

ARTICLE 3 - ESTABLISHMENT OF DISTRICTS

Section 301. ZONING MAP

The map entitled "Zoning Map of Union City Borough" is hereby adopted as part of this Ordinance. The Official Zoning Map shall be kept on file available for examination at the Borough Office, while a copy of the Zoning Map is included within this Ordinance for reference only.

Section 302. ZONING DISTRICTS

The Borough is divided into the districts stated in this Ordinance as shown by the district boundaries on the Zoning Map and include the following:

- R-1 Suburban Residential District
- R-2 Urban Residential District
- B-1 Commercial District
- B-2 Industrial District
- F-1 Flood Plain District

Section 303. DISTRICT BOUNDARIES

The boundaries between districts are centerlines of streets, alleys, railroad rights-of-way, streams or such lines extended, or lines parallel thereto or concentric therewith, or property lines when proximate thereto, or may be numerical figures otherwise indicated on the Zoning Map. When the Zoning Officer cannot definitely determine the location of a district boundary, he shall consult the Zoning Hearing Board which shall interpret the location of the district boundary.

Section 304. DISTRICT REGULATIONS

Lot and yard dimensions, permitted uses, conditional uses, maximum height of structures, and density are specified for each district in Article 4 under DISTRICT REGULATIONS. Uses not expressly listed for a district, or uses which the Zoning Officer cannot interpret as being of the same classification as a listed use, are prohibited in that district. Special exception uses require approval by the Zoning Hearing Board. Permitted uses require only normal application procedures. Uses which are normally accessory to the declared permitted use are also permitted.

Section 305. COMPREHENSIVE PLAN

The established zoning districts within this Ordinance are designed to achieve the intent of the Union City portion of the Union Area Comprehensive Plan Update, more specifically the Union City Borough Land Use Plan Map of this Plan which was adopted in 1985.

ARTICLE 4 - DISTRICT REGULATIONS

Section 401. GENERAL

Permitted uses and special exception uses in each district and lot, yard, height and density requirements for each district are listed in the following sections and tables. Density is determined exclusive of road right-of-ways. Additional requirements and special exception use requirements which apply to each of the districts are also specified in Article 5 REGULATIONS SUPPLEMENTING DISTRICT REGULATIONS.

Section 402. R-1 DISTRICT

The purpose of this district is to provide for and maintain the medium density residential needs of Union City Borough. This district will consist of medium density single-family residential and two-family residential structures of new duplexes, 2-unit flats and single-family conversions and includes associated public, institutional and recreational uses. Notwithstanding any other provisions in this Ordinance, the maximum density of residential units in the R-1 District is eight (8) residential units per acre.

Permitted Uses:

- Single-Family Dwelling
- Two-Family Dwelling
- Nursing Home or Clinic with Associated Residential
- Clinic or Hospital
- Church
- Private Garage
- Garage Sale (Section 505)
- Home Occupation
- Public Grounds
- Essential Services
- Accessory Use
- Wall, Fence, or Screening (Section 504)
- Temporary Structure (Section 510)
- Sign (Section 513)
- Water Recreation or Storage (Section 515)
- Business Service (Section 517)
- Agriculture or Roadside Stands (Section 520)

Special Exception Uses:

- Cemetery
- Campground
- Mobile Home (Section 512)

- Mobile Home Park (Section 512)
- Renewable Energy Source

Section 403. R-2 DISTRICT

The purpose of this district is to provide for and maintain the high density residential needs of Union City Borough. This district will consist of high density single-family residential, two-family residential and multi-family residential structures whether transient use or permanent use oriented and includes associated public, institutional and recreational uses. Notwithstanding any other provision in the Ordinance, the maximum density of residential units in the R-2 District is eighteen (18) residential units per acre:

Permitted Uses:

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding, Rooming, Tourist, or Lodging House
- Nursing Home or Clinic with Associated Residential
- Clinic or Hospital
- Church
- Private Garage
- Garage Sale (Section 505)
- Home Occupation (Section 514)
- Public Grounds
- Essential Services
- Accessory Use
- Wall, Fence, or Screening (Section 504)
- Temporary Structure (Section 510)
- Sign (Section 513)
- Water Recreation or Storage (Section 515)
- Business Service (Section 517)
- Agriculture or Roadside Stands (Section 520)

Special Exception Uses:

- Cemetery
- Campground
- Mobile Home (Section 512)
- Mobile Home Park (Section 512)
- Renewable Energy Source

Section 404. B-1 DISTRICT

The purpose of this district is to provide for the central business district potential of Union City Borough. The B-1 District is promoted to develop parking areas to serve businesses, rather than on-site parking per individual commercial

establishment promoting a downtown economic atmosphere. The second distinction is the inclusion of high density commercial/residential land uses in the B-1 District. This action is designed to promote an urban hub of concentrated commercial and residential activity around which Union City Borough can grow and rely on for essential services. The B-1 District also includes associated public and institutional uses. Notwithstanding any other provision in this Ordinance, the maximum density of commercial/residential structures in the B-1 District is eighteen (18) residential units per acre.

