OFFICIAL ZONING ORDINANCE

TOWNSHIP OF UNION

MIFFLIN COUNTY, PENNSYLVANIA

Union Township Supervisors
95 North Penn Street
Belleville, PA 17004

OCTOBER 2020

The Union Township Supervisors would like to acknowledge and thank the members of the “Union Township Zoning Committee” for their work in the development of this ordinance. Their tireless effort and service to our community is very much appreciated.

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ARTICLE I

GENERAL PROVISIONS

SECTION 101 – Title

An ORDINANCE of Union Township, Mifflin County, Pennsylvania, amending and comprehensively revising the Zoning ORDINANCE of 1969, as amended, permitting, prohibiting, regulating, restricting and determining the USES of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, maintenance, ALTERATION, razing, removal and USE of STRUCTUREs, the areas of dimensions of land and bodies of water to be occupied by USES and STRUCTUREs as well as courts, YARDs and other OPEN SPACEs and distances to be left unoccupied by USES and STRUCTUREs, the DENSITY of population and intensity of USE, the location and size of SIGNs, creating zoning DISTRICTs and establishing the boundaries thereof on a ZONING MAP incorporated therein by reference, continuing the OFFICE of Zoning OFFICER, continuing a Zoning Hearing BOARD and providing for the administration, amendment and enforcement of this ORDINANCE, including the imposition of penalties.

SECTION 102 – Short Title

This ORDINANCE shall be known and may be cited as the “Union Township Zoning ORDINANCE”.

SECTION 103 – Purpose and Community Development Objectives

A. This ORDINANCE is hereby adopted in accordance:

   1. With the requirements of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, as reenacted and amended.
   2. With the community development objectives of the Township’s Comprehensive Plan.
   3. With consideration for the character of the Township, its various parts and the suitability of the various parts for particular USES and STRUCTUREs.

B. This Zoning ORDINANCE has been prepared with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular USES and STRUCTUREs, and is enacted for the following purposes:

1. To promote, protect and facilitate one (1) or more of the following: the PUBLIC health, safety, morals, general welfare, coordinated and practical community development, proper DENSITY of population, civil defense, disaster evacuation, AIRPORTS, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, PUBLIC grounds and other PUBLIC requirements.
2. To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
3. To preserve prime AGRICULTURE and FARM land considering topography, soil type, and classification, and present USE.

SECTION 104 – Interpretation

In the interpretation of the regulations and provisions of this ORDINANCE, the regulations and provisions of this ORDINANCE shall be held to be the minimum requirements and standards adopted for the protection and promotion of the PUBLIC health, safety, morals and welfare.

It is not intended by this ORDINANCE to repeal, abrogate, annul or in any way affect the existing provisions and requirements of other ORDINANCEs or the existing provisions or requirements of the laws, rules and regulations prescribed by the State and federal governments or any of their respective regulatory agencies or existing private restrictions placed upon property or restrictive covenants running with the land and imposed by deed or other private agreement. In cases where the laws of the State or federal governments or any of their respective regulatory agencies impose a greater restriction or a stricter requirement upon lands, BUILDINGS, STRUCTUREs, USES or other features than is imposed by the ORDINANCE, or in cases where private restrictions or private covenants running with the land impose a greater restriction or a stricter requirement upon lands, BUILDINGS, STRUCTUREs, USES or other features than is imposed by this ORDINANCE, such laws, rules, regulations, private restrictions or private covenants shall control. However, where this ORDINANCE imposes a greater restriction or a stricter requirement, this ORDINANCE shall control.

SECTION 105 – Application

Except as hereinafter provided, no BUILDING, STRUCTURE, land or parts thereof in the Township shall be Used or occupied, erected, constructed, assembled, moved,

enlarged, removed, reconstructed or structurally altered unless in conformity with the provisions of this ORDINANCE.

SECTION 106 – Authority

This ORDINANCE is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, P.L. 805, as reenacted and amended.

SECTION 107 – USES Not Provided For

Whenever, in any DISTRICT established under this ORDINANCE, a USE is not specifically permitted and an application is made by a property owner to the Zoning Officer for such USE, the Zoning Officer may refer the application to the Zoning Hearing BOARD which shall have the authority to permit the USE or deny the USE. The USE may be permitted if it is similar to and no more intensive than permitted USES in the DISTRICT and in no way is in conflict with the general purpose and intent of this ORDINANCE.

ARTICLE II

Definitions

SECTION 201 – General Interpretation

In this ORDINANCE, when not inconsistent with the context:

A. Words Used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; words of masculine gender include feminine gender and words of feminine gender include masculine gender.
B. The word “person,” “applicant,” “sub-divider,” “developer” and “owner” shall include an individual, firm, association, organization, partnership, trust, company, PUBLIC or private corporation for the profit or not-for-profit, political subdivision, agency or instrumentality of the Commonwealth, bureau or agency of the United States, or any other similar entity.
C. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
D. The word “STRUCTURE” includes “BUILDING”; The words “STRUCTURE,” “BUILDING,” “USE” and “LOT” shall be construed as if followed by the phrase “or part thereof.”
E. The word “Used” or “occupied” as applied to any land or BUILDING shall be construed to include the words “intended, arranged or deSIGNed to be occupied.”
F. Whenever a governmental, or non-governmental agency is cited, it shall be construed to be followed by the words “or successor agency.”

SECTION 202 – Definition of Specific Words and Terms

If a word or term is not defined by this ORDINANCE, but is defined in the Union Township Subdivision and Land Development ORDINANCE (SALDO), then the SALDO definition shall apply. If a work or term is not defined in this ORDINANCE or the Union Township SALDO, the word or term shall have ascribed to its ordinary accepted meaning such as the context of the section may require or imply. In the latter case, a standard reference dictionary should be consulted.

ABUT - for contiguous properties, the quality of sharing a common property boundary.

ACCESS DRIVE – a privately owned, constructed and maintained vehicular access from a PUBLIC or private STREET.

ACCESSORY BUILDING or ACCESSORY STRUCTURE – a DETACHED subordinate BUILDING or STRUCTURE, the USE of which is customarily incidental to that of the principal BUILDING or USE and that is located on the same LOT as occupied by the principal BUILDING or USE and is not considered a **substantial** improvement.

ACCESSORY DWELLING UNIT (ADU) – a small, self-contained residential unit built on the same LOT as an existing single-FAMILY home. ADUs may be built within a primary residence (such as in an attic or BASEMENT), attached to the primary residence (like a small DUPLEX unit with a separate entrance), or DETACHED from the primary residence (such as the conversion of, a DETACHED garage). An ADU is subordinate in size, location, and function to the primary residential unit. Accessory DWELLING UNITs are also known as Accessory Residential Unit, ECHO Housing, Granny Flat, In-Law APARTMENT, etc.

ACCESSORY USE – a USE subordinate and customarily incidental to the PRINCIPAL USE on the same LOT

ADJACENT – two (2) or more LOTS having the quality of sharing a common property or LOT line or that are separated only by a STREET right-of-way or waterway from each other.

ADULT ENTERTAINMENT FACILITY – a NIGHTCLUB, THEATER, BAR or other establishment which features live or media representations of performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS; A THEATER, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on SPECIFIED SEXUAL ACTIVITIES or by exposure of SPECIFIED ANATOMICAL AREAS for observation by patrons; any business, indoor or outdoor, which exhibits a motion picture show or other presentations which, in whole or in part, depicts nudity, sexual conduct, sadomasochistic abuse as defined by the Pennsylvania Consolidated Statutes, Title 18, Chapter 59, Section 5903, as amended.

ADULT ORIENTED BUSINESS – any business that purveys sex in one form or another. Entertainment, retail and service businesses such as, but not limited to, THEATERS and cabarets, bookstores, video rental and sales, HOTELS and MOTELS, escort agencies, MASSAGE PARLORS and peep shows.

1. Products and services may include movies, videos, photographs, books, magazines, sexual devices, live or simulated performances, and tactile services, such as massages. Massage therapy performed by a certified MASSAGE THERAPIST is not included in this definition.

2. A business shall be considered adult in nature when sexually oriented products or services are promoted or advertised, and sexually oriented products are visible and accessible to the general PUBLIC.

AGRIBUSINESS – economic activities of FARMs that assemble, process, and transform raw agricultural **commodities** into final products for distribution to consumers. AGRIBUSINESSes are operated in association with an existing AGRICULTURAL OPERATION and include all such activities that support FARM production and the conversion of raw FARM products to consumable goods. AGRIBUSINESSes include but are not limited to GREENHOUSES, dairies, equipment sales, feed mills and locker plants.

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock products and in the production, harvesting and preparation for market or USE of agricultural, agronomic, horticultural, silva-cultural and aqua-cultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by FARMers or are consistent with technological development within the agricultural industry. For the purposes of this ORDINANCE, CONCENTRATED ANIMAL OPERATIONs (CAOs), and CONCENTRATED ANIMAL FEEDING OPERATIONs (CAFOs), shall not be considered “normal AGRICULTURAL OPERATIONS.”

AGRICULTURE – the cultivation of the soil, the raising of crops, FORESTRY, horticulture and gardening, including but not limited to, the keeping or raising of livestock, such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees and other similar animals, but excluding CONCENTRATED ANIMAL OPERATIONs (CAOs) and CONCENTRATED ANIMAL FEEDING OPERATIONs (CAFOs). This definition also includes non-commercial GREENHOUSES, as well as the PROCESSING and accessory retail sale of goods produced on the FARM.

AGRICULTURE, INTENSIVE – specialized agricultural activities including, but not limited to, mushroom production, poultry production and dry LOT livestock production, which due to the intensity of production, necessitate development of specialized sanitary facilities and controls. Intensive AGRICULTURAL OPERATIONs shall include, but not be limited to, CONCENTRATED ANIMAL FEEDING OPERATIONs (CAFO) and CONCENTRATED ANIMAL OPERATIONs (CAO).

AIRPORT or AIRSTRIP – an area of land, for either private or PUBLIC USE, which is designed, used or intended to be used for the landing and takeoff of airplanes or ultra-light aircraft and any appurtenant areas which are designed to be used for airplane support facilities such as maintenance, refueling and PARKING FACILITIES. AIRPORTS and AIRSTRIP , either privately or PUBLICly owned and/or operated, shall meet all applicable State and Federal regulations.

ALLEY – a permanent service way providing secondary means of access to ABUTTING lands.

ALTERATION – any change or rearrangement in the structural parts or in the existing facilities of a BUILDING or STRUCTURE, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving such BUILDING from one location or position to another.

ALTERNATIVE ENERGY SYSTEM for the purpose of this ORDINANCE, an ALTERNATIVE ENERGY SYSTEM shall be defined as a WIND ENERGY SYSTEM and/or SOLAR COLLECTOR(s) used for the supply of power to the principal use of the lot

AMUSEMENT ESTABLISHMENTS – an establishment where electronic and/or mechanical coin-operated devices, including but not limited to pinball machines, electronically operated shuffleboards, bowling, video games, electronically operated tennis, billiards and other similar games of amusement are provided and utilized as the PRINCIPAL USE of the PREMISES. AMUSEMENT ESTABLISHMENTS include but are not limited to Game Rooms, Arcades, and Video Arcades.

ANIMAL HOSPITAL – a BUILDING, STRUCTURE or area of land where animals are given medical care, other than the PREMISES where such animals are boarded. The definition of ANIMAL HOSPITAL shall include a veterinarian OFFICE.

APARTMENT – an individual DWELLING UNIT within a MULTI-FAMILY DWELLING STRUCTURE or BUILDING.

APARTMENT HOUSE – See DWELLING, MULTI-FAMILY DWELLING.

AUTOMOBILE AND MOTOR VEHICLE SALES ESTABLISHMENT – an indoor or outdoor area, other than STREET, USED for the display, sale or rental of new or used motor vehicles, recreation vehicles or boats in operable condition, and where no major vehicular or boat repair work is done. Trucks, motorcycles, All Terrain Vehicles (ATV), and Off-Highway Vehicles (OHV) shall be included in this definition.

AUTOMOBILE SERVICE AND REPAIR STATION – BUILDINGS and land where gasoline and other automobile parts and supplies are sold at retail and where major vehicular or boat repairs are conducted. The definition of automobile repair station shall include an automobile body shop.

BANK – See “FINANCIAL INSTITUTIONs” herein.

BARBER OR BEAUTY SHOP - an establishment in which hair cutting, hairdressing, makeup, and similar cosmetic treatments are carried out by duly licensed professionals.

