Union Township Zoning Ordinance

As Amended January 4, 2021

As Amended May 14, 2024

As Amended September 25, 2025

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Prepared By:

The Union Area Regional Planning Commission

Assisted by

The Erie County Department of Planning

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

103 Effective Date

This ordinance shall take effect upon its enactment by the Union Township Board of Supervisors.

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

The objectives of this Ordinance shall be to promote the health and welfare of the municipality by providing for the most efficient use of the land and open space, the location and use of structures , the creation of public grounds and facilities, the orderly growth of the community, the preservation of agricultural and farmland considering topography, soil type and classification and present use, the orderly development of sub-surface minerals and other resources and to prevent the overcrowding of land and the inappropriate use of structures and open space. This Ordinance is also intended to implement the goals and objectives of the Union Township portion of the Union Area Comprehensive Plan Update completed in 1985, as amended.

106 Applicability

A. This Zoning Ordinance shall apply throughout Union Township.

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 or 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 the health, safety, morals and general welfare of Union Township. 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. 1987, 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 Township 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.

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 Solar Energy System (ASES): Defined in Section 1103.03.

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 more than 40 percent of its stock-in-trade, floor area, or display area used for the sale or rental of books, magazines, publications, tapes, or films that are distinguished or characterized by the emphasis on sexually oriented material depicting, describing, or relating to sexual activities or anatomical genital areas.

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: A building used for presenting films distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

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.

Agricultural Related Business: Businesses selling goods or services to a substantially agricultural clientele, including feed mills, seed sales, feed grinding services, and farm machinery sales and services.

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; 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 greenhouse products; or lands devoted to a soil conservation or forestry management program.

Aircraft, Ultralight: A vehicle that has only one seat, is used only for recreational or sport flying, does not have a U.S. or foreign airworthiness certificate, weighs less than 155 pounds if unpowered, and weighs less than 254 pounds if powered. Regulation of ultralight aircraft is covered by the Code of Federal Regulations Title 14 (Federal Aviation Regulations) Part 103 (or 14 CFR Part 103).

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

Airport, Ultralight: A place where ultralight aircraft can land and take off.

Airstrip, Private: An airfield consisting of one or more runways for the private, personal use of the individual(s) living on or owning the premises.

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 (Communications 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.

Architecturally Compatible (or Compatible Design): The visual relationship between adjacent and nearby buildings and the immediate streetscape, in terms of a consistency of materials, colors, building elements, building mass, and other constructed elements of the urban environment, such that abrupt of severe differences are avoided.

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.

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 Township of Union, 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 pubic 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.

Boarding Stable: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises may receive compensation.

Board of Supervisors: The Board of Township Supervisors, Union Township, 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 Inspector: An individual designated by the appointing authority to enforce the provisions of the building code. Includes code enforcement officer or zoning administrator.

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 (Collocate): 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.

Communications Antenna (Antenna): Defined in Section 1101.01.

Communications Tower: Defined in Section 1101.01.

Community Center: A facility used for recreational, social, educational, and cultural activities.

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 Union Township, 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.

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.

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, Rural Residential District; and R-2, Suburban 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.

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.

Equine Animal: An animal of or belonging to the family Equidae, which includes horses, asses and zebras.

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. 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.

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 greenhouse, and may also include the sale of bulk stone, bark and other materials.

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 Board of Supervisors of Union Township, 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: 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 or for personal enjoyment.

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 a s 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.

Hub Height: Defined in Section 1102 (A).

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

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".

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, 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 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.

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

Medical Marijuana: Marijuana for a certified medical use as legally permitted by the Commonwealth of Pennsylvania Medical Marijuana Act (PA Act 16 of 2016).

Medical Marijuana Dispensary: A dispensary which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

Medical Marijuana Grower/Processor: A grower/processor which holds a permit issued by the Pennsylvania Department of Health to grow and process medical marijuana.

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.

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.

Motor Vehicle: See Vehicle, Motor

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 Township of Union, 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.

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-Participating Landowner: Defined in Section 1102 (A).

Non-Residential District: See District, Non-Residential

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.

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.

Occupied Building: Defined in Section 1102 (A).

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.

Off-site Commercial Message: Defined in Section 902.

Official Traffic Sign: 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.

Overlay Zone: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

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: 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 Solar Energy System (PSES): Defined in Section 1103.03.

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."

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.

Riding Academy: An establishment where horses are boarded and cared for and where instruction in riding, jumping, and/or showing is offered and where horses may be hired for riding.

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.

Sanitary Landfill: Any facility, fully permitted by the Pennsylvania Department of Environmental Resources, used for the purpose of disposing of solid wastes of an industrial, commercial or domestic nature.

Sawmill: A place or building in which timber is sawed into planks, boards, etc. by machinery.

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.

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.

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.

Slaughterhouse: A building or place where animals are butchered for food.

Solar Array: Defined in Section 1103.03.

Solar Cell: Defined in Section 1103.03.

Solar Energy: Defined in Section 1103.03.

Solar Energy System, Accessory: See Accessory Solar Energy System (ASES). Defined in Section 1103.03.

Solar Energy System, Principal: See Principal Solar Energy System (PSES). Defined in Section 1103.03.

Solar Module: Defined in Section 1103.03.

Solar Panel: Defined in Section 1103.03.

Solar Related Equipment: Defined in Section 1103.03.

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 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.

State Game Lands: Lands owned and managed by the PA State Game Commission for wildlife and recreation. Lawful hunting and trapping are permitted during open seasons on these public hunting grounds.

Stealth Technology: Defined in Section 1101.01.

Stockyard: An enclosure with pens, sheds, etc., connected with a slaughterhouse, railroad, market, etc., for the temporary housing of cattle, sheep, swine, or horses.

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.

Supervisors: The Board of Township Supervisors, Union Township, Erie, County, Pennsylvania.

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 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.

Tannery: A place or building where animal skins and hides are tanned.

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.

Township: The Township of Union, Erie County, Pennsylvania.

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.

Turbine Height: Defined in Section 1102 (A).

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, Motor: A self-propelled device licensed as a motor vehicle and used for transportation of people or goods over roads.

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.

Wind Energy Conversion System: Any device, such as a wind turbine, which converts wind to a form of usable electric energy.

Wind Energy Facility: Defined in Section 1102 (A).

Wind Turbine: Defined in Section 1102 (A).

Wind Turbine, Small: Defined in Section 1102 (A)

Wireless: Defined in Section 1101.01.

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

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

Wireless Communication Facility, Small: 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 Board of Supervisors.

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 Board of Supervisors 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 billboards or signs that require approval of a special exception. (See Section 903 A).
H. Any temporary use and/or structure that requires a zoning permit under Section 302.03 of this Ordinance.

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. Fences and walls
J. Signs, except for billboards or signs requiring approval of a special exception (See Section 903 A)
K. Accessory buildings not exceeding 175 square feet, not exceeding 10 feet in height, and not having a permanent foundation, subject to the following:
    1. Within the R-2 Suburban Residential District, there shall be a limit of 2 such buildings, and the total, combined square footage of the buildings shall not be greater than 300 square feet.

L. 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 require any zoning permit. Examples of temporary structures are carports, picnic shelters and rollout portable awnings. Temporary structures shall still meet the setback requirements of this Ordinance for the district in which the temporary structure is located.

M. Roof mounted cupolas and roof mounted wind turbines.

N. Accessory Solar Energy Systems (ASES) with an aggregate collection and/or focusing area of 100 square feet or less.

O. Small wireless communications facilities, as defined by this ordinance.

P. WiFi antennas which are designed for personal or private use; private residence mounted satellite dishes or television antennas; or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Q. The following temporary uses do not require a zoning permit:
    1. Christmas tree sales conducted on properties located within the B-1 or B-2 Business Districts between Thanksgiving Day and December 25th.
    2. Mobile amusement and lighting equipment for promotion, advertisement and grand openings on properties located in the B-1 or B-2 Business Districts for events not exceeding five (5) days in duration.
    3. Temporary storage units, subject to the requirements of Section 705.01.
    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 705.02 (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 B-1 or B-2 Business 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 less than 180 consecutive days or 180 days within a calendar year. Unless specifically stated otherwise in this ordinance, the period of occupancy shall not exceed 180 consecutive days or 180 days within a calendar year. The use must comply with all applicable requirements of Section 705.02 (Recreational Vehicles & Recreational Equipment). Such permit shall not be renewable. *Note: In accordance with Section 302.02 (N, 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 comply with all applicable requirements of this ordinance.
    b. Such stands shall be permitted for a period not exceeding 180 days in any one calendar year.
    c. Such stands must be removed upon expiration of the zoning permit for the temporary use or structure.

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, shall be submitted to a designated municipal employee.

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 Township Floodplain Ordinance, the application shall comply with all applicable requirements of the Union Township Floodplain 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 Township staff and/or Township 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 Board of Supervisors.

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 Township 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 Erie County 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 decisions made under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code (MPC). Such appeal shall occur within the time period established by the 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 one of the following has been issued:
    1. 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.
    2. In cases where no building permit is required under the UCC, a Certificate of Use and Occupancy has been issued by the zoning administrator.
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.

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

All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference.