Permitted Uses:

- Two-Family Dwelling
- Multi-Family Dwelling
- Boarding, Rooming, Tourist, or Lodging House
- Nursing Home or Clinic with Associated Residential
- Clinic or Hospital
- Church
- Private Garage
- Garage Sale (Section 505)
- Home Occupation (Section 514)
- Public Grounds
- Essential Services
- Accessory Use
- Wall, Fence, or Screening (Section 504)
- Temporary Structure (Section 510)
- Sign (Section 513)
- Water Recreation or Storage (Section 515)
- Business Service (Section 517)
- Agriculture or Roadside Stands (Section 520)
- Retail or Wholesale Establishment
- Eating or Drinking Establishment
- Indoor Commercial Recreational Use
- Outdoor Commercial Recreational Use
- Personal Service
- Professional Office
- Parking Garage
- Public Garage
- Club
- Hotel or Motel
- Residential Occupancy in the B Districts (Section 516)

Special Exception Uses:

- Renewable Energy Source
- Repair Garage
- Service Station (Section 508)
- Drive-In Facility (Section 508)
- Billboard (Section 513)

Section 405. B-2 DISTRICT

The purpose of this district is to provide for and maintain the manufacturing needs of Union City Borough. This district will contain only industrial establishments, heavy commercial activities and facilities for manufacturing, processing, packaging, storage and warehousing which shall conform to the performance standards of this Ordinance in Section 511.

Permitted Uses:

- Boarding, Rooming, Tourist, or Lodging House
- Nursing Home or Clinic with Associated Residential
- Clinic or Hospital
- Church
- Private Garage
- Garage Sale (Section 505)
- Home Occupation (Section 514)
- Public Grounds
- Essential Services
- Accessory Use
- Wall, Fence, or Screening (Section 504)
- Temporary Structure (Section 510)
- Sign (Section 513)
- Water Recreational or Storage (Section 515)
- Business Service (Section 517)
- Agriculture or Roadside Stands (Section 520)
- Retail or Wholesale Establishment
- Eating or Drinking Establishment
- Indoor Commercial Recreational Use
- Outdoor Commercial Recreational Use
- Personal Service
- Professional Office
- Parking Garage
- Public Garage
- Club
- Hotel or Motel
- Residential Occupancy in the B Districts (Section 516)
- Research or Testing Laboratory
- Warehouse or Storage Building
- Supply Yard
- Truck or Freight Terminal
- Light Industrial Establishment

Special Exception Uses:

- Mobile Home (Section 512)
- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Renewable Energy Source

- Repair Garage
- Service Station (Section 508)
- Drive-In Facility (Section 508)
- Billboard (Section 513)
- Heavy Industrial Establishment
- Solid Waste Disposal Facility (Section 507)
- Junk Yard (Section 509)
- Any Use Not Listed in Article 4

Section 406. F-1 DISTRICT

The purpose of this district is to provide for protection of life and property in the recognized flood hazard areas. These areas are specifically the 100 Year Flood Plain of the South Branch of French Creek, Bentley Run and an unnamed stream south of French Creek. The district will contain open land uses which shall conform to the flood plain regulations of this Ordinance in Section 519.

Permitted Uses:

- Public Grounds
- Essential Services
- Accessory Use
- Wall, Frame, or Screening (Section 504)
- Temporary Structure (Section 510)
- Sign (D) (Section 513)
- Water Recreation or Storage (Section 515)
- Business Service (Section 517)
- Agriculture or Roadside Stands (D) (Section 520)

Special Exception Uses:

- Renewable Energy Source

Section 407 LOT SIZE, AREA, HEIGHT REGULATIONS AND YARD REQUIREMENTS TABLE

The following table delineates the general requirements for each district. Specific applications of these requirements are delineated in Section 501 - Application of Area, Lot, Yard & Height Requirements of this Ordinance. The numbers in parenthesis in the following table refer to subsections of Section 501.

Zoning District	Minimum Lot Area (Sq. Ft.) (1)	Minimum Area Per Family (Sq. Ft.) (2)	Minimum Lot Width (Feet)	Minimum Front Yard (Feet) (3)(4)(10)	Minimum Each Side Yard (Feet) (3)(5)(10)	Minimum Rear Yard (Feet) (3)(5)(10)	Maximum Building Height (Feet) (8)	Maximum Lot Coverage (Percent) (9)
<u>R-1 Suburban Residential(6)</u>								
Single-family dwelling	8,500	8,500	75	35	15	15	40	40
Two-family dwelling	10,000	5,000	75	35	15	15	40	40
Mobile home park	5 acres	5,000	200/50*	20	10	10	20	40
All other uses	10,000	2,500	75	35	15	15	40	40
<u>R-2 Urban Residential(6)</u>								
Single-family dwelling	5,000	5,000	50	20	10	10	45	50
Two-family dwelling	10,000	5,000	75	20	10	10	45	50
Multi-family dwelling	10,000	2,500	75	20	10	10	45	50
Mobile home park	5 acres	5,000	200/50*	20	10	10	20	50
All other uses	10,000	2,500	75	20	10	10	45	50
<u>B-1 Commercial (6)</u>								
Residential occupancy	--	2,500	--	--	--	--	50	--
All other uses	--	--	--	--	--	--	50	--
<u>B-2 Industrial (6)</u>								
All uses	10,000	--	75	50	25	25	50	60
<u>F-1 Flood Plain. (7)</u>								

*Overall Park Lot/Individual Mobile Home Lot within Park

Section 408

PERMITTED USE AND
SPECIAL EXCEPTION USE TABLE

P = Permitted Uses; S = Special Uses; D = Definition

USES:

DISTRICTS:

	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>F-1</u>
Cemetery	S	S			
Campground	S	S			
Mobile Home Park (D) (Section 512)	S	S			
Mobile Home (D) (Section 512)	S	S		S	
Single-Family Dwelling (D)	P	P		S	
Two-Family Dwelling (D)	P	P	P	S	
Multi-Family Dwelling (D)		P	P	S	
Boarding or Lodging House (D)		P	P	P	
Nursing Home, Clinic with Assoc. Res.	P	P	P	P	
Clinic or Hospital (D)	P	P	P	P	
Church (D)	P	P	P	P	
Private Garage (D)	P	P	P	P	
Garage Sale (Section 505)	P	P	P	P	
Home Occupation (D) (Section 514)	P	P	P	P	
Public Grounds (D)	P	P	P	P	P
Essential Services (D)	P	P	P	P	P
Accessory Use (D)	P	P	P	P	P
Wall, Fence, Screening (Section 504)	P	P	P	P	P
Temporary Structure (Section 510)	P	P	P	P	P
Sign (D) (Section 513)	P	P	P	P	P
Water Recreation, Storage (Section 515)	P	P	P	P	P
Business Service (D) (Section 517)	P	P	P	P	P
Agriculture, Roadside Stands (D) (Section 520)	P	P	P	P	P
Renewable Energy Source (D)	S	S	S	S	S
Retail or Wholesale Establishment			P	P	
Eating or Drinking Establishment			P	P	
Indoor Commercial Recreational Use			P	P	
Outdoor Commercial Recreational Use (D)			P	P	
Personal Service (D)			P	P	
Professional Office (D)			P	P	
Parking Garage (D)			P	P	
Public Garage (D)			P	P	
Club (D)			P	P	
Hotel or Motel (D)			P	P	
Residential/Commercial Structure (Section 516)			P	P	
Repair Garage (D)			S	S	
Service Station (D) (Section 508)			S	S	
Drive-In Facility (D) (Section 508)			S	S	
Billboard (D) (Section 513)			S	S	
Research or Testing Laboratory				P	
Warehouse or Storage Building				P	
Supply Yard (D)				P	
Truck or Freight Terminal (D)				P	
Light Industrial Establishment (D)				P	
Heavy Industrial Establishment (D)				S	
Solid Waste Disposal Fac. (Section 507)				S	
Junk Yard (Section 509)				S	
Any Use Not Listed Above				S	

ARTICLE 5 - REGULATIONS SUPPLEMENTING DISTRICT REGULATIONS

Section 501. APPLICATION OF LOT, AREA, HEIGHT AND YARD REQUIREMENTS

The following requirements apply to the previous Section 407. The numbers in parentheses refer to subsections of Section 407.

- (1) Notwithstanding any other provision in this Ordinance, no lot in any district shall exceed a one to four (1 to 4) lot width to lot depth ratio .
- (2) Minimum lot area per each family dwelling unit shall be exclusive of road right-of-ways or access easements.
- (3) Front, side and rear yard requirements are established from the nearest edge of a road right-of-way and/or adjacent property line.
- (4) Corner lots shall have the front yard requirements of those established in Section 407 for both portions of the lot facing a road right-of-way.
- (5) In the B-1 and B-2 Districts, there are no minimum side and rear yard requirements for those portions of the lot not bordering a residential district and/or an established residential structure within the Districts. Where buildings or uses adjoin any Residential District, the side yard shall be 15 feet for each side yard that adjoins a residential district. The same requirement shall apply to rear yard setbacks. Existing residential structures in any Business District shall have lot and yard requirements from the nearest Residential Districts.
- (6) Detached accessory uses in all districts may be placed one-half the distance of those required for each side yard and rear yard for the specified permitted use.
- (7) The F-1 Flood Plain District is an overlap district; therefore, the lot and yard requirements of the R-1, R-2, B-1 and B-2 Districts that it traverses applies in the F-1 District.
- (8) When the following conditions are met, height limits may be increased up to a fifty percent (50%) increase over those specified in Section 407. Building height in excess of the height above average, ground level allowed in any district may be permitted provided all minimum front, side and rear yard depths are increased one (1) foot for each additional foot of height.

- (9) Building coverage is that total coverage by all structures, both permitted and accessory uses, on lot.
- (10) All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side and rear yards specified in Section 407.
- (11) Accessory uses are not permitted within the front yard, with the exception of parking lots and areas. Commercial and industrial parking lot and area uses shall conform to the side and rear yard accessory use requirements specified in Section 501.(5), if adjacent to a residential district.

Section 502. NON-CONFORMING USES AND STRUCTURES

Any non-conforming use may be continued or replaced or changed to an equal or lesser non-conforming use. It may not be extended or expanded to the lot line or to an adjacent lot except as permitted by the Board in accordance with the provisions of this Ordinance. It may extend or expand half the lot and yard requirements if authorized by the Zoning Officer.

Any non-conforming structure damaged by fire, flood, explosion or other casualty, after the effective date of this Ordinance, may be reconstructed and used as before if such reconstruction is performed within twelve (12) months of such casualty and if restored structure covers no greater area and contains no greater cubic feet than before such casualty. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content, but must then meet minimum yard requirements of the district in which the structure is located and must meet off-street parking and loading requirements of this Ordinance.

In the event that any non-conforming use, conducted in a structure or otherwise, ceases for whatever reason for a period of one (1) year, such non-conforming use shall not be resumed and any future use shall be in conformity with the provision of this Ordinance. This, however, shall not apply to the rotation of crops, or the alternating use of land for pasture and/or for cultivation from year to year, or for general farming purposes.

Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted, or where no approvals are necessary, where construction has been legally started before the enactment of this Ordinance and completed within a one-year period.

Nothing in this Ordinance shall prevent the strengthening or

restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

Section 503. EXISTING LOTS OF RECORD

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 district in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance except as set forth hereafter. Where two (2) or more adjacent lots of record with less than the required area and width are held by one (1) owner on or before the date of enactment of this Ordinance, the request for a permit shall be referred to the Board which may require replatting to fewer lots which would comply with the minimum requirements of this Ordinance.

Section 504. WALLS, FENCES OR SCREENING

A fence or freestanding wall may be erected within the limits of any yard except as required below. The height of any fence or wall shall be limited to six (6) feet in a residential district, eight (8) feet in a commercial district and ten (10) feet in an industrial district. Retaining walls and private terraces without walls, roofs or other enclosures may be erected to greater height up to a 50% increase for that district. Fences erected around tennis courts, basketball courts, backstops and similar recreational facilities are exempt from height limitation.

