



Union City Borough Zoning Ordinance

1987

TABLE OF CONTENTS
ZONING ORDINANCE
UNION CITY BOROUGH

	<u>Page No.</u>
Article 1 - General Provisions	
Section 101 Title	1
Section 102 Effective Date and Repealer	1
Section 103 Definitions	1
Section 104 Compliance	1
Section 105 Severability	1
Section 106 Conflict	2
Section 107 Purpose and Authority	2
Section 108 Community Development Objectives	2
Section 109 Municipal Responsibility and Liability	3
Article 2 - Definitions	
Section 201 General	4
Section 202 Definitions	4
Article 3 - Establishment of Districts	
Section 301 Zoning Map	12
Section 302 Zoning Districts	12
Section 303 District Boundaries	12
Section 304 District Regulations	12
Section 305 Comprehensive Plan	12
Article 4 - District Regulations	
Section 401 General	13
Section 402 R-1 District	13
Section 403 R-2 District	14
Section 404 B-1 District	14
Section 405 B-2 District	16
Section 406 F-i District	17
Section 407 Lot Size, Area, Height Regulations and Yard Requirements Table	18
Section 408 Permitted Use and Special Exception Use Table	19
Article 5 - Regulations Supplementing District Regulations	
Section 501 Application of Lot, Area, Height and Yard Requirements	20
Section 502 Non-Conforming Uses and Structures	21

	<u>Page No.</u>
Section 503 Existing Lots of Record	22
Section 504 Walls, Fences or Screening	22
Section 505 Garage Sale	23
Section 506 Off-Street Loading and Parking	23
Section 507 Solid Waste Disposal Facility	26
Section 508 Service Station and Other Drive-In Facilities	26
Section 509 Junkyard	26
Section 510 Temporary Structure	27
Section 511 Performance Standards	27
Section 512 Mobile Home and Mobile Home Park	28
Section 513 Sign	29
Section 514 Home Occupation	30
Section 515 Water Recreation and Storage Area	30
Section 516 Residential/Commercial Structures	31
Section 517 Business Service	31
Section 518 Substantial Completion	31
Section 519 Flood Plains	32
Section 520 Agriculture	32
 Article 6 - Administration, Enforcement and Appeals	
Section 601 Zoning Officer	33
Section 602 Duties of the Zoning Officer	33
Section 603 Zoning Certificate	33
Section 604 Building Permit	34
Section 605 Violations	34
Section 606 Appeals	34
 Article 7 - Zoning Hearing Board	
Section 701 General	35
Section 702 Functions	35
Section 703 Reasonable Conditions and Safeguards	37
Section 704 Hearings	39
Section 705 Appeal From Board's Decision	39
 Article 8 - Amendments	
Section 801 General	40
Section 802 Petitions	40
Section 803 Referral	40
Section 804 Action	40
Section 805 Curative Amendment	40
 Approval Page	 41
Reference Zoning Map	42

ZONING ORDINANCE

**BOROUGH OF UNION CITY
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 910

An Ordinance dividing Union City into various zoning districts and regulating the construction, alteration and use of buildings or land within each such district:

BE IT HEREBY ORDAINED by the Council of Union City Borough, Erie County, Pennsylvania:

ARTICLE 1 - GENERAL PROVISIONS

Section 101. TITLE

The official title of this Ordinance is "The Union City Borough Zoning Ordinance".

Section 102. EFFECTIVE DATE AND REPEALER

This Ordinance shall take effect on January 1, 1987. This Ordinance repeals the original zoning ordinance adopted in 1964 and all amendments thereto.

Section 103. DEFINITIONS

Certain words or terms that appear in this Ordinance are defined in Article 2.

Section 104. COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged, nor shall any structure or land be used or designed to be used except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certifications required by this Ordinance.