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.
    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 municipality that a violation of this Ordinance has occurred, the municipality 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. Cause of Action: If the enforcement notice is not complied with, within the specified time period, the zoning administrator shall notify the Board of Supervisors. With the consent of the Board of Supervisors, the municipal solicitor or other officer of the municipality may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent in or about such premises, any act, conduct, business or use constituting a violation.
5. Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under Section 305 (B, 6).
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 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 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 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 Board of Supervisors 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 Board of Supervisors 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 Board of Supervisors.

307 Amendments

A. Power of Amendment: The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the zoning map as proposed by a member of the Board of Supervisors, the Union Area Regional Planning Commission, or by a petition of a person or persons residing or owning property within the Township.
B. Petitions: Petitions for amendment shall be filed with the Board of Supervisors and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a schedule affixed by resolution by the Board of Supervisors.

C. Referral: Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the Union Area Regional Planning Commission and the Erie County Planning Commission shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the Union Area Regional Planning Commission and the Erie County Planning Commission.

D. Action:
   1. Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same can be examined, and shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the zoning map, notice of the public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
   2. In addition to the requirement that notice be posted where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. Notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
   3. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

E. Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of a 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 Board of Supervisors with a written request that his/her challenge and proposed amendment be heard and decided as provided in the Pennsylvania Municipalities Planning Code.

308 Zoning Hearing Board

308.01 Creation of the Board

A Zoning Hearing Board shall be created for the purpose of reviewing applications for variances or exceptions to this Zoning Ordinance and deciding whether there is a legitimate reason for granting relief or exception to a specific provision or provisions of this Ordinance when requested. It shall be created and maintained in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended, perform duties, and exercise all powers vested in it by the provisions of said Act.

308.02 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, 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 and 916.1(a)(2) 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 and Section 308.06 of this Ordinance.
E. Applications for special exceptions under this Ordinance or the floodplain ordinance.
F. Appeals from the zoning administrator's determination under Section 916.2 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 Board of Supervisors 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, 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.

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 shall be filed by the landowner 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.

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 be allowed to expand, extend or enlarge. All extensions, expansions and enlargements of lawful nonconforming uses and structures shall be reviewed by the zoning administrator to determine compliance with the following standards:
   1. Any extension, expansion or enlargement of a nonconforming building shall not exceed 50% of the total gross floor area of the nonconforming building from the time it became nonconforming.
   2. Any extension, expansion or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located.
   3. Extension along a Nonconforming Setback: If an existing structure has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the structure out to the nonconforming side or rear setback line, provided that:
      a. The structure shall not be extended beyond the existing nonconforming setback line.
      b. No additional nonconformity shall be created.
      c. The new nonconforming extension shall not be greater than 25% of the existing gross floor area.
      d. All other requirements of this Section are met.
      e. Such addition shall not be permitted for a non-residential building or structure that abuts an existing residential use or residential district.
   4. All required loading and/or parking spaces for any expansion or enlargement shall comply with the requirements of this Ordinance.
   5. Any extension, expansion or enlargement of a nonconforming structure or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the nonconforming building or use.
   6. Expansions, extensions or enlargements of a nonconforming sign shall be prohibited.
   7. The intensity of a nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc) shall not be increased.

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

Article 5 Zoning Districts & Use Tables

501 Designation of Districts

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

A-1 Agricultural District
R-1 Rural Residential District
R-2 Suburban Residential District
B-1 Business District
B-2 Business 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 Township 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.

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 A-1 Agricultural District

The purpose of the A-1 Agricultural Zoning District is to permit, protect and encourage the continued use of land for agricultural uses. The intent is to conserve pieces of land large enough to allow for efficient farm operations and associated enterprises, protect groundwater resources and provide for the conservation of environmentally sensitive areas. Those areas designated Agricultural Zoning are to be used primarily for agriculture purposes and limited residential, non-residential and accessory uses in general conformance with the current Union Area Comprehensive Plan.

504.02 R-1 Rural Residential District

The purpose of the R-1, Rural Residential Zoning District is to accommodate low density, residential growth within Union Township. Those areas designated R-1 Rural Residential are to be used primarily for low density residential, and associated public, institutional and recreational uses, in general conformance with the Union Area Comprehensive Plan.

504.03 R-2 Suburban Residential District

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

504.04 B-1 Business District

The purpose of the B-1 Business District is to provide land for a variety of commercial, institutional, and light industrial uses within Union Township. Although the primary purpose of the district is to provide for the previously stated uses, a variety of residential uses are also permitted within this district. Heavy commercial, heavy industrial and other high impact uses are excluded in order to limit undesirable or incompatible situations and/or conflicts between land uses within this district.

504.05 B-2 Business District

The purpose of the B-2 Business District is to provide land for commercial, institutional, and industrial uses, including heavy commercial, heavy industrial and other high impact uses. Although the primary purpose of the district is to provide for the previously stated uses, a variety of residential uses are also permitted within this district.

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 (approved by zoning administrator)** **SE = Special Exception (approved by Zoning Hearing Board)**	**A-1**	**R-1**	**R-2**	**B-1**	**B-2**
Residential Uses						
Single-Family Detached Dwellings		P	P	P	P	P
Single-Family Attached Dwellings			P	P	P	P
Two-Family Dwelling		P	P	P	P	P
Multiple-Family Dwelling (3 to 4 units)			P	P	P	P
Multiple-Family Dwelling (5 or more units)				SE	P	P
Mobile Home Parks (1002.15)			SE	SE	P	P
Assisted Living Facility				SE	P	P
Bed and Breakfast Inns		P	P	P	P	P
Boarding Houses and Group Quarters				SE	P	P
Accessory Uses						
Accessory Structures and Uses Customarily Incidental to Principal Use		P	P	P	P	P
Child Care, in Home (less than 4 children)		P	P	P	P	P
Drive Through Facilities for Commercial Uses					P	P
Home Based Business or Occupation (1002.11)		P	P	P	P	P
Roadside Stand for the Sale of Agricultural Products Grown on Site (1002.18)		P	P	P	P	P
Small Wind Turbines (see definition) (1002.26)		P	P	P	P	P
Accessory Solar Energy System (ASES) (1103.04)		P	P	P	P	P
Swimming Pools (private residential) (701.02)		P	P	P	P	P

Key:	P = Permitted Use (approved by zoning officer) SE = Special Exception (approved by Zoning Hearing Board)	A-1	R-1	R-2	B-1	B-2
Non-Residential Uses						
Agriculture (1002.02)		P	P	P	P	P
Agricultural Related Business (1002.03)		P			P	P
Adult Related Uses (1002.01)						SE
Airports, Heliports and Helistops		SE				SE
Ultralight Airports and Private Airstrips (1002.04)		SE				
Alternate Fuel Production						SE
Animal Shelter		P			P	P
Assembly or Finishing of Products					P	P
Auction House					P	P
Automobile/Vehicle Service and Repair Facilities (1002.05)					P	P
Banks/Financial Institutions					P	P
Brew Pub					P	P
Business Services					P	P
Campgrounds and Recreational Vehicle Parks (1002.06)		SE	SE		P	P
Car Wash Facilities					P	P
Cemeteries (1002.07)		SE	SE			
Child Day Care Center (1002.09)				SE	P	P
Child Day Care Home (Family) (1002.09)		P	P	P	P	P
Child Day Care Home (Group) (1002.09)		P	P	P	P	P
Commercial Recreation, Indoor					P	P
Commercial Recreation, Outdoor (1002.08)		SE			P	P
Communications Towers (used to deploy small wireless facilities (see definition) and/or towers not exceeding 50 feet in height)		P	P	P	P	P
Communications Towers (greater than 50 feet in height, and not used to deploy small wireless facilities) (1101)		SE	SE	SE	SE	SE
Contracting Operation					P	P
Convenience Store/Automotive Fueling Station					P	P
Day Care Center for Adults (1002.09)					P	P
Distilleries, Breweries					SE	SE
Distribution Centers						P
Dry Cleaning, Laundry Services and Laundromats					P	P
Emergency Medical Treatment Facility					P	P
Emergency Services Stations		SE	SE	SE	P	P
Essential Services, Class 1		P	P	P	P	P
Essential Services, Class 2 (1002.10)		SE	SE	SE	SE	SE
Farmer's Market					P	P
Flea Market					P	P
Forestry		P	P	P	P	P
Funeral Homes, Mortuaries and Crematoriums					P	P
Garden Center					P	P
Golf Courses		P	SE	SE	P	P