BASEMENT – a portion of a BUILDING or STRUCTURE that is partially below the finished GRADE but having at least one-half (1/2) of its finished floor to ceiling height above the average elevation of the finished GRADE abutting the exterior walls. A BASEMENT shall be considered as one (1) STORY in determining the permissible number of stories.

BED AND BREAKFAST – an ACCESSORY USE to an owner-occupied principal DWELLING contained in the principal DWELLING or its ACCESSORY STRUCTURE DWELLING in which the owner rents at least one (1) rental unit for residential or lodging purposes, and in which meals are served to overnight guests. For the purpose of this definition, a rental unit is one (1) or more rooms intended to be occupied by one (1) FAMILY as separate living quarters, but does not contain kitchen facilities or direct access from the outside.

BLOCK – Property bounded on one (1) side by a STREET, and on the other three (3) sides by a STREET, railroad right-or-way, waterway, and un-subdivided area or bodies of water, or other definite barrier.

BOARD – the Zoning Hearing BOARD of Union Township

BOARD OF SUPERVISORS - the BOARD OF SUPERVISORS of Union Township

BOARDING HOUSE (ROOMING HOUSE, LODGING HOUSE) – a DWELLING, or that part of a DWELLING, in which the owner or tenant rents at least three (3) rental units(s) for residential or lodging purposes, regardless of whether meals are furnished or not. For the purpose of this definition, a rental unit is one (1) or more rooms intended to be occupied by one (1) FAMILY as separate living quarters, but, does not contain kitchen facilities.

BUFFER - an area within a property or site and generally ADJACENT to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, FENCES and/or berms, that is designed to limit the view, sound and/or light from the site to ADJACENT sites or properties.

BUILDING - any STRUCTURE, either temporary or permanent, having walls and a roof or other covering, designed or used for the shelter or enclosure of any person, animal or property of any kind or combination thereof, including tents, awnings or vehicles situated on private property and used for purposes stated above.

1. BUILDING, ATTACHED - a BUILDING which has two (2) or more walls or portions thereof in common with an ADJACENT BUILDING.

2. BUILDING, DETACHED – a BUILDING which has no parts or walls in common with ADJACENT BUILDING.

3. BUILDING, SEMIDETACHED – a BUILDING which has one (1) wall in common with an ADJACENT BUILDING.

BUILDING AREA - the total area of outside dimensions on a horizontal plane at ground level of the principal BUILDING and all accessory BUILDINGS

BUILDING COVERAGE - the ratio obtained by dividing the maximum horizontal cross section of all principal and accessory BUILDINGS on a LOT by the total area of the LOT upon which the BUILDINGS are located, excluding area within all existing and future or ultimate STREET rights-of-way.

BUILDING GRADE – See GRADE

BUILDING HEIGHT – the vertical distance from the GRADE at the front of the BUILDING or the average of the GRADE of the STREET fronts, if BUILDING faces more than one (1) STREET, to the highest point of the roof beams of a flat roof and to the peak or ridge for gabled, hipped and pitched roofs. Chimneys, flues, vent pipes, water tanks, elevator houses, spires, ventilators, air conditioning equipment, solar energy panels and similar vertical projections are excluded from this definition.

BUILDING LINE or BUILDING SETBACK LINE – the line on a LOT parallel to the STREET LINE at a distance from the STREET LINE equal to the depth of the front YARD required for the Zoning DISTRICT in which the LOT is located; and the line in front of which no BUILDING or STRUCTURE, or part thereof, may be erected, placed or projected except as provided by this ORDINANCE.

BUSINESS OFFICE – an OFFICE which generally operates on an appointment basis and with relatively low pedestrian or vehicular traffic, including OFFICES of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers and miscellaneous consulting services. See also OFFICE, Professional.

CAMPGROUND– a LOT, TRACT or PARCEL of land upon which two (2) or more CAMPSITES are located or established, intended and maintained for occupation by transients for seasonal, recreational or similar type living purposes in temporary, moveable BUILDINGS such as RECREATIONAL VEHICLES, tents or shelters, and which may include accessory recreational facilities.

CAMPSITES – a plot of ground within a CAMPGROUND intended for occupation by a RECREATIONAL VEHICLE, tent or shelter.

CARWASH – a facility devoted to the washing and waxing of the exterior of vehicles and the cleaning of their interiors by automated equipment or employees of the establishment, but where no sale of gasoline, preventive maintenance or repair to the vehicles shall be offered and performed.

CELLAR – a portion of a BUILDING or STRUCTURE having a finished floor to ceiling height less than seven (7) feet, and more than one-half (1/2) of its finished floor to ceiling height below the average elevation of the finished GRADE abutting the exterior walls of the BUILDING. A CELLAR shall not be considered a STORY in determining the permissible number of stories.

CEMETERY - an area of ground set aside for the burying of human bodies.

CLUB – an institutional USE of land and/or a BUILDING within which is housed an organization that caters exclusively to members and their guests. They shall include PREMISES or BUILDINGS for social, recreation, and administrative purposes that are not conducted for profit, provided there are no vending stands, merchandising or commercial activities, except as required or desired for the membership of such CLUB. CLUBS shall include but not be limited to, fraternal, political, religious, and service organizations, labor unions, granges and social and athletic CLUBS. CLUBS shall not be used for adult-related activities such as provided by an ADULT ORIENTED BUSINESS defined herein.

COMMERCIAL VEHICLE – a vehicle designed or used primarily for carrying freight or goods. This definition shall also include busses, trolleys and taxis in the transport of passengers.

COMMISSION – the PLANNING COMMISSION of Union Township.

COMMUNICATIONS ANTENNAE – 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 antennae and directional or panel antennae, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae.

COMMUNICATIONS EQUIPMENT BUILDING – an unmanned BUILDING or cabinet containing communications equipment required for the operation of COMMUNICATIONS ANTENNAE and covering an area on the ground not greater than two hundred fifty (250) square feet

COMMUNICATIONS TOWER – a STRUCTURE other than a BUILDING, such as a monopole, self-supporting or guyed tower designed and used to support COMMUNICATIONS ANTENNAE.

COMMUNITY CENTER – a BUILDING which is use d primarily to provide cultural, recreational or self-development activities or programs for children or adults.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) – An animal feeding operation that is required to obtain NPDES permits in accordance with the Clean Water Act

CONCENTRATED ANIMAL OPERATION (CAO) – an animal feeding operation that is required to develop a nutrient management plan in accordance with the Pennsylvania Nutrient Management Act

CONDITIONAL USE – a USE permitted in a particular zoning DISTRICT pursuant to the provisions in Article VI, Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

CONDOMINIUM – real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions created under the Pennsylvania Unit Property Act of July 3, 1963, 68. P.S. Section 700.10 et seq., as amended, or the Pennsylvania Uniform CONDOMINIUM Act, 68 Pa C.S. § 3101 et seq., as amended.

CONVENIENCE STORE – a retail establishment primarily selling a limited variety of prepackaged food, tobacco, drugs, periodicals, household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant. CONVENIENCE STOREs may include the dispensing of gasoline or other vehicle fuels when the appropriate approvals for an AUTOMOBILE SERVICE AND REPAIR STATION (as defined herein) have been obtained.

CONVALESCENT HOME – See NURSING HOME.

CONVERSION APARTMENT HOUSE – a multi-FAMILY DWELLING resulting from the conversion of an existing BUILDING or DWELLING into three (3) or more DWELLING UNITs without substantially altering the exterior of the BUILDING

CORRECTIONAL AND PENAL INSTITUTIONS – a facility, the primary purpose of which is to house or confine those held in lawful custody as a result of allegation, convictions, or adjudications of criminal or delinquent conduct.

CREMATORIUM – a BUILDING fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

CURATIVE AMENDMENT – a proposed zoning amendment made to the BOARD OF SUPERVISORS by any landowner who desires to challenge on substantive grounds the validity of an ORDINANCE which prohibits or restricts the USE or development of land in which he has an interest.

DAY CARE FACILITIES, CHILD – a facility in which a wide range of formal care is provided by qualified staff for remuneration to seven (7) or more children under age sixteen (16) years if such children are not related to the provider by blood, marriage or adoption or are not placed in the home as foster children pursuant to direction by an authorized licensed foster child agency or who are not placed in the home by court order. CHILD DAY CARE FACILITIES shall meet all applicable laws and regulations. The following types of child care facilities are regulated by the PA Department of PUBLIC Welfare:

1. Child Care Center – A child care facility in which seven (7) or more children who are not related to the operator receive child care.

2. Group Child Care Home – A child care facility in which seven (7) through twelve (12) children of various ages or in which seven (7) through fifteen (15) children from 4th GRADE through fifteen (15) years of age who are not related to the operator receive child care.

3. FAMILY Child Care Home – A child care facility located in a home in which four, five or six children who are not related to the caregiver receive child care.

DEMOLITION – the dismantling, tearing down, removal or razing of the exterior of a BUILDING, in whole or in part; provided such changes do not alter the structural integrity of the BUILDING. This term shall not include changes to the interior of a BUILDING.

DENSITY – the number of units, of the thing referred to, within a standard measure of land area, usually given as units per acre or as the context requires.

DISTRICT (or ZONING DISTRICT) – a portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ORDINANCE

DORMITORY – A BUILDING, STRUCTURE or portion thereof containing living quarters for students, staff or members of a college, university, boarding school, theological school, HOSPITAL, religious order or comparable organization and is either owned or managed by said organization.

DRIVE-IN – a business establishment so developed that its retail or service character is dependent upon providing an **ACCESS DRIVE** approach or spaces for motor vehicles to service patrons while in or on the motor vehicle, rather than within a BUILDING.

DRIVE-THRU – a feature of an establishment which encourages or permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

DRIVEWAY – a private drive providing vehicular access to a PUBLIC or private STREET or ACCESS DRIVE and may include a parking area for a single unit of occupancy, a FARM or a land development.

DWELLING – a BUILDING or part thereof, designed or used as a living quarters for one (1) or more families including mobile homes which are supported by a permanent foundation. The term “DWELLING” shall not be deemed to include boarding or ROOMING HOUSE, tourist home, HOTEL, MOTEL, HOSPITAL, NURSING HOME, DORMITORY, fraternity, sorority house or other group residence, tent, RECREATIONAL VEHICLE, treatment center or other accommodations used for transient occupancy. For purposes of this ORDINANCE, the following types of DWELLINGs are defined:

1. SINGLE-FAMILY DETACHED – a BUILDING designated for and occupied as a residence, containing one (1) DWELLING UNIT and having no common or party wall with an abutting DWELLING. A mobile/MANUFACTURED HOME affixed to a permanent foundation shall be considered a “single-FAMILY DETACHED DWELLING” if it meets the foregoing definition.

2. DUPLEX (TWO-FAMILY DETACHED OR SINGLE-FAMILY SEMI-DETACHED) - a freestanding BUILDING containing two DWELLING UNITs for two families, arranged in a side-by-side or over and under configuration, totally separated by an un-pierced wall. For the purpose of this ORDINANCE a Two-FAMILY DETACHED DWELLING shall be in an over and under configuration and a Semi-DETACHED DWELLING shall be side-by-side.

3. SINGLE-FAMILY ATTACHED (TOWNHOUSE OR ROW HOUSE) – a BUILDING designed for and occupied as a residence, containing one(1) DWELLING UNIT and having two (2) or more common or party walls, this includes end units of such structures.

4. MULTI-FAMILY DWELLING – a BUILDING designed for and occupied as a residence, containing three (3) or more DWELLING UNITs. Multi-FAMILY DWELLINGS include APARTMENT BUILDINGS and CONDOMINIUMS otherwise meeting this definition.

    a. GARDEN APARTMENT – a multi-FAMILY DWELLING, two-stories in height, constructed and designed for four (4) or more DWELLING UNITs, half of the DWELLING UNITs located on the first floor, half the DWELLING UNITs located on the second floor.

    b. LOW-RISE APARTMENT HOUSE – a multi-FAMILY DWELLING, three or four stories in height, constructed and designed for three (3) or more DWELLING UNITs, with at least one (1) DWELLING UNIT for each STORY.

DWELLING UNIT – one (1) room or a group of rooms forming a single housekeeping unit for one (1) FAMILY living, sleeping, cooking and sanitary facilities.

ELECTRIC GENERATING FACILITY – a facility that produces electricity, owned and operated by an electric utility or independent producer.