Section 105. SEVERABILITY

If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

Section 106. CONFLICT

Whenever there is a difference between minimum standards or dimensions or provisions specified herein and those contained in other regulations, resolutions or ordinances of Union City Borough, the most restrictive and/or the highest standards shall govern.

Section 107. PURPOSE AND AUTHORITY

This Ordinance is adopted by virtue of the authority vested in the Borough and set forth in the Pennsylvania Planning Code for the purpose of protecting the public health, safety, morals and general welfare.

Section 108. 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 objective of the Union Area Comprehensive Plan Update adopted in 1985. The specific objectives upon which this ordinance have been based include the following:

- 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.
- To encourage future land development to compliment a logical, harmonious and efficient pattern of future Borough growth.
- To encourage future residential use to occur in harmonious arrangement within compact neighborhood units.
- To preserve strategic properties suitable for industrial development for the establishment of suitable diversified industry in the Borough.
- 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.

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

Section 109. MUNICIPAL RESPONSIBILITY AND LIABILITY

The provisions within this Ordinance are designed to fulfill the objectives cited in Section 108. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and land owners in Union City Borough is considered reasonable for regulatory purposes in the various zoning districts. This Ordinance does not imply that compliance with the minimum requirements or that land uses permitted within such districts will be free from inconvenience, conflicts, danger or damages. Therefore, this Ordinance shall not create liability on the part of individual members of the Borough Council or any officer, appointee or employee of Union City Borough for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE 2 - DEFINITIONS

Section 201. GENERAL

Words used in the present tense include the future; the singular includes the plural, and the plural includes the singular; and the word "shall" is mandatory and not permissive. The word "used" shall be deemed also to include designed, intended or arranged to be used.

Section 202. DEFINITIONS

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

AGRICULTURE: Any agriculture use, as herein defined: including farming, horticulture, floriculture, viticulture, and forestry including the harvesting of timber. It shall exclude all animal and poultry raising/husbandry.

ALLEY: A passage or way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

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

AREA: Area of lot or site calculated from dimensions derived by horizontal projections of the site.

BASEMENT: A story having more than 50% of its clear height below the average level of the surrounding ground but with a floor elevation below grade. A basement shall be counted as 1/2 story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for a dwelling unit.

BILLBOARD: A sign other than one indicating a business conducted on the premises; a sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either freestanding or attached to a surface of a building or other structure.

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

BOARDING, ROOMING, TOURIST OR LODGING HOUSE: A building where

lodging is provided, for compensation, for three or more persons. (See Rooming House).

BOROUGH COUNCIL: The Union City Borough Council, Union City Borough, Erie County, Pennsylvania.

BUILDING: A roofed structure enclosed by walls, columns, or piers for the shelter, housing or enclosure of persons, goods, materials or animals.

BUILDING HEIGHT: The vertical distance from the average elevation at grade level, to the highest point of the deck of a flat roof or mansard roof, or to the mean height between the eaves and the ridge for gable, hip and gambrel roofs.

BUILDING PERMIT: The written authorization issued by the Building Inspector to permit the construction of a building or structure in accordance with this Ordinance and/or other ordinances and regulations of the Borough.

BUILDING OR SET-BACK LINE: Imaginary line parallel to or concentric with the nearest right-of-way line and which is located at the set-back distance from the street right-of-way line, said line being a boundary or limit beyond which no permanent part of a building shall project.

BUSINESS SERVICE: Any mobile sales business activity which renders service to any portion of the Borough of Union City.

CAMPGROUND: A camp or park providing sites exclusively for temporary use of travel trailers, motor homes or tents.

CARTWAY: That portion of a road which is paved, graded or improved for travel by vehicles within a dedicated right-of-way.

CHURCH: An establishment designed and intended for religious instruction or public worship and is designated as tax exempt property by the Erie County Tax Assessment Office.

CLINIC: Any establishment where human patients are examined and treated by doctors and other licensed professionals, but not hospitalized overnight.