Key: P = Permitted Use (approved by zoning officer) SE = Special Exception (approved by Zoning Hearing Board)	A-1	R-1	R-2	B-1	B-2
Heavy Industry/Manufacturing					SE
Hospitals				P	P
Hotels and Motels				P	P
Houses of Worship (1002.12)	SE	SE	SE	P	P
Hunting, Fishing, Skiing, and Boating Clubs or Resorts (1002.13)	SE	SE			
Industrial Parks					SE
Kennels	P			P	P
Laundry and/or Dry Cleaning Establishment (Industrial)					P
Libraries, Museums and Art Galleries	SE	SE	SE	P	P
Light Industry/Manufacturing				P	P
Manufactured/Mobile Home Sales Lot				P	P
Medical Laboratory and/or Clinic				P	P
Medical Marijuana Dispensary				P	P
Medical Marijuana Grower/Processor	P			P	P
Mineral Extraction, Sand and Gravel Pits (1002.14)	SE				SE
Municipal Buildings and Structures	P	P	P	P	P
Natural Gas Compressor Station	SE				SE
Natural Gas Processing Plant	SE				SE
Natural Gas, Oil and Gas Development	SE	SE		SE	SE
Nursing Homes				P	P
Offices (Medical, Dental, Business and Professional)				P	P
Parks and Playgrounds	P	P	P	P	P
Personal Services Establishments				P	P
Plant Nurseries and Greenhouses	P			P	P
Public Utility Buildings (106 C)	SE			P	P
Recycling Centers					P
Rental Services				P	P
Research Laboratory				P	P
Restaurants				P	P
Retail Business (20,000 square feet or greater) (1002.16)				SE	SE
Retail Business (less than 20,000 square feet)				P	P
Riding Academy or Boarding Stable (1002.17)	P	P			
Sanitary Landfills					SE
Sawmills (1002.19)	SE				SE
Schools		SE	SE	SE	SE
Scrap (Junk or Salvage) Yard (1002.20)					SE
Self-Storage Facilities (1002.21)			SE	P	P
Slaughter House, Stockyard or Tannery					SE
Social Clubs and Fraternal Organizations	SE			P	P
Principal Solar Energy System (PSES) (1103.05)	SE	SE			P
Solid Waste Processing and/or Disposal Facilities (1002.22)					SE
State Game Lands	P	P			
Target Range, Indoor (1002.23)	SE			SE	SE

Key:	P = Permitted Use (approved by zoning officer) SE = Special Exception (approved by Zoning Hearing Board)	A-1	R-1	R-2	B-1	B-2
Target Range, Outdoor (1002.23)		SE				
Taverns and Nightclubs (1002.24)					SE	SE
Transportation Terminal						P
Treatment Center/Pre-Release Detention Facility (1002.25)						SE
Truck and Heavy Equipment Sales, Service and Repair Services					SE	P
Vehicle Sales, Rentals and Service					P	P
Veterinary Clinics		P			P	P
Wholesale, Warehouse and Storage Facilities					P	P
Wind Energy Facilities (1102)		SE				SE
Wireless Communications Facilities, Non-Tower		P	P	P	P	P

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 (1)	Minimum Lot Frontage (2) (3)	Minimum Front Yard Setback (4)	Minimum Rear Yard Setback (6)	Minimum Side Yard Setback (5)	Maximum Building Coverage (7)	Maximum Height
A-1, Agricultural	1 acre	150 feet	50 feet	30 feet	30 feet	10%	45 feet
R-1, Rural Residential	1 acre	150 feet	50 feet	30 feet	15 feet	10%	45 feet
R-2, Suburban Residential	1 acre	75 feet	50 feet	30 feet	15 feet	20%	45 feet
B-1, Business	1 acre	75 feet	50 feet	15 feet	20 feet	50%	45 feet
B-2, Business	1 acre	75 feet	50 feet	25 feet	20 feet	50%	45 feet

Notes

(1) The minimum lot area shall be calculated exclusive of the public right-of-way. For lots served by public sewer, minimum lot area is 8,500 sq. ft. in R-1 and R-2, and 10,000 sq. ft. in the B-1 and B-2 districts.

(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 50 feet, measured at the right-of-way line. See Section 607 for minimum lot frontage requirement for a flag lot. For lots served by public sewer, the minimum lot frontage is 60 feet in R-1, R-2, B-1 and B-2.

(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 or 1/2 the height of the accessory building or structure, whichever is greater. For lots served by public sewer, the minimum side yard setback for a principal building or structure is 10 feet in R-1, R-2, B-1 and B-2.

(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 or 1/2 the height of the accessory building or structure, whichever is greater. For lots served by public sewer, the minimum rear yard setback for a principal building or structure is 10 feet in R-1, R-2, B-1 and B-2.

(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," or b) a street proposed to be dedicated to the municipality by the subdivision plan which created such lot.
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 Maximum Impervious Lot Coverage

Within the B-1 and B-2 Business districts, the maximum permitted lot coverage by an impervious surface(s) shall be seventy percent (70%).

607 Flag Lots

Flag lots shall be allowed in all districts, subject to the following:

A. Flag lots shall meet all requirements of the Erie County Subdivision and Land Development Ordinance.
B. Flag lots shall only be permitted for lots of one (1) acre or more in areas with public water and sewer availability; two (2) acres or more in areas with either water or sewer availability; and five (5) acres or more in areas without public water and sewer availability. However, in no case shall the lot area be less than the minimum lot area required by the underlying zoning district.

C. For residential developments, flag lots shall have a minimum lot frontage of fifty (50') feet measured at the street right-of-way line.
D. For non-residential developments, flag lots shall have a minimum lot frontage of sixty (60') feet measured at the street right-of-way line.
E. Flag lots shall not abut another flag lot, and "stacked" flag lots shall not be permitted, i.e. one lot behind a proposed or current (existing) flag lot.
F. The lot line where the narrow access corridor widens shall be considered the front lot line for applying setback requirements.
G. The lot minimum area, width and depth-to-width ratio requirements shall be based on the main portion of the lot and shall not include the access corridor.

608 Yard Adjustment Regulations

608.01 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: Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of either or both sidelines of a lot, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.

608.02 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 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 or 1/2 the height of the accessory building or structure, whichever is greater.
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 or 1/2 the height of the accessory building or structure, whichever is greater.

608.03 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 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.
H. Signs may be erected, altered and maintained within the required yard setbacks provided that they comply with the minimum setback requirements set forth in Section 903 (C) of this Ordinance.

609 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.
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 1101.02 for height limitations applicable to communications towers.
E. See Section 1102 for height limitations applicable to wind energy facilities.
F. All buildings and structures shall conform to any applicable regulations relative to objects affecting navigable air space.

610 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 every requirement is met for each use and each building. 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.

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. Mailboxes, newspaper boxes, fences, walls, birdhouses, flagpoles, and pump covers may be placed in any required front, side or rear yard.
D. Signs shall be erected, set, or placed in accordance with Article 9, Signs.
E. All accessory buildings and structures shall be erected, set or placed in accordance with adopted building codes
F. 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 Township or to a municipal authority or of the boundary of any stormwater detention or retention facility or like facility.

701.02 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, including any above-ground decking, shall not be located closer than 10 feet from the boundary of any public easement affecting the property.
C. 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 and Screening Requirements

702.01 General Requirements

The buffer 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, or screening plantings 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. Street lighting fixtures, when required for safety considerations, may 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 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 installation of the mobile home shall comply with the Commonwealth of Pennsylvania Uniform Construction Code.
C. 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.

705 Storage

705.01 Storage Units

The use of storage units, including those commercially known as "pods", the enclosed "containers" of a box trailer with or without wheels, former mobile homes, former buses or similar vehicles shall be permitted for temporary or permanent storage subject to the following:

A. The storage unit 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.
B. The use of enclosed "containers" of a box trailer with or without wheels, former mobile homes, former semi-rigs, former buses or similar vehicles as storage units shall be limited to a maximum of one (1) such storage unit per property. This restriction does not apply to "pods" or other, commercially available storage units.
C. Notwithstanding Section 705.01 (B), an unlimited number of storage units may be used for temporary construction storage during the period for which a valid building permit has been issued.

705.02 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, boats 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 705.02 (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 705.02 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 conform to all applicable yard setback requirements for an accessory structure within the zoning district in which the property is located.
C. Derelicts: Outdoor storage of recreational vehicles or recreational equipment which are not in a condition for safe and effective performance of the function for which they are intended or which can be made so at a cost not exceeding the value of the equipment in its existing state shall be limited to two such vehicles or equipment.

705.03 Parking & Storage of Unlicensed or Uninspected Motor Vehicles

A. No more than two (2) motor vehicles without current, valid license plates or with inspection stickers which are more than sixty (60) days beyond their expiration dates shall be permitted to be parked or stored in any zoning district, unless completely covered or unless stored within an enclosed building.
B. Notwithstanding Section 705.03 (A), in the event the parcel of land is unoccupied, then no motor vehicles without current, valid license plates or with inspection stickers which are more than sixty (60) days beyond their expiration dates shall be permitted to be parked or stored in any zoning district, unless completely covered or unless stored within an enclosed building.
C. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public streets.
D. Nothing in this section shall be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

705.04 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.
E. Any outside storage of more than fifty (50) used tires shall only be permitted as part of a municipality approved junkyard. Any outside storage of tires shall involve stacks with a maximum height of 15 feet and shall cover a maximum area of 400 square feet. Each stack of tires shall be located a minimum of seventy five feet (75') from all lot lines.

706 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

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 Board of Supervisors.
   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

707 Prohibited Uses

The following uses are prohibited in all districts within the municipality.

A. Dumps and dumping of any kind, other than solid waste landfill and composting, unless by the authority of or under the supervision of the municipality.

708 Encroachments into Rights-of-Way and Easement Areas

A. 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 permitted, unless authorized by the municipality or PennDOT, as is applicable.
B. No sign, display, fence, hedge, tree, 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.

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.

Land Use	Parking Required
RESIDENTIAL	
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.
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.