Where any multiple-family dwelling abuts any single-family district, the owner of the multiple-family dwelling shall, before using said property, construct a fence or barrier not less than four (4) feet and not over six (6) feet in height, of such design, construction and location as to substantially impair passage by persons or pets from such multiple-family dwelling to and from such single-family use.

Every water recreation and storage area shall be enclosed by a fence not less than four (4) feet in height and must prevent uncontrolled access by small children.

Off-street parking areas for more than five vehicles, and off-street loading areas, shall be effectively screened on each side which adjoins any residential district with a four (4) foot visually solid fence.

All cemeteries shall be fenced by a four (4) foot fence surrounding the cemetery.

No visually solid fence shall be erected within ten (10) feet of any road right-of-way line. A maximum of fifty percent (50%) visual solidness for any fence is permitted within any yard. A solid freestanding wall or planted screening is permitted in any yard if either limited to a maximum of three (3) feet in height or a deciduous tree.

Section 505. GARAGE SALE

Garage sales shall be permitted from any structure no more than two (2) times per year. The total number of calendar days per year that such sales can be conducted from one residence, or other structure, shall be limited to twenty (20). Temporary signs may be permitted for garage sales, however, all garage sales related signs must be removed immediately upon completion of the garage sale. A zoning certificate shall be required, for length of time over ten (10) days, and number and location of temporary signs, before any such sales are permitted to operate.

Section 506. OFF-STREET LOADING AND PARKING

Off-street loading and parking spaces shall be provided in accordance with the specifications in this section, in all districts except in the B-1 District, whenever any new use is established or an existing use is enlarged.

OFF-STREET LOADING

Every building or use which requires the receipt of distribution by vehicles of material, merchandise, and/or customers shall provide off-street loading berths in accordance with the following:

	Square Feet	Required Off-Street Loading Berths
Schools	15,000 or more	1
Undertakers and Funeral Parlors	5,000 For each additional 5,000 or major fraction thereof	1 1 additional
Hotels and Offices	10,000 or more	1
Commercial, Whole- sale, Manufacturing and Storage	10,000 - 24,999	1
	25,000 - 39,999	2
	40,000 - 59,999	3
	60,000 - 100,000	4
	For each additional 50,000 or major frac- tion thereof	1 additional
Hospitals (in addition to space for ambulance)	10,000 - 300,000	1
	For each additional 300,000 or major fraction thereof	1 additional

Each loading space shall not be less than twelve (12) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height.

OFF-STREET PARKING

Size and Access:

Each off-street parking space shall not be less than ten (10) feet in width and twenty (20) feet in length exclusive of access drives or aisles, and be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three spaces. There shall be adequate ingress and egress to all parking spaces. Parking area shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto any roads which are classified arterial or collector. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not be less than fifteen (15), nor more than thirty (30) feet wide. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

Number of Parking Spaces Required:

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, except such parking spaces shall not be required in that portion of the B-1 District bounded on the north by East and West High Streets and on the south by Second Avenue and Concord Street.

<u>Use</u>	<u>Parking Spaces Required</u>
Residential	1.5 per residential unit
Church and School	1 per 6 seats in principal assembly room
Private Club or Lodge	1 per 4 seats
Theatre	1 per 4 seats
Hospitals and Rest Homes	1 per 3 beds and 1 for each 2 employees on the maximum working shift
Professional offices, business services, wholesale houses, and medical clinics	1 for every 250 square ft. of floor space
Retail business eating and drinking places	1 for each 100 square ft. of floor space
Bowling Alleys	5 for each alley
Funeral Homes	1 for each 100 square ft. of floor space
Recreational assembly places: e.g., dance halls, night clubs, etc.	1 for each 75 square ft. of floor space
Industrial Uses	1 per 2 employees on maximum working shift

Location of the Parking Areas:

Required parking spaces shall be located on the same lot with the principal use. The Board may permit parking spaces to be located on any lot wholly within 300 feet from the lot of the principal use if located in the same zoning district as the principal use, and finds that it is impractical to provide parking on the same

lot with principal use.

Minimum Distances and Setbacks:

No off-street loading or parking area for more than five vehicles shall be closer than ten (10) feet to any adjoining property.

Surfacing:

With the exception of single-family dwellings and drive-in theaters, all parking areas shall have a paved or oiled surface, which is graded and drained to dispose of all surface water, and designed to provide for orderly and safe loading and parking.

Section 507. SOLID WASTE DISPOSAL FACILITY

A facility which is operated to store, collect, transport, process and/or dispose of any solid waste as determined by the Pennsylvania Department of Environmental Resources, may be permitted as a Special Exception Use only in the B-2 District. No solid waste disposal facility shall be approved without being in compliance with U.S. Environmental Protection Agency and Pennsylvania Department of Environmental Resources standards and permit procedures.

Section 508. SERVICE STATION AND OTHER DRIVE-IN FACILITIES

A service station shall meet the following requirements. No street entrance or exit for vehicles, and no portion or equipment of such service station shall be located within two hundred (200) feet of an exit of any school, park or playground conducted for and attended by children, or within one hundred (100) feet of any hospital, church or public library, or within seventy-five (75) feet of a lot in a residence district as established in this Ordinance. No equipment above surface of ground for the service of motor vehicles shall be closer than thirty (30) feet to any street line or highway, nor closer than fifteen (15) feet to any property line.

The width of any entrance driveway leading from the public street to a service station or any other drive-in use shall not exceed thirty (30) feet at its intersection with the curblin e or edge of pavement. No two (2) driveways leading from a public street to a service station or other drive-in use shall be within thirty (30) feet of each other at their intersection with the curb or street line. Parking and vehicle access shall be so arranged that motorists are unable to back over sidewalks or into streets.