1. Facilities using fossil fuels such as coal, oil and natural gas.

2. Hydroelectric facilities.

3. Nuclear facilities.

4. Alternative Energy Sources

    a. Solar facilities (Solar FARMs) – One (1) or more solar arrays or a power plant that USES solar arrays to convert sunlight into electricity.

    b. Wind Facilities (Wind FARMs) – One (1) or more windmills or wind turbines or a power plant that USES windmills or wind turbines to generate electricity. The term does not include a single traditional small-scale windmill for USE on a FARM or single private property.

ELECTRIC SUBSTATION – a BUILDING and its equipment used for the purpose of switching or modifying the electric energy which passes through it in bulk in order to meet the needs of the public, but which does not have a PUBLIC BUSINESS OFFICE, storage YARD, storage BUILDING or repair BUILDING.

EMERGENCY SERVICES – a PUBLIC USE owned and/or operated by an independent fire department or company and/or emergency medical service or ambulance provider for related activities. Accessory CLUB rooms, CLUB grounds and meeting halls may be included if they are permitted USES in that zoning DISTRICT. This USE may include accessory housing for emergency service or fire personnel while on-call.

FAÇADE – the portion of any exterior elevation on a BUILDING extending from GRADE to the top of the parapet, wall or eaves and extending the entire length of a BUILDING on all sides

1. FRONT FAÇADE – the principal face of a BUILDING that fronts on a STREET or a Courtyard and contains the principal entrance to such BUILDING.

FAIRGROUNDS — An area of ground used for a temporary exposition of goods, services, arts, crafts, or the like not continuing for more than a two week period, which such period shall be followed and preceded by a two week period of non use, including at least a two week period of non use in any permanent exhibit halls. A FAIRGROUND may have permanent convenience facilities and an exhibit hall, but the majority of the use shall be by temporary removable structures and attractions.

FAMILY – one (1) or more persons related by blood, marriage, foster relationship or adoption(or a group of not more than three (3) persons not related by blood, marriage or adoption) living together in a single DWELLING and maintaining and functioning as a common household.

The definition of FAMILY shall also include not more than eight (8) related or unrelated persons who are the functional equivalent of a FAMILY in that they live together as part of a community based residential home which qualifies as a community living arrangement licensed by the Pennsylvania Department of PUBLIC Welfare or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and BOARD , personal care, rehabilitative services and supervision in a FAMILY environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the DWELLING UNIT as a FAMILY. Through this definition, the Township’s intent is to comply with the Federal Fair Housing Act, as amended and no provision in this ORDINANCE shall be interpreted in such a way so as to violate such Act.

FAMILY BURIAL GROUND – a small, private burial place for members of the immediate or extended FAMILY; typically found in rural areas, and often, but not always, near a residence; different from a FAMILY pLOT, which is an area reserved for FAMILY members within a larger CEMETERY.

FARM – a PARCEL or PARCELs of land, totaling at least ten (10) acres, held in single and separate ownership, and is principally engaged in AGRIBUSINESS, AGRICULTURE or an AGRICULTURAL OPERATION as defined herein, including but not limited to growing or harvesting crops or trees, raising livestock, or a combination of such USES.

FARM MARKET – a PUBLIC market at which farmers and other vendors sell produce and other agricultural commodities directly to consumers.

FARM POND – a manmade body of water at least two thousand (2,000) square feet in area used for agricultural or recreational purposes.

FENCE – a manmade barrier placed or arranged as a line of demarcation between LOTs or to enclose a LOT or portion thereof. The term “FENCE” shall be deemed to include a wall.

FINANCIAL INSTITUTION - a BANK, savings and loan association, credit union, finance or loan company or similar establishment.

FITNESS/HEALTH CENTER – a facility providing fitness, health and dietary instruction and training by certified professionals. Aerobic, cardio-vascular and weight training instruction and equipment may be available as sell as martial arts instruction, aquatic activities, and massage and other physical therapy.

FLOODPLAIN – as defined in the Union Township FLOODPLAIN ORDINANCE.

FLOOR AREA (GROSS FLOOR AREA) – the total space of all floors, as measured to the outside surfaces of exterior walls (or from the center line of party walls separating two (2) BUILDINGS), but excluding CELLARs, crawl spaces, garages, carports, attics without floors, open porches, balconies and terraces. Net Floor Area – the total of all floor areas of a BUILDING, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the PUBLIC.

FORESTRY – the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, transporting and selling trees for commercial purposes, which does not involve any land development.

FUNERAL HOME – a BUILDING designed for the purpose of the preparation and viewing of the deceased prior to burial or cremation. FUNERAL HOMEs shall not include cemeteries, columbariums, mausoleums, or entombments but may include mortuaries and CREMATORIUMs.

GAME AND FISH PRESERVE – a protected area of water or land delineated, usually by a FENCE, and set apart to rear wild animals, including fish and fowl, so that they can be fished or shot for sport in the hunting season. For the purposes of this ORDINANCE, a GAME AND FISH PRESERVE may operate as a private CLUB or as a commercial operation.

GARAGE, PRIVATE – an accessory BUILDING for the storage of one (1) or more automobiles, other vehicles accessory and incidental to the PRINCIPAL USE of the PREMISES or both.

GARAGE/YARD SALE – a temporary USE conducted from or on a residential premise in any zoning DISTRICT involving all general sales and open to the PUBLIC for the purpose of disposing of personal property.

GOLF COURSE – a TRACT of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelters, maintenance and storage facilities, and a driving range.

GOVERNING BODY – the BOARD OF SUPERVISORS of Union Township

GOVERNMENT FACILITY OR USE, OTHER THAN MUNICIPAL-OWNED – a PUBLIC USE owned, leased, or occupied by a county, federal or state government, government agency or government authority for valid PUBLIC health, PUBLIC safety, or similar government purpose, and which is not owned by the Township or an authority created by the Township.

GRADE – (a) the elevation of existing or finished ground or paving, (b) the slope of existing or finished ground or paving. See definition of “slope”.

GREEN AREA – the landscaped space between principal BUILDINGS or a recreational area, pocket park, walkway, promenade, or other outdoor space which, for example, may include features such as benches, gazebos, pergolas, trellises, planters, lighting, and the like.

GREENHOUSE – a commercial USE primarily involved in horticulture that includes the sale of plants grown on the PREMISES and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the PRINCIPAL USE.

GREENWAY – an OPEN SPACE corridor in largely natural conditions which may include trails or pathways for bicycles and pedestrians.

.GROUP HOME, GROUP CARE FACILITY – a DWELLING UNIT directly associated with and operated by a responsible individual, FAMILY or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. Such administration is through the direction of paid professional staff and for supervision of residents by full time resident staff. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Pennsylvania and Federal Fair Housing Acts, as amended.

GUN CLUB – a facility used for target shooting, trap or skeet, including rifle and pistol CLUBs

HARDWARE STORE – a retail establishment engaged in the sale of articles for the house and garden, including but not limited to, tools, keys, paint, small appliances, house-wares and plumbing and electrical supplies and fixtures. Excluding planing mills and lumber sales.

HELIPORT OR HELIPAD – any area of land, water or a structural surface which is designed, used or intended to be used for the landing and takeoff of private use or PUBLIC use helicopters and any appurtenant areas which are designed to be used for helicopter support facilities such as maintenance, refueling and parking. All HELIPORTS and HELIPADS shall be approved and shall meet all the applicable State and Federal regulations for their USE.

HOME OCCUPATION – an ACCESSORY USE which is clearly incidental to the residential USE of the DWELLING UNIT and carried on only within the DWELLING UNIT

HOSPITAL – an institution, licensed in the Commonwealth as a HOSPITAL, which renders inpatient and outpatient medical care for a twenty-four (24) hour per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A HOSPITAL USE can also include attached and DETACHED ACCESSORY USES, provided that all USES are contained upon the HOSPITAL property. This definition does not include an ANIMAL HOSPITAL.

HOTEL – a BUILDING or group of BUILDINGS which provides lodging to boarders for compensation, which contains more than eight (8) rooms with less than twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the BUILDING, and which may provide meals and other services as part of the compensation. This definition shall include Tourist Home.

HOUSE OF WORSHIP – a BUILDING, STRUCTURE, or group of BUILDINGS or STRUCTUREs, including ACCESSORY USES, designed or intended for worship. ACCESSORY USES may include rectories, convents, church-related schools, church day-care facilities, cemeteries or any combination thereof.

HUNTING AND FISHING CAMP – a PARCEL of land with or without a DWELLING, trailer, or other BUILDING or STRUCTURE which is intended only for seasonal or temporary occupancy, for the purpose of hunting or fishing

IMPERVIOUS SURFACE – a surface that prevents the percolation of water into the ground. For the purpose of this ORDINANCE, all those areas including, but not limited to, parking areas, DRIVEWAYs, roads, sidewalks, decks, patios and any similar areas of compacted stone or gravel, concrete, brick or asphalt shall be considered IMPERVIOUS SURFACEs.

JUNKYARD – a LOT, land or STRUCTURE or parts thereof used for the collection, storage, dismantling, salvage or sale of used and discarded materials including, but not limited to, waste paper, rags, scrap metal or other scrap, salvage or discarded material, vehicles or machinery. The deposit or storage of two (2) or more unlicensed, wrecked or disabled vehicles shall be deemed to be a JUNKYARD. This definition shall include Auto RECYCLING CENTERs and similar and like terms.

KENNEL – any LOT on which six (6) or more adult (over six (6) months of age) dogs or cats are kept at any one time during the calendar year. This USE may also include breeding of dogs and cats within the limitations of this definition. Any such USE shall fully comply with Act 119 of 2008, also known as the “Dog Law” as amended.

LANDFILL, SANITARY LANDFILL – a facility licensed and approved by the Pennsylvania Department of Environmental Resources for the disposal of solid waste where there is no reasonable probability of adverse effects on the PUBLIC health or the environment from such disposal.

LAUNDRY AND DRY CLEANING ESTABLISHMENT – for the purposes of this ORDINANCE, only large-scale commercial/industrial operations apply. Self-service laundries are included in PERSONAL SERVICEs.

LIFE CARE COMMUNITY – a development designed for the residence and care of elderly persons that provides a continuum of care and services. These facilities shall include independent living, assisted living and skilled NURSING HOME facilities. These facilities may include a COMMUNITY CENTER, PERSONAL SERVICE shops, recreation areas and common open areas. Age-restricted communities shall not be considered as life-care communities.

LOCAL GOVERNMENT – refers to the governments at the city, town, village, borough, township or county.

LOCKER PLANT – an establishment used for storing food under refrigeration, containing lockers for renting to individual users.

LOT – a designated PARCEL, TRACT, or area of land established by a plat or otherwise permitted by law and to be used, developed or build upon as a unit.

LOT AREA – the space contained within the LOT lines, excluding space within all existing and future or ultimate STREET rights-of-way.

LOT, CORNER – a LOT situated at and abutting the intersection of two (2) STREETs having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

LOT COVERAGE – that portion of a LOT covered by IMPERVIOUS SURFACEs such as, but not limited to BUILDINGS, parking areas, DRIVEWAYs, etc.

LOT DEPTH – the mean average horizontal distance between the front and the rear LOT lines.

LOT FRONTAGE – the length of the front LOT line measured at the right-of-way of a PUBLIC STREET or private road. On an interior LOT, the LOT line abutting a STREET; or, on a corner LOT, the shorter LOT line abutting a STREET; or, on a through LOT, the LOT line abutting the STREET providing the primary access to the LOT; or, on a flag LOT, the line most parallel to and nearest the STREET from which access is obtained.

LOT-LINES – any line dividing one (1) LOT from another.

1. FRONT LOT LINE (STREET LINE) – a LOT line separating the LOT from a STREET right-of-way.

2. REAR LOT LINE – a LOT line opposite and most distant from the front LOT line.

3. SIDE LOT LINE – any LOT line other than a front or rear LOT line.

LOT WIDTH – the horizontal distance measured at the required minimum front (BUILDING) SETBACK line, between side LOT lines.

MANUFACTURED HOME – factory-built, single-FAMILY STRUCTURE that meets 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, is transportable in one or more sections, but is not constructed in such a way that allows transport of the unit other than for the purpose of delivery to a permanent site.

MANUFACTURING - the mechanical or chemical treatment or PROCESSING of raw products or the production or assembly of finished products from raw or prepared materials into new forms or qualities.

1. LIGHT MANUFACTURING – the PROCESSING, fabrication, assembly, treatment and packaging of finished products, predominately from previously prepared materials, which is generally free from objectionable odors, fumes, dirt, vibrations or noise.
2.
3. HEAVY MANUFACTURING – the MANUFACTURING and PROCESSING of raw materials which may be obnoxious by reason of emission of odor, dust, smoke, gas, noise or similar causes.
4.