Land Use	Parking Required
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
AGRICULTURE	
Farmer's Market	(1) space per 200 square feet of retail sales area; minimum 3 spaces
Landscape Nurseries and Greenhouses	(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
Market or Auction House	(1) space per 100 sq. ft. of gross floor area, and (2) spaces per vendor
Retail sale of agricultural products produced on the premises; roadside stands	(1) space per 200 square feet of retail sales area; minimum 3 spaces
Riding Academy or Boarding Stable	1 space per 2 stalls, plus 1 space per 4 seats of spectator seating, plus 1 space for each non-resident employee.
COMMERCIAL	
Amusement, Entertainment, and Recreation:	
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

Land Use	Parking Required
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
Offices/Professional Uses:	
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
Retail Sales and Services:	
Pet grooming	1 per each 5 kennels; minimum of 3 spaces, plus 1 per employee on largest shift
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.

Land Use	Parking Required
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
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
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

Land Use	Parking Required
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 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	(1) space per 75 sq. ft. of gross floor area open to the public.
INDUSTRIAL	
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

Land Use	Parking Required
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
INSTITUTIONAL, EDUCATIONAL, SOCIAL AND RELIGIOUS	
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 6 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 3 beds, plus (1) space per 2 employees 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

Land Use	Parking Required
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
Schools:	
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.

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

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.

806 Joint Parking Facilities

A. Joint parking facilities shall be allowed in the B-1 and B-2 Business Districts.
B. Joint parking facilities shall be allowed subject to the following requirements:
    a. 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.
    b. 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.

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 Township 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 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. Driveways may not exceed a width of 24 feet at the right-of-way line, excluding driveway radii.
C. 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.

D. Any driveway intersecting with a State-owned road shall require a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
E. 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.
F. 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.
G. A driveway location shall be delineated on all plans / permits, as applicable.
H. 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.

809 Access Drive Regulations

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

A. 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.
B. Clear-Sight Triangle: Access drives shall be located and constructed so that a clear-sight triangle meeting the requirements of Section 605 is maintained.
C. Any access drive intersecting with a State-owned road shall require a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
D. 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.

810 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[1]
Bank	5 per drive-through window
Car Wash	4 per wash bay

[1] If there are separate order and pickup windows, four (4) for each shall be accepted.

811 Loading Area Requirements

A. 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.

B. 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.

C. 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.

D. 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.

E. In all districts, 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.

F. 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.

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

G. 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.

H. No off-street loading area shall be located within any building setback area and/or buffer area.

I. The following off-street loading area/space requirements for specific uses shall be provided as listed below:

Off-Street Loading Requirements		
Type of Use	**Number of Spaces Per**	**Gross Floor Area**
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 2 +1	First 2,000 square feet 2,000 to 10,000 square feet 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)

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:
   1. Notwithstanding any other section of this Ordinance, signs may be placed in any required front, side or rear yard.
   2. The minimum setback requirement shall meet the setback requirements in the table below. All portions of the sign, including overhangs, must meet minimum setback requirements.

Condition	Minimum Setback from Property Lines
Sign area of 32 sq. ft. or less	5 feet
Sign area greater than 32 sq. ft.	10 feet
Sign adjacent to residential property	10 feet

D. 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.
   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, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.

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.

E. 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.

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 A-1, Agriculture; B-1, Business; and B-2, Business districts. Billboards are prohibited in the R-1, Rural Residential and R-2, Suburban Residential 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. 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.

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 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 Township, unless the Township 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 Township 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 1,500 feet of a school.
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

Agricultural uses shall be subject to the following criteria:

A. Except in an A-1 Agricultural District, 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.
B. 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 300 feet of an existing residential dwelling on adjoining property.
C. All manure management practices and operations shall comply with the provisions set forth in the Pennsylvania Nutrient Management Act, as amended.
D. Agricultural operations shall comply with any applicable provisions set forth in 25 PA Code, Chapter 91, Section 91.36, regarding pollution control and prevention at agricultural operations.

1002.03 Agricultural Related Business

Agricultural Related Businesses shall be subject to the following criteria:

A. The use shall be subject to the Performance Standards section of this Ordinance (See Section 706).
B. All structures used for feed storage and distribution shall be located at least two hundred (200') feet from an existing residence on adjoining property.

1002.04 Ultralight Airports and Private Airstrips

Ultralight Airports and Private Airstrips are intended for private use only, and shall be subject to the following criteria:

A. All such airports shall be a minimum of three hundred (300') feet from any property line and a minimum of five hundred (500') feet from any dwelling.

B. The operator shall present evidence that the facility complies with appropriate State regulations and has secured a license from the Pennsylvania Department of Transportation, Bureau of Aviation.
C. There shall be no sales of fuel or other aviation services (repair, storage of other aircraft, etc.) including the sale of aircraft and/or related parts or service for transient aircraft.
D. Providing flying lessons or conducting a flight school shall not be a permitted operation or service.
E. No more than three (3) personal aircraft shall be based on the facility.

1002.05 Automobile/Vehicle Service and Repair Facilities

Service and/or Repair Facilities for Automobiles, Buses, Class I Recreation Vehicles, Boats, Motorcycles, Snowmobiles and similar vehicles shall be subject to the following criteria:

A. All service and/or repair activities shall be conducted within a completely enclosed building.
B. All exterior parking and storage areas shall be screened from adjoining residential uses and districts.
C. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street.
D. The storage of more than two (2) unlicensed vehicles is prohibited.
E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residential uses or districts.
F. All vehicles and machinery shall be repaired and removed from the premises.
G. The demolition or junking of vehicles and machinery is prohibited.
H. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

1002.06 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 Erie County 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 have a minimum width of twelve (12) feet for a one way road, and twenty (20) feet for a two way road, 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.

1002.07 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 Township 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.

1002.08 Commercial Recreation, Outdoor

Outdoor Commercial Recreation activities shall be subject to the following criteria:

A. The applicant shall provide a written documentation of the scope of operation, and measures used to mitigate problems associated with noise, light, litter, dust and pollution.
B. The applicant shall furnish evidence that any exterior public address system and/or exterior lighting has been arranged and designed so as to prevent objectionable impact off the site.
C. Where an outdoor recreational use other than a golf course adjoins a residential district or residential use, trees and shrubs must be planted on the site of the recreational use so as to form an effective visual barrier between the recreational use and the residential use or district.
D. A structure(s) exceeding the maximum permitted height may be permitted so long as it is set back from all property lines at least a horizontal distance equal to its height, plus an additional fifty feet (50’). Such structure(s) shall not be occupied for residential use.
E. A traffic study may be required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum a study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to nearby areas.
F. Applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
G. The Zoning Hearing Board may limit the hours of operation as a reasonable additional condition and safeguard.

1002.09 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.

1002.10 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.

1002.11 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

1002.12 House of Worship

Houses of Worship shall be subject to the following criteria:

A. For proposed new developments, the applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building(s) will be architecturally compatible with the neighborhood.
B. For conversion of an existing dwelling into a house of worship, the following apply:
    1. Any extensions or modifications to the external appearance of the building (except fire and safety requirements) shall complement its residential character.
    2. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
C. The property shall be landscaped to present a minimum intrusion upon the neighborhood.

D. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
E. All off-street parking and/or loading areas shall be screened from adjoining residential uses or districts.
F. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
G. Residential uses (Rectories, Convents, etc.) that are related to the house of worship shall be subject to the following criteria:
    1. All such uses shall be accessory, and located upon the same lot as the house of worship.
H. Educational or Day Care Facilities related to the house of worship are subject to the following:
    1. All such uses shall be accessory, and located upon the same lot as the house of worship.
    2. Day care facilities shall comply with the requirements of Section 1002.09, Day Care Facilities.
    3. If education or day care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall be set back a minimum of twenty five feet (25') from all property lines. Outdoor play areas shall be screened from adjoining residential uses or districts. All outdoor play areas must provide a means of shade, such as shade tree(s), pavilion(s), or other shading devices.
    4. Enrollment shall be defined as the largest number of students and/or children under supervision at any one time during a seven day period.
    5. Passenger "drop off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
    6. All educational or day care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone unless otherwise provided in this Section.

1002.13 Hunting, Fishing, Skiing, and Boating Clubs or Resorts

Hunting, fishing, skiing, and boating clubs or resorts shall be subject to the following criteria:

A. All off-street parking shall be set back at a minimum of thirty feet (30') from any adjoining property lines.
B. Outdoor recreation/activity areas shall be set back a minimum of fifty feet (50') from all property lines.
C. No shooting ranges shall be permitted unless approved under the provisions of this Ordinance.
D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
E. Where overnight facilities are provided, one (1) parking space shall be provided for each guest sleeping room or each three bunks, plus one (1) per employee.

1002.14 Mineral Extraction, Sand and Gravel Pits

Mineral extraction or mining operations including coal, limestone, sand, gravel and other open-pit surface mining activities shall be subject to the following criteria:

A. General provisions:
    1. Prior to the issuance of a zoning permit, the owner/operator of a mining operation shall file with the zoning administrator a copy of all approved clearances, permits, plans and/or other documents required by the Pennsylvania Department of Environmental Protection per the Surface Mining and Reclamation Act (Act 418, P.L. 1198 as amended).

2. In no case shall any operation on the site impede the flow of a natural watercourse.
3. All operations shall be conducted in a manner which will not allow water to collect and/or create a stagnant water condition except that storm water retention facilities are permitted.
4. A performance bond or other security may be required by the Township in order to insure against damages to Township roads or other public and private properties or interests.
5. The minimum lot size shall be five (5) acres.
6. The operator shall submit for Township approval a plan for restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than 5 feet, steps which will be taken to conserve the topsoil, the location of future roads, drainage courses or other improvements contemplated.
7. When operator has performed all requirements contained in the restoration plan, as determined by the Township, a written certificate will be issued by the zoning administrator that indicates that the restoration is complete and is in compliance with the plan.