Section 509. JUNKYARD

Junkyards are only permitted as a Special Exception Use in the B-2 District. All requirements pertaining to junkyards are delineated in the Union City Borough Ordinance Number 708.

Section 510. TEMPORARY STRUCTURE

A zoning certificate may be given by the Zoning Officer for a period not to exceed one (1) year, for non-conforming uses incidental to housing and construction projects, and including but not limited to, such structures and uses as storage of building supplies, machinery or a real estate office located on the tract being offered for sale, provided such permits are issued only upon agreement by the owner to remove the structure or structures upon the final expiration of the permit and discontinue the use or uses. Such permit may be renewed for one (1) additional year by the Borough Council after recommendation of the Board.

Section 511. PERFORMANCE STANDARDS

No use, land or structure in any district shall involve any element or cause any conditions that may be dangerous, injurious, or noxious to any other property or persons in Union City Borough. In cases involving performance standards, the Board may require a plan of the proposed construction or development, a description of machinery proposed, and techniques to be used, and Borough Council may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements. The cost of such service shall be borne by the applicant. Furthermore, every use of land or structure in any district must observe the following performance requirements:

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 materials is carried on.

Electrical Disturbances:

No activity shall cause electrical disturbances adversely affecting radio or other equipment in the neighboring area.

Noise:

Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes, which shall be exempt from this requirement. Objectionable noise levels shall be construed as being those in excess of 60 decibels at the property line.

Smoke:

The maximum amount of smoke emission permissible shall be determined by use of the Standard Ringleman Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than No. 2 will be allowed.

Odors:

In any district no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. This shall not apply to any form of fertilizer in districts where agriculture is a permitted use.

Air Pollution:

No pollution of air by fly-ash, dust, vapors or other substance shall be permitted which is harmful to the health, or to animals, vegetation or other property.

Glare:

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

Erosion:

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties. Agricultural activities are exempt from this requirement.

Water Pollution:

The method for discharging wastes to public sewers, drains or watercourses shall be acceptable to the Pennsylvania Department of Environmental Resources.

Section 512. MOBILE HOME AND MOBILE HOME PARK

Any land used for a mobile home or mobile home park may be permitted as a Special Exception Use and is subject to the following provisions:

Individual mobile homes are permitted in the R-1 and R-2 Districts if placed on an approved permanent foundation and if the following conditions are met:

The minimum mobile home width shall be twelve (12) feet.

The minimum mobile home length shall be fifty (50) feet.

The mobile home shall be placed on a foundation approved by the Zoning Officer.

All lot and yard requirements of the R-1 and R-2 Districts are met.

Mobile home parks are permitted in the R-1 and R-2 Districts if the following conditions are met:

Minimum park frontage: Two hundred (200) feet.

Minimum park setback from street or highway right-of-way: Thirty-five (35) feet.

Minimum total area of park: Five (5) acres.

Minimum mobile home lot size: Five thousand (5,000) square feet.

Minimum distance a mobile home or addition thereto may be placed to any adjoining property: Thirty-five (35) feet.

Not less than ten percent (10%) of the total gross area of the park must be improved for playgrounds and recreational activities for the residents of the park.

Section 513. SIGN

A sign is permitted in any district. The following provisions shall be complied with.

In any district a sign not exceeding one square foot in area will be permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located.

A bulletin board not exceeding eight (8) square feet will be permitted in connection with any church, school or similar public structure.

Temporary real estate or construction signs not exceeding eight (8) square feet will be permitted on the property being sold, leased or developed. Such signs shall be removed promptly when they have fulfilled their function.

One business sign in connection with any legal business use or structure will be permitted on the premises of the business, provided such sign contains no information beyond the name, symbol and nature of the business. Such signs shall also meet the following requirements:

They shall not contain information or advertising for any product not sold on the premises.

They shall have an aggregate area not greater than one and one-half square foot for each foot of width of the principal building on the premises.

They shall not project over public rights-of-way.

They shall not be illuminated in any manner which will cause undue distraction, confusion, or hazard to vehicular traffic.

A billboard not exceeding one hundred (100) square feet may be permitted in the B-1 and B-2 Districts as a Special Exception Use.

Political signs are permitted if the requirements of Union City Borough Ordinance Number 819 are complied with.

Section 514. HOME OCCUPATION

A home occupation is permitted in dwellings, but shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. Home occupations may include, but are not limited to, art studios, dressmaking, teaching, or professional offices. However, a home occupation shall not be interpreted to include commercial stables, kennels, restaurants, or auto repair services. The following additional conditions shall be observed.

The occupation may be customarily carried on in a dwelling; and

The occupation is carried on by a member or members of the immediate family residing in the dwelling, with not more than two (2) employees outside the family; and

The occupation is carried on wholly within the principal structure or accessory structure; and

There shall be no exterior display, exterior sign other than permitted by this Ordinance, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal structure; and

No offensive odor, vibration, noise, smoke, dust, heat, or glare shall be produced; and

The occupation shall occupy no more than thirty (30) percent of the principal structure.

Section 515. WATER RECREATION OR STORAGE AREA

Any facility for water recreation such as private swimming pools,

ponds, swimming clubs, and commercial fishing ponds, or any other water storage facility such as reservoirs, fish hatcheries, sewage lagoons, and farm ponds shall comply with the following regulations:

The facility must meet the setback requirements.

The facility must be enclosed by a fence no less than four feet high and must prevent uncontrolled access by small children.

The facility, if operated to attract visitors, must comply with parking requirements established under Section 506 of this Ordinance.

Before a permit shall be issued to the operator or owner of the facility, a plan shall be submitted to the Borough Council showing size of facility, proposed use, parking arrangement and use of buildings on site, surrounding properties and their usage, and any other pertinent information.