MASSAGE PARLOR – a commercial establishment in which the PRINCIPAL USE consists of massage and/or bodywork conducted by persons other than MASSAGE THERAPISTs

MASSAGE THERAPIST – a person holding a valid massage license issued by the Commonwealth of Pennsylvania or absent such licensing procedure, satisfying either of the following criteria:

1. Has graduated from a school licensed by the Commonwealth of Pennsylvania, or by another state of the United States, which requires at least 500 hours of education in massage and/or bodywork techniques, anatomy and physiology, and who is a member of a nationally recognized professional organization for massage and/or bodywork therapists that adheres to a code of ethics; or

2. Holds current and valid certification from the National Certification BOARD of Therapeutic Massage and Bodywork (NCBTMB).

MEDICAL OFFICE OR MEDICAL CLINIC – a place, BUILDING or portion of a BUILDING used exclusively by physicians, optometrists, chiropractors, dentists, physical therapists, MASSAGE THERAPISTs, or other drugless practitioners involving non-surgical treatment, care, examination and diagnosis, and preventative health services, including inoculation and educational services to outpatients. This definition includes Medical Laboratories used in the taking, analyzing and testing of physical samples and specimens for the diagnosis and treatment of patients.

METHADONE TREATMENT FACILITY – a commercial USE of land and/or BUILDINGS for a facility licensed by the Department of Health to USE the drug methadone in the treatment, maintenance or detoxification of persons

MINERAL EXTRACTION – a site where a mineral, stone, sand, gravel or topsoil is excavated

MINI-STORAGE/SELF-STORAGE FACILITY – a BUILDING and/or series of BUILDINGS divided into separate STORAGE UNITS for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no PROCESSING, MANUFACTURING, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

MIXED-USE (MIXED-OCCUPANCY) BUILDING – a BUILDING that has one (1) or more DWELLING UNITs in addition to one (1) or more commercial USES.

MOBILE/MANUFACTURED HOME PARK – any LOT, PARCEL, or TRACT of land at least five (5) acres in size, upon which three (3) or more mobile/MANUFACTURED HOMEs are located for occupancy and used by persons of different families other than members of one household.

MOTEL – a BUILDING or group of BUILDINGS which provides lodging to boarders for compensation, which contains more than eight (8) rooms with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the BUILDING, and which may provide meals and other services as a part of the compensation. This definition shall include Tourist Cabin Court.

MOTOR FREIGHT TERMINAL – an area or BUILDING that is the origin and/or destination point of short-and-long distance hauling and/or is used for the purpose of storing, transferring, loading and unloading, in addition to truck parking.

MPC – Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, as reenacted and amended.

MUNICIPAL BUILDING OR FACILITY – a BUILDING or facility owned, used or managed by Union Township or an agency of the Township, including but not limited to parks, playgrounds, recreational areas, maintenance garages and administrative BUILDINGS.

MUNICIPAL PARK OR PLAYGROUND – any area set aside for recreation, including ancillary BUILDINGS and STRUCTUREs, and owned and/or operated by Union Township.

NATURE PRESERVE AND WILDLIFE SANCTUARIES – an area maintained in a natural state for the preservation of both animal and plant life, including nature center, outdoor education laboratory, WOODLAND preserve or arboretum.

NEIGHBORHOOD GROCERY STORE – a small (<2500 square feet), retail establishment selling perishable foodstuffs and dry goods to the local community.

NIGHTCLUB – a type of TAVERN that offers the sale of liquor in conjunction with live entertainment and/or dancing.

NO-IMPACT HOME BASED BUSINESS – 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.

NONCONFORMING LOT – a LOT which does not meet with the minimum area or dimensions specified for the DISTRICT where such LOT is situated, but was lawfully in existence prior to the effective date of this ORDINANCE or is legally established through the granting of a VARIANCE by the BOARD.

NONCONFORMING STRUCTURE OR BUILDING – a STRUCTURE or BUILDING, or part thereof, which does not meet the applicable provisions or requirements of the DISTRICT in which it is located, either at the time of enactment of this ORDINANCE or as a result of subsequent amendments thereto, where such BUILDING or STRUCTURE lawfully existed prior to the enactment of such ORDINANCE or amendment. Such NONCONFORMING STRUCTUREs include, but are not limited to, nonconforming SIGNs.

NONCONFORMING USE – a BUILDING, STRUCTURE, SIGN or USE of land which does not conform to the applicable regulations of the DISTRICT in which it is located, either at the time of the enactment of this ORDINANCE or as a result of subsequent amendments thereto, but which did not violate any applicable USE regulations prior to the enactment of such ORDINANCE or amendments. However, no existing USE shall be deemed nonconforming solely because of the existence of less than the required off-STREET parking spaces.

NUISANCE – the unreasonable, unwarrantable or unlawful USE of PUBLIC or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.
NURSERY – the raising of trees (for transplanting), ornamentals, shrubs, flowers or houseplants for any commercial purpose.

NURSING HOME – an institution or facility in which nursing care and related medical or other health services are provided for a period exceeding 24 hours, for two (2) or more individuals, who are not relatives of the administrator, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or medical infirmity, need care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center or personal care center.

OFFICE – a USE that involves administrative, clerical, financial, governmental and professional operations and operations of a similar character. This USE shall not include retail or industrial USES.

OFFICE, PROFESSIONAL – a BUILDING in which services are performed by a member of a profession, or multiple professions, including, but not limited to, an accountant, architect, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, realtor or undertaker.

OFF-TRACK BETTING PARLOR – a commercial USE where persons can wager upon, and observe by remote television, the outcomes of events that are taking place elsewhere.

OPEN SPACE – the area of a LOT unoccupied by principal or ACCESSORY STRUCTUREs, STREETs, DRIVEWAYs or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

ORDINANCE – the “Union Township Zoning ORDINANCE,” including the official ZONING MAP, and any amendments enacted by the BOARD OF SUPERVISORS.

OUTDOOR FURNACES AND HEATING DEVICES – any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

PA DEP – the Commonwealth of Pennsylvania Department of Environmental Protection

PARCEL – any TRACT or contiguous TRACTs of land in the same ownership and contained in the same deed, and occupied as one (1) unit. Land separated by an existing State or Township road shall be considered contiguous.

PARKING FACILITIES – outdoor areas or specially designed BUILDINGS or garages used for the storage of vehicles.

PARKING LOT, PRIVATE – a parking LOT of the PREMISES and not operated for profit where off-STREET parking spaces are provided for passenger or COMMERCIAL VEHICLEs which are owned or operated by the person owning or leasing the parking LOT, his employees, customers, tenants, boarders, visitors or the like.

PASSENGER TRANSPORTATION TERMINAL – a BUILDING, STRUCTURE or area where transportation vehicles, including but not limited to buses, trains, and taxis, load or unload passengers.

PERSONAL SERVICE – an establishment that provides a service oriented to personal needs which does not involve primarily retail sales of goods or professional advisory services. PERSONAL SERVICEs include BARBER and BEAUTY SHOPs, shoe repair shops, household appliance repair shops, self service laundries, tailor and seamstress shops, and other similar establishments.

PLANNED RESIDENTIAL DEVELOPMENT – an area of land, controlled by a landowner, to be developed as a single entity for a number of DWELLING UNITs, or combination of residential and nonresidential USES, the development plan for which does not correspond in LOT size, bulk, type of DWELLING or USE, DENSITY, or intensity, LOT COVERAGE and required OPEN SPACE to the regulations established in any one DISTRICT created, from time to time, under the provisions of a municipal zoning ORDINANCE.

PLANNING COMMISSION – the PLANNING COMMISSION for Union Township

POSTAL AND COURIER SERVICES – enterprises engaged in the distribution, sorting, and delivery of the U.S. mail, or the local and intercity delivery of small parcels.

PREMISES – any principal BUILDING, principal STRUCTURE or PRINCIPAL USE, or the LOT or PARCEL of land on which the principal BUILDING, STRUCTURE or USE is located, and all ACCESSORY USES and all YARDs, OPEN SPACES, off-STREET parking and loading spaces, and DRIVEWAYS as the context may require.

PRINCIPAL BUILDING – the BUILDING in which the PRINCIPAL USE of a LOT is conducted.

PRINCIPAL USE - the single dominant USE or single main USE on a LOT.

PROCESSING – a function that involves only the cleaning, sorting, sizing, packaging or any combination thereof, of products

PUBLIC – of or relating to a government; authorized by, administered by, or acting for the people as a political entity.

PUBLIC NOTICE – notice required by Act 247, the Pennsylvania Municipality Planning Code. Currently Act 247 requires notice to be given not more than thirty (30) days and not less than fourteen (14) days in advance of any PUBLIC hearing required by this ORDINANCE. Such notice shall be published once each week for two (2) successive weeks in a newspaper or general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

PUBLIC UTILITY – USE or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and approved by the Pennsylvania PUBLIC UTILITY Commission for the purpose of providing PUBLIC sewage disposal, treatment, or both; PUBLIC water supply, storage, treatment or any combination thereof; and/or electric, gas or oil generating or treatment facilities, supply works, substations, transmission lines, distribution lines. (PUBLIC transportation; taxis, airplanes)

RECREATIONAL FACILITY – a private facility designed and equipped for the conduct of sports and/or leisure time activities.

RECREATIONAL VEHICLE – any vehicle, regardless of size, self-propelled or deSIGNed to be towed or carried by another vehicle, which is designed as a temporary DWELLING for travel, recreational and vacation USES. Recreation vehicles include campers, travel trailers, motor homes or vans designed principally for recreational USE.

RESIDENTIAL CARE FACILITY – a planned residential facility for persons of retirement age, which include residential DWELLING UNITs with communal dining, recreation areas, OPEN SPACE, parking and related facilities. This definition includes retirement homes, assisted or independent living facilities and similar USES.

RESOURCE RECOVERY FACILITY – a facility or land area that is used for any one (1) or a combination of the following:

1. INCINERATOR – a facility designed to reduce the solid waste stream by combustion. This may or may not include heat exchange equipment for energy recovery.

2. REFUSE DERIVED FUEL (RDF) FACILITY – a facility for the extraction of materials from the municipal waste stream for recycling or for use as refuse derived fuel. (RDF is a fuel produced by shredding municipal solid waste).

3. RECYCLING CENTER – a facility designed and operated to receive, store, or process recyclable material which has been separated from all but residual household waste at the source. For the purposes of this ORDINANCE, RECYCLING CENTER shall also mean “Drop-off” bins located on PUBLIC property.

4. SOLID WASTE TRANSFER FACILITY – a facility or station where municipal solid waste is delivered for the purpose of compacting the material into larger vehicles for transport to a final disposal site or PROCESSING facility. A transfer facility may also include the separation and collection of material for the purpose of recycling.

RESTAURANT, FAST FOOD – an establishment that principally sells food, frozen desserts and nonalcoholic beverages in a ready-to-consume state primarily in disposable containers, in bags or on trays. The customer primarily orders and receives the food at an inside counter or outdoor drive-up or walk-up window without the assistance of a waiter or waitress. A cafeteria-style restaurant shall be considered a sit-down restaurant. This definition shall include a snack bar or ice cream stand with no inside seating facilities.

RESTAURANT, SIT-DOWN – a restaurant that does not meet the definition of a fast food restaurant. This includes restaurants where the majority of the food is consumed within the restaurant at tables.

RETAIL STORE – a BUILDING in which retail merchandise is sold or rented, including, but not limited to a furniture store, a gift shop, and an establishment for the sale of automobile accessories. This shall not include an adult business USE. A small RETAIL STORE is defined as having less than 2,500 square feet devoted to display and sales.

RIPARIAN BUFFER – a strip of land abutting to any stream or watercourse, within which WOODLAND disturbances or land disturbances are limited.

ROADSIDE PRODUCE MARKET OR STAND – an ACCESSORY USE for the sale of dairy, FARM, GREENHOUSE or NURSERY products.

RURAL OCCUPATION – an ACCESSORY USE to a principal single-FAMILY DETACHED DWELLING in which the occupants engage in an occupation contained within an accessory BUILDING. RURAL OCCUPATION shall include but not be limited to crafts and trades such as carpenter, cabinet maker, machinist, plumber, electrician, upholsterer, printer, small engine repair, and metal working.

SALDO – the Union Township Subdivision and Land Development ORDINANCE, as amended from time to time.