B. General Setback Requirements: The following are considered to be the minimum acceptable setback distances from existing structures, roadways, etc. as prescribed by Act 418 as amended; and no operator shall conduct a surface mining operation within these setbacks. However, PADEP may require a greater setback or grant a variance for a lesser distance.
   1. Public roadways and railroads--100 feet from the existing right-of-way line.
   2. Occupied dwellings-300 feet unless this distance is waived by the owner thereof.
   3. Public buildings and parks, schools, churches and other community or institutional buildings-300 feet.
   4. Railroads-100 feet from the existing railroad right-of-way.
   5. Cemeteries-100 feet from the property line(s) of the cemetery.
   6. Existing streams-100 feet from the present stream bank.
   7. No stockpiles, spoil piles, refuse material, plant facilities and processing and/or mining equipment shall be located within fifty (50) feet of an existing property line where the adjacent property is not owned or leased by the operator or unless the adjacent owner waives the aforementioned setback.
   8. Irrespective of the above setback requirements for items 2 and 3, a twenty-five (25) foot minimum setback shall be maintained from all property lines where such structures are involved and the adjacent property(s) is not owned by the operator. The purpose of this provision is to prevent mining up to a property line in situations where such mining could take place without violating the 300 foot setback requirement for existing structures; i.e., a structure could be located 350 feet from its property line which could allow the operator to mine up to the property line and still be within the required 300 foot setback distance.

1002.15 Mobile Home Parks

Mobile Home Parks shall be subject to the following criteria:

A. Mobile Home Parks shall fully comply with the requirements set forth by the Erie County Subdivision and Land Development Ordinance.
B. The minimum lot area shall be five (5) acres.

1002.16 Retail Business (20,000 square feet or larger)

Retail Businesses with gross floor area greater than or equal to 20,000 square feet shall be subject to the following criteria:

A. All such uses shall comply with the requirements set forth by the Erie County Subdivision and Land Development Ordinance.
B. A traffic study may be required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum a study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to nearby areas.
C. Applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

1002.17 Riding Academy or Boarding Stable

Riding Academies and Boarding Stables shall be subject to the following criteria:

A. No more than 10 equine animals shall be kept with the exception that one additional equine animal may be kept for each additional acre of land over five acres.
B. All animals, except while exercising or pasturing, shall be confined in a building erected or maintained for that purpose and which complies with the following requirements:
    1. The building shall be located a minimum of 300 feet from adjoining lot lines.
    2. The building shall be located a minimum of 75 feet from any public or private road right-of-way.
    3. The building shall have a minimum of 200 square feet of gross floor area for each equine animal.
C. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a minimum four-foot high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of this use.
D. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
E. Parking areas shall be set back a minimum of 100 feet from adjoining lot lines.

1002.18 Roadside Stands for Sale of Agricultural Products

In districts where authorized by this Ordinance, roadside stands for the sale of agricultural products grown on site shall be permitted as an accessory use, subject to the following criteria:

A. At least fifty percent (50%) of the products sold must be produced on the site or on other properties located nearby and under the same ownership.
B. Permanent roadside stands shall not be located within the required minimum front yard setback area.
C. Temporary roadside stands used to display goods and/or temporary outdoor display areas may be located within the required minimum front yard setback area, but shall be set back a minimum of twenty-five (25') feet from the road right-of-way. Such structures shall be removed at the end of the growing season. See Article 2 for Definition of "Structure, Temporary".

1002.19 Sawmills

Sawmills shall be subject to the following express standards and criteria:

A. The use shall be subject to the Performance Standards of this Ordinance (See Section 706).
B. All milling operations shall be located at least five hundred (500) feet from any existing dwelling on adjoining property and at least two hundred (200) feet from any property line.
C. Routes to be used by hauling trucks shall be approved by the municipality. If bonding of the road(s) is required by the municipality, proof of compliance is required.
D. The Zoning Hearing Board may limit hours of operation as a reasonable additional condition of approval.

1002.20 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.
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.

1002.21 Self-Storage Facilities

Within the R-2, Suburban Residential District, Self-Storage Facilities shall be subject to the following criteria:

A. Within the R-2, Suburban Residential District, self-storage facilities shall be permitted only along the following state roads: State Route 6N, Route 6, Route 8, and Route 97. This criteria does not apply within the B-1, Business and B-2, Business zoning districts.

1002.22 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 706).

1002.23 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 subject to the following criteria.
    1. Minimum lot area: 10 acres
    2. Minimum lot width: 300 feet
    3. Adjacent areas must be predominately undeveloped and all range facilities including buildings, parking, and firing ranges shall be at least 200 feet from any property line or street right-of-way line. The use must also be located at least 1,000 feet from any existing residential dwelling.
    4. No part of the target range property shall be located within one-quarter mile of any land within a residential or business zoning district.
    5. Outdoor target ranges shall not undertake activities between the hours of sunset and sunrise. The Zoning Hearing Board may limit hours of operation as a reasonable additional condition of approval.
    6. Target ranges shall illustrate that the design and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association's *NRA Range Source Book* to ensure safety.
    7. The applicant shall present a plan to minimize any noise created by activities through buffering, acoustic engineering, or topography.
    8. The general operation of the facility shall be conducted in such a manner that it does not detract from the general character of the area where it is located nor shall it constitute a general nuisance to the area.

B. 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.
C. Outdoor paintball facilities shall be subject to the following criteria:
   1. Minimum lot area: 10 acres
   2. Minimum lot width: 300 feet
   3. Outdoor paintball facilities and/or activities shall not be permitted in the B-1 or B-2, Business Districts.
   4. Sufficient screening, buffering and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining properties.
   5. All paintball activity areas shall be set back at least fifty feet (50') from any property line.
   6. Outdoor paintball activities shall not be undertaken between the hours of sunset and sunrise. The Zoning Hearing Board may limit hours of operation as a reasonable additional condition of approval.
   7. The general operation of the facility shall be conducted in such a manner that it does not detract from the general character of the area where it is located nor shall it constitute a general nuisance to the area.

1002.24 Taverns and Nightclubs

Taverns and Nightclubs shall be subject to the following criteria:

A. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.
B. The applicant shall furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building. Noise levels shall not exceed 45 dBA or 5 dBA above ambient noise levels as measured at the front, side and rear property lines.
C. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
D. The use shall be located a minimum of 500 feet from any school, child or adult day care facility, community center, cultural facility or house of worship

1002.25 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 1,000 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 1,000 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.

1002.26 Wind Turbines, Small

Small Wind Turbines, as defined by this Ordinance, shall be subject to the following criteria:

A. The small wind turbine shall be used solely to generate power to serve a principal and/or accessory building located on the lot on which said turbine is situated (without regard to any excess power generated going to a power grid).
B. The small wind turbine shall be located in the side or rear yard area.
C. The small wind turbine shall comply with all height and yard setback requirements of the zoning district within which it is located.

Article 11 Supplementary Regulations

1101 Communications Towers

The purpose of this section is to provide for the construction and operation of communications towers in in Union Township, subject to reasonable conditions that will protect the public health, safety, and welfare.

1101.01 Definitions Specific to Communications Towers

A. Collocation (Collocate): The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the municipality.

B. Communications Antenna (Antenna): Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals including, without limitation, omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include WiFi antennas which are designed for personal or private use; private residence mounted satellite dishes or television antennas; or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

C. Communications Tower: A structure, other than a building, such as a monopole, self-supporting, or guyed tower, designed and used to support communications antennas.

D. Monopole: A wireless communications facility 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.

E. Stealth Technology: State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications facilities, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

F. Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

G. Wireless Communications Facility (WCF): The set of equipment and network components including antennas, transmitters, receivers, cabling and accessory equipment, used to provide wireless data and telecommunication services. WCF are usually attached to a communication tower or other structure to achieve the necessary elevation.

H. Wireless Communications Facilities, Non-Tower (Non-Tower WCF): Wireless communications facilities, including but not limited to, antennae and related equipment. Non-tower WCF shall not include support structures for antennae and related equipment.

I. Wireless Communications Facility, Small: A wireless communications facility that (1) is mounted on a structure 50 feet or less in height including its antenna, or (2) is mounted on a structure no more than 10 percent taller than other adjacent structures, or (3) does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater.

1101.02 Towers 50 Feet or Greater in Height

Communications Towers that exceed 50 feet in height, and that are not used to deploy small wireless facilities (see definition), shall be subject to the following criteria:

A. General: The tower shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable state and federal technical, and safety codes.

B. Height: There shall be no maximum height. However, the tower shall be no greater in height than its minimum functional height. The applicant shall submit documentation justifying the total height.

C. Setback Requirement: The minimum setback requirement from all property lines shall be a minimum of 110% of the combined height of the tower and antenna, or the underlying zoning district requirement, whichever is greater.

D. Aviation Safety: The tower shall comply with all state and federal laws and regulations concerning aviation safety.

E. Interference: The tower shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services.

F. Collocation: The tower shall be designed to accommodate both the applicant's antennas and comparable antennae for future users. As a condition of approval, the applicant shall provide the municipality with a written commitment that it will allow other service providers, including public safety and emergency service providers, to collocate antennae on the tower where technically and economically feasible. The applicant will commit to negotiate, in good faith, a reasonable cost for the shared use of the tower by other service providers.