Section 516. RESIDENTIAL/COMMERCIAL STRUCTURES

Mixed use structures are permitted within the B-1 and B-2 Districts if the following requirements and conditions are met:

The ground floor of the principal structure shall be devoted to the business activities as permitted in the B-1 and B-2 Districts.

The density of residential units shall be limited to eighteen (18) residential dwelling units per acre.

The maximum height of the structure shall be four (4) stories and forty five (45) feet.

All lot and yard requirements of Section 407 and Section 501 shall be met.

Section 517. BUSINESS SERVICE

Business services are permitted in every district if the requirements of Union City Borough Ordinance Number 670 are complied with.

Section 518. SUBSTANTIAL COMPLETION

The outside of all new structures for which a building permit has been issued shall be substantially completed within a period of time from the date construction is started. Substantially completed shall be construed to mean that the applicable outside parts, such as the foundation, roof and exterior walls, are finished, including painting, (except block, brick, or prefinished material), and that all exterior doors and windows

are installed. It shall also mean that the lot shall be cleared of debris and graded.

Residential Construction (new).....1 year
Garages (new).....1 year
Non-residential Construction (new).....2 years
Additions to gross floor area
 (res. & non-res.).....1 year
Demolition or miscellaneous construction
 which does not increase floor area.....1 year

Section 519. FLOOD PLAINS

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Maps (FIRM or FHBM). Only the most updated version of these maps shall be referred to. These maps and data are to become part of the Union City Borough Zoning Ordinance and Map.

The F-1 District is an overlap district; the lot and yard requirements of the R-1, R-2, B-1, and B-2 Districts that it traverses, apply in the F-1 District.

In addition to the flood plain regulations in this Ordinance, Union City Borough Ordinance Number 894, as amended from time to time, shall also be complied with.

Section 520. AGRICULTURE

Agricultural uses shall comply with the following:

Animals normally associated with farming activities such as, but not limited to, cows, horses, pigs and chickens, shall be prohibited.

Roadside stands for sale of agricultural products shall be permitted providing:

They are erected at least fifty (50) feet back from nearest edge of roadway surface.

Parking spaces are provided off the road right-of-way.

ARTICLE 6 - ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 601. ZONING OFFICER

The Borough Council shall appoint the Zoning Officer, who shall administer the provisions of this Ordinance, and who shall not hold an elective office in Union City Borough.

Section 602. DUTIES OF THE ZONING OFFICER

The Zoning Officer shall enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him/her by the Zoning Ordinance and are reasonably implied for that purpose.

Application, Zoning Certificates, Building Permits and Inspection: The Zoning Officer shall receive applications for Zoning Certificates and Building Permits and make all inspections in accordance with the provisions of the Zoning Ordinance.

Inspection: The Zoning Officer may examine or cause to be examined all structures and/or land for which an application has been filed for a Zoning Certificate, and may conduct such inspections from time to time during and at completion of the work for which a Zoning Certificate has been issued.

Non-Conforming Use: The Zoning Officer shall keep an up-to-date list of all Non-Conforming Uses.

Section 603. ZONING CERTIFICATE

Requirement

A Zoning Certificate is required to occupy or use any land; or occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged; or change the use of a structure or land to a different use; change a non-conforming use.

Expiration of Zoning Certificate

The Zoning Certificate shall expire twelve (12) months from the date of its issuance, or may be extended by the Board.

Applications and Fees

Each applicant for a Zoning Certificate shall present with the application a plat of the property showing clearly and completely the locations, dimensions and nature of any structure involved and such other information as the Zoning Officer may require in compliance with this Ordinance, together with a filing fee in accordance with the schedule of fees established annually by the

Borough Council.

Records

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

Sewage Compliance

The Zoning Officer shall not issue a Zoning Certificate nor shall a Building Permit be issued until such time as the applicant presents satisfactory evidence that the proposed use will be adequately served by an approved sewerage system in compliance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, and other appropriate laws and regulations relating to sewage disposal.

Section 604. BUILDING PERMIT

The Applicant for a Building Permit shall also apply for a Zoning Certificate as required by this Ordinance.

Section 605. VIOLATION

Any person who violates the provisions of this Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500.00). In default of payment of the fine, such person shall be liable to imprisonment for not more than sixty (60) days in accordance with Section 616 of the Pennsylvania Planning Code. Any person continuing any such violation beyond one (1) calendar day may be deemed to have committed a separate offense for each calendar day such violation continues.

Section 606. APPEAL

The procedure and time limitations for appeal from any ordinance, decision, determination, or order of the Borough Council, Zoning Officer, Board, or other applicable agency or officer of the municipality in the enactment or administration of this Ordinance shall be in conformance with the provisions of the Pennsylvania Planning Code.

ARTICLE 7 - ZONING HEARING BOARD

Section 701. GENERAL

In accordance with Article IX of the Pennsylvania Planning Code, a Zoning Hearing Board shall be appointed and organized, which Board shall adopt rules to govern its procedure. The Board shall hold meetings, keep minutes, and, pursuant to notice, conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions or findings. For the filing of any appeal or proceeding with the Board, a fee shall be charged in accordance with a schedule established annually by the Borough Council.

Section 702. FUNCTIONS

The Board shall conduct hearings and make determinations on matters as provided in this Ordinance in accordance with the provisions of Sections 909 through 913 of the Pennsylvania Planning Code including the following functions:

Appeals from the Zoning Officer

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or Map or any valid rule or regulation governing the action of the Zoning Officer. Such appeals shall be filed within thirty (30) days as provided in Section 915 of the Pennsylvania Planning Code.

Variances

The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant:

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 the Zoning Ordinance in the neighborhood or district in which the property is located.