CLUB: An establishment operated for social, recreational, or educational purposes but open only to members and invited guests and not the general public.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of residential development other than the standard subdivision configuration, not including streets, off-street parking areas, and areas set aside for public facilities.

CONDITIONAL USE: A use which is subject to conditional approval by the Borough Council under certain terms, procedures, and conditions, after review and recommendation by the Borough Planning Commission. This ordinance does not contain conditional uses.

COMMERCIAL: Retail and wholesale establishments, professional offices, lending institutions and food services engaging in an activity for profit.

COVERAGE: That percentage of the lot area covered by principal and accessory use structures.

DENSITY: The number of families that may be housed on a lot or group of lots divided by the area in acres of the lot or group of lots computed exclusive of any portion of a road right-of-way.

DEVELOPER: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DRIVE-IN FACILITY: A commercial business that provides service to the occupants of a vehicle from a window, booth, or other structure designed to provide such service without the occupants leaving the vehicle. This shall include, but not be limited to, such establishments as drive-in banks, restaurants, laundries, and service stations. Also included in this category are automobile washing facilities that are designed to allow the vehicle to be driven or propelled through a wash bay.

DWELLING: Any building designed or used as a permanent or temporary living quarters for human habitation.

DWELLING, MULTI-FAMILY: A building or portion thereof designed for or occupied by three (3) or more families living independently of each other with separate living, cooking, sanitary and entrance facilities for each.

DWELLING, SINGLE-FAMILY: A detached building arranged or used for occupancy by one family. Only one dwelling permitted on each lot of record.

DWELLING, TWO-FAMILY: A building or portion thereof designed for or occupied by two (2) families, living independently of each other with separate living, cooking, sanitary and entrance facilities for each.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Borough of Union City.

ESSENTIAL SERVICES: The erection, construction, alteration or

maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare.

FAMILY: Any individual, or two (2) or more persons related by blood, marriage or adoption or foster placement plus domestic servants, occupying a dwelling, living together and maintaining a common household.

GARAGE, PARKING: A building or part thereof, other than a private garage, used for the storage of motor vehicles for rental purposes or where any such vehicles are kept for hire.

GARAGE, PRIVATE: An accessory building or part of a main building used primarily for the storage of motor vehicles as an accessory use by members of the family or families housed in the building to which such garage is accessory.

GARAGE, REPAIR (See SERVICE STATION:) Premises where motor vehicles are serviced and repaired, including mechanical overhaul and body work.

GARAGE SALES (includes yard, patio and similar residential sales:) A private non-continuous sale of surplus used household goods which is held on the premises in a District not zoned for commercial sales.

HEAVY INDUSTRIAL: A manufacturing facility which emits or produces discernible levels of electrical disturbance, noise, smoke, odors, air pollution, glare, erosion or water pollution onto neighboring properties, but which shall be in compliance with U.S. Environmental Protection Agency and Pennsylvania Department of Environmental Resources standards and permit procedures.

HOME OCCUPATION: Any business use customarily carried on entirely within a dwelling by occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and which does not change the residential character thereof.

HOTEL OR MOTEL: A building containing rooms which are used, rented or hired out to guests for sleeping purposes, and where only a central kitchen and dining room can be provided within the building for guests and the general public and provides separate sanitary facilities.

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 leasee, if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

LIGHT INDUSTRIAL: A manufacturing facility which does not transmit and shall not produce discernable levels of electrical disturbance, noise, smoke, odors, air pollution, glare, erosion or water pollution onto neighboring properties.

LOADING SPACE: A portion of a lot usable for the loading or unloading of motor vehicles.

LOT: Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory building, together with such open spaces as are required under the provisions of this Ordinance having not less than the minimum area and width required by Article 4 for a "lot" in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT, AREA OF: The total horizontal ground area of a lot computed exclusive of any portion of the right-of-way of any public or private thoroughfare, street, road, alley or easement of access of use; but including any easement for essential services.