G. Lighting: The tower 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.

H. Stealth Technology: The tower and associated facilities shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.

1. The tower shall employ stealth technology and the tower shall be painted an appropriate color to harmonize with the character of the area and surrounding land uses.

2. All utility buildings and accessory structures associated with the tower shall be designed to blend into the environment in which they are situated, or shall be screened from public view by landscaping.

I. Discontinuation: In the event that use of the tower 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 towers or portions of towers shall be removed as follows:

1. All unused or abandoned towers 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 tower 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.

1101.03 Towers 200 Feet or Greater in Height

Communications Towers that exceed 200 feet in height shall comply with all applicable criteria in Section 1101.02. In addition, towers that are 200 feet or greater in height shall also be subject to the following criteria:

A. Fencing: A security fence with a minimum height of 8 feet shall surround the tower, including guy wires, associated equipment, and buildings.
B. Landscaping Plan: The applicant shall submit a landscaping plan that describes the following:
    1. The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the tower 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 the tower shall be screened from public view using landscaping and/or screening, as described above.
C. Access Requirements: The following shall apply:
    1. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to the tower and any associated buildings.
    2. Where applicable, the applicant shall present documentation to the municipality that the property owner has granted an easement for the proposed facility and maintenance responsibilities.
    3. 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.
D. Bonding: The facility owner or operator shall post and maintain funds for removal of all structures associated with the tower in an amount 110% of the identified removal costs, as adjusted over time.
    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.

1102 Wind Energy Facilities

This section of the Zoning Ordinance shall be known as the Wind Energy Facility Regulations for Union Township. The purpose of this section is to provide for the construction and operation of wind energy facilities in Union Township, subject to reasonable conditions that will protect the public health, safety, and welfare.

A. Definitions Specific to Wind Energy Facilities
   1. Applicant: Defined in Article 2.
   2. Facility Owner: Defined in Article 2.
   3. Operator: The entity responsible for the day-to-day operation and maintenance of the wind energy facility.
   4. Hub Height: The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.
   5. Occupied Building: A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
   6. Turbine Height: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
   7. Wind Energy Facility: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.
   8. Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.
   9. Wind Turbine, Small: A wind turbine which is designed and used solely to generate power to serve a principal and/or accessory building located on the lot on which said turbine is situated (without regard to any excess power generated going to a power grid).
   10. Non-Participating Landowner: Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

B. Applicability
   1. This section applies to all wind energy facilities proposed to be constructed after the effective date of the Ordinance, except that this section is not intended to apply to small wind turbines, as defined by this Ordinance.
   2. Wind energy facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance, provided that any physical modification to an existing wind energy facility that materially alters the size, type, and number of wind turbines or other equipment shall require a permit under this Ordinance.

C. Permit Requirements
   1. No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed or located within Union Township unless a permit has been issued to the facility owner or operator approving construction of the facility under this Ordinance.
   2. The permit application or amended permit application shall be accompanied with a fee in the amount as set by the Board of Supervisors. Developers shall be responsible for all expenses. of the Township in the evaluation and approval of a permit.

3. Any physical modification to an existing and permitted wind energy facility that materially alters the size, type, and number of wind turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

D. Permit Application

1. The permit application shall demonstrate that the proposed wind energy facility will comply with this section.
2. Among other things, the application shall contain the following:
    a. A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
    b. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.
    c. Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.
    d. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
    e. Documents related to decommissioning, including bonds or escrow amounts needed for decommissioning.
    f. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.
3. Within thirty (30) days after receipt of a permit application, the Township will determine whether the application is complete and advise the applicant accordingly.
4. Within sixty (60) days of a completeness determination, the Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
5. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Township will make a decision whether to issue or deny the permit application.
6. Throughout the permit process, the applicant shall promptly notify the Township of any changes to the information contained in the permit application.

7. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

E. Design and Installation
   1. Design Safety Certification: The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.
   2. Uniform Construction Code: To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1-403.142.
   3. Controls and Brakes: All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
   4. Electrical Components: All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
   5. Visual Appearance; Power Lines:
      a. Wind turbines shall be a non-obtrusive color such as white, off-white, or gray.
      b. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
      c. Wind turbines shall not display advertising.
      d. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
   6. Warnings:
      a. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
      b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground. All warning devices, labels, and similar safety devices shall be kept in good repair and legible during the useful life of the facility.
   7. Climb Prevention/Locks:
      a. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
      b. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

F. Setbacks
   1. Occupied Buildings:
      a. Wind turbines shall be set back from the nearest occupied building a distance not less than the required setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

b. Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property a distance of not less than five (5) times the hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

2. Property Lines: All wind turbines shall be set back from the nearest property line a distance of not less than the required setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.
3. Public Roads: All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

G. Waiver of Setbacks
1. Property owners may waive the setback requirements in Section 1102 (F, 1, b) (Occupied Buildings on Non-participating Landowner's Property) and Section 1102 (F, 2) (Property Lines) by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
2. The written waiver shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed wind energy facility is not in compliance, and state that consent is granted for the wind energy facility to not be setback as required by this section.
3. Any such waiver shall be recorded in the Recorder of Deeds Office for Erie County. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
4. Upon application, the Township may waive the setback requirement for public roads for good cause.

H. Use of Public Roads
1. The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
2. The Township's engineer or a qualified third party engineer hired by the Township and paid for by the applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
3. The Township may require a bond on the road in compliance with State and Township regulations.
4. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
5. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

I. Local Emergency Services
   1. The applicant shall provide a copy of the project summary and site plan to local emergency services, including the volunteer fire department(s).
   2. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

J. Noise and Shadow Flicker
   1. Audible sound from a wind energy facility shall not exceed fifty (55) dBA, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 1.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.*
   2. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

K. Waiver of Noise and Shadow Flicker Provisions
   1. Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.
   2. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound or flicker limit in this Ordinance.
   3. Any such waiver shall be recorded in the Recorder of Deeds Office of Erie County. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

L. Signal Interference: The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.

M. Liability Insurance: There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate. Certificates shall be made available to the Township upon request.

N. Decommissioning
   1. The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within (12) twelve months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
   2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
   3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

4. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
5. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided, that at no point shall decommissioning funds be less than twenty-five percent (25%) of decommissioning costs. The decommissioning 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 landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.
6. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
7. If the facility owner or operator fails to complete decommissioning within the period prescribed by Section 1102 (N, 1), then the landowner shall have six (6) months to complete decommissioning.
8. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed by Sections 1102 (N, 1) and 1102 (N, 7), then the Township may take such measures as necessary to complete decommissioning, utilizing all or any of the decommissioning funds. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
9. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

O. Public Inquiries and Complaints
   1. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
   2. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

P. Remedies: See Section 305.1103 Solar Energy Systems

1103 Solar Energy Systems

1103.01 Applicability

A. Section 1103, Solar Energy Systems applies to solar energy systems to be installed and constructed after January 4, 2021, and all applications for solar energy systems on existing structures or property.
B. Solar energy systems constructed prior to January 4, 2021, shall not be required to meet the requirements of this ordinance.
C. Any upgrades, modifications or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this ordinance.

1103.02 Purpose

The purpose of this ordinance is to promote the use of solar energy and to provide for the land planning, installation and construction of solar energy systems in Union Township, subject to reasonable conditions that will protect the public health, safety and welfare.

1103.03 Definitions Specific to Solar Energy Systems

The following words, terms and phrases, when used in this ordinance, unless the context indicates otherwise, shall have the following meanings ascribed to them:

Accessory Solar Energy System (ASES): An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

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

Ground Mounted Solar Energy System: A solar energy system that is anchored to the ground via a pole or other mounting system, detached from any other structure.

Non-Participating Landowner: Any landowner except those on whose property all or a portion of a solar energy system is located pursuant to an agreement with the solar energy system owner or operator.
Principal Solar Energy System (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

Solar Energy System: A solar photovoltaic cell, module/panels, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Array: A grouping of multiple solar modules with purpose of harvesting solar energy.

Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.

Solar Panel: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Energy System Owner (PSES Owner): The individual, group, entity or entities having an equity interest in the solar energy system, including their respective successors and assigns.

Solar Project Area: The total area of land including the solar energy system, the space between solar arrays, stormwater management area, access drives, fencing and internal access roads. The solar project area does not include any area set aside exclusively for agricultural uses and designed to be adequate for the maneuverability of typical farm equipment.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

1103.04 Accessory Solar Energy Systems (ASES)

Accessory Solar Energy Systems (ASES) shall be subject to the following criteria:

A. Regulations Applicable to All Accessory Solar Energy Systems:
   1. Exemptions
      a. ASES with an aggregate collection and/or focusing area of 100 square feet or less are exempt from this ordinance.
      b. ASES constructed prior to January 4, 2021 shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to January 4, 2021 that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
   2. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Municipality, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
   3. Upon completion of installation, the ASES shall be maintained in good working order.
   4. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

5. The owner of an ASES shall provide the Municipality written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
6. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
7. Decommissioning
    a. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
    b. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
8. Permit Requirements
    a. Zoning /building permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
    b. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
    c. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
    d. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

B. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:
1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
2. ASES mounted on roofs or walls of any building shall be subject to the maximum height regulations of the underlying Zoning District.
3. Wall mounted ASES that are mounted on a principal building or structure shall comply with the setbacks for principal structures in the underlying zoning district. Wall mounted ASES that are mounted on an accessory building or structure shall comply with the setbacks for accessory structures in the underlying zoning district.
4. Solar panels shall not extend beyond any portion of the roof edge.
5. Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

6. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and that the roof or wall is capable of holding the load imposed on the structure.

