yard and screening requirements of this Ordinance, the Zoning Hearing Board may waive or modify such requirements.
- B. The Zoning Hearing Board may modify the buffer and/or screening requirements of this Ordinance as a condition of approval for a variance or special exception. Modifications may include, but are not limited to, increasing the width of the required buffer yard; additional landscaping requirements; and increasing the height requirements of plantings, fences, or other types of screening.

#### **703 Exterior Lighting**

Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the following restrictions shall apply.

- A. All outdoor lighting, whether or not required by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.
- B. All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the municipality.
- C. Permanent Street lighting fixtures, when required for safety considerations, shall be controlled by photocells for dusk to dawn operation.
- D. The lighting from any luminary shall be shaded, shielded, or directed to prevent direct light from being distributed onto adjacent properties and/or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting. Lighting shall be designed so that glare or direct illumination does not exceed two tenths (0.2) foot candle beyond the property line on which the lighting originates.
- E. Lighting on private property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare).
- F. Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides; or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.
- G. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.
- H. The installation or erection of any lighting, which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.
- I. Lighting of parking lots shall be in accordance with this Ordinance.
- J. Maintenance: Lighting fixtures shall be maintained so as to always meet the requirements of this Ordinance.

- K. Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture. A nonconforming lighting fixture shall be made to comply with the requirements of this Ordinance when such fixture is replaced or relocated.

## **704 Storage**

### **704.01 Temporary Storage Units**

The use of temporary storage units, including those commercially known as “pods” or enclosed “containers” of a box trailer with or without wheels does not require a zoning permit, but is subject to the following:

- A. Units shall be permitted for a maximum period of 90 consecutive days in any one calendar year. This period may be extended upon written request to the zoning administrator for a period not exceeding 180 days, except as provided for in Section 704.01 (B).
- B. Notwithstanding Section 704.01 (A), units used for temporary construction storage may be used for the period for which a valid building permit has been issued.
- C. Any enclosed “container” of a box trailer with wheels that is used for temporary storage shall be licensed, and shall be located in conformance with all applicable yard setback requirements for an accessory structure within the zoning district in which the property is located.
- D. The “container” of a box trailer, with or without wheels, shall not be used for permanent storage in any zoning district.
- E. The use of former mobile homes, former semi-rigs, former buses or similar vehicles for temporary or permanent storage is not permitted in any zoning district.

### **704.02 Recreational Vehicles & Recreational Equipment**

The parking, storage and/or occupancy of recreational vehicles and recreational equipment, as defined in Article 2, and including travel trailers, pickup coaches, motorized homes and boat trailers, shall be subject to the following criteria:

- A. The occupancy of recreational vehicles and recreational equipment for living, sleeping and/or housekeeping purposes shall be prohibited, except for as follows:
  - 1. The temporary occupancy of recreational vehicles and/or recreational equipment shall be permitted in conjunction with a legally permitted campground or recreational vehicle park for a period of time not exceeding 9 consecutive months or 9 months within a calendar year. The requirements of Section 704.02 (A, 2) do not apply to recreational vehicles and recreational equipment located within a legally permitted campground or recreational vehicle park.

2. The temporary occupancy of recreational vehicles and/or recreational equipment shall be permitted, subject to the following conditions:
  - a. The temporary occupancy shall be for visitors and house guests only, and shall not be for commercial purposes.
  - b. The temporary occupancy period shall not exceed 30 consecutive days or 30 days within a calendar year unless a zoning permit is obtained, in accordance with Section 302.03 (C, 2), Zoning Permits for Temporary Uses and Structures.
  - c. Such vehicles and/or equipment shall have adequate off-street parking areas.
- B. Permanent parking and/or storage of recreational vehicles and recreational equipment shall be permitted in any zoning district subject to the following requirements. For purposes of this Section, permanent is defined as a period of time exceeding 90 consecutive days or 90 days within a calendar year.
  1. Except as provided for in Section 704.02 A, above, parked and/or stored recreational vehicles and recreational equipment shall not be occupied or used for living or housekeeping purposes.
  2. Parking or storage of recreational vehicles and recreational equipment shall be limited to the interior of garages or other available on-lot accessory buildings, driveways, or that portion of the property located behind the principal building.
- C. Derelicts: No recreational vehicles or recreational equipment shall be stored outdoors on a residential premise unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it is intended.

#### **704.03 Commercial Vehicles & Equipment Storage**

- A. Commercial equipment including trucks (greater than one ton capacity) tandems, tractor-trailers, school buses, tractors or other commercial construction, earth moving, or cargo-moving vehicles and/or equipment shall not be parked overnight on any public thoroughfare or right-of-way unless such parking is due to a project approved by either the Borough or a Borough Authority.

#### **704.04 Outside Storage and Display**

- A. Outside storage and/or display shall not occupy a street right-of-way, required parking area, buffer yard, sidewalk or other area intended or designed for pedestrian use.
- B. No outdoor stockpiling of any material shall be permitted in the required front yard setback area.
- C. No outside storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodway.
- D. Outdoor storage of loose and/or bulk materials, such as sawdust, straw, leaves, or similar items shall be covered or shielded from the weather to ensure confinement to the site during periods of wind, and to prevent runoff onto adjacent properties during storm events.

## 705 Performance Standards

- A. No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or toxic to any other property or person. Please note that some agricultural activities are protected by the Commonwealths "Right to Farm" Laws.
- B. All industrial or commercial uses in any district must observe the following performance requirements.
  1. **Fire Protection:** Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.
  2. **Electric Disturbance:** No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.
  3. **Air Pollution/Smoke:** All air-borne emissions shall comply with the regulations of the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency (US).
  4. **Glare:** All exterior lighting shall comply with Section 703, Exterior Lighting.
  5. **Water Pollution:** No permit shall be issued until all applicable wastewater, stormwater and erosion/sedimentation control permits have been obtained.
  6. **Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property, except that a temporary vibration as a result of construction activity shall be permitted.
  7. **Noise:** No person shall operate, and no property owner or business shall permit to be operated, any noise source in such a manner as to create a sound pressure level, that when measured on any other property, exceeds the limits set forth in the table below.

Zoning District	Maximum dBA	Maximum dBC
Limits within Residential Districts or Along Residential District Boundaries	60	70
Limits within Non-Residential Districts or Along Non-Residential District Boundaries	72	82

- D. Exemptions:
  - a. The Zoning Hearing Board may permit an increase in the maximum dBA and/or maximum dBC as a special exception.
  - b. The following activities are exempt from noise limitations:
    1. Any activity or event may be granted an exemption by the Borough Council.
    2. Normal farming operations
    3. Construction activities conducted during the hours of 7:00 a.m. and 8:00 p.m.
    4. Alarms, sirens or other sources of noise associated with an emergency, provided that the noise shall terminate upon the ending of the emergency
    5. Work associated with the repair or restoration of public services, including but not limited to water, gas, sewer, telephone and electric.

- 6. Noncommercial public speaking and public assembly activities conducted on any public space.
- 7. Lawn mowing or lawn maintenance activities during the hours of 8:00 a.m. and 8:00 p.m.
- 8. Snow removal

**706 Encroachments into Rights-of-Way and Easement Areas**

Generally, no encroachment into the right of way of a public street or highway or into an easement area granted to the municipality or to the public is authorized absent the prior approval of the municipality or PennDOT, as is applicable.

- A. No sign, display, fence, hedge, enclosure wall or other obstruction shall be placed within a public right-of-way or maintained so as to interfere with the free passage of pedestrians, motorists and others using the street, highway, sidewalk or other part of the right of way.
- B. Except for street trees as authorized by the municipality, no tree, shrub, hedge, fence, wall or other item shall be placed within the limits of any public right-of-way, street, highway or easement.
- C. Street trees may be placed within a public street right of way subject to the following standards:
  - 1. Trees shall be of nursery stock quality, and shall be free of insect pests and disease.
  - 2. They shall be located so as not to obstruct any part of a street, sidewalk or path.
  - 3. No such tree shall be located so as to obstruct or pose risk of obstruction to vehicles (including municipal vehicles) using the street.
  - 4. The owner of the abutting lot shall be responsible for the proper location and maintenance of said tree.
  - 5. No street tree shall be planted closer than 35 feet of any street corner, measured from the point of the nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet of any fire hydrant, utility pole or traffic sign.
  - 6. No street tree with a mature height of greater than 25 feet may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.
  - 7. No trees may be planted closer to any curb or sidewalk than the following:

<b>Tree Height at Maturity</b>	<b>Minimum Distance From Curbs and Sidewalks</b>
30 feet or less	2 feet
Greater than 30 feet, but less than 45 feet	3 feet
45 feet or more	4 feet

## 707 Individual Mobile Homes

Individual mobile homes shall be permitted on individual lots only if they meet the following conditions:

- A. The proposed lot shall meet all area and yard requirements of the district.
- B. The mobile home shall meet all construction and safety standards set forth in the Manufactured Housing Improvement Act of 2000, as may be amended or supplanted.
- C. The installation of the mobile home shall comply with the Commonwealth of Pennsylvania Uniform Construction Code.
- D. The unit shall be permanently installed on piers or a foundation in a manner that complies with the manufacturer's recommendations. In cases where the unit is installed on piers, skirting shall be provided.

## 708 Limitation on Number of Dogs

- A. The keeping of more than three (3) dogs of six months of age or older or more than one litter of pups on any lot or premises, or in any dwelling, building or structure shall not be permitted in any zoning district.
- B. Section 708 (A) shall not apply to a legally permitted kennel, animal shelter or kennel accessory use.

## 709 Dumpsters (Amended by Ordinance No. 1151, Adopted March 13, 2023)

Dumpsters shall be permitted in all Zoning Districts. Dumpsters, not including temporary construction waste Dumpsters, utilized in R-1 Suburban Residential Districts, R-2 Urban Residential Districts and RLB Residential Limited Business Districts shall conform with the following:

- A. Dumpsters shall not be set or placed in front yards, in a front yard line of sight, or in the required setbacks.
- B. No more than one (1) Dumpster with a maximum size of eight (8) yards may be located at a Single Family Dwelling.
- C. Multiple-Family Dwellings may be served with multiple Dumpsters, but the total yardage of all Dumpsters may not exceed ten (10) yards.
- D. Dumpsters shall have a lid, which shall be secured and closed at all times.
- E. Dumpsters may not be overfilled with garbage or rubbish, and garbage and rubbish may not be located outside the Dumpster.
- F. Dumpsters must be watertight and may not leak fluids.
- G. Noxious odors may not emanate from Dumpsters.
- H. Dumpsters shall only be used for the collection of garbage or rubbish generated at the property on which it is located and may not be used for the collection of industrial, commercial or hazardous waste.