Because of such physical circumstances or conditions, there is

no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

Such unnecessary hardship has not been created by the appellant.

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.

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.

Challenge to the Validity of the Zoning Ordinance or Map

The Board shall hear challenges to the validity of the Zoning Ordinance or Map in accordance with Sections 910, 1003, and 1004 of the Pennsylvania Planning Code. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 908 of the Pennsylvania Planning Code. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

Unified Appeals

Where the Board has jurisdiction over a zoning matter it shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon as provided in Section 908 of the Pennsylvania Planning Code. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

Special Exceptions

The Board shall have the power to hear and decide requests for special exceptions and shall grant or deny such requests according to the standards and criteria set forth in this ordinance and in accordance with Section 913 of the Pennsylvania Planning Code.

For the reasonable extension of the regulations of any district over a lot divided by a district boundary line, when all parts of such lot are held under the same owner-

ship at the time of adoption of the ordinance.

For the establishment and maintenance of a non-conforming use on a lot adjacent to a lot line the use of which, at the time of passage of this ordinance, does not conform to the regulations herein contained when the existing non-conforming use renders reasonably impracticable the improvement of such lot without modification; provided that any non-conforming use so permitted shall not be of a less restrictive use classification than that to which said existing non-conforming use is assigned by the terms of this ordinance.

For a reasonable enlargement of a structure existing at the time of adoption of this ordinance and used for trade, business, or industry, but located in a district restricted against such use, or for reasonably necessary additional structures for such uses; and such expansion may be into an adjoining district as established by this ordinance, but shall not in any case extend beyond the block in which such structure or use is located.

For a reasonable extension of a conforming structure or use existing at the time of adoption of this ordinance, into a more restricted district immediately adjacent thereto but such extension shall not be beyond the block in which such existing structure is located.

For the reconstruction of a building in a district restricted against its use when such a building has been destroyed by fire or other calamity, provided the application for permit for such reconstruction is made within one (1) year from the date of such fire or other calamity.

For the resumption of a non-conforming use in a residential district when such non-conforming use has been discontinued for a period exceeding one (1) year, provided such use has not been followed by a more restricted use, and it is not reasonably practicable to utilize the lot upon which said building is located for a conforming use.

Section 703. REASONABLE CONDITIONS AND SAFEGUARDS

In authorizing any variance or special exception, the Board may require, in addition to those specifically determines is necessary to meet the intent of this Ordinance, to protect adjacent property, and to promote the public interest. This may include securing the services of expert consultants to advise the Board and requiring submission of a plan of the proposed land or structure in sufficient detail for the Board to make an informed decision. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the health, safety and general welfare of Union City Borough.

Criteria for approval

A special exception use shall be approved only if it meets the following criteria:

The proposed use conforms to the district and the supplemental regulations and all general provisions of this Ordinance.

The proposed use meets all special standards which may apply to its class of special exception uses as set forth in this Article.

The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of Section 511.

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

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

A non-residential use proposed in a residential district shall be adequately screened from residential areas as deemed appropriate by the Board.

Adequate off-street parking shall be provided in accordance with this Ordinance. No off-street parking areas for a non-residential use shall be closer than ten (10) feet to any adjacent lot in a residential district.

The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. Access to off-street parking areas shall be limited to several well defined locations, and in no case shall there be unrestricted access along the length of a street or alley.

The proposed use shall preserve the objectives of this Ordinance.

Public notice shall be given of the time and place of the meeting at which the Board will consider a request for a special exception use. The notice shall clearly describe the nature of the requested special exception use.

Request and Application Procedure

All requests, applications, or appeals made to the Board shall be in writing on forms prescribed by the Rules of Procedure of the Board. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth exactly

the interpretation that is claimed, the use which is sought, or the details of the variance that is applied for and the grounds on which it is claimed a request should be granted. The same procedure shall apply to special exception use requests.

Section 704. HEARINGS

The Board shall conduct hearings and make decisions in accordance with the following provisions:

Notice of Hearing

Notice shall be given to the public, the immediate adjacent property owners where reasonable, the applicant, the Zoning Officer, Borough Council, Planning Commission, and such other persons who have been designated by Borough Council or have made timely request for the same. Notice shall also be conspicuously posted on the affected tract of land.

Conduct of Hearing

The hearing shall be conducted in accordance with the Rules of Procedure of the Board and a stenographic record of the proceedings shall be kept or other means established by the Board. The Chairman, acting chairman, or hearing officer presiding shall assure that all interested parties have an opportunity to be heard or represented, and may administer oaths, issue subpoenas, require testimony and relevant documents, and exclude irrelevant, immaterial, or unduly repetitious evidence.

Notification of Decision

The Board shall render a written decision or make written findings within forty-five (45) days after the last hearing date. A copy of the final decision or findings shall be delivered to the applicant in person or mailed within one day of the date of the decision or findings. Notification of the decision shall also be provided to those persons or organizations receiving notice of the hearing and any other persons requesting notification who have filed their name and address with the Board not later than the last day of the hearing.

Section 705. APPEAL FROM BOARD'S DECISION

Any person aggrieved by any decision of the Board, or any taxpayer or member of Borough Council, may within thirty (30) days after such decision of the Board, appeal therefrom in accordance with Article X, Section 1007 of the Pennsylvania Planning Code.

ARTICLE 8 - AMENDMENTS

Section 801. GENERAL

The Borough Council may introduce and consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Borough Council, by the Planning Commission, or by a petition of a person residing or owning property within Union City Borough.

Section 802. PETITION

Petitions for amendment shall be filed with the Borough Council, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a schedule established annually by the Borough Council.

Section 803. REFERRAL

Any proposed amendment presented to the Borough Council shall be referred to the Planning Commission and Erie County Department of Planning for review prior to public hearing by the Borough Council. A forty-five (45) day review period by these planning agencies shall be allowed before the Borough Council may take final action on the amendment.