SAWMILL – a BUILDING, STRUCTURE, or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may include the distribution of such products on a WHOLESALE or retail basis. The PROCESSING of timber may be from the property on which it is located, from abutting property or from other properties removed from the SAWMILL. This definition shall include temporary SAWMILL operations. Planing mills are SAWMILLs.

SCHOOL, COMMERCIAL – an educational facility offering a wide range of education or instructional activities including but not limited to, business and technical programs and artistic, dance, and musical training, and that may or may not, be operated as a gainful business by some person or organization other than the Public School District.

SCHOOL, PRIVATE – an educational facility offering kindergarten, elementary, secondary, post-secondary, post graduate, or any combination thereof, that may or may not be operated as a gainful business.

SCHOOL, PUBLIC – an educational facility operated by the Mifflin County School DISTRICT.

SCHOOL, VOCATIONAL-MECHANICAL TRADE – an educational facility that may or may not be operated as a gainful business that principally offers training in any of the following occupations: truck driving, engine repairs, building construction and general contracting, woodworking, masonry, plumbing, electrical contracting and other similar type vocations or trades.

SCREENING – The method from which the view of the STRUCTUREs and USES on the PREMISES on which the screen planting is located are shielded, concealed or hidden from the view of property owners in adjoining DISTRICTs, or on adjoining LOTs,. SCREENING techniques include evergreen and/or deciduous trees and bushes, hedges, walls, FENCEs or earth berms of sufficient height and DENSITY. Plantings, including trees and shrubs, are typical of species and varieties native and/or grown in climatic conditions.

SENIOR CITIZENS CENTER – a BUILDING which is used to primarily provide at least three of the following activities, programs or services for the elderly: counseling, education, health, nursing, nutrition, recreation, referral, religious, self-development, or social welfare.

SETBACK – the required horizontal distance between a minimum SETBACK line and a property or STREET right-of-way line.

SETBACK, FRONT – the distance between the STREET right-of-way line and the minimum required front SETBACK line projected the full width of the LOT.

SETBACK, REAR – the distance between the rear LOT line and the minimum required rear SETBACK line projected the full width of the LOT.

SETBACK, SIDE – the distance between the side LOT line and the minimum required side SETBACK line projected the full depth of the LOT.

SETBACK LINE – a line within a property and parallel to a property or STREET right-of-way line which delineates the required minimum distance between some particular permitted USE of property, BUILDING and/or STRUCTURE and that property or STREET right-of-way line.

SEWAGE DISPOSAL SYSTEM – a system designed to collect, treat and dispose of sewage from users in compliance with regulations of the appropriate State agency and of the Township.

1. OFF-SITE (CENTRALIZED) SEWAGE DISPOSAL SYSTEM – a SEWAGE DISPOSAL SYSTEM which collects, treats and disposes sewage from more than one (1) DWELLING, PRINCIPAL USE or LOT.

2. ON-SITE (ON-LOT) SEWAGE DISPOSAL SYSTEM – a SEWAGE DISPOSAL SYSTEM which collects, treats and disposes of sewage or holds sewage from only one (1) DWELLING, PRINCIPAL USE or LOT.

SHOPPING CENTER or MALL – a group of stores, OFFICEs, THEATERs, eating establishments, FINANCIAL INSTITUTIONs, either free standing or attached, having an aggregate gross ground floor area of 10,000 square feet or more, planned and designed for the site on which it is build, functioning as a unit, with off-STREET parking provided on the property as an integral part of the unit. For the purposes of this ORDINANCE, a Strip Mall is a type of SHOPPING CENTER.

SIGN – a device for visual communications that is used to bring a subject to the attention of the PUBLIC. SIGNs include: lettering, logos, trademarks, or other symbols located on a BUILDING or elsewhere on a property; SIGNs attached to windows that are readily visible and intended to be seen by passersby; flags and insignia of any organization; banners; streamers, tinsel, pennants, spinners, reflectors, ribbons and similar materials; and inflatable objects. SIGNs do not include: architectural features; backlit awnings with no lettering, logos, or other symbols, or SIGNs within a BUILDING intended to be seen only within the BUILDING; and legal outdoor displays of merchandise.

1. AGRICULTURAL SIGN – An identification SIGN for a FARM, FARM occupation, or accessory DRIVE-IN produce stand.

2. ANIMATED SIGN – a SIGN which USES movement or change of lighting to depict action or to create a visual effect or scene.

3. BANNER – a temporary identification SIGN of lightweight fabric or similar material that is attached at one (1) or more edges or corners to a pole or BUILDING, that advertises a special event including, but not limited to sales, going out of business, new management, grand openings, and events held by religious, charitable, and PUBLIC service organizations.

4. BILLBOARDS – an off-PREMISES advertising SIGN either attached to a BUILDING or freestanding upon which images and/or messages are placed, consisting of either poster panels or painted bulletins with a SIGN area of greater than ten (10) square feet. The images and/or messages advertise businesses, products, services, or other messages that are not related to the property upon which the SIGN is placed.

5. CHANGEABLE COPY SIGN – a SIGN or portion thereof with characters or illustrations which can be changed or rearranged without altering the face or surface of the SIGN. A SIGN which shows the date, time, and/or temperature shall not be considered a changeable copy SIGN.

6. CONTRACTOR SIGN – a SIGN that carries the name and general information about a contractor performing work on the property on which the SIGN is located.

7. DIRECTIONAL SIGN – a SIGN that provides directional information to visitors of a property and contains no commercial messages.

8. DOUBLE-FACE SIGN – a STRUCTURE with two (2) parallel SIGN faces oriented in opposite directions.

9. FLASHING SIGN – a SIGN, the illumination of which is not kept constant in intensity at all times when in USE, and which exhibits sudden or marked change

in lighting effects. Illuminated SIGNs which indicate the date, time, and/or temperature, or other similar information, shall not be considered a flashing SIGN.

10. FREE-STANDING SIGN – an in-ground or surface-mounted identification SIGN which is constructed to be independent of all adjoining STRUCTUREs or which is supported or suspended from a free-standing column or other support located in or upon the ground surface.

11. GOVERNMENT SIGN – a SIGN owned by a government agency that provides a PUBLIC service function including, but not limited to, traffic control, parking regulation, and STREET names.

12. IDENTIFICATION SIGN – a SIGN Used to identify the name and display information about the individual, business, organization, agency, institution, facility, or development located on the same property as the SIGN.

13. INFORMATIONAL SIGN – a SIGN that provides general information to visitors of a property and contains no commercial messages.

14. OFF-PREMISES SIGN – a SIGN which directs attention to an object, product, service, place, activity, person, institution, organization, or business located or offered elsewhere than upon the PREMISES where the SIGN is located, or to which it is affixed and the sign is less than 10 square feet.

15. PORTABLE SIGN – a SIGN designed to be transported, including but not limited to SIGNs transported by wheels, SIGNs converted to A-frames, menu or sandwich BOARD SIGNs, balloons used as SIGNs, and SIGNs attached to or painted on vehicles that are parked and visible from the PUBLIC right-of-way, unless said vehicle is used in the normal day-to-day operations of a business.

16. PROJECTING SIGN – a SIGN which is attached to the FAÇADE of a BUILDING and extends more than one (1) foot, but not more than six (6) feet, from such FAÇADE.

17. REAL ESTATE SIGN – a SIGN that provides information about the sale, rental, or lease of the property, or portion thereof, on which the SIGN is located.

18. RESIDENTIAL DEVELOPMENT SIGN – an identification SIGN located near the entrance to a residential development.

19. ROOF SIGN – a SIGN erected or constructed on the roof of a BUILDING on which the SIGN is located with the top of the SIGN extending vertically no higher than the highest point of the portion of the roof to which it is attached.

20. TEMPORARY SIGN – a SIGN which is not permanently mounted or affixed to the ground, BUILDING, or display window and which is displayed for a specific period of time.

21. WALL SIGN – an identification SIGN that is attached to or painted on the wall, canopy, or FAÇADE of a principal BUILDING with the face of said SIGN extending no more than twelve (12) inches from the face of the wall.

22. WINDOW SIGN – a SIGN affixed to or visible through a window or transparent door from the exterior of a BUILDING.

SIGN, GROSS SURFACE AREA OF – the entire area within a single continuous perimeter composed of rectangles enclosing the extreme limits of a SIGN and in no case passing through or between any ADJACENT elements of the SIGN. However, such perimeter shall not include any structural or framing elements lying outside the limits of such SIGN and not forming an integral part of the display. More descriptive definitions are provided for freestanding and parallel SIGNs.

SLAUGHTERHOUSE AND STOCKYARD — a location where animals, not raised on the PREMISES for a period exceeding 3 months, are congregated for imminent killing and killing to be processed for human consumption.

SOLAR COLLECTOR – a solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SPECIAL EXCEPTION – the permission granted by the Township Zoning Hearing BOARD (ZHB) to conduct or maintain that type of USE which is not permitted as of right in a particular Zoning DISTRICT, but for which conditional provision in the DISTRICT has been made and which may be permitted if the specific standards and criteria prescribed for the USE by this ORDINANCE are found by the ZHB to have been met.

SPECIFIED ANATOMICAL AREAS – Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – activities listed below:

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

STABLE OR RIDING ACADEMY, COMMERCIAL – the commercial boarding or renting of horses.

STORAGE UNITS – a BUILDING consisting of individual compartments or areas used to store materials or property. The individual compartments or areas are rented to others by the BUILDING owner.

STORY (and HALF-STORY) – that portion of a BUILDING, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7) feet shall be considered a full STORY. Any such portion of a BUILDING having a vertical distance of less than seven (7) feet shall be considered a HALF-STORY. BASEMENTs shall be considered full stories while CELLARs shall not be considered as being stories or half-stories.

STREET – a strip of land, including the entire right-of-way or cartway, intended primarily as a means of vehicular and pedestrian travel. STREET includes avenue, boulevard, road, highway, freeway, parkway, lane, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether PUBLIC or private, but shall not include an ALLEY.

1. FREEWAYS – these are fully controlled access highways, with no at-GRADE intersections or DRIVEWAY connections. FREEWAYS are arterials that do not have standard intersections requiring traffic control devices such as stop signs and traffic signals.

2. ARTERIALS – this system carries long-distance major traffic flows between major activity centers such as towns and large shopping/employment centers. Arterials allow travel between regions and therefore, form the backbone of a roadway network. This class of road is designed to carry large volumes of traffic as efficiently as possible.

3. COLLECTORS – this system links local STREETs with the arterial STREET system. COLLECTORS do what their name implies; they collect traffic from LOCAL ROADS and STREETs. Furthermore, they do not qualify for federal aid, but are funded through municipal liquid fuels tax revenues.

4. LOCAL ROADS – this system serves shorter local trips. LOCAL ROADS primarily function to provide access to abutting land USES. These roads generally have low speed limits and low traffic volumes. Furthermore, they do not qualify for federal aid, but are funded through municipal liquid fuels tax revenues.

STREET LINE – the line defining the edge of a STREET, including curbs and sidewalks and not just the cartway. Commonly known as the “STREET right-of-way line”.

STREETSCAPE – the appearance or view of a STREET of the kind where BUILDINGS are placed close to the STREET and features such as Facades, porches, shop-fronts, STREET trees streetlights, sidewalks, FENCEs, and awnings contribute to a cohesive character.

STRUCTURE – any manmade object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land or something located on the land but excluding patios, DRIVEWAYs, ACCESS DRIVEs, walkways and parking areas or other at-GRADE STRUCTUREs. The term “STRUCTURE” shall include: BUILDINGS, SIGNs, FENCEs, walls, towers, SWIMMING POOLs, porches, garages and similar STRUCTURES. “STRUCTURE” shall be interpreted as including the words “or part thereof.” All STRUCTUREs must meet SETBACK requirements unless specific provision is made otherwise in this ordinance.

1. ACCESSORY – a subordinate STRUCTURE or a portion of the principal STRUCTURE on a LOT, the USE of which is customarily incidental to that of the STRUCTURE.