## Article 8 Off-Street Parking and Loading

### 801 General Regulations

- A. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.
- B. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.

### 802 Off-Street Parking Requirements

- A. The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Fractional numbers of parking spaces shall be increased to the next whole number. Where more than one (1) use exists on a lot, parking requirements for each use must be met, except as provided for in Section 802 (B). Notwithstanding any other sections of this ordinance, Section 802, off-street parking requirements shall not apply within the, C-1 Central Business District.

Land Use	Parking Required
<b>RESIDENTIAL</b>	
Single family dwellings	2 spaces per dwelling unit
Multiple family dwellings	2 spaces per dwelling unit plus 1 space per five dwelling units for guest parking.
Secondary permitted family dwelling use	1 space per dwelling unit
Multiple family dwellings limited to persons over the age of 55, or limited to 1 bedroom units.	1.25 spaces per dwelling unit



Assisted Living Facilities	Combination of the following by service area: Personal care or nursing care centers: 1 space for each 4 beds plus 1 space per employee on largest shift. Apartment units: 1 space per dwelling unit plus 1 space per 5 units for guest parking. Single family units: 1.25 spaces per dwelling unit.
Boarding Houses	1 space per resident based on maximum occupancy, plus 1 space for guest parking for each four (4) residents based on maximum occupancy.
Group Quarters	1 space per resident based on maximum occupancy, plus 1 space for guest parking for each four (4) residents based on maximum occupancy.
Home Based Business or Occupation	2 per dwelling unit, plus one per non-resident employee, plus one additional space
Mobile Home Parks	2 spaces per dwelling unit
<b>COMMERCIAL</b>	
<b>Amusement, Entertainment, and Recreation:</b>	
Amusement Arcade	1 space per 80 sq. ft. of gross floor area
Bowling Alley	(2) spaces per lane, plus 1 space per employee on largest shift.
Billiard Room	2 spaces per table
Campgrounds	2 spaces per campsite
Commercial Recreation (not otherwise covered)	(1) space per 2 persons permitted in maximum occupancy
Dance halls	(1) space per 100 sq. ft. of gross floor area, plus 1 per employee on largest shift.
Fairgrounds, amusement parks, carnivals, circuses, transient shows	(1) space per 3 persons permitted in maximum occupancy

Golf Courses	(4) spaces per hole, plus added spaces for restaurant uses if applicable
Golf Driving Ranges	(1) space per tee
Gyms, Indoor Athletic or Exercise Facilities	(1) space per 200 sq. ft. of gross floor area
Miniature Golf	(1) space per hole
Skating and Roller Rinks	(1) space per 250 sq. ft. of gross floor area
Sports Arenas and Stadiums	(1) space per 3 seats, plus 1 space per employee on largest shift
Swimming pools (other than one accessory to a residential development, private residence or hotel/motel)	(1) space per 100 sq. ft. of water surface area
Tennis Courts	(3) spaces per court
Theaters and Auditoriums	(1) space per 3 seats, plus 1 space per employee on largest shift
<b>Offices/Professional Uses:</b>	
Banks and Financial Institutions	(1) space per 250 sq. ft. of gross floor area
Offices, General	(1) space per 250 sq. ft. of gross floor area
Medical and Dental Offices, including outpatient clinics	(5) spaces per doctor, plus (1) space per employee on largest shift
Veterinary Clinics	(4) spaces per doctor, plus (1) space per employee on largest shift
<b>Retail Sales and Services:</b>	
Auction House	(1) space per 100 sq. ft. of gross floor area, and (2) spaces per vendor
Auto Sales	(1) per each 250 sq. ft. gross floor area indoor display, plus (1) per 5,000 sq. ft. outdoor display

Automotive/ Vehicle Rentals	1 space per 700 sq. ft. of gross floor area, plus 1 space per 300 sq. ft. of office, sales and other spaces to be used by customers or employees.
Automotive/Vehicle Service and Repair Facilities	2 spaces for each service bay area plus one space per employee on the largest shift, but in no case less than 1 space for each 400 sq. ft. of gross floor area.
Beauty or Barber Shop	(1) space for each customer seat, plus 1 space per employee on largest shift
Bed and Breakfast Inns and Homes	(1) space per guest room, plus (1) space per employee on largest shift
Car Wash Facilities	(3) spaces per wash line
Convenience Stores / Automotive Fueling Stations	(1) space per 150 sq. ft. of gross floor area open to the public, and 1 space per employee on largest shift
Day Care Centers	(1) space per employee on largest shift, plus (1) space per (6) visitors or students
Emergency Services	(1) space per employee on largest shift, plus (1) space per 250 sq. ft. of gross floor area open to the public
Farmer's Market	(1) space per 200 square feet of retail sales area; minimum 3 spaces
Flea Markets	(1) space per 200 square feet of retail sales area
Funeral Homes and Mortuaries	(25) spaces for the first parlor, plus (10) spaces for each additional parlor
Food markets and grocery stores	(1) space per 150 sq. ft. of gross floor area open to the public, and 1 space per employee on largest shift
Hotel or Motel	1 space per guest room, plus 1 space for each employee on the largest shift, plus spaces associated with meeting rooms (1 space for 400 square feet of public meeting area). Spaces for restaurants and related facilities shall be in addition to these requirements.

Kennels and Animal Boarding Facilities	(1) space for every 15 animals of capacity, plus 1 space per employee on largest shift
Landscape Nurseries and Commercial Greenhouses <b>(Amended by Ordinance No. 1146, adopted June 14, 2022)</b>	(1) space per 250 square feet of gross floor area of indoor display, plus (1) space per 2,500 sq. ft. of greenhouse or outdoor display open to the public
Laundry or Dry Cleaners	(1) space per 400 sq. ft. of gross floor area
Laundromat, self-service	1 space per 3 washing machines, plus 1 space per employee on largest shift
Manufactured Home Sales; Recreational Vehicle Sales; and Monument Sales	(1) space per 250 sq. ft. gross floor area indoor display, plus (1) space per 5,000 sq. ft. outdoor display
Personal Services	(1) space per 250 sq. ft. of gross floor area
Pet grooming	1 per each 5 kennels; minimum of 3 spaces, plus 1 per employee on largest shift
Repair Services	(1) space per 300 sq. ft. of gross floor area open to the public, plus (1) space per employee on largest shift
Restaurant, Fast-Food w/ Drive-thru	(1) space per 2 seats, plus (1) space per employee on largest shift
Restaurant, other than fast food w/drive-thru	(1) space per 3 seats, plus (1) space per employee on largest shift
Retail sale of agricultural products produced on the premises; roadside stands	(1) space per 200 square feet of retail sales area; minimum 3 spaces
Retail Stores or shops (except those otherwise listed)	(1) space per 200 sq. ft. of gross floor area open to the public, plus 1 per employee on largest shift
Retail Stores (Furniture, lumber or floor coverings sales)	(1) space per 500 sq. ft. of gross floor area open to the public, plus 1 space per employee on largest shift.
Tavern, Night Club, Lounge	Greater of (1) space per 50 sq. ft. of gross floor area open to the public or (1) per 2 seats; plus (1) space per employee on largest shift

<b>INDUSTRIAL</b>	
Contracting Operation (construction, electrical, heating, plumbing, etc.)	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Distribution Centers/Beverage Bottling	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Industrial Uses (not otherwise covered)	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Manufacturing	(1) space per 1,000 sq. ft. of gross floor area, or (1) space per employee on largest shift, whichever is greater
Mini or self-storage facilities	1 space per 25 storage units, plus 1 space per employee on largest shift
Research and Technical Laboratories	(1) space per 1,000 SF, or (1) space per employee on largest shift, whichever is greater
Scrap (Junk or Salvage) Yards	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Transportation Terminal	1 space for every 100 sq. ft. of waiting room space, plus 1 space for each employee on the largest shift.
Warehouses	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Wholesale Establishments	(1) space per 1,000 sq. ft. of gross floor area, or (1) space per employee on largest shift, whichever is greater
<b>INSTITUTIONAL, EDUCATIONAL, SOCIAL AND RELIGIOUS</b>	
Athletic/ Sports Fields	(5) spaces per acre; plus (1) space per 3 seats for spectators, or if there are no seats, (1) space for every 40 sq. ft. of spectator seating area.

Cemetery	(1) space per employee on largest shift, plus (1) space per 4 seats of chapel or assembly room capacity.
House of Worship	(1) space per 4 seats used for services
Municipal Buildings; Community Buildings	(1) space per 100 sq. ft. of gross floor area open to the public
Nursery Schools	(1) space per employee on largest shift, plus (1) space per (6) visitors or students
Hospitals	(1) space for each 1.5 beds, plus (1) space per employee on largest shift
Libraries and Museums	(1) space per 300 sq. ft. of gross floor area open to public, plus (1) space for each employee on largest shift
Monasteries or Convents	(1) space per 6 residents, (1) space per employee on largest shift, and (1) space per 5 chapel seats
Nursing Home	(1) space per 6 beds, plus (1) space per employee on largest shift
Park (10 acres or less)	(5) spaces for the first two acres and (1) space for each additional acre; plus additional spaces for facilities such as playgrounds, athletic fields, pavilions, swimming pools and tennis courts
Parks (greater than 10 acres)	(5) spaces for the first acre, plus 1 space for each additional 10 acres; plus additional spaces for facilities such as playgrounds, athletic fields, pavilions, swimming pools and tennis courts
Park Pavilion	1 space for each picnic table
Playgrounds	(4) spaces per 1,000 sq. ft. of playing area
Post Office	(1) space per 100 sq. ft. of gross floor area open to the public.
Prisons	(1) space per employee on largest shift, plus 1 space per every (4) seats in visitation room
Social Clubs, Fraternal Clubs, Lodges and Similar Uses	(1) space per 100 sq. ft. of gross floor area open to the public.

Treatment Center/Pre-Release Detention Facility/Halfway House	1 space per 2 beds, plus 1 space for each employee on largest shift
<b>Schools:</b>	
Colleges or Universities	1 space for every three employees plus 1 space for every 10 students residing on campus and 1 space for every 5 students not residing on campus.
Elementary School	1.5 spaces per 30 person classroom.
Junior High School	3.5 spaces per 30 person classroom.
Senior High School	9.5 spaces per 30 person classroom
Vocational training and adult education facilities	(1) space per 1.5 students enrolled
College/University – Off-Campus Housing	(1) space per employee, plus (1) per 2 students
College/University – Campus Housing	(1) space per employee, plus (1) per 4 students

B. Shared Parking Spaces: When more than one (1) use exists on a lot, parking requirements for each use must be met. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Zoning Hearing Board may reduce the total number of parking spaces required for the use that requires the least number of spaces.

