UNION CITY BOROUGH
ERIE COUNTY, PENNSYLVANIA

ORDINANCE NO. 1180

AN ORDINANCE OF UNION CITY BOROUGH AMENDING BOROUGH ORDINANCE NO. 1118, GENERALLY KNOWN AS THE ZONING ORDINANCE, REGULATING THE CONSTRUCTION OF FREE STANDING WALLS IN FRONT YARDS AND PROHIBITING WALLS FROM BEING USED IN LIEU OF A FENCE; REGULATING THE SETBACK REQUIREMENTS FOR WALLS AND AMENDING THE PERMITTED USE TABLES TO PERMIT KENNELS TO OPERATE IN BASEMENTS AS SPECIAL EXCEPTIONS IN C-1 DISTRICTS; AND PROVIDING FOR A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on or about May 22, 2018, the Borough Council of the Union City Borough (the "Borough") adopted Ordinance No. 1118, and has subsequently adopted Ordinances amending Ordinance 1118 as appropriate from time to time, these Ordinances collectively are known as the Union City Borough Zoning Ordinance (the "Zoning Ordinance"); and

WHEREAS, the Borough Council has the power and duty to enact ordinances that promote the health, safety, and general welfare of the residents and visitors, including zoning ordinances; and

WHEREAS, the Borough Council desires to amend the Zoning Ordinance to prohibit the construction of free standing walls in front yards, and to prohibit the use of walls in lieu of fences, as the construction of such walls detracts from the residential character of the Borough's neighborhoods; and

WHEREAS, the Borough Council also wishes to permit the operation of Kennels in the basement of buildings located in C-1 Districts by Special Exception; and

WHEREAS, the Borough Council believes that these amendments are in the best interest of the citizens and residents of the Borough.

NOW THEREFORE, this 15th day of September 2025, be it enacted and ordained by the Borough Council of the Union City Borough, Erie County, Pennsylvania, as follows:

1. Recitals. The recitals set forth above are incorporated herein as if more fully set forth.

2. Amendment of Section 701.02. That Section 701.02 of the Zoning Ordinance, entitled "Fences and Walls" be amended in applicable part through the inclusion of the underlined terms and deletion of the terms struck out as follows:

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 or as attached to, or as a part of, a structure, shall not be permitted in front yards and may never be permitted to be used in lieu of a fence. ~~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 height of walls ~~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.

~~4.~~ A wall may be built where permitted 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 wall is to be built or the neighboring property owner has provided express written approval for the placement of the wall 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, the wall must be built with a minimum setback of two (2) feet from a lot line.

3. Amendment of Section 505. That Section 505 of the Zoning Ordinance, entitled "District Use Table" be amended in through the inclusion of the underlined terms under the entry of "Kennels", as follows:

Key:	P = Permitted Use SE = Special Exception	R-1	R-2	RLB	C-1	C-2	I-1
Non-Residential Uses							
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	
Hotels and Motels				P	P	
Houses of Worship	SE	SE	SE	SE	SE	SE
Industrial Parks						SE
Kennels				SE*	P	P
Laundry and/or Dry Cleaning Establishment (Industrial)						P
Libraries, Museums and Art Galleries	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
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
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
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

* Kennels permitted by Special Exception only in the basement of structures in C-1 districts.

4. Repealer. Any Ordinances, rules, or resolutions, or parts of Ordinances in conflict herewith are hereby repealed.

5. Severability. The provisions of this Ordinance are severable. If any sentence clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

6. Effective Date. This Ordinance shall become effective immediately upon its approval by the Mayor or as soon as may be otherwise permitted by applicable law.

DULY ENACTED AND ORDAINED this 15th day of September 2025, by the Borough Council of the Union City Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Cindy Wells, Borough Manager

Riley Cross, President

APPROVED

Mayor

I certify that the above is a true copy of the Union City Borough, Erie County, Pennsylvania, Ordinance No. 1180, adopted by the Union City Borough Council on September 15th, 2025, and advertised in the Corry Journal on August 29th, 2025, and September 5th, 2025.

Cindy Wells, Borough Manager

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