2. PERMANENT – a STRUCTURE which cannot readily be removed.

3. TEMPORARY – a STRUCTURE which can readily be removed

4. STRUCTURE MOUNTED ALTERNATIVE ENERGY SYSTEM for the purpose of this ORDINANCE, an ALTERNATIVE ENERGY SYSTEM shall be defined as a small WIND ENERGY SYSTEM and/or small SOLAR COLLECTOR(s) for private residential USE and built into the primary residential STRUCTURE or roof mounted onto the primary residential STRUCTURE

SWIMMING POOL, RESIDENTIAL OR PRIVATE – any STRUCTURE that contains water over twenty-four (24) inches in depth and which is used, or intended to be used, for swimming or recreational bathing. This includes in-ground, aboveground and on-ground SWIMMING POOLs, hot tubs and spas. FARM PONDs and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
TAVERN, BAR, PUB – a BUILDING or part thereof, licensed by the Pennsylvania Liquor Control BOARD primarily engaged in the retail sale and the on-site consumption of alcoholic beverages by consenting adults. This definition includes, but is not limited to, beer gardens, cocktail lounges, saloons and taprooms. Restaurants that serve alcoholic beverages but are primarily engaged in the retail sale of prepared food are not included in this definition irrespective of whether they hold a license issued by the Pa. Liquor Control Board. This definition also does not include establishments holding club, winery or brewery licenses.

TEMPORARY RETAIL SALES – the offering of goods for sale to the public from a temporary STRUCTURE or from a location out-of-doors where goods are not normally displayed as part of a permanent, ongoing retail establishment. Examples of TEMPORARY RETAIL SALES include the selling of flowers before and on holidays such as Easter and Mother's Day, the sale of fireworks on July 4, and Christmas tree sales.

THEATER – a BUILDING or part of a BUILDING devoted to the showing of motion pictures or theatrical or performing arts productions as a PRINCIPAL USE, but not including an outdoor DRIVE-IN THEATER.

TOWNHOUSE – see "DWELLING, SINGLE-FAMILY ATTACHED DWELLING."

TOWNSHIP – Union Township, Mifflin County, Pennsylvania

TRACT – an area of land which may comprise the entire area or subpart of a PARCEL. Individual "TRACTs" within a PARCEL of land shall not be constituted separate LOTs for the purpose of construction, permitting, or for the purposes of this ORDINANCE. Such TRACTs contained within PARCELs shall be considered descriptive only.

TRAILER CAMP – a LOT used or intended to be used for the seasonal accommodation of tourists or vacationers who camp on the PREMISES in tents, trailers or other movable or temporary shelters, none of which are permanently affixed to the ground or a permanent foundation.

TRAILER COURT – See "MOBILE HOME PARK"

TRAVEL TRAILER – See "recreation vehicle."

TREE FARM (CROP) – the raising and harvesting of trees for commercial purposes that were specifically planted for that purpose. This shall include a Christmas tree FARM. See also the definition of "FORESTRY."

TRUCK STOP, TRAVEL CENTER – a facility, usually at the side of a major highway, where truck drivers and other travelers stop for fuel, often including a restaurant, sleeping and showering rooms, and a store selling basic items.

USE – the specific purpose for which land, SIGN, STRUCTURE or BUILDING is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on thereon or therein.

1. ACCESSORY USE – a USE customarily incidental and subordinate to the PRINCIPAL USE or BUILDING and on the same LOT with this PRINCIPAL USE BUILDING.

2. PRINCIPAL USE – the main or primary USE of property or STRUCTUREs, measured in terms of net floor area, or where no net floor area exists, measured in terms of net land area.

RECREATIONAL USE HOME – a single FAMILY DWELLING which is intended only for seasonal occupancy, as distinguished from occupancy throughout the year

VACATION HOME - A DWELLING other than the owner's primary residence that is used for recreational purposes. It is expected that these homes are only used at certain time and may be rented when the Owners are not using them.

VARIANCE – the modification granted by the Township Zoning Hearing BOARD to a prohibition or regulation of this ORDINANCE, in accordance with the substantive rules governing the grant or denial of a VARIANCE set forth in Section 910.2 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

VETERINARIAN OFFICE – see “ANIMAL HOSPITAL.”

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 truck or MOTOR FREIGHT TERMINAL, unless such USES are specifically permitted in that zoning DISTRICT.

WAREHOUSE and STORAGE (LOCKER PLANT) – an establishment used for storing food under refrigeration, containing lockers for renting to individual users.

WATER SUPPLY SYSTEM – a system designed to transmit water from a source to users, in compliance with the requirements of the appropriate State agencies and the Township.

1. CENTRALIZED WATER SUPPLY SYSTEM – a WATER SUPPLY SYSTEM which transmits water from a common source to more than one (1) DWELLING, PRINCIPAL USE or LOT.

2. ON-LOT WATER SUPPLY SYSTEM – a WATER SUPPLY SYSTEM which transmits water from a source on the LOT to one (1) DWELLING, PRINCIPAL USE or LOT.

WETLAND – any area meeting the official WETLAND definition of the U.S. Army Corps of Engineers or the PA DEP, as amended. In the event that the definition of a WETLAND accepted by the U.S. Army Corps of Engineers conflicts with the definition of a WETLAND accepted by the PA DEP, the more restrictive definition shall apply.

WHOLESALE – any distribution procedure involving persons who, in the normal course of business, do not engage in sales to the general PUBLIC.

WIND ENERGY SYSTEM, SMALL – a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power

WOODLAND – a tree mass or plant community in which tree species are dominant or co-dominant, and the branches of the trees form a complete, or nearly complete, aerial canopy. For the purposes of this ORDINANCE, the extent of any WOODLAND plant community, or any part thereof, shall be measured from the outer-most drip line of all trees within the community. WOODLAND shall include any area where timber has been harvested within the previous three (3) years, and/or WOODLAND disturbance has occurred within the previous three (3) years, which would have met the definition of WOODLAND prior to timbering or disturbance. WOODLANDs do not include orchards.

YARD – an OPEN SPACE on the same LOT with a STRUCTURE, or a group of STRUCTUREs, which lies between the STRUCTURE, or a group of STRUCTUREs, and a LOT line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

1. FRONT YARD – a YARD extending the full width of the LOT between a STRUCTURE and the front LOT line. On LOTs abutting more than one (1) STREET other than an ALLEY, the front YARD requirements shall apply fronting each STREET, unless otherwise specified in this ORDINANCE.

2. REAR YARD – a YARD extending the full width of the LOT between a STRUCTURE and a rear LOT line.

3. SIDE YARD – a YARD extending from the front YARD to the rear YARD between a STRUCTURE and the nearest side LOT line.
4.

ZONING DISTRICT – see “DISTRICT.”

ZONING HEARING BOARD, ZHB – the Zoning Hearing BOARD of Union Township, Mifflin County, Pennsylvania

ZONING MAP – the Official ZONING MAP of Union Township which is an integral part of this ORDINANCE and which is kept on display at the Municipal OFFICE.

ZONING OFFICER – the administrative Officer charged with the duty of enforcing the provisions of this ORDINANCE.

ZONING PERMIT – a permit issued indicating that a proposed USE, BUILDING or STRUCTURE is in accordance with this ORDINANCE which authorizes an applicant to proceed with said USE, BUILDING or STRUCTURE.

ARTICLE III

DESIGNATION OF DISTRICTS

SECTION 301 – ZONING DISTRICTS

For the purpose of this ORDINANCE, the Township of Union is hereby divided into DISTRICTS which shall be designated as follows:

A AGRICULTURE DISTRICT

R RESIDENTIAL DISTRICT.

V VILLAGE CENTRAL DISTRICT.

C COMMERCIAL DISTRICT

I INDUSTRIAL DISTRICT

S SENIOR COMMUNITY DISTRICT

F FOREST DISTRICT

SECTION 302 – ZONING MAP

The boundaries of said DISTRICTS shall be shown upon on Official ZONING MAP made a part of this ORDINANCE and documents and mapping as delineated in Article XI. The maps and all notations, references and other data shown thereon are hereby incorporated by reference into this ORDINANCE as if they were fully described herein.

SECTION 303 – DISTRICT Boundaries

Where uncertainty exists as to boundaries of any DISTRICT as shown on said Map, the following rules shall apply:

1. DISTRICT boundary lines are intended to follow or be parallel to the center line of STREETS, streams and railroads and LOT or property lines as they exist on plans of record at the time of the adoption of this ORDINANCE, unless such DISTRICT boundary lines are fixed by dimensions as shown on the ZONING MAP.

2. Where a DISTRICT boundary is not fixed by dimensions and where it approximately follows LOT lines and where it does not scale more than ten (10) feet there from, such LOT lines shall be construed to be such boundaries, unless specifically shown otherwise.
3. In un-subdivided land or where a DISTRICT boundary divides a LOT, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the USE of the scale appearing on the Map.

SECTION 304 – Interpretation of Boundaries

1. The Zoning OFFICER shall interpret the intent of the Map as to location of DISTRICT boundaries.
2. In Cases where the Zoning ORDINANCE interpretation is disputed, the Zoning Hearing BOARD shall interpret DISTRICT boundaries.

ARTICLE IV

A AGRICULTURAL DISTRICT

SECTION 401 – Purpose

The Agricultural DISTRICT is established to preserve productive agricultural land and the character and quality of the rural environment by encouraging those land USES and activities which are agricultural in nature. This DISTRICT is intended to discourage development from occurring on productive FARM lands, including those designated as "prime" and those which are conducive to high crop yields. Also, the agricultural DISTRICT seeks to protect AGRICULTURE from incompatible USES that may also interfere with normal and customary agricultural practices.

SECTION 402 – USES Permitted by Right

Each of the following PRINCIPAL USES and their ACCESSORY USES are permitted by right in the Agricultural DISTRICT, provided that the USE type, dimensional and all other applicable requirements set forth in Article XI of this ORDINANCE are satisfied:

1. USES Permitted by Right:

    - AGRIBUSINESS, AGRICULTURAL OPERATION, AGRICULTURE, AGRICULTURE, INTENSIVE, including but not limited to GREENHOUSES, dairies, agriculture equipment sales, feed mills and LOCKER PLANTS
    - ANIMAL HOSPITAL
    - CEMETERY
    - EMERGENCY SERVICES
    - FAIRGROUNDS
    - FORESTRY
    - GAME AND FISH PRESERVE
    - GARAGE, PRIVATE
    - HOUSE OF WORSHIP
    - HUNTING AND FISHING CAMP
    - MUNICIPAL BUILDING, PARK or PLAYGROUND
    - NATURE PRESERVES AND WILDLIFE SANCTUARIES
    - PAROCHIAL OR AMISH SCHOOL
    - PUBLIC UTILITIES

- SINGLE FAMILY DETACHED DWELLING
- STABLE AND RIDING ACADEMY, COMMERCIAL
- VACATION HOME
- VETERINARIAN

2. ACCESSORY USES. Each of the following ACCESSORY USES shall be permitted in the Agricultural DISTRICT only if such USE complies with the applicable standards contained in Section 1110 of this ORDINANCE.

- ACCESSORY DWELLING UNIT
- ALTERNATIVE ENERGY SYSTEMS WHICH ONLY PROVIDE POWER FOR ANY PRIMARY OR ACCESSORY OR DULY PERMITTED CONDITIONAL USES ON THE LOT
- BED AND BREAKFAST
- BUILDINGS and USES customarily incidental to a permitted PRINCIPAL USE
- FAMILY BURIAL GROUND
- FAMILY CHILD CARE HOME
- GARAGE, PRIVATE or Carport
- HORSES AS PRIMARY TRANSPORTATION
- NO IMPACT HOME-BASED BUSINESS
- OUTDOOR FURNACES and HEATING DEVICES
- POOL, RESIDENTIAL SWIMMING
- SHED

SECTION 403 – CONDITIONAL USES

Each of the following PRINCIPAL USES may be permitted in the Agricultural DISTRICT by the Union Township Supervisors in accordance with the standards contained in Section 1111 of this ORDINANCE:

1. USES Permitted by CONDITIONAL USE:

- AIRPORT, AIRSTRIP, HELIPORT OR HELIPAD
- COMMUNICATION ANTENNA OR TOWER
- CAMPGROUND
- COMMUNITY CENTER, Grange Hall
- GOLF COURSE
- GROUP HOME
- KENNEL

- MOBILE OR MANUFACTURED HOME PARKS
- OFF PREMISES SIGNS (PURSUANT TO ARTICLE XII)
- RURAL OCCUPATION
- SAWMILL
- STOCKYARD, SLAUGHTERHOUSE

2. ACCESSORY USES. In addition to the ACCESSORY USES listed in Section 402.2 above, BUILDINGS and USES customarily incidental to a PRINCIPAL USE permitted as a CONDITIONAL USE shall be permitted in the Agricultural DISTRICT only if such USE complies with the standards contained in Section 1110 of this ORDINANCE.