I.

C. Parking Oversupply: The Zoning Hearing Board may authorize the reduction of the number of required off-street parking spaces as a special exception in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land.

1. The applicant may be required to provide a parking analysis conducted by a licensed professional engineer experienced in the construction and design of parking facilities. Such analysis shall justify the reduction and document an adequate number of parking spaces needed to adequately support the proposed use(s) of the property.
2. In cases where a reduction in the number of required parking spaces is permitted, the Zoning Hearing Board may require the balance of parking spaces to be set aside in a natural state and a parking easement for future expansion if at some point additional parking becomes necessary.

3. As an alternative, the applicant may request that a percentage of the parking area be delineated as peak or overflow parking, permitted to be constructed with a grass paver, reinforced turf grass, or other pervious construction methods approved by the municipality.

### **803 ADA Parking Requirements**

- A. All non-residential and multi-family off-street parking areas shall provide accessible parking spaces for use by motor vehicles that transport physically disabled persons in accordance with ADA standards.
- B. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- C. All spaces shall be clearly identified with pavement markings and a sign that includes the international symbol for barrier free environments. The sign shall include a statement informing the public that the parking space is reserved for use by physically disabled persons and the dollar amount of the fine for illegally parking in spaces reserved for physically disabled persons.
- D. Parking spaces reserved for use by the physically disabled shall be designed and constructed in accordance with ADA requirements.
- E. The number of parking spaces reserved for use by the physically disabled shall be in accordance with ADA requirements.

### **804 Parking Space Dimensions**

- A. Individual off-street parking spaces shall be a minimum of nine feet by eighteen feet (9'x18') with the following exceptions:
  1. Angled off street parking spaces shall be a minimum of nine (9) feet wide and a minimum of nineteen (19) feet long (9' x 19').
  2. Parallel parking spaces shall be a minimum of eight (8) feet wide and a minimum of twenty-three (23) feet long (8' x 23').
  3. Parking spaces for the physically handicapped shall be in accordance with ADA standards.



## 805 Location of Parking Spaces

- A. Parking and loading areas shall be located entirely on the lot being served except where shared (Joint) parking facilities are developed to serve multiple adjacent lots.
- B. Parking facilities shall be located within the distances specified herein for the intended land use as measured from the furthest parking space, but in no case shall the distance exceed any requirements set forth by the Americans with Disabilities Act (ADA) or by the Pennsylvania Department of Labor and Industry.
  - 1. Commercial and Industrial Development - a maximum of one thousand (1,000) feet for employee parking and five hundred (500) feet for customer parking.
  - 2. Single Family or Two-Family Structures - off-street parking shall be provided entirely on the lot being served, and shall not encroach on the street right-of-way. The required parking may take the form of attached or separate garage(s), carport(s), or driveway(s).
  - 3. Multi-Family structures - off-street parking shall be located within one hundred (100) feet of the structure.

## 806 Joint Parking Facilities

- A. Joint parking facilities shall be allowed in the RLB Residential Limited Business, C-1 Central Business, C-2 Commercial, and the I-1 Industrial Districts.
- B. Joint parking facilities shall be allowed subject to the following requirements:
  - a. Parking facilities shall be located within the distances specified in Section 805 (B) for the intended land use as measured from the furthest parking space.
  - b. The required number of parking spaces shall be not less than the total required separately for each use with the following exception:
    - 1) Where it shall be demonstrated that the uses jointly utilizing the parking facility are utilizing the parking facility at different periods of the day or different days of the week, the Zoning Hearing Board may grant a reduction for the total number of parking spaces needed, requiring only the number of spaces needed based on the one use of the facility requiring the most spaces.
  - c. An agreement for the joint use of a parking facility shall be recorded as a deed restriction, irrevocable license, easement or other recordable document in a form satisfactory to the municipality's solicitor filed at the Erie County Recorder of Deeds in the chain of title of the land to be burdened in perpetuity or for a period to extend throughout the life of the use requiring the maintenance of the required number of spaces.
  - d. Property owner may comply with this requirement if he or she can provide evidence of application for, and receipt of, municipal parking lot permits, if such lots meet the distances specified in Section 805(B), for the required number of parking spaces required.

## 807 Drainage, Surfacing, and Maintenance Standards

- A. Any new or enlarged commercial, institutional, industrial, or multi-family residential off-street parking and/or loading areas shall be graded for proper drainage, and shall comply with the Union City Borough Stormwater Management Ordinance.
- B. All parking and loading areas and access drives shall have a mud and dust-free surface.
- C. Parking and loading areas shall be kept clean and free from rubbish and debris.

## 808 Screening, Landscaping and Setbacks

- A. Off-street parking areas for more than thirty-five (35) vehicles and all off street loading areas shall be effectively screened on any side that adjoins a dwelling, residential district, or platted residential lots. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strips shall be suitably landscaped and maintained.
- B. No off-street parking area for more than thirty-five (35) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, or platted residential lots.
- C. No off-street loading area shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, or platted residential lots.
- D. Large parking areas containing more than forty (40) spaces shall be broken down into sections, where possible. Landscaped dividing strips, berms, and similar elements shall separate large parking areas.

## 809 Driveway Regulations

Driveways for single-family dwellings and multiple family dwellings with less than 5 units shall meet the following standards:

- A. Where a residential lot fronts on both a local street and a collector or arterial street, driveway access shall be from the local street.
- B. The number of driveways may not exceed two (2) per lot on a street frontage.
- C. Driveways may not exceed a width of 24 feet from the curb cut to the right-of-way line, excluding driveway radii. **(Amended by Ordinance 1140, Adopted September 28, 2021)**
- D. Setbacks: All driveways shall be setback at least:
  - a. Forty (40') feet from any street intersection.
  - b. Five (5') feet from any fire hydrant
  - c. Five (5') feet from any side and/or rear property lines. However, this setback shall be waived along the property line when a shared driveway is proposed.
- E. Any driveway intersecting with a State-owned road shall require a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
- F. Driveways shall not interfere with normal traffic movement nor be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street.
- G. Where a new driveway is proposed to cross a drainage swale adjacent to a public or privately maintained street, the property owner shall install a drainage pipe of adequate size and length

underneath the driveway to handle the runoff. Where such intersections are to be created along a municipal road or privately maintained road, officials from the municipality shall determine the appropriate pipe size and length. However, in no case shall a pipe less than fifteen inches (15') in diameter be installed. Where a state-owned street is involved, PennDot shall make the necessary determinations.

- H. A driveway location shall be delineated on all plans / permits, as applicable.
- I. Driveways shall be located so as to provide adequate sight distance at intersections with streets. Such sight distances shall be no less than a minimum of 100 feet along the centerline of a collector or arterial road, or a minimum of 75 feet along the centerline of a local street.

## **810 Access Drive Regulations**

Access drives for non-residential properties and multiple family dwellings of 5 or more units shall meet the following criteria:

- A. Access to off-street parking areas shall be limited to a minimal number of well-defined entrance and exit lanes that are separated by dividers, planting islands, or in the case of low volume facilities, pavement markings. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted.
- B. Except as specified elsewhere, the number of access drives intersecting with a street shall not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.
- C. Setbacks: All access drives shall be setback at least:
  - a. Fifty (50') feet from any other access drive or driveway located upon the same lot.
  - b. Fifty (50') feet from any street intersection.
  - c. Ten (10') feet from any side and/or rear property lines. However, this setback shall be waived along the property line when a joint parking lot is shared by adjoining uses.
- D. Clear-Sight Triangle: Access drives shall be located and constructed so that a clear-sight triangle meeting the requirements of Section 605 is maintained.
- E. Any access drive intersecting with a State-owned road shall require a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
- F. Access Drive Width: Access drives for commercial, institutional and industrial properties shall have a minimum width of twelve (12') feet for each lane of travel. However, an access drive shall be no less than eighteen (18') feet wide in cases where the access is to off-street loading or unloading areas required by this Ordinance.

## 811 Stacking Requirements for Drive-in, Drive-Through Facilities

This section provides vehicle stacking standards for drive-in and/or drive-through facilities. These may include such uses as banks, fast-food restaurants and car washes. The purpose of these standards is to provide minimum stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relate to typical automobiles. A length of twenty (20) feet per auto will be used to accommodate one (1) vehicle and minimal head space. Minimum stacking lane width is nine (9) feet. Stacking capacity is to be measured from the lot line to the service window and is not to include any area of the public right-of-way. For uses not listed on the table below, guidelines for the Institute of Traffic Engineers or the written recommendations of a professional engineer may be used.

Use	Minimum Stacking Capacity
Restaurant	8 per drive-through window <sup>1</sup>
Bank	5 per drive-through window
Car Wash	4 per wash bay

<sup>1</sup> If there are separate order and pickup windows, four (4) for each shall be accepted.

## 812 Loading Area Requirements

- A. Notwithstanding any other sections of this ordinance, Section 812, Loading Area Requirements shall not apply within the C-1 Central Business District.
- B. An off-street loading area shall be an area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys.
- C. An off-street loading area shall be in addition to and not considered as meeting a part of the requirements for off-street parking space.
- D. All non-residential uses shall provide adequate off-street loading areas to accommodate the intended needs of the proposed land use either inside or outside of a building.
- E. To the maximum extent practical, off-street loading areas shall be located at the side or rear of buildings in order to reduce the visual impact of vast areas of pavement.
- F. Adequate off-street loading areas shall be provided so that all vehicle loading, maneuvering or unloading is completely off the public road right-of-way, and all vehicles need not back out onto any public road right-of-way.

- G. The applicant shall provide details on the type of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following minimum dimensions. Overhead clearance shall not be less than fourteen (14) feet.