C. Ground Mounted Accessory Solar Energy Systems:
   1. Setbacks:
      a. A ground mounted ASES shall not be located in the required front yard setback.

      b. The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the zoning district.
   2. Ground mounted ASES are prohibited in front yards, between the principal building and the public street, unless authorized by the Zoning Hearing Board. The Zoning Hearing Board may authorize the installation of a ground mounted ASES in front of the principal building, outside the required front yard, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively.
   3. Height
      a. Within Residential Districts ground mounted ASES shall not exceed 15 feet in height above the ground elevation surrounding the systems.
      b. Within Non-Residential Districts ground mounted ASES shall not exceed the maximum accessory structure height in the underlying zoning district.
   4. Coverage: The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.
   5. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
   6. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
   7. Ground mounted ASES with a solar project area greater than 1 acre shall comply with the requirements of Section 1103.05, Principle Solar Energy Systems.
   8. Screening: Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used. Property owners of non-participating properties may waive these setback requirement by signing a waiver.

1103.05 Principal Solar Energy Systems (PSES)

Principal Solar Energy Systems (PSES) shall be subject to the following criteria:

A. Regulations Applicable to All Principal Solar Energy Systems (PSES):
   1. Exemption: PSES constructed prior to January 4, 2021 shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES whether or not existing prior to January 4, 2021 that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
   2. The PSES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Municipality, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
   3. All on-site utility, transmission and plumbing lines shall be placed underground to the extent feasible.
   4. Upon completion of installation, the PSES shall be maintained in good working order.
   5. The owner of a PSES shall provide the Municipality written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
   6. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
   7. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Municipality. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
   8. Decommissioning
      a. The PSES owner is required to notify the municipality immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months. The PSES is not presumed to be discontinued or abandoned if the PSES owner has temporarily ceased its operation, but is in the process of transferring ownership and management of the PSES.
      b. If it is determined that the PSES has permanently ceased it operation, or has been abandoned, the PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The Township may extend such time if circumstances warrant. **(Amended by Ordinance No. 84, adopted September 25, 2025)**

c. To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.
d. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
e. Any access drive paved aprons from public roads may remain for future use unless directed otherwise by the landowner.
f. The PSES site area shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the PSES to remain.
g. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
h. At the time of issuance of approval for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the municipality and in favor of the municipality, to secure its obligations under this Section.
    i. The PSES developer shall, at the time of the zoning application, provide the municipality with an estimate of the cost of performing the decommissioning activities required herein. The solar project owner shall provide financial security of 110% of the estimated cost of decommissioning. The estimate may include an estimated salvage and resale value, discounted by a factor of 10%. The decommissioning cost estimate formula shall be: gross cost of decommissioning activities minus 90% credit of salvage and resale value equals the decommissioning cost estimate.
    ii. On every 5th anniversary of the date of providing the decommissioning financial security, the PSES owner shall provide an updated decommissioning cost estimate, utilizing the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount increases, the PSES owner shall remit the increased financial security to the municipality within 30 days of the approval of the updated decommissioning security estimate by the municipality. If the decommissioning security amount decreases by greater than 10%, the municipal owner shall release from security any amounts held in excess of 110% of the updated decommission cost estimate.
    iii. Decommissioning security estimates shall be subject to review and approval by the municipality, and the PSES developer/owner shall be responsible for administrative, legal, and engineering costs incurred by the municipality for such review.
    iv. The decommissioning security may be in the form of cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow amount from a federal or Commonwealth chartered lending institution in the amount of 110% of the total proposed decommission cost estimate and in a form satisfactory to the municipality and their solicitor.

v. Prior to final approval of any plans for a PSES, the PSES developer shall enter into a decommissioning agreement with the municipality outlining the responsibility of parties under this agreement as to the decommissioning of the PSES. The agreement shall specifically define the terms cessation and abandonment. **(Amended by Ordinance No. 84, adopted September 25, 2025)**

9. Permit Requirements
    a. Zoning /building permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the PSES on the building or property, including property lines. Permits must be kept on the premises where the PSES is constructed.
    b. PSES shall comply with all municipal zoning and Erie County subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
    c. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
    d. Routine maintenance or like-kind replacements do not require a permit.
    e. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
    f. Unless specifically exempted by this Ordinance, the PSES applicant shall submit a land development plan that demonstrates compliance with this Ordinance and the Erie County Subdivision and Land Development Ordinance. Refer to 1103.05 (A)(13) Plan Requirements.
    g. The PSES applicant shall submit an approved stormwater management plan that demonstrates compliance with the Union Township Stormwater Management Ordinance.
    h. Participating Landowner Agreement: The Permit application shall include an affidavit or similar evidence of agreement between the landowner(s) of the real property on which the PSES is to be located and the PSES owner, demonstrating that the PSES owner has permission of the landowner(s) to apply for necessary permits or approvals for construction and operation of the PSES.
10. Glare
    a. All PSES shall be situated to prevent concentrated glare onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.
    b. The applicant and/or operator has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

11. A noise management plan that addresses noise produced during construction and during the facilities operation, to be approved by the municipality, shall be included with the application. The plan, at a minimum, shall separately address noise during construction and facility operations and include mitigation, an assessment of the noise that will emulate at the perimeter fence, and the contact information for the individual(s) who is responsible for implementation and compliance both during construction and operations. The volume of sound inherently and recurrently generated shall be controlled so as not to cause a nuisance to adjacent uses. During operation of the PSES, audible sound shall follow best management practices regarding sound, as measured at the property line on a non-participating landowner's property.
12. Use of Public Roads
    a. The applicant shall identify all state and local public roads to be used within the municipality to transport equipment and parts for construction, operation or maintenance of the solar energy system.
    b. The municipal engineer, or a qualified third party engineer hired by the municipality

       and paid for by the applicant shall document road conditions prior to construction. The engineer shall document road conditions again within thirty (30) days after construction is complete or as weather permits.
    c. The municipality may require that the developer bond the road in compliance with state and local regulations.
    d. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
13. Plan Requirements
    a. Applicability: The PSES application for a ground mounted PSES shall be accompanied by a land development plan. Roof mounted PSES do not require submission of a land development plan.
    b. Plan Requirements: The land development plan, in addition to any additional requirements of the Erie County Subdivision and Land Development Ordinance, shall contain the following:
        i. A narrative describing the proposed PSES, including an overview of the project; the project location; the approximate generating capacity of the PSES; the approximate number, representative types and height or range of heights of the panels or other solar related equipment to be constructed or installed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
        ii. An affidavit or similar evidence of agreement between the landowner(s) of the real property on which the PSES is to be located and the PSES owner, demonstrating that the PSES owner has the permission of the landowner(s) to apply for necessary permits or approvals for construction and operation of the PSES.
        iii. Identification of the property, properties or portions thereof on which the proposed PSES will be located, and the properties adjacent to where the PSES will be located.

iv. A site plan showing the planned location of solar related equipment, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the solar energy system to the substation(s), ancillary equipment, buildings, and structures, including associated distribution and/or transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

v. The PSES owner shall provide written confirmation that the public utility company to which the PSES will be connected has been informed of the PSES owner's intent to install a grid connected system, and has approved such connection.

vi. The PSES owner shall provide the name and phone number of a person responsible for the public to contact with inquiries and complaints related to the PSES. The PSES owner shall make reasonable efforts to respond to the public's inquiries and complaints.

vii. An affidavit by the PSES owner shall be included on the land development plan, acknowledging that approval of the land development plan shall not and does not create in the property owner(s), its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

viii. Documents related to decommissioning, including a decommissioning agreement with the municipality, a schedule for the decommissioning, and financing security.

ix. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the municipality to ensure compliance with this ordinance.

B. Roof Mounted and Wall Mounted Principal Solar Energy Systems:

1. PSES mounted on roofs or walls of any building shall be subject to the maximum height regulations of the underlying Zoning District.
2. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and that the roof or wall is capable of holding the load imposed on the structure. Applications for roof mounted PSES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the PSES.