LOT, CORNER: A lot at the junction of and fronting on two or more intersecting street rights-of-way.

LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

LOT, WIDTH OF: The horizontal distance between the side lot lines measured along the front set-back line.

LOT OF RECORD: Any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Erie County prior to the effective date of this Ordinance.

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one 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. A travel trailer or motorized home, as defined herein, shall be construed as a mobile home if occupied or connected with utilities.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

NON-CONFORMING STRUCTURE: Means a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

NON-CONFORMING USE: Means a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of annexation.

OFF-STREET PARKING SPACE: A private parking space, whether or not enclosed, located off the sidewalk and right-of-way of any public or private road.

OPEN SPACE: Any area of land which is predominantly free of structures.

OUTDOOR COMMERCIAL RECREATIONAL USES: Uses for recreation purposes for a profit which are predominantly outside activities, such as golf courses, softball, tennis, football, outside swimming, and shall include miniature golf, driving ranges, go-kart tracks, and horseshoe pits.

PENNSYLVANIA PLANNING CODE: Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, and amendments to same as have been, or may be, adopted from time to time.

PERMITTED USE: Any use of land and/or structure(s) in a district which is in conformity with the provisions of this Ordinance.

PERSONAL SERVICE: Any enterprise conducted which primarily offers services to the general public, such as: shoe repair, valet

service, watch repairing, barber shops, beauty parlors, funeral homes and related activities.

PLANNING COMMISSION: The Union Area Regional Planning Commission, Union City Borough and Union Township, Erie County, Pennsylvania.

PROFESSIONAL OFFICE: The use of offices and related spaces for professional services as are provided by a physician, dentist, teacher, attorney, architect, engineer, surveyor, accountant, banker, insurance or real estate agent, or similar professions.

PUBLIC GARAGE: A building, not a private garage, used for storage, repair or parking of motor vehicles.

PUBLIC GROUNDS: Includes parks, playgrounds and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICE: Notice published once each week for two successive weeks in a newspaper of general circulation in Union City Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

RENEWABLE ENERGY SOURCE: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

ROOMING HOUSE: A building containing rooms which are used, rented or hired out to guests for sleeping purposes and where only a central kitchen and dining room are provided within the building for guests and provides common sanitary facilities.

SERVICE STATION: A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. They may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication supplying of other incidental customer services and products, but shall not include major auto body repairs.

SIGN: Any structure or device to attract attention by words or graphic display.

SPECIAL EXCEPTION USE: A modification of the regulations of the Zoning Ordinance which the Board is permitted to authorize in specific instances listed in this Ordinance under the terms,

procedures, and conditions prescribed herein.

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.

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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

SUPPLY YARD: An industrial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling, or storage of automobiles and similar vehicles.

TRAVEL TRAILER: A recreational vehicle, with wheels, designed for overnight occupancy or camping purposes, capable of being towed by a passenger vehicle.

TRUCK OR FREIGHT TERMINAL: A facility to accommodate the service, repair and storage of trucks and other motorized equipment, and may provide warehousing activities.

VARIANCE: A departure from the strict letter of the Zoning Ordinance as it applies to specific properties as authorized by the Board in accordance with the provisions of this Ordinance.

YARD, FRONT: An open space extending the full width of the lot between the building and the road right-of-way line.

YARD, REAR: An open space extending the full width of the lot between the building and the nearest side lot line.

ZONING CERTIFICATE: The written authorization issued by the Zoning Officer for the use of land, or buildings, or other structures.

ZONING MAP: The map containing the zoning districts of the Borough of Union City, Erie County, Pennsylvania, together with all amendments subsequently adopted. The Official Zoning Map shall be kept on file at the Borough Office. A copy of that map accompanies this Ordinance for reference only.

ZONING OFFICER: The Zoning Officer or authorized representative, appointed by the Union City Borough Council, Borough of Union City, Erie County, Pennsylvania.