<b>Largest Type of Truck Service</b>	<b>Minimum Width (feet)</b>	<b>Minimum Length (feet)</b>
Tractor trailer	12	70
Trucks (other than tractor trailers, pick-ups or vans)	10	35
Pick-up truck or van	10	20

- H. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining residential uses or districts.
- I. Off-street loading areas shall be designed to accommodate easy ingress and egress of all delivery vehicles and shall be designed to prevent interference with the flow and safety of traffic and pedestrians.
- J. No off-street loading area shall be located within any building setback area and/or buffer area.
- K. The following off-street loading area/space requirements for specific uses shall be provided as listed below:

<b>Off-Street Loading Requirements</b>		
<b>Type of Use</b>	<b>Number of Spaces Per</b>	<b>Gross Floor Area</b>
Hospital or other Institution	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Hotel, motel, and similar lodging facilities	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Industry or Manufacturing	None 1 +1	First 2,000 square feet 2,000 to 25,000 square feet Each additional 40,000 square feet (or fraction)
Multi-Family Dwellings	None	N/A
Office Building, including banks	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Retail sales and services, per store, and restaurants	None 1	First 2,000 square feet 2,000 to 10,000 square feet

	2 +1	10,000 to 40,000 square feet Each additional 100,000 square feet (or fraction)
Theater, auditorium, bowling alley, or other recreational establishment	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Funeral homes	None 1 +1	First 3,000 square feet 3,000 to 5,000 square feet Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None 1 +1	First 1,500 square feet 1,500 to 10,000 square feet Each additional 40,000 square feet (or fraction)

(This page intentionally left blank.)

## Article 9 Signs

### 901 Applicability

Any sign erected or altered after the effective date of this Ordinance shall conform to the following regulations.

### 902 Definitions Specific to Signs

**Billboard:** A permanent sign in a fixed location which meets any one or more of the following criteria: (1) it is used for the display of an off-site commercial message; (2) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, i.e., it is general advertising for hire; (3) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

**Building Frontage:** The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

**Commercial Message:** A message that proposes a commercial transaction or pertains primarily to the economic and/or commercial interests of the message sponsor and/or the sign audience.

**General Advertising for Hire:** The enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising. **Government/Regulatory**

**Sign:** Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

**Illuminated Sign:** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

**Off-site Commercial Message:** A message that advertises commercial products, accommodations, services or activities not provided in or on the property or premises upon which it is located.

**Official Traffic Sign:** Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

**Public Sign:** A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

**Sign:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

**Sign Area:** The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See Section 903 (D, 2) for standards for measuring sign area.



**Sign Face:** The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

## 903 General Regulations

- A. Sign Permits:
  - 1. A permit is required for billboards, as defined by this ordinance.
  - 2. A permit is required for any sign that requires approval of a special exception by the Zoning Hearing Board.
  - 3. Except as noted in Section 903 (A, 1 and 2) above, signs may be installed, mounted and/or displayed without a sign permit, provided they comply with all applicable requirements and conditions of this ordinance.
- B. Sign location.
  - 1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
  - 2. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- C. Sign Setback Requirements: Notwithstanding any other section of this Ordinance, signs may be placed in any required front, side or rear yard.
- D. Off-site Commercial messages. No more than one (1) Off-site Commercial Message per enterprise may be located per city block, with a maximum of 10 Off-site Commercial messages throughout the Borough.
- E. Sign Area.
  - 1. Unless a special exception is approved by the Zoning Hearing Board, the total sign area of all signs located on a property shall be as follows:
    - a. The total sign area of all signs shall be no greater than 1.5 square feet per linear foot of the principal building frontage facing a public street or parking lot.
    - b. For parcels of vacant land, the total sign area of all signs shall be no greater than 100 square feet. Signs imprinted on permanent awnings affixed to a structure shall not be included in the 100 square feet limitation.
  - 2. For purposes of this Ordinance, sign area shall be measured as follows:
    - a. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
    - b. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
    - c. Signs may be double-sided. For double-sided signs only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size and the interior angle formed by the faces is less than 45 degrees.

- d. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
- F. Sign Illumination; Unless otherwise specified by this Ordinance, signs may be illuminated, provided that the light sources used to illuminate signs shall not cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
- G. Electronic message center and/or electronic display signs are permitted by special exception in RLB, C-1, C-2 and I-1 Districts. Electronic message center and/or electronic display signs are not permitted in R-1 and R-2 Districts.

## **904 Prohibited Signs**

The following signs are unlawful and prohibited:

- A. Signs erected in a public right-of-way, or on public land, other than those approved by the municipality, or those required by law.
- B. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.

## **905 Government Signs**

Signs erected or required by government agencies or utilities, including government/regulatory signs, official traffic signs, public signs, legal notices and other signs required by law shall be exempt from the regulations of this ordinance.

## **906 Billboards**

- A. Districts Permitted: Billboards are permitted by Special Exception in the RLB Residential Limited Business, C-2 Commercial and I-1 Industrial districts. Billboards are prohibited in the R-1 Suburban Residential, R-2 Urban Residential, and C-1 Central Business districts.
- B. Sign Area: The maximum sign area of a billboard is 100 square feet, unless a special exception is approved by the Zoning Hearing Board.
- C. Number of Signs per Lot: There shall be no more than one billboard per lot, unless a special exception is approved by the Zoning Hearing Board.
- D. Additional Regulations. All billboards shall comply with any and all applicable zoning regulations, and any and all municipal, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply.

(This page intentionally left blank.)

## **Article 10 Criteria for Special Exceptions and Identified Permitted and Accessory Uses**

### **1001 General Criteria for Special Exceptions**

Special Exception Uses shall only be granted if the proposed use meets the following general criteria, in addition to any specific criteria established in this Ordinance for the particular use (See Section 1002). In granting a Special Exception, the Zoning Hearing Board may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of this Ordinance.

The applicant must demonstrate that the proposed use complies with the following:

- A. The proposed use shall be consistent with the Union Area Comprehensive Plan.
- B. The proposed use shall be consistent with the purpose and intent of this Ordinance and the zoning district within which it will be located.
- C. The proposed use shall not be detrimental to the public health, safety or general welfare.
- D. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
- E. The proposed use shall not substantially change the character of the neighborhood in which it would be located.
- F. The proposed use shall be adequately served by public facilities and services. Public facilities and services that may be considered include, but are not limited to water, sewer, electric, schools, streets, fire and police protection, and storm drainage.
- G. The proposed use shall be acceptable in terms of its impact on traffic volumes and/or traffic circulation, and there shall be adequate arrangements to mitigate traffic congestion, traffic circulation problems, conflicts and hazards.
- H. The proposed use shall not require a significant extension of a street, sewer facilities or water facilities if such extension would place a financial burden upon the Borough, unless the Borough has firm plans to extend such facilities absent the use proposed.
- I. The proposed use shall comply with all those criteria specifically listed in Section 1002 of this Ordinance, as applicable.
- J. The proposed use must comply with all applicable regulations contained in this Ordinance and all other applicable Union City Borough ordinances and regulations.

### **1002 Specific Criteria Applicable to Identified Uses**

In addition to the all other applicable regulations of this Ordinance, the following subsections set forth criteria that shall be applied to particular types of special exception uses, or uses permitted by right. These criteria must be satisfied prior to approval of any applications for a special exception, or use permitted by right. The applicant shall be required to demonstrate compliance with these criteria and must furnish whatever evidence is necessary to demonstrate such compliance. In cases where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive shall apply, unless stated otherwise.

### **1002.01 Adult-Related Uses**

Adult-related uses (Adult Book Store, Adult Cabaret, Adult Theater, etc.) shall be subject to the following criteria:

- A. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure.
- B. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- C. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended upon entry.
- D. No adult-related use may change to another adult-related use, except upon approval of an additional special exception use.
- E. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- F. Adult-Related uses shall not be located within 1,000 feet of a school and shall not be located within 500 feet of a house of worship.
- G. No sexual activity or conduct shall be permitted.
- H. No more than one adult-related use may be located within one building.
- I. No person shall operate an adult entertainment establishment without first obtaining a zoning permit as provided in this Ordinance and all other applicable permits required by law.

### **1002.02 Agriculture**

Agriculture shall be subject to the following criteria:

- A. The minimum lot size shall be 10 acres.
- B. No farm building other than a dwelling may be erected within 150 feet from an adjoining property line. Where the property line is a public road, the 150 feet may be measured from the edge of the road right-of-way farthest from the new structure.
- C. Intensively used facilities for animal raising and care, including but not limited to such facilities as feed lots, runs, and pens, shall not be constructed within 500 feet of an existing residential dwelling on adjoining property.

### **1002.03 Campgrounds and Recreation Vehicle Parks**

Campgrounds and Recreation Vehicle Parks shall be subject to the following criteria:

- A. A subdivision or land development plan that meets all standards of the Union City Borough Subdivision and Land Development Ordinance shall be required.
- B. The minimum lot area shall be ten (10) acres.
- C. Roads to access individual campsites shall be at least 16 feet in width, and must be improved with a dust-free surface.

- D. The applicant shall present evidence that water and sanitary sewer facilities have been approved by the Erie County Department of Health and/or DEP, and are adequately sized.
- E. Applicant shall provide evidence of approved solid waste removal.
- F. At least twenty five percent (25%) of the total tract shall be reserved as either common recreation areas for the use of guests, or as conservation lands.
- G. No campsite may be within 200 feet of a pre-existing single family dwelling. All areas that abut residential uses or districts shall be screened with a vegetative barrier of natural or planted materials.

#### **1002.04 Cemeteries**

Cemeteries shall be subject to the following criteria:

- A. A minimum lot area of five (5) acres shall be required.
- B. The owner/developer shall provide a site plan showing all proposed burial areas (both short and long range); all structures, parking areas and access and interior circulation roads. Said plan shall be prepared by a registered landscape architect, architect or engineer.
- C. A drainage plan showing existing and proposed runoff characteristics shall be submitted with the application for Borough approval.
- D. Ingress, egress, and internal circulation shall be designed to ensure safety and minimize impact on public roads.
- E. Burial areas, structures, and circulation roads shall be located a minimum of twenty (20) feet from adjacent property lines.
- F. Burial plots and/or facilities shall not be permitted in floodplain or flood fringe areas.
- G. All areas that abut residential uses or districts shall be screened with a vegetative barrier of natural or planted materials.
- H. The owner/developer shall provide appropriate procedures, documents or other legal documents which will satisfactorily assure the continued maintenance of the proposed cemetery.

#### **1002.05 Day Care Facilities, All Types**

The purpose of this section is to set forth criteria for the types of day care regulated by this Ordinance (See Article 2, Definitions).

- A. Family Child Day Care Home
  - 1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
- B. Group Child Day Care Home
  - 1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
  - 2. The use shall not require internal or external alterations or construction features which are not customary to a dwelling (except fire and safety requirements).
  - 3. Any outdoor play area shall be effectively screened from adjoining residential uses.