SECTION 404 – Notice of Agricultural USES

Owners, occupants and users of property, and any future inhabitants, within the Agricultural DISTRICT should be prepared and willing to accept the inconveniences, discomfort, and the possibility of injury from normal AGRICULTURAL OPERATIONS and are hereby put on official notice that Section 4 of Act 133 of 1982, known as the Right to FARM Law (P.L. 454, No. 133, “An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances”), may bar them from obtaining a legal judgment against such normal agricultural operations.

SECTION 405 – Area and Bulk Requirements

In this DISTRICT, any STRUCTURE hereafter erected or any LOT hereafter USED or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should there requirements conflict with other requirements in this ORDINANCE, or federal or state statutes, as applicable, for any specified USE, the more restrictive requirements shall take precedence unless a federal or state statute takes precedence in which case the statute taking precedence shall control.

1. LOT and BUILDING Regulations. The following dimensional requirements shall apply to all USES in the Agricultural DISTRICT, except as specifically provided for in this ORDINANCE:

A. Non Residential USES

	With PUBLIC water and sewer	**With PUBLI water or sewer**	**Without PUBLI water and sewer**
Minimum Lot Area (SF)	43,560	43,560	43,560
Min Lot Width (FT)	200	200	200
Maximum Lot Coverage (%) *	70	70	70
Maximum Building Coverage (%)	20	20	20
Maximum Building Height ** (FT)	35	35	35
Front Yard Setback (FT)	See §405.2 below	See §405.2 below	See §405.2 below
Side Yard Setback (each) ***(FT)	15	15	15
Rear Yard Setback (FT)	40	40	40

B. Residential USES: (does not include HUNTING AND FISHING CAMPs and lodges)

	With PUBLIC water and sewer	**With PUBLI water or sewer**	**Without PUBLI water and sewer**
Minimum Lot Area (SF)	43,560	43,560	43,560
Min Lot Width (FT)	150	150	150
Maximum Lot Coverage (%) *	70	70	70
Maximum Building Coverage (%)	20	20	20
Maximum Building Height ** (FT)	35	35	35
Front Yard Setback (FT)	See §405.2 below	See §405.2 below	See §405.2 below
Side Yard Setback (each) ***(FT)	25	25	25
Rear Yard Setback (FT)	40	40	40

* LOT COVERAGE includes all BUILDINGS, STRUCTUREs and other areas of IMPERVIOUS SURFACE (for example: DRIVEWAYs parking areas, walkways.).

** The BUILDING HEIGHT shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic COLLECTORS and panels, HVAC and other mechanical equipment, similar appurtenances. The BUILDING HEIGHT of ACCESSORY STRUCTUREs for all non-agricultural USE shall not exceed the height of the principal BUILDING or twenty-five (25) feet, whichever is less.

*** In the case of a corner LOT at the intersection of two (2) STREETs, the width of the side YARD on the STREET side shall not be less than the required front YARD SETBACK.

2. Minimum Front YARD Requirements. There shall be a front YARD, the depth of which shall be determined by the classification of the STREET or road on which the principal BUILDING or the PRINCIPAL USE will front:

STREET Type	Front YARD* (feet)
Arterial	50
Collector	35
Local	25

* The depth at which the minimum LOT WIDTH shall be measured.

3. The side SETBACK and rear SETBACK for ACCESSORY USES such as garages and carports, garden sheds and SWIMMING POOLs may be reduced to six (6) feet subject to compliance with standards set forth in Section 1111 of this ORDINANCE.

SECTION 406 - General Requirements for all USES

1. Water and Sewage Facilities. All principal uses within the Agricultural DISTRICT shall be served by water and sewage facilities pursuant to Article 4 of the Union Township Subdivision and Land Development ORDINANCE.

2. FLOODPLAIN and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or USES shall comply with Article XI of this ORDINANCE or the Union Township FLOODPLAIN ORDINANCE:

    a. Steep Slope Protection Overlay
    b. Streams and Surface Water Protection Overlay
    c. WETLANDS Protection Overlay
    d. FLOODPLAIN Protection Overlay

3. Standards for USES. In addition to the standards set forth in this Article, all USES permitted within the Agricultural DISTRICT shall also comply with:

    a. Landscape Area. As further set forth in Article XIII, there shall be provided on all non-agricultural LOTs in this DISTRICT un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto ADJACENT properties, STREETs or ALLEYs.

b. YARD and OPEN SPACE Encroachment. All front, side and rear YARDs as required by this Article shall be open and unobstructed by any BUILDING or STRUCTURE, or part thereof, except as set forth in Article XIII of this ORDINANCE.
c. Off-STREET Parking, Loading and Unloading. All USES in the Agricultural DISTRICT shall provide off-STREET parking spaces and off-STREET loading and unloading space according to the provisions set forth in Article XIII of this ORDINANCE.
d. SIGNs. SIGNs may be erected and maintained only when in compliance with the provisions of Article XII of this ORDINANCE.

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ARTICLE V

R-RESIDENTIAL DISTRICT

SECTION 501- Purpose

The Residential DISTRICT is established to provide areas for single-FAMILY DETACHED DWELLINGs at a low to moderate DENSITY in areas which are or have the potential for being served by PUBLIC water and sewer facilities. The intent of this DISTRICT is to encourage single-FAMILY DWELLINGs on LOTs large enough to provide for both on-LOT sewage disposal and water supply while providing for the opportunity to have somewhat smaller LOTs if PUBLIC water and sewage facilities are provided off the LOT. This DISTRICT is also intended to provide for a limited proportion of two-FAMILY DWELLINGs and PUBLIC and civic USES.

SECTION 502- USES Permitted by Right

Each of the following PRINCIPAL USES and their ACCESSORY USES are permitted by right in the Single-FAMILY Residential DISTRICT, provided that the USE type, dimensional and all other applicable requirements set forth in Article XI of this ORDINANCE are satisfied:

1. USES Permitted by Right:

- Library
- Education and Religious Facilities
- Municipal BUILDING or Facility
- COMMUNITY CENTER, Grange Hall
- MUNICIPAL PARK OR PLAYGROUND (Including Athletic Fields)
- Senior Citizen Center
- Single FAMILY DETACHED DWELLING
- DUPLEX (Single FAMILY Semi-DETACHED DWELLING or Two-FAMILY DWELLING)
- CONDOMINIUM, TOWNHOUSES, Garden APARTMENTs
- PUBLIC UTILITY Pumping Station and Treatment Plant.

3. ACCESSORY USES. Each of the following ACCESSORY USES shall be permitted in the Single FAMILY Residential DISTRICT only if such USE complies with the applicable standards contained in Section 1110 of this ORDINANCE:

    - Accessory DWELLING UNIT
    - STRUCTURE Mounted Solar Energy System
    - BED AND BREAKFAST
    - BUILDINGS and USES customarily incidental to a permitted PRINCIPAL USE
    - FAMILY CHILD CARE, HOME
    - GARAGE, PRIVATE or Carport
    - HORSES AS PRIMARY TRANSPORTATION
    - NO IMPACT HOME-BASED BUSINESS
    - POOL, RESIDENTIAL SWIMMING
    - SHED

SECTION 503 – CONDITIONAL USES

Each of the following PRINCIPAL USES and their ACCESSORY USES may be permitted in the R-2 Single-FAMILY Residential DISTRICT by the Union Township Supervisors in accordance with the standards contained in Section 1111 of this ORDINANCE.

1. USES Permitted by CONDITIONAL USE:

    - EMERGENCY SERVICES
    - MEDICAL OFFICE or CLINIC
    - NURSING AND RESIDENTIAL CARE FACILITIES
    - RECREATIONAL FACILITIES
    - SCHOOL, PUBLIC OR PRIVATE LESS THAN 500 STUDENTS

2. ACCESSORY USES. In addition to the ACCESSORY USES listed in Section 502.2 above, BUILDINGS and USES customarily incidental to a PRINCIPAL USE permitted as a CONDITION USE shall be permitted in the Residential DISTRICT only if such USE complies with the standards contained in Section 1110 of this ORDINANCE.

SECTION 504 – Area and Bulk Requirements

In this DISTRICT, any STRUCTURE hereafter erected or any LOT hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with other requirements in this ORDINANCE, or

federal or state statutes, as applicable, for any specified USE, the more restrictive requirements shall take precedence unless a state or federal statute preempts the ordinance.

1. LOT and BUILDING Regulations. The following dimensional requirements shall apply to all USES in the Single-FAMILY Residential DISTRICT, except as specifically provided for in this ORDINANCE:

Single-FAMILY DETACHED DWELLINGs

	With PUBLIC water and sewer	**With PUBLIC water or sewer**	**Without PUBLIC water and sewer**
Minimum Lot Area (SF)	10,000	30,000	43,560
Min Lot Width (FT)	80	100	100
Maximum Lot Coverage (%) *	70		
Maximum Building Coverage (%)	30		
Maximum Building Height ** (FT)	35 feet		
Front Yard Setback (FT)	See §604.2 below		
Side Yard Setback ***(FT)	10 / 25 feet		
Rear Yard Setback (FT)	30 feet		

Two-FAMILY DUPLEX DWELLINGs:

	with PUBLIC water and sewer
Minimum LOT AREA (per unit, sq. ft.)	7,000
Minimum LOT WIDTH (combined)	80 feet
Maximum LOT COVERAGE*	70%
Maximum BUILDING COVERAGE	35%
Maximum BUILDING HEIGHT**	35 feet
Front YARD SETBACK	See §604.2 below
Side YARD SETBACK***	10 feet
Rear YARD SETBACK	30 feet

All Other USES:

	With PUBLIC water and sewer	**With PUBLIC water or sewer**	**Without PUBLIC water and sewer**
Minimum Lot Area (SF)	25,000	43,560	43,560
Min Lot Width (FT)	80	100	100
Maximum Lot Coverage (%) *	70		
Maximum Building Coverage	35		
Maximum Building Height **	35 feet		
Front Yard Setback	See §604.2 below		
Side Yard Setback (each) ***	15 feet		
Rear Yard Setback	35 feet		

* LOT COVERAGE includes all BUILDINGS, STRUCTUREs and other areas of IMPERVIOUS SURFACE (for example: DRIVEWAYs, parking areas, walkways).

** The maximum BUILDING HEIGHT shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic COLLECTORS and panels, HVAC and other mechanical equipment, and similar appurtenances. The BUILDING HEIGHT of ACCESSORY STRUCTUREs for all non-agricultural USE shall not exceed the height of the principal BUILDING or twenty-five (25) feet, whichever is less.

*** In the case of a corner LOT at the intersection of two (2) STREETs, the width of the side YARD on the STREET side shall not be less than twenty-five (25) feet. For DUPLEX DWELLINGs, the side YARD SETBACK for the portion of the DWELLING with a common wall is reduced to zero.

2. Minimum Front YARD Requirements. There shall be a front YARD, the depth of which shall be determined by the classification of the STREET or road on which the principal BUILDING or the PRINCIPAL USE will front:

STREET Type	Front YARD* (feet)
Arterial	50
Collector	35
Local	25

* The depth at which the minimum LOT WIDTH shall be measured.

SECTION 505 – General Requirements for all USES

1. Water and Sewage Facilities. All principal, USES within the Residential DISTRICT shall be served by water and sewage facilities pursuant to Article 4 of the Union Township Subdivision and Land Development ORDINANCE.
2. FLOODPLAIN and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or USES shall meet the requirements of Article XI or the Union Township FLOODPLAIN ORDINANCE:

    A. Steep Slope Protection Overlay
    B. Streams and Surface Water Protection Overlay
    C. WETLANDs Protection Overlay
    D. FLOODPLAIN Protection Overlay

3. Standards for USES. In addition to the standards set forth in this Article, all USES permitted within the Residential DISTRICT shall also comply with:

    A. Landscape Area. As further set forth in Article XIII, there shall be provided on all non-agricultural LOTs in this DISTRICT un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto ADJACENT properties, STREETs or ALLEYs.
    B. YARD and OPEN SPACE Encroachment. All front, side and rear YARDs as required by this Article shall be open and unobstructed by any BUILDING or STRUCTURE, or part thereof, except as set forth in Article XIII of this ORDINANCE.
    C. Off-STREET Parking, Loading and Unloading. All USES in the Residential DISTRICT shall provide off-STREET parking spaces and off-STREET loading and unloading space according to the provisions set forth in Article XIII of this ORDINANCE.
    D. SIGNs. SIGNs may be erected and maintained only when in Standards provided for in Article 4 of the Union Township SALDO. compliance with the provisions of Article XII of this ORDINANCE.
    E. Environmental Performance Standards. All USES in the Single-FAMILY Residential DISTRICT shall comply with the Environmental Protection

F. Front YARD Exception. By administrative review by the Zoning OFFICER, the front YARD of a proposed BUILDING may be decreased in depth to the average alignment of a majority of existing BUILDINGS on the same BLOCK frontage (same side) located within one hundred (100 feet of the proposed BUILDING.