Section 804. ACTION

Before acting upon a proposed amendment, the Borough Council shall hold at least one public hearing thereon. Notice of such public hearing, containing a brief summary of the proposed amendment and a reference to the place where copies of the same may be examined, shall be published once each week for two successive weeks in a newspaper of general circulation within Union City Borough. The first publication shall be at least fourteen (14) days but not more than thirty (30) days prior to the date of the hearing.

Section 805. CURATIVE AMENDMENT

A landowner in Union City Borough who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 1004 of the Pennsylvania Planning Code. As with other proposed amendments the curative amendment shall be referred to the Planning Commission and the Erie County Department of Planning at least forty-five (45) days before the hearing is conducted by the Borough Council.

ZONING MAP

as of January 1, 1987

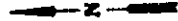
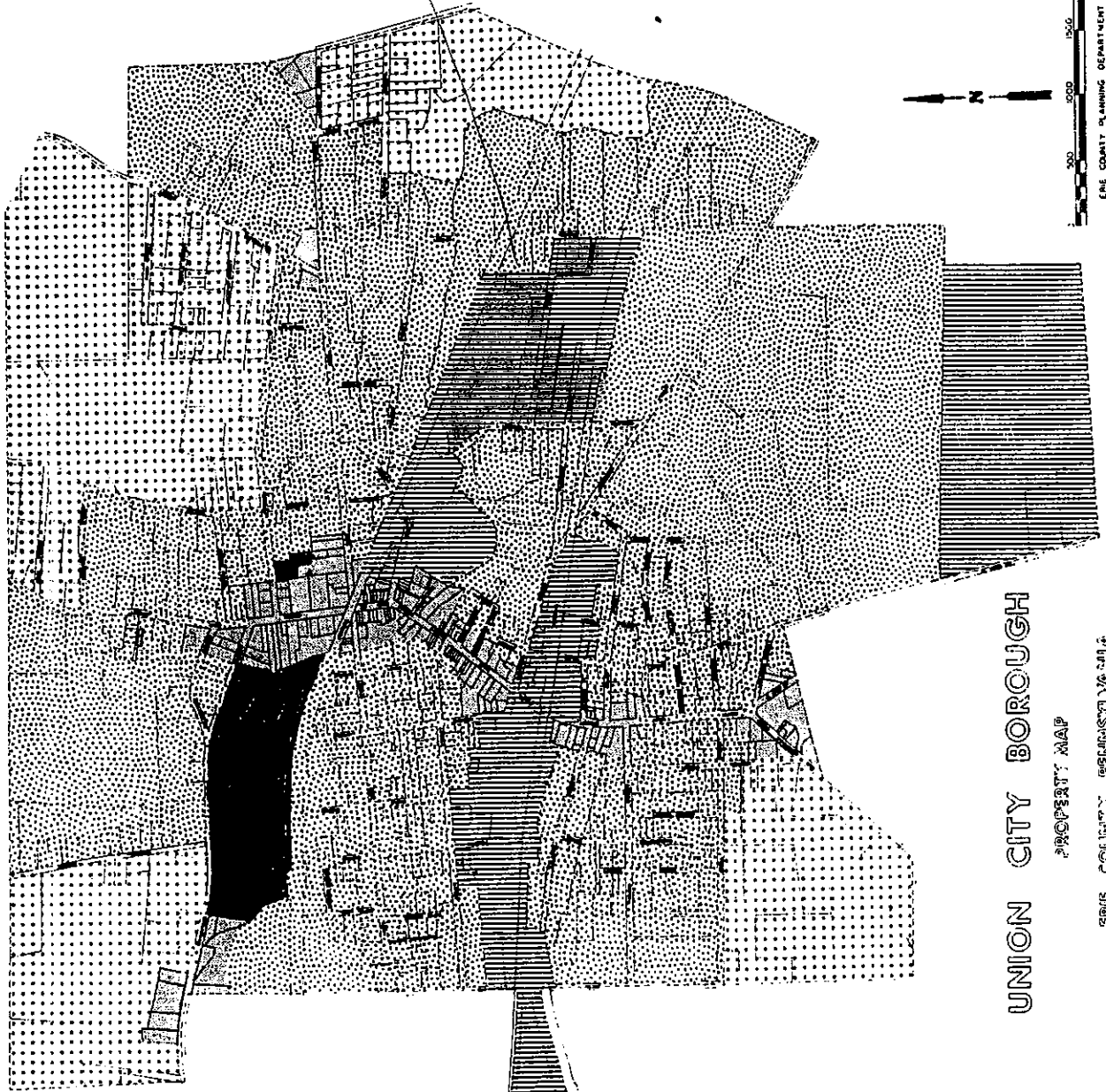
Map No. 6 PER 1991/5 SEPT 2008

- R-1 SUBURBAN RESIDENTIAL
- R-2 URBAN RESIDENTIAL
- B-1 GENERAL BUSINESS
- B-2 LIGHT INDUSTRIAL



for reference only

R-2 effective 12-10-02



ERIE COUNTY PLANNING DEPARTMENT
MAY 1988

UNION CITY BOROUGH

PROPERTY MAP

ERIE COUNTY, PENNSYLVANIA

APPROVAL PAGE

Recommendation of Approval by the Union Area Regional Planning Commission this 3rd day of DECEMBER, 1986.

James M. Carter VICE.
Planning Commission Chairman

Approved and adopted by the Borough Council of Union City Borough this 2nd day of DECEMBER, 1986.

Henry J. Wisniewski
Council President

ATTEST: *Robert Ferringer*
Mayor

ATTEST: *Richard Pusce*
Borough Secretary