4. Safe off-street “pick up” and “drop off” points shall be provided in order to minimize traffic congestion. The passenger “pick up” and “drop off” points shall be arranged so that the passengers do not have to cross traffic.
- C. Child Day Care Center
1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
  2. Any outdoor play area shall be effectively screened from adjoining properties.
  3. Safe off-street “pick up” and “drop off” points shall be provided in order to minimize traffic congestion. The passenger “pick up” and “drop off” points shall be arranged so that the passengers do not have to cross traffic.
- D. Day Care Center for Adults
1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
  2. Any outdoor recreation area shall be effectively screened from adjoining properties.
  3. Safe off-street “pick up” and “drop off” points shall be provided in order to minimize traffic congestion. The passenger “pick up” and “drop off” points shall be arranged so that the passengers do not have to cross traffic.

#### **1002.06 Essential Service Structure, Class 2**

Structures associated with Class 2, Essential Services, as defined by this Ordinance, shall be subject to the following criteria:

- A. The structure(s) shall be landscaped to present a minimum intrusion upon the neighborhood.
- B. The structure(s) may be enclosed by a security fence of no more than eight (8) feet, notwithstanding any other section of this Ordinance.
- C. The structure(s) shall not be used for offices, garages, power generation, repair or large-scale storage.
- D. No storage of vehicles or movable equipment or material shall be permitted outside of a building.
- E. The Zoning Hearing Board may grant an exemption from, or reduction of, lot and yard requirements.

#### **1002.07 Farmers Market and/or Flea Market**

Farmers Markets and/or Flea Markets shall be subject to the following criteria:

- A. The retail sales area, as defined in Article 2, shall be set back at least fifty feet (50') from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.
- B. Off-street parking shall have an all-weather, dust-free surface.
- C. Off-street loading shall be calculated upon the retail sales area and according to the schedule listed in Section 812 of this Ordinance.
- D. The outdoor display and/or sale of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.

- E. Any amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.
- F. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

### **1002.08 Funeral Homes, Mortuaries and Crematoriums**

Funeral homes, Mortuaries and Crematoriums shall be subject to the following criteria:

- A. The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations.
- B. Parking shall be designed to prevent traffic backups onto adjoining roads.
- C. A one hundred foot off-street stacking area for the formation of the funeral procession shall be provided on the site.

### **1002.09 Home Based Business or Occupation**

Home based businesses or occupations shall be subject to the following criteria:

- A. The home based business or occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- B. There shall be no exterior evidence of the use other than a home based business or occupation identification sign, as authorized by this Ordinance.
- C. A home based business or occupation may be conducted in either a principal or an accessory structure, but in either case shall not occupy floor area greater than thirty percent (30%) of the habitable floor area of the dwelling.
- D. The use shall not require internal or external alterations or construction features which are not customary to a dwelling.
- E. There shall be no storage of materials or equipment outside an enclosed building.
- F. The business activity must 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.
- G. 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.
- H. Adequate parking for the home based business or occupation shall be provided on the lot.
- I. There shall be no more than two (2) employees who are not residents of the premises.
- J. Home based businesses or occupations may include, but are not limited to the following:
  - 1. Dressmaking, sewing, and tailoring, provided that no laundry service, pressing or cleaning is done on the premises
  - 2. Painting, sculpting, writing
  - 3. Telephone answering
  - 4. Home crafts such as model making, rug weaving, wood working, and ceramics
  - 5. Computer programming
  - 6. Architectural, engineering, drafting or graphic services



7. Musical or artistic instruction for not more than one student at a time
8. Accounting services
9. Offices
10. Internet based services where customers are not coming to the home
11. Any other similar use as determined by the Zoning Hearing Board

#### **1002.10 Mixed Use Structures (Residential and Commercial)**

Mixed use structures, containing a combination of commercial and residential uses shall be permitted within the C-1, Central Business District, subject to the following criteria (Note: These criteria do not apply in the RLB, Residential Limited Business District or the C-2, Commercial District.):

- A. The ground floor of the principal structure shall be used for commercial uses permitted within the district. Residential uses are permitted only on the second, third and fourth floors of the principal building.
- B. The number of residential dwellings shall be limited to a density of eighteen (18) residential dwelling units per acre.
- C. The maximum height of the structure shall not exceed four (4) stories or 45 feet.
- D. Applicant shall submit evidence that adequate parking is available for the proposed use.

#### **1002.10.1 Mixed Use Structures (Residential and Industrial) (Amended by Ordinance No. 1146, adopted June 14, 2022)**

Mixed use structures, containing a combination of industrial and residential uses shall be permitted within the Industrial District, subject to the following criteria:

- A. The ground floor of the principal structure shall be used for industrial uses permitted within the District. Residential uses are permitted only on the upper floors of the structure.
- B. The residential use is limited to one single family dwelling per structure.

#### **1002.11 Mobile Home Parks**

Mobile Home Parks shall be subject to the following criteria:

- A. The mobile home park shall have a minimum of two hundred (200) feet of frontage along a public street.
- B. The minimum lot area for the mobile home park shall be five (5) acres. Each mobile home lot located within the mobile home park shall be a minimum of three thousand (3,000) square feet.
- C. The minimum front, side and rear yard setbacks shall be a minimum of 35 feet.
- D. At least ten percent (10%) of the gross area of the mobile home park shall be set aside and provided as open space area available for the use and enjoyment of residents for varied outdoor recreational uses.

#### **1002.12 Scrap (Junk or Salvage) Yards**

Scrap (Junk or Salvage) Yards shall be subject to the following criteria:

- A. The outdoor area devoted to the storage of scrap or other materials shall be completely enclosed by an eight foot (8') high, security fence. If chain link or similar fencing materials are used, the

exterior side of the fence shall be landscaped with evergreen shrubs a minimum of three (3) feet in height and six (6) feet on center at installation.

- B. The outdoor area devoted to the storage of scrap or other materials shall be screened from adjacent properties and roads in accordance with Section 702 of this Ordinance.
- C. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations.
- D. All scrap or other materials shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no scrap or other materials piled to a height greater than eight feet (8').
- E. The burning of scrap or other materials is prohibited.
- F. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
- G. No scrap yard shall be located on land with a slope in excess of five percent (5%).
- H. All junked vehicles shall be emptied of fuel, oil and other petroleum products, air conditioning fluid, anti-freeze, and batteries.
- I. The processing or storage of hazardous materials, as the same are defined by the Department of Environmental Protection, shall not be permitted, except as needed to remove vehicular fluids, batteries, and similar incidental material.

### **1002.13 Solid Waste Processing and/or Disposal Facilities**

Solid waste processing and/or disposal facilities shall be subject to the following criteria:

- A. Copies of all required licenses or permits issued by county, state, or federal agencies shall be submitted to the municipality, and these required licenses, certificates, or permits shall be a condition for final approval.
- B. The applicant shall submit copies of all plans, specifications, applications and supporting data that have been or will be presented to the Pennsylvania Department of Environmental Protection for review to the municipality. If a special exception use is granted, the operator shall continue to submit such documentation to the municipality when it is submitted to the Pennsylvania Department of Environmental Protection.
- C. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery, and the regulations of the Pennsylvania Department of Environmental Protection implementing such statutes.
- D. The minimum lot area shall be 50 acres for solid waste disposal facilities and 10 acres for solid waste processing facilities.
- E. A fence with a minimum height of eight feet shall enclose the facility. The fence used shall have openings less than three inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least 36 inches high and placed in a double-staggered row with not less than five feet on center between plants. The

vegetation shall be evergreen and of a variety to obtain a height of at least eight feet at maturity. The use shall be screened completely from normal view.

- F. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the municipality a hydrogeological study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
- G. The operator shall limit access to the site to those times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks or other means to deny access at unauthorized times.
- H. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- I. Sufficiently long vehicle-stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back onto public roads.
- J. All access drives onto the site shall be paved for a distance of at least 200 feet from the street right-of-way line. In addition, a one-hundred foot long crushed stone section of access drive shall be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may be attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site.
- K. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.
- L. A traffic study shall be required to document any improvements to local or state roads which may be needed in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network. The applicant shall make all such improvements and/or provide or guarantee financial security in an amount sufficient to cover the cost of such improvements.
- M. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- N. The operator shall provide the municipality with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks from the date such notice of violation was received by the operator.
- O. Litter control measures shall be implemented to prevent the scattering of materials and a plan for the cleanup of litter shall be submitted to the municipality.
- P. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area bounded by solid walls or fences.
- Q. Solid waste processing and/or disposal facilities or operations shall be set back a minimum of 300 feet from all adjacent property lines.
- R. No structures or parking areas shall be located closer than 300 feet to any property line.
- S. The unloading, transfer and disposition of materials shall be supervised by a qualified facility operator.

T. The use shall be subject to the Performance Standards of this Ordinance (See Section 705).

### **1002.14 Target Ranges and Paintball Facilities**

Target ranges (firearms or archery) and paintball facilities shall be subject to the following criteria:

- A. Outdoor target ranges (firearms or archery) shall be prohibited.
- B. Outdoor paintball facilities shall be prohibited.
- C. Indoor target ranges (firearms, archery or paintball) shall be subject to the following criteria:
  - 1. The use shall not present a danger to public health and safety. The applicant shall show adherence to best design practices to ensure safety.
  - 2. The applicant shall present a plan to minimize any noise created by activities through buffering, acoustic engineering, or topography.

### **1002.15 Treatment Center/Pre-Release Detention Facility**

Treatment Centers and Pre-Release Detention Facilities shall be subject to the following criteria:

- A. The Center/Facility must be licensed where required by an appropriate government agency(s) and shall be in compliance with all applicable rules and regulations of the licensing body(s). A copy of any required license must be delivered to the municipality prior to beginning the use.
- B. The Center/Facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house.
- C. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- D. The residents of the Center/Facility shall reside on the premises to benefit from the services provided.
- E. The Center/Facility shall not be located within 500 feet of any house of worship, public recreation facility, school facility, day-care center or public library.
- F. The Center/Facility shall not be located within 500 feet of another Center/Facility.
- G. Each special exception application shall be accompanied by a statement describing the following:
  - 1. The composition of the Center/Facility;
  - 2. The policies and goals of the Center/Facility and the means proposed to accomplish those goals;
  - 3. The characteristics of the residents and number of residents to be served;
  - 4. The operating methods and procedures to be used; and
  - 5. Any other facts relevant to the proposed operation of the Center/Facility.
- H. Any use permit granted for the Center/Facility shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new hearing before the Zoning Hearing Board.