ARTICLE VI

V VILLAGE CENTRAL DISTRICT

Section 601 – Purpose

The Village Central DISTRICT is established to provide areas for the continuation of successful MIXED-USE areas where both residential USES and compatible small-scale business can thrive. The intent of this DISTRICT is to permit a variety of housing, single-FAMILY and multi-FAMILY residential USES, neighborhood-oriented business, and low intensity commercial USES in a pedestrian friendly setting. Provide for the continued development of existing commercial and residential Village DISTRICT; to provide for the PUBLIC health and to exclude those USES which would not be compatible with the existing development to provide for PUBLIC convenience and to avoid undue congestion on the STREETS and road.

SECTION 602 – USES Permitted by Right

Each of the following PRINCIPAL USES and their ACCESSORY USES are permitted by right in the Village Center DISTRICT, provided that the USE type, dimensional and all other applicable requirements of this ORDINANCE are satisfied:

1. USES Permitted by Right:

- BARBER or BEAUTY SHOP
- BED & BREAKFAST
- BUSINESS OR PROFESSIONAL OFFICE BUILDINGS
- CLUB, COMMUNITY CENTER, Grange Hall
- HARDWARE STORE
- HOUSE OF WORSHIP
- GOVERNMENT FACILITY
- LIBRARY
- MEDICAL OFFICE or CLINIC
- MIXED USE/MIXED OCCUPANCY BUILDING
- MUNICIPAL BUILDING OR FACILITY
- MUNICIPAL PARK OR PLAYGROUND
- MUSEUM
- NEIGHBORHOOD GROCERY STORE

- RESTAURANT, SIT DOWN
- RETAIL STORE, SMALL
- SENIOR CITIZEN CENTER
- SINGLE FAMILY ATTACHED DWELLING
- SINGLE FAMILY DETACHED DWELLING
- SINGLE-FAMILY SEMI-DETACHED DWELLING
- TWO FAMILY DUPLEX DWELLING
- TAVERN, BAR, PUB, NIGHTCLUB
- THEATER, less than 100 seats

2. ACCESSORY USES. Each of the following ACCESSORY USES shall be permitted in the Village Center DISTRICT only if such USE complies with the applicable standards contained in Section 1110 of this ORDINANCE.

- ACCESSORY DWELLING UNIT
- STRUCTURE MOUNTED SOLAR ENERGY SYSTEM
- BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO A PERMITTED PRINCIPAL USE
- FAMILY CHILD CARE HOME
- GARAGE OR CARPORT
- LOW IMPACT HOME-BASED BUSINESS
- POOL, RESIDENTIAL SWIMMING
- SHED
-

SECTION 603 – CONDITIONAL USE

Each of the following PRINCIPAL USES and their ACCESSORY USES may be permitted in the Village DISTRICT by the Union Township Supervisors in accordance with the standards contained in Section 1111 of this ORDINANCE:

1. USES Permitted by CONDITIONAL USE:

- AMUSEMENT ESTABLISHMENT
- AUTOMOTIVE SERVICE & REPAIR STATION
- BOARDING HOUSE, ROOMING HOUSE
- CONVENIENCE STORE
- CONVERSION APARTMENT HOUSE
- DAY CARE FACILITIES, CHILD
- EMERGENCY SERVICES

- FINANCIAL INSTITUTION
- FITNESS/HEALTH CENTER
- FUNERAL HOME
- GROUP HOME
- MULTI-FAMILY DWELLING, INCLUDING GARDEN APARTMENTS
- LAUNDRY and DRY CLEANING
- PARKING FACILITIES
- PUBLIC UTILITY PUMPING STATION AND TREATMENT PLANT
- RECREATIONAL FACILITY
- SCHOOL, COMMERCIAL
- SCHOOL, PUBLIC OR PRIVATE
- VETERINARY OFFICE OR ANIMAL HOSPITAL

2. ACCESSORY USES. BUILDINGS and USES customarily incidental to a PRINCIPAL USE permitted as a CONDITIONAL USE shall be permitted in the Village Center DISTRICT only if such USE complies with the standards contained in Section 1110 of this ORDINANCE.

SECTION 604 – Area and Bulk Requirements

In this DISTRICT, any STRUCTURE hereafter erected or any LOT hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with other requirements in this ORDINANCE, or federal or state statutes, as applicable, for any specified USE, the more restrictive requirements shall take precedence unless any state or federal statute shall preempt the ordinance.

1. LOT and BUILDING Regulations. The following dimensional requirements shall apply to all USES in the Village Center DISTRICT, except as specifically provided for in this ORDINANCE:

A. Residential USES:

	With PUBLIC water and sewer	With PUBLIC water or sewer	Without PUBLIC water and sewer
Minimum Lot Area (SF)	7,500	15,000	43,560
Min Lot Width (FT)	50	80	100
Maximum Lot Coverage (%) *	NONE		
Maximum Building Coverage	50		
Maximum Building Height **	35 feet		
Front Yard Setback	25 feet		
Side Yard Setback (each) ***	6 feet		
Rear Yard Setback	25 feet		

B. Non-residential USES

	With PUBLIC water and sewer	With PUBLIC water or sewer	Without PUBLIC water and sewer
Minimum Lot Area (SF)	7,500	15,000	43,560
Min Lot Width (FT)	50	80	100
Maximum Lot Coverage (%) *	NONE		
Maximum Building Coverage	40		
Maximum Building Height **	35 feet		
Front Yard Setback	25 feet		
Side Yard Setback (each) ***	6 feet		
Rear Yard Setback	25 feet		

Notes: (1) Minimum LOT WIDTH for end unit of SINGLE-FAMILY ATTACHED DWELLINGs shall be thirty (30) feet.
(2) For Single-FAMILY Semi-DETACHED and Attached DWELLINGs only, the side YARD SETBACK for the portion of the DWELLING with a common wall is reduced to zero.
(3) Where the rear YARD of non-residential USES abuts a service ALLEY the rear YARD SETBACK may be reduced to five (5) feet.

* LOT COVERAGE includes all BUILDINGS, STRUCTUREs and other areas of IMPERVIOUS SURFACE (for example: DRIVEWAYs, parking areas, walkways).

** The maximum BUILDING HEIGHT shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic COLLECTORS and panels, HVAC and other mechanical equipment, and similar appurtenances. The BUILDING HEIGHT of ACCESSORY STRUCTUREs shall not exceed the height of the principal BUILDING or twenty-five (25) feet, whichever is less.

*** In the case of a corner LOT at the intersection of two (2) STREETs, Front / Rear YARDs and talk about possibility of 2 front YARDs.

2. Front YARD Exception. By administrative review by the Zoning Officer, the front YARD of a proposed BUILDING may be decreased in depth to the average alignment of a majority of existing BUILDINGS on the same BLOCK frontage (same side) located within one hundred (100) feet of the proposed BUILDING.

SECTION 605 – General Requirements for all USES

1. Water and Sewage Facilities. All PRINCIPAL USES within this zoning DISTRICT shall be served by centralized water and/or centralized sewer pursuant to Article 4 of the Union Township Subdivision and Land Development ORDINANCE.

2. FLOODPLAIN and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or USES shall meet the requirements of Article XIII or the Union Township FLOODPLAIN ORDINANCE:

A. Steep Slope Protection Overlay
B. Streams and Surface Water Protection Overlay
C. WETLANDs Protection Overlay
D. FLOODPLAIN Protection Overlay

3. Standards for USES. In addition to the standards set forth in this Article, all USES permitted with within the Village Center DISTRICT shall also comply with:

A .Landscape Area. As further set forth in Article XIII, there shall be provided on all LOTs in the Village Center DISTRICT un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto ADJACENT properties, STREETs or ALLEYs.
B. YARD and OPEN SPACE Encroachment. All front, side and rear YARDs as required by this Article shall be open and unobstructed by any BUILDING or STRUCTURE, or part thereof, except as set forth in Article XIII of this ORDINANCE.
C. Off-STREET Parking, Loading and Unloading. All USES in the Village Center DISTRICT shall provide off-STREET parking spaces and off-STREET loading and unloading space according to the provisions set forth in Article XIII of this ORDINANCE.

D. SIGNs. SIGNs may be erected and maintained only when in compliance with the provisions of Article XII of this ORDINANCE.
E. Environmental Performance Standards. All USES in the Village Center DISTRICT shall comply with the Environmental Protection Standards provided for in Article 4 of the Union Township SALDO.

ARTICLE VII

C COMMERCIAL DISTRICT

SECTION 701 – Purpose

The Commercial DISTRICT is established to provide areas for the development of restricted retail and business USES which have minimal impact on surrounding properties. This DISTRICT is intended to permit a broad range of commercial, business, retail and service USES of a local and regional nature. It is further the intent of this DISTRICT to limit the impact such non-residential USES have on the existing infraSTRUCTURE including roadways, and other utilities and other ADJACENT zoning DISTRICTs .

SECTION 702 – USES Permitted by Right.

Each of the following PRINCIPAL USES and their ACCESSORY USES are permitted by right in the Commercial DISTRICT, provided that the USE type's dimensional and all other applicable requirements of this ORDINANCE are satisfied:

1. USES Permitted by Right:

- AMUSEMENT ESTABLISHMENT
- AUTOMOBILE AND MOTOR VEHICLE SALES ESTABLISHMENT
- AUTOMOBILE SERVICE AND REPAIR STATION
- BARBER OR BEAUTY SHOP
- BUSINESS OFFICE
- CONVENIENCE STORE
- DAY CARE FACILITIES, CHILD
- EMERGENCY SERVICES
- FARM SUPPLIES AND EQUIPMENT SALES
- FINANCIAL INSTITUTION
- GOVERNMENT FACILITY
- FITNESS/HEALTH CENTER
- FUNERAL HOME
- HOTEL
- HOUSE OF WORSHIP
- LAUNDRY/DRY CLEANING

- LUMBER YARD, HOME AND BUILDING SUPPLY CENTER
- MASSAGE THERAPY
- MEDICAL OFFICE OR CLINIC
- MINI-STORAGE/SELF-STORAGE FACILITY
- MIXED USE/MIXED OCCUPANCY BUILDING
- MOTEL.
- MULTIPLE USE BUILDING
- MUNICIPAL BUILDING OR FACILITY
- MUSEUM
- NEWSPAPER; PRINTING AND PUBLISHING
- OFFICE, PROFESSIONAL
- OFF TRACK BETTING PARLOR
- PARKING FACILITIES
- PASSENGER TRANSPORTATION TERMINAL
- POSTAL AND COURIER SERVICES
- PRIVATE PARKING LOT
- PERSONAL SERVICES
- RECREATIONAL FACILITY
- RESTAURANT, FAST FOOD
- RESTAURANT, SIT DOWN
- RETAIL STORE
- SCHOOL, COMMERCIAL
- SINGLE FAMILY ATTACHED DWELLING
- SINGLE FAMILY DETACHED DWELLING
- SINGLE-FAMILY SEMI-DETACHED DWELLING
- STORAGE UNITS
- TAVERN, BAR, PUB, NIGHTCLUB
- THEATER
- VETERINARIAN; ANIMAL HOSPITAL
- WAREHOUSE AND STORAGE (LOCKER PLANT)

2. ACCESSORY USES. Each of the following ACCESSORY USES shall be permitted in the Commercial DISTRICT only if such USE complies with the relevant standards contained in Section 1110 of this ORDINANCE:

- ACCESSORY DWELLING UNIT
- ALTERNATIVE ENERGY SYSTEM
- BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO A PERMITTED PRINCIPAL USE
- FAMILY DAY CARE HOME
- GARAGE OR CARPORT
- HOME OCCUPATION
- SHED, GARDEN OR TOOL
- SWIMMING POOL

SECTION 703 –CONDITIONAL USES

Each of the following PRINCIPAL USES and their ACCESSORY USES may be permitted in the Commercial DISTRICT by the BOARD OF SUPERVISORS in accordance with the standards contained in Section 1111 of this ORDINANCE.

1. USES Permitted by CONDITIONAL USE:

- BILLBOARDS (PURSUANT TO REGULATIONS IN ARTICLE XII)
- CAR WASH
- COMMUNICATION TOWER
- HOSPITAL
- MANUFACTURING, LIGHT
- PUBLIC UTILITY PUMPING STATION AND TREATMENT PLANT