C. Ground Mounted Principal Solar Energy Systems:

1. Lot Size/Maximum Coverage: The PSES shall meet the lot size requirements of the underlying zoning district. No PSES shall be within ½ mile of an existing solar array. **(Amended by Ordinance No. 84, adopted September 25, 2025)**
2. Setbacks:
    a. PSES shall comply with the setbacks of the underlying zoning district for principal structures.

b. PSES shall be located a minimum of 400 feet from an occupied residence and 200 feet from all road rights-of-way and property lines of a non-participating landowner's property. Property owners of non- participating properties may waive the 200 foot property line setback requirement by signing a waiver that sets forth the applicable setback provision and the proposed changes. However, in no case shall setbacks from the non-participating property lines be less than the required setbacks for a principal structure within the underlying zoning district. **(Amended by Ordinance No. 84, adopted September 25, 2025)**
c. Required fences shall be considered principal structures for purposes of setbacks.
d. No side or rear setback shall be required where a PSES spans across lot lines, provided each landowner has signed a written waiver of the lot line setback.
e. Noise generating equipment, including but not limited to electricity storage equipment, inverters and transformers shall be located a minimum of 400 feet from an occupied residence and 200 feet from all road rights-of-way and property lines of a non-participating landowner's property. Property owners of non-participating properties may waive the 200 foot property line setback requirement by signing a waiver that sets forth the applicable setback provision and the proposed changes. However, in no case shall setbacks from the non-participating property lines be less than the required setbacks for a principal structure within the underlying zoning district. **(Amended by Ordinance No. 84, adopted September 25, 2025)**

3. Height: Ground mounted PSES shall comply with the building height restrictions for principal structures of the underlying zoning district.
4. Stormwater Management/Coverage:
    a. The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District and for stormwater management ordinance requirements.
    b. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.
    c. The applicant shall submit a stormwater management plan that demonstrates compliance with the Union Township Stormwater Management Ordinance.
    d. Gravel or paved access roads servicing the PSES shall be considered impervious coverage and subject to the impervious surfaces limitations for the applicable zoning district and for stormwater management ordinance requirements.
    e. All mechanical equipment of the system including any structure for batteries or storage cells shall be considered impervious coverage and subject to the impervious surfaces limitations for the applicable zoning district and for stormwater management ordinance requirements.
5. Buffer and Screening Requirements: Ground mounted solar energy facilities shall be buffered and screened from adjacent residential zoning districts, residential uses on surrounding properties, platted residential lots, and public roads in accordance with the following requirements:

a. Vegetative buffering shall be installed to screen and buffer adjacent residential zoning districts, residential uses on surrounding properties, platted residential lots, and public roads from the PSES. The Zoning Hearing Board may waive or modify this requirement in areas where it determines that the retention of existing trees within the vegetative buffering area may constitute the required vegetative buffer or where the Board determines that the solar panels cannot be viewed from adjacent residential zoning districts, residential uses on surrounding properties, platted residential lots, and public roads.

b. The vegetative buffering shall be installed along the exterior side of the fencing. All required vegetative buffering shall be located within fifty (50) feet of the required fencing.

c. Vegetative buffering should be designed to emulate the mix of native species and appearance of existing tree lines, hedge rows, and wooded areas already in existence within the landscape where the PSES is proposed. The Applicant shall access the species mix and characteristics found in existing tree lines, hedge rows, and wooded areas surrounding the PSES and document that the vegetative buffering is designed to emulate these characteristics.

d. Vegetative buffering shall be selected to provide year-round buffering and shall be of sufficient height, density, and maturity to screen the facility from visibility, as set forth herein within thirty-six (36) months of the installation of the PSES. Applicant shall immediately repair or replace any damaged or dead vegetative buffering to ensure year-round buffering. This shall occur no later than 30 days after Applicant receives written notice from the Township. The Township may extend such time if circumstances warrant. **(Amended by Ordinance No. 84, adopted September 25, 2025)**

e. A combination of natural topography and vegetation may serve as a buffer, provided that the PSES will not be visible from adjacent residential zoning districts, residential uses on surrounding properties, platted residential lots, and public roads. Earthen berms may not be created to serve as a buffer.

f. The buffering requirements of this section shall supersede the provisions of Section 702.02 (H) Screening and 702.02 (J) Security Fences of this Ordinance as they may pertain to PSES. The remaining requirements of Section 702, Buffer and Screening Requirements shall apply, as applicable.

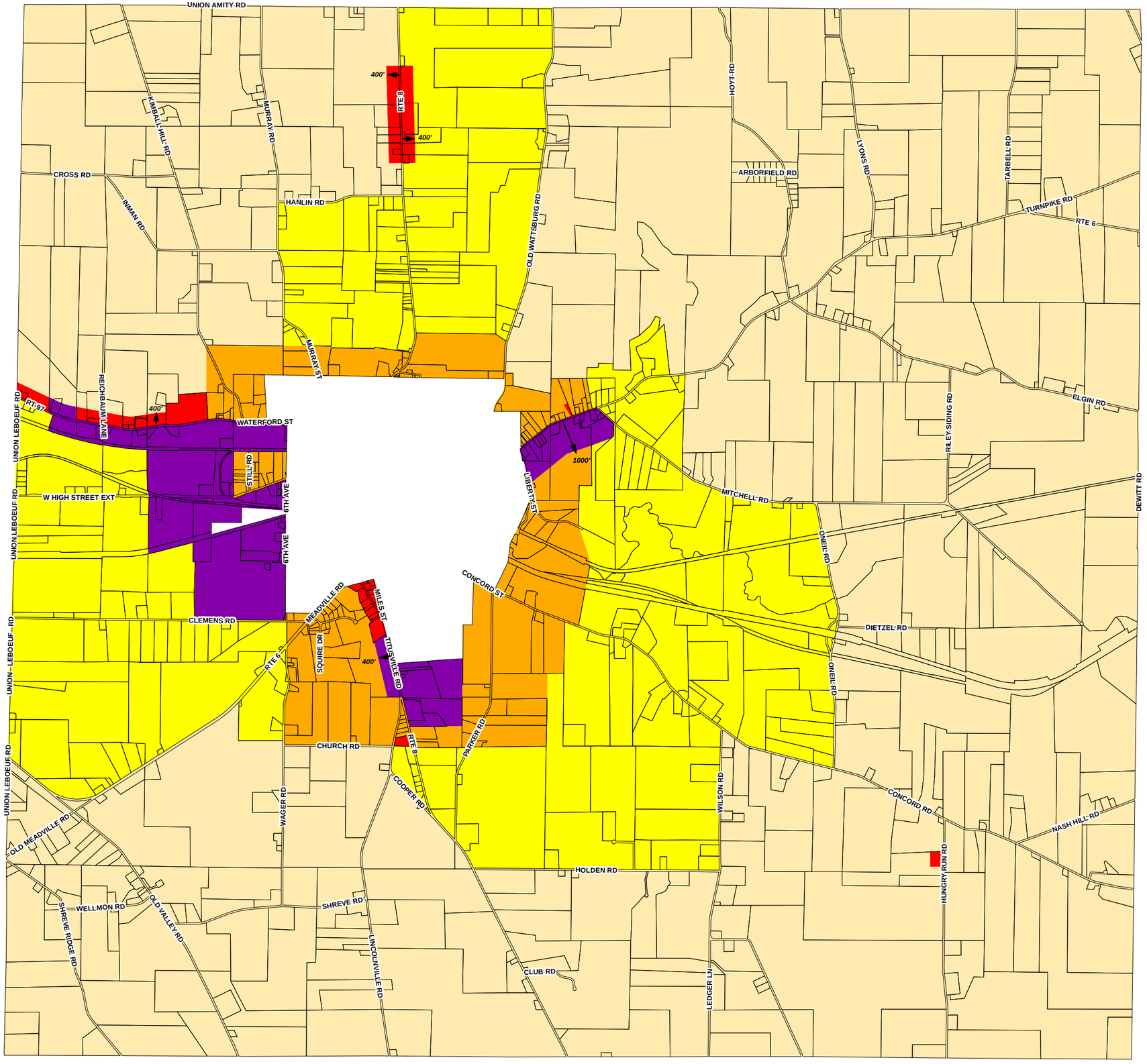
Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

6. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

7. Public Safety:
    a. Ground mounted solar energy systems shall be enclosed by chain link fencing to prevent or restrict unauthorized persons or vehicles from entering the property. The fencing shall have weaving to add additional blockage and shall be of a color that blends with the surrounding environment. **(Amended by Ordinance No. 84, adopted September 25, 2025)**
    b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.
    c. The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
    d. The applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar energy system. This plan shall be presented to the Township for approval. The plan shall include annual training/education for the appropriate electric company personnel, local fire companies, and interested residents and officials of the Township, Union City School District, and Union City Borough. Any specialized tools and equipment identified in the plan shall be provided at the expense of the applicant. **(Amended by Ordinance No. 84, adopted September 25, 2025)**
8. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority. Any lighting shall be directed downward so as to minimize negative impacts to adjacent uses.
9. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.
10. Access
    a. Stabilized access drives, with a dust-free surface, shall be installed from a state or local road in order to allow maintenance and emergency management vehicles to access the PSES site. The minimum cartway width for access roads to the Solar Inverter is twenty-five (25) feet; the minimum cartway width for all other roads is sixteen (16) feet; and the cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it measured at its greatest parallel width. The PSES developer shall obtain a permit from the appropriate jurisdiction for the construction of the access road. **(Amended by Ordinance No. 84, adopted September 25, 2025)**
    b. Solar arrays and other solar related equipment shall be setback a minimum of twenty-five (25) feet from the inside perimeter fencing to allow for maintenance and emergency vehicles. **(Amended by Ordinance No. 84, adopted September 25, 2025)**
    c. Spacing between solar array rows shall be a minimum of ten (10) feet, to allow access for maintenance and emergency vehicles. **(Amended by Ordinance No. 84, adopted September 25, 2025)**
11. Identification of Contact Person: The applicant shall place a sign on every gate and fence side identifying the name and phone number of an emergency contact person. **(Amended by Ordinance No. 84, adopted September 25, 2025)**

Union Township Zoning

As Amended 1/4/2021



A-1 - Agriculture
R-1 - Rural Residential
R-2 - Suburban Residential
B-1 - Business
B-2 - Business

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