### 1002.16 Special Events of a Temporary Nature

Notwithstanding any provisions of this ordinance to the contrary, Special Events of a Temporary Nature, as defined in Article 2, may be permitted in any zoning district, at the discretion of the Borough Council, and subject to the following criteria:

- A. Special Events shall only be permitted only with written approval by the Borough Council.
- B. Special Events shall not exceed 5 days in duration, exclusive of one day each for preparation and cleanup, unless an extension is approved by the Borough Council.
- C. The special event shall not create significant adverse impacts to adjacent properties or the surrounding area due to light, noise, dust, odor or pollution.
- D. The special event shall not create a significant adverse impact on traffic volumes and/or traffic circulation, and there shall be adequate arrangements to mitigate traffic congestion, traffic circulation problems, conflicts and hazards.
- E. Adequate water and sanitary facilities shall be supplied to accommodate the special event. Any temporary sanitary facilities shall be removed within 48 hours after the conclusion of the event.
- F. Proper provision shall be assured for the collection and removal of trash and recyclable materials and for cleanup of such materials throughout and upon conclusion of the event.
- G. Hours of operation shall be limited to 9:00 am until 11:00 pm, on any day, unless authorized by the Borough Council.
- H. All parking shall be located on the subject property or adjacent parcel(s), unless another location(s) is approved by the Borough Council. Unimproved, grass overflow parking areas may be used during peak use periods, provided they are set back a minimum of 50 feet from adjoining lot lines. No parking shall be permitted in the road right-of-way.
- I. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads.
- J. All temporary signs associated with the special event shall be removed upon conclusion of the special event.
- K. Any food and beverage service uses must be associated with the special event.
- L. Any retail uses, such as gift or souvenir shops, must be associated with the special event.
- M. Any child care service uses must be associated with the special event.
- N. Access shall be provided for emergency vehicles, to all public assembly areas, all buildings, all work areas and any additional areas where emergencies may occur.
- O. Carnival and amusement rides may exceed the maximum height permitted within the zoning district in which the special event is located, provided they are set back from all property lines a minimum distance equal to their height, plus an additional fifty feet (50’).

## Article 11 Supplementary Regulations

### 1101 Wireless Communications Facilities

This section of the Zoning Ordinance shall be known as the Wireless Communications Facilities (WCF) Regulations for the Borough of Union City. The purpose of this section is to establish reliable standards for the construction, siting, design, permitting, maintenance, and use of wireless communication facilities in the Borough. While the municipality recognizes the benefit of wireless communication facilities in providing high quality communications service and enhancement to its residents and businesses, the municipality also recognizes that it has an obligation to protect public safety and to minimize the visual impact of such facilities through the standards set forth in the following subsections.

#### 1101.01 Definitions Specific to Wireless Communications Facilities

- A. Antenna: Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications service. An antenna shall not include WiFi antenna's which are designed for personal or private use private residence mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**
- B. Applicant: a communications service provider that submits an application for the installation of wireless communications facilities. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**
- C. Base Station: A station at a specified site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.
- D. Cable Facility: Buildings, other structures, and equipment used by the owner or operator of a cable television system to provide services. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**
- E. Cable System: As used in this Zoning Ordinance, the term shall have the meaning given to it in Section 602(6) of the Cable Communications Policy Act of 1984, 47 U.S.C. §522(7), as amended from time-to-time. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**
- F. Collocation: The mounting or installing of an antenna on a pre-existing structure and/ or the modifying of a structure for the purpose of mounting or installing an antenna on that structure. **(Amended by Ordinance No. 1132, Adopted August 11, 2020)**
- G. Commercially Reasonable: Means terms and pricing that are reasonably consistent with similar wireless facility leases and agreements within a 50 mile radius of the municipality.
- H. Communications Service Provider: Any of the following:
  - 1. A cable operator as defined in Section 602(4) of the Cable Communications Policy Act of 1984, 47 U.S.C. §522(5), as may be amended from time-to-time.
  - 2. A provider of information service as defined in Section 3(2) of the Communications Act of 1934, 47 U.S.C. §153(24), as may be amended from time-to-time.
  - 3. A telecommunications carrier as defined in Section 3(44) of the Communications Act of 1934, 47 U.S.C. §153(51).

4. A wireless provider.

**(Amended by Ordinance No. 1146, adopted June 14, 2022)**

- I. Decorative Pole: A municipal pole that is specifically designed and placed for aesthetic purposes. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**
- J. Distributed Antenna Systems (DAS): Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.
- K. Data Collection Unit (DCU): These are utilized primarily by electric utility providers. DCU communicate with smart meters to obtain meter readings, restore outages and improve operational control.
- L. Emergency: A condition that, (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.
- M. Equipment Compound: An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.
- N. Historic Building: A building located within the Borough that is:
  1. Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register;
  2. Determined to be eligible for listing by the Keeper of the National Register of Historic Places in accordance with the National Historic Preservation;
  3. Marked as a historical site by the Pennsylvania Historical and Museum Commission; and/or
  4. Has its location within a Historic District as defined with this Ordinance.

**(Amended by Ordinance No. 1146, adopted June 14, 2022)**

- O. Historic District: A group of buildings, properties, or sites that are:
  1. Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register;
  2. Determined to be eligible for listing by the Keeper of the National Register of Historic Places in accordance with the National Historic Preservation Act and its associated review process;
  3. Marked as historical sites by the Pennsylvania Historical and Museum Commission; and/or
  4. Has been designed as such by Pl. 282, No. 167, as amended.

**(Amended by Ordinance No. 1146, adopted June 14, 2022)**

- P. Micro-Wireless Facility: A small wireless facility that (1) does not exceed two (2) cubic feet in volume and (2) has an exterior antenna no longer than eleven (11) inches. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**
- Q. Modification or Modify: The improvement, upgrade or expansion of existing wireless telecommunications facilities or improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the



improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

- R. Monopole: A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connect appurtenances.
- S. Municipal Pole: A utility pole owned, managed, or operated by or on behalf of the Borough. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**
- T. Replacement: The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.
- U. Right-of-Way (ROW): Defined in Article 2.
- V. Small Wireless Facilities (SWF). The equipment and network components, including antennas, transmitters, and receiver, used by a wireless provider that meets the following qualifications:

1. Each antenna associated with the deployment is no more than three (3) cubic feet in volume.
2. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than twenty-eight (28) cubic feet.
3. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph.

**(Amended by Ordinance No. 1146, adopted June 14, 2022)**

- W. Substantial Change or Substantially Change: a) Any increase in the height of the wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas. b) Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array shall not occur without municipal approval.
- X. Tower: A self-supporting lattice tower, guy tower, monopole, or any other pole, that is constructed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- Y. Utility Pole: A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric, distribution, lighting, traffic control, signage or a similar function or for collocation. The term includes the vertical support structure for traffic lights but does not

include wireless support structures or horizontal structures to which signal lights or other traffic control devices are attached. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**

- Z. Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
- AA. Wireless Communications Facility (WCF): The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.
- BB. Wireless Provider: A person authorized by the Pennsylvania Public Utility Commission to provide telecommunications services in the Commonwealth of Pennsylvania that builds or installs wireless communications transmission equipment, wireless facilities or wireless support structures and/or a persons who provides wireless services. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**
- CC. Wireless Support Structure: A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.

**1101.02 Historic Buildings or Districts**

- A. WCFs shall not be located on Historic Buildings or in Historic Districts.
- B. As a condition of permitting an applicant to locate a SWF in a Historic District and/or on a Historic Building, the Borough may require reasonable, technically feasible, nondiscriminatory, and technologically neutral design or concealment measures. These measures will be identified on a case-by-case basis depending on the Zoning Permit Application as well as the nature of this Historic District or Historic Building. These measures shall not have the effect of prohibiting the applicant’s technology or be considered a part of the small wireless facility for purposes of size restrictions for small wireless facilities.

**(Amended by Ordinance No. 1146, adopted June 14, 2022)**

**1101.03 Bulk and Area Requirements**

Wireless Communication Facilities			
		WCF/SWF outside Right-of-Way	WCF/SWF in Right-of-Way
Height		60 feet maximum height in residential zones.	60 feet maximum height.  Applicants must submit documentation justifying the total height.
		No maximum height in non-residential zones.  Applicants must submit documentation justifying the total height.	

Minimum Lot Size	Only use on lot:	Subject to underlying zoning district.	Not Applicable
	Combined with another use on lot:	Area needed to accommodate the WCF/SWF and guy wires, equipment building, security fence, and buffer/screening plantings.	Not Applicable
Setbacks	Towers:	Subject to underlying zoning district.	Subject to underlying zoning district.
	Equipment Buildings	Subject to underlying zoning district.	Not Applicable

**(Amended by Ordinance No. 1132, Adopted August 11, 2020)**

**1101.04 Design, Construction, and Operations**

- A. General: All WCF and SWF shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable state and federal laws. **(Amended by Ordinance No. 1132, Adopted August 11, 2020)**
- B. Aviation Safety: Tower-based WCFs shall comply with all state and federal laws and regulations concerning aviation safety.
- C. Interference: No WCF or SWF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services. **(Amended by Ordinance No. 1132, Adopted August 11, 2020)**
- D. Collocation: Collocation shall be permitted on all existing WCF, subject to the application and permitting procedures outlined in this Zoning Ordinance. The applicant will commit to negotiate, in good faith, a reasonable cost for the shared use of the Tower-based WCF by other service providers. **(Amended by Ordinance No. 1132, Adopted August 11, 2020)**
- E. Signage: All tower-based WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in in the event of an emergency and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the municipality.
- F. Lighting: WCFs shall not be artificially lighted, beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- G. Noise: WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the municipality, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis.
- H. Access: The following apply to tower-based WCF located outside of right-of-way.
  - 1. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCFs.
  - 2. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.

3. Road construction shall at all times minimize ground disturbance and the cutting of vegetation.
  4. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
  5. Where applicable, the WCF owner shall present documentation to the municipality that the property owner has granted an easement for the proposed facility and maintenance responsibilities.
  6. The easement shall be a minimum of 20 feet in width and the access road shall be improved with a dust-free, all weather surface to a width of at least 10 feet throughout its entire length.
  7. Vehicular access to the WCF shall not interfere with the parking or vehicular circulations for a principal use, if located on the site.
- I. Fencing: A security fence with a minimum height of 8 feet shall surround any tower-based WCF located outside a right-of-way, including guy wires, associated equipment, and buildings.
  - J. Mounting: Any applicant proposing a non-tower WCF, to be mounted on a building or any other structure, shall submit detailed construction and elevation drawings indicating how the non-tower WCF will be mounted on the structure for review by the municipality and/or its agents and/or the municipal engineer for compliance with the building code.
  - K. Safety in Rights-of-Way:
    1. *Schedule of operations*: The time, place and manner of construction, maintenance, repair and/or removal of all WCFs in the ROW shall be subject to municipal approval 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 municipality and the requirements of the Public Utility Code.
    2. *Emergency*: Within sixty (60) days following written notice from the municipality, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the municipality, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
      - a. The construction, repair, maintenance or installation of any municipal or other public improvement in the right-of-way;
      - b. The operations of the municipality or other governmental entity in the right-of-way;
      - c. Vacation of a street or road or the release of a utility easement; or
      - d. An emergency as determined by the municipality.
    3. *Visual obstruction*: All WCFs 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 municipality. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb, or in an area in which there are no curbs, within 3 feet of the edge of the cartway.
  - L. Inspections:
    - a. A copy of any inspection report and certification of continued use, as required by state or federal agencies, shall be provided to the municipality following the inspection. Any

repairs advised by the report shall be completed by the owner within 60 calendar days after the report is filed with the municipality.

- b. The municipality reserves the right to inspect any WCF to ensure compliance with the provisions of this ordinance and/or any other provisions found within other municipal ordinances or state, or federal law. The municipality and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- M. Each new SWF installed in the Borough's right-of-way shall be installed on an existing utility pole or a new utility pole and shall be subject to the following:
1. The installation of a SWF on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.
  2. If a collocation on an existing utility pole cannot be achieved, a SWF may be installed on a new or replacement utility pole. The maximum permitted height of the utility pole and installed SWF shall not be taller than fifty (50) feet above ground level as referenced in Section 1101.3.
  3. A wireless provider may request a height limit waiver or variance in its Zoning Permit application, with said request requiring the approval of the Zoning Hearing Board.

**(Amended by Ordinance No. 1146, adopted June 14, 2022)**

**1101.05 Aesthetics, Landscaping, and Screening (Amended by Ordinance No. 1132, Adopted August 11, 2020)**

- A. Landscaping Plan: Tower-based WCF located outside the right-of-way shall submit a landscape plan describing the following:
1. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
  2. An evergreen screen shall be created by planting trees (a minimum of six feet tall at planting that will grow to a minimum of fifteen feet tall at maturity) on ten foot centers maximum.
  3. Ground mounted equipment associated with, or connected to, a tower-based WCF shall be screened from public view using landscaping and/or screening, as described above.

**1101.06 Replacement, Collocation, or Modification (Amended by Ordinance No. 1132, Adopted August 11, 2020)**

- A. An application for replacement, collocation or modification of a previously approved wireless support structure or wireless communication facility must be received by the municipality prior to commencement of construction related to replacement, collocation or modification of a facility. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that **(Amended by Ordinance No. 1146, adopted June 14, 2022)**:
1. The proposed collocation, modification or replacement may not further increase the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array; provided, however, that nothing herein shall preclude an applicant from further

increasing the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array if permitted and approved by the municipality.

2. The proposed collocation, modification or replacement complies with applicable conditions of approval applied to the initial wireless telecommunications facilities, equipment compound and wireless support structure.
  3. The proposed collocation, modification or replacement may not exceed the applicable wind loading and structural loading requirements for the wireless support structure.
- B. Replacement of wireless communications facilities on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from the municipality.
- C. Any Substantial Change to an existing WCF shall require approval of the municipality.
- D. An application for replacement, collocation, or modification of a previous approved SWF must be received by the Borough prior to the commencement of construction related to replacement, collocation, or modification of a SWF. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**

#### **1101.07 Permit Requirements (Amended by Ordinance No. 1146, adopted June 14, 2022)**

- A. An application for a new WCF shall not be approved unless the municipality finds that the wireless communications equipment planned for the proposed WCF cannot be collocated on an existing or approved structure or building.
- B. Any application for approval of a new WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a 1 mile radius from the point of the proposed WCF, unless the applicant can show to the satisfaction of the municipality that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- C. Gap in Coverage or Capacity: An applicant for a WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to the applicant in the area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage or capacity. The existence or non-existence of a gap in wireless coverage or capacity shall be a factor in the municipality's decision on an application for approval of WCFs.
- D. The applicant shall demonstrate that the proposed WCF or SWF comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- E. Notification: Upon receipt of an application for a WCF, the municipality shall mail notice thereof to the owner or owners of every adjacent property and every residential property within 500 feet of the parcel or property of the proposed facility.
- F. Review timeframe: Within 30 calendar days of the date that an application for a WCF is filed with the municipality, the municipality shall notify the applicant in writing of any information that may be required to complete such application.
  1. All applications for new WCFs shall be acted upon within 150 days (or the most recent timeframe established by the Federal Communications Commission) of the receipt of a

fully completed application for the approval of such new WCF, and the municipality shall advise the applicant in writing of its decision.

2. All applications for modifications or collocate of a WCF on an existing WCF structure shall be acted upon within 90 days (or the most recent timeframe established by the Federal Communications Commission) of the receipt of a fully completed application for the approval of such modification or collocation, and the municipality shall advise the applicant in writing of its decision.
  3. For an initial application to deploy a new WCF or to collocate on or modify an existing WCF, the time period to review an application shall toll on the date the municipality receives the completed application from the applicant.
- G. Retention of Experts:** The municipality may hire any consultant(s) and/or expert(s) necessary to assist the municipality in reviewing and evaluating the application for approval of the WCF or SWF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this ordinance.

#### **1101.08 Discontinuation, Abandonment and Removal**

- A. Nonconforming WCFs: Any nonconforming WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this ordinance. **(Amended by Ordinance No. 1146, adopted June 14, 2022)**
- B. Nonconforming SWFs: in the event that a wireless provider is not in compliance with any of the provisions of the Small Wireless Facilities Act or this Ordinance, the Borough shall provide a Notice of Non-Compliance and give the wireless provider a reasonable period of time, not to exceed sixty (60) days to cure all noncompliance.
1. If a wireless provider fails to bring its facilities into compliance within thirty (30) days, the Zoning Officer may revoke the Zoning Permit for the SWF and the wireless provider has sixty (60) days to remove their facilities from the Borough after the date of revocation.
  2. In the event that a wireless provider allows a Zoning Permit to expire, without extensions or non-renewal, the wireless provider shall be accorded ninety (90) days to remove their facilities from the Borough from the date of the Zoning Permit's expiration.
  3. In the event that the Borough's Zoning Officer revokes a Zoning Permit for a SWF, the wireless provider shall remove the SWF and any associated equipment, including but not limited to, the utility pole and any support structures.

#### **(Amended by Ordinance No. 1146, adopted June 14, 2022)**

- C. Discontinuation: In the event that use of a WCF or SWF is planned to be discontinued, the owner shall provide written notice to the municipality of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or SWFs shall be removed as follows:
1. All unused or abandoned WCFs or SWFs and accessory facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the municipality.

2. If the WCF, SWF and/or accessory facility is not removed within 6 months of the cessation of operations at a site, or within any longer period approved by the municipality, it will be considered a violation of this ordinance and the municipality will proceed with the enforcement remedies as outlined in Section 305 of this Zoning Ordinance.
  3. Any unused portions of WCFs or SWFs, including antennas, shall be removed within 6 months of the time of cessation of operations of the specific unused portion.
- D. **Bonding:** The facility owner or operator shall post and maintain funds for removal of all structures associated with a WCF in an amount 110% of the identified removal costs, as adjusted over time. It is within the municipality's discretion whether to require a facility owner or operator of a SWF, which has been identified for removal, to post bonding prior to the removal of the SWF structure.
1. The removal funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the municipality.
  2. An independent and certified professional engineer shall be retained by the applicant to estimate the cost of removal without regard to salvage value of the equipment. Said estimates shall be submitted to the municipality after the first year of operation and every five (5) years thereafter.

**1101.09 Fees for Wireless and Small Wireless Communications Facilities (Established by Ordinance No. 1132, Adopted August 11, 2020)**

- A. The municipality shall be permitted to charge the following types of fees to owners of WCFs and SWFs existing within the municipality.
1. A one-time application processing fee for new WCFs and modification or collocation applications for WCFs.
  2. A Zoning Permit Application Fee for new SWFs, collocation of SWFs, and modification of existing SWFs.
  3. Annual right-of-way access fees to compensate the municipality for WCF and SWF owner's access to facilities built on a municipality right-of-way.

**(Amended by Ordinance No. 1146, adopted June 14, 2022)**

- B. The municipality shall, from time-to-time, establish a Wireless Facility Fee schedule, via Resolution, approved by the Borough Council. Fees established on the Wireless Facility Fee Schedule shall utilize the following factors:
1. A reasonable approximation of the cost incurred by the municipality regarding the particular fee.
  2. A review of similar fees incurred by the municipality in similar situations involving similarly situated wireless providers.
  3. The fee for the use of the Borough's right-of-way for the installation of SWF shall not exceed an annual fee of Two Hundred and Seventy Dollars (\$270) unless the Borough establishes the following:



- i. The Borough's fee is a reasonable approximation of the costs to manage the right-of-way.
- ii. The Borough's fee set by Resolution is reasonable.
- iii. The Borough's fee is not discriminatory.

**1101.10 SWF Zoning Permit Application and Right-of-Way Standards (Amended by Ordinance No. 1146, adopted June 14, 2022)**

- A. The installation of SWF shall be a permitted use in all Zoning Districts of the Borough.
- B. The Borough shall not enter into an exclusive arrangement with any person for use of the right-of-way for: (1) collocation; or (2) the installation, operation, modification or replacement of utility poles with SWFs attached.
- C. The Borough shall permit wireless providers, with the permission of owners of the structure and subsequent to the issuance of a proper Zoning Permit, to:
  1. Collocate SWF within its rights-of-way.
  2. Replace an existing utility pole to install SWF within its right-of-way.
  3. Install a new utility pole with attached SWF within its right-of-way.
- D. A wireless provider who wishes to install a SWF shall apply to the Borough's Zoning Officer for a Zoning Permit. The Borough will develop and distribute a SWF Application for Zoning Permits. General permit applications shall not be permitted for SWF installation.
- E. Zoning Permits shall not be required for the following actions:
  1. Routine repair or maintenance work on existing SWFs.
  2. The replacement of existing SWF with substantially similar or smaller SWF.
  3. The installation of micro-wireless facilities that are placed on cables between existing utility poles.
- F. The approval of the installation, placement, maintenance or operation of a SWF under this section shall not authorize the provision of any communications services without compliance with all applicable laws or the installation, placement, maintenance or operation of any communications facilities other than wireless facilities and associated utility poles in the right-of-way.
- G. Approval of an application authorizes the applicant to:
  1. Collocate on an existing utility pole, modify or replace a utility pole or install a new utility pole with small wireless facilities attached as identified in the initial application.
  2. Subject to the permit requirements and the applicant's right to terminate at any time, operate and maintain small wireless facilities and any associated equipment on a utility pole covered by the permit for a period of not less than five years, which shall be renewed for two additional five-year periods if the applicant is in compliance with the criteria set forth in this act or applicable codes consistent with this act and the applicant has obtained all necessary consent from the utility pole owner.

- H. The Borough is obligated to inform a SWF applicant if their Zoning Permit Application is incomplete within ten (10) days of receipt of a Zoning Permit Application. The notice must specifically identify the missing information provided on the initial Zoning Permit Application. In the event that the applicant corrects the errors in the Zoning Permit Application, the time period for rendering a decision on the Zoning Permit Application will reset.
- I. An applicant seeking to collocate multiple SWF within the Borough may be permitted to file a consolidated Zoning Permit Application for collocation of multiple SWF in accordance with the following:
  - 1. The consolidated Zoning Permit Application shall not exceed twenty (20) SWF.
  - 2. The denial of one or more SWF in a consolidated Zoning Permit Application shall not delay processing of any other SWF in the same consolidated Zoning Permit Application.
  - 3. A single applicant may not submit more than one consolidated or twenty (20) individual Zoning Permit Applications for SWF in a thirty (30) day period.
- J. The Borough shall make a decision on the Zoning Permit Application within:
  - 1. Sixty (60) days for an application to collocate a SWF on an existing utility pole.
  - 2. Ninety (90) days for an application to replace a utility pole or install a new utility pole for SWF installation.
  - 3. In the event that the Borough receives more than one (1) consolidated Zoning Permit Application or more than twenty (20) Zoning Permit Applications for SWF within a single forty-five (45) day period, the time periods above shall be extended to seventy-five (75) and one hundred and five (105) days respectively.
- K. The Borough shall be permitted to deny a Zoning Permit Application or consolidated Zoning Permit Application for SWF only if the following apply:
  - 1. The SWF materially interferes with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians, fails to comply with the Americans with Disabilities Act of 1990, as amended, or fails to comply with similar federal or Pennsylvania standards regarding pedestrian access or movement.
  - 2. The SWF fails to comply with applicable codes.
  - 3. The SWF fails to comply with the requires of this Ordinance and/or the Small Wireless Facilities Deployment Act, as amended.
  - 4. The applicant fails to submit a report by a qualified engineering expert which shows that the SWF will comply with applicable Federal Communication Commission regulations.
- L. In the event that the Borough denies a SWF Zoning Permit Application, the Borough must provide the applicant a notice of denial, including the basis for the denial, within five (5) days of the decision.
- M. In the event that the Borough denies a SWF Zoning Permit Application, the applicant may attempt to cure the deficiency and re-submit the Zoning Permit Application within thirty (30) days of the date of denial. Upon receiving the re-submitted application, the Borough shall be

given thirty (30) additional days to either accept the re-submitted Zoning Permit Application or deny the same.

- N. Zoning Permits for the installation of SWF shall be valid for a one (1) year period, subject to extension or renewal at the Borough's sole discretion.
- O. The Borough may not institute a moratorium on filing, receiving, processing applications or issuing Zoning Permits for the collocation or installation of SWF within the Borough.
- P. All SWFs will be installed so as not to hinder travel, hinder public safety, or obstruct the legal use of the rights-of-way by the Borough and/or other authorized users.
- Q. Each new SWF installed in the Borough's right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:
  - 1. The installation of a SWF on an existing utility pole shall not extend more than five (5) feet from the existing utility pole.
  - 2. If collocation on an existing utility pole cannot be achieved, a SWF may be installed on a new or replacement utility pole. The maximum permitted height of the utility pole and installed SWF shall be not taller than Fifty Feet (50ft) above ground level.
  - 3. A wireless provider may request a height limit waiver or variance in its permit application, with said request requiring the approval of the Zoning Hearing Board.
- R. A wireless provider shall repair any and all damage to the right-of-way or any other land that is disturbed or damaged directly by the activities of the wireless provider and/or their contractors during the installation of SWF.
- S. Wireless providers shall use the rights-of-way in accordance with the requirements of 53 P.S. § 11704.4(9), including, but not limited to, the 2017 National Electrical Safety Code and the Workers' Compensation Act.

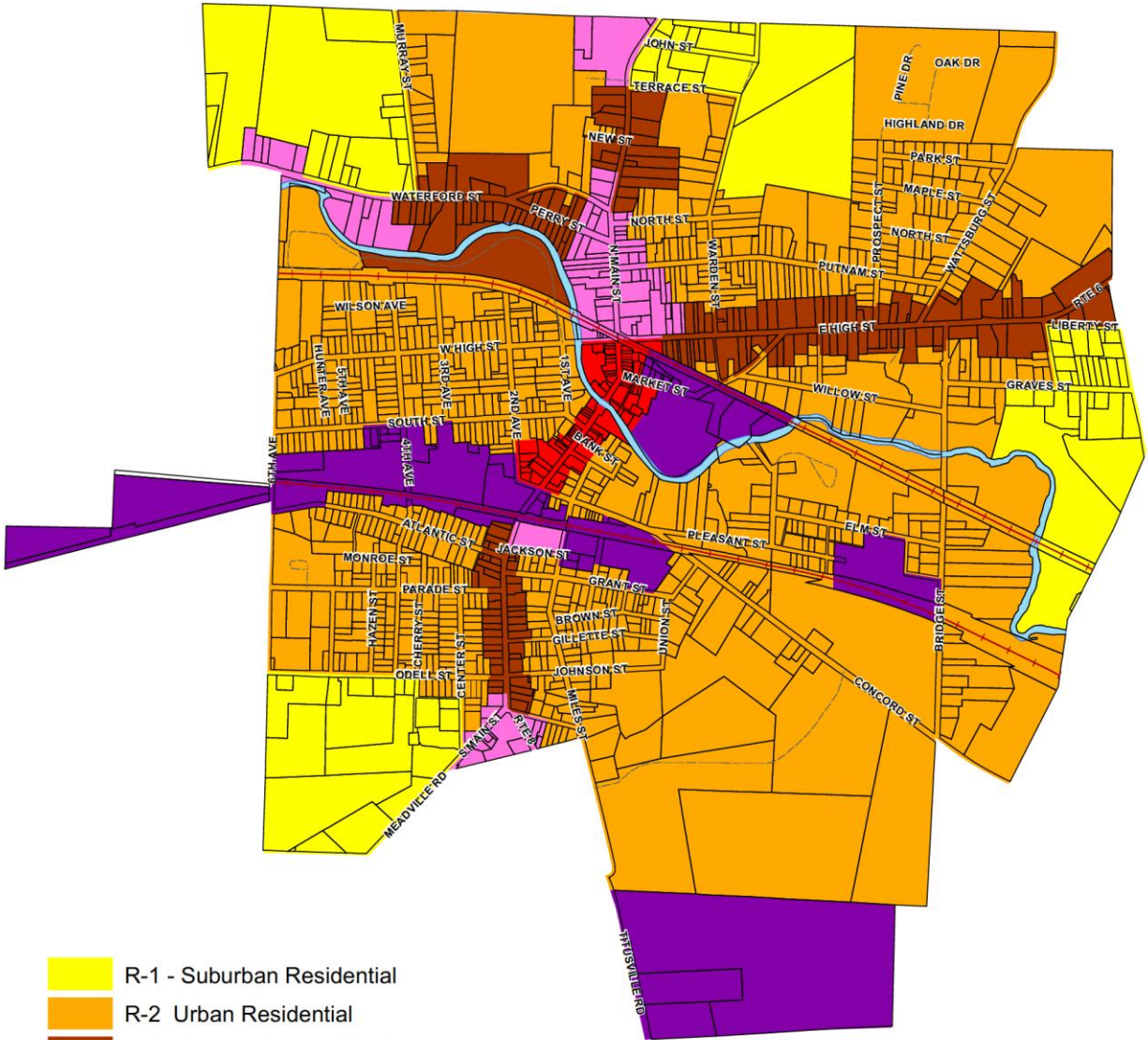
**1101.11 Miscellaneous SWF Provisions (Amended by Ordinance No. 1146, adopted June 14, 2022)**

- A. Municipal Poles: The Borough shall allow collocation on municipal poles using the process required under this Zoning Ordinance unless the SWF would cause structural and safety deficiencies to the municipal pole. In the case that structural or safety deficiencies are present on a municipal pole, the Borough and the wireless provider will work together to provide make-ready work or modifications or replacements that are needed to accommodate the SWF on the municipal pole.
- B. Make-Ready Work: In the event that the Borough and wireless provider are required to provide make-ready work, modifications, or replacement of municipal poles in accordance with Section 1101.11(A), the Borough shall provide a good-faith estimate for any make-ready work necessary to support the collocation and the fees will be paid for solely by the applicant. The make-ready work on the municipal pole shall be completed within sixty (60) days of the acceptance of the good-faith estimate by the applicant.
- C. Damages on Installation: In the event that a wireless provider fails to repair any damages caused by the wireless provider during SWF installation after thirty (30) days' written notification by the Borough, the Borough may repair the damages and charge the wireless

provider the reasonable documented cost of repair as well as a penalty not to exceed Five Hundred Dollars (\$500.00). Failure to pay the penalty may result in the Borough suspending the offending wireless provider from receiving further Zoning Permits for SWF installation.

- D. Indemnification: Wireless providers shall fully indemnify and hold the Borough, its officers, employees, and agents harmless against any claims, lawsuits, judgements, costs, liens, expenses, fees, or any other damages caused by the wireless provider while installing, repairing, or maintaining SWF or utility poles within the Borough's right-of-way.
- E. Application of SWFDA: In the event of a conflict between this Zoning Ordinance and the Small Wireless Facilities Deployment Act, at 53 P.S. 11704.1 et seq, as amended, the provisions of the Small Wireless Facilities Deployment Act will apply.

# Union City Borough Zoning



-  R-1 - Suburban Residential
-  R-2 Urban Residential
-  RLB - Residential Limited Business
-  C-1 - Central Business District
-  C-2 - Commercial
-  I-1 - Industrial

**Adopted**  
7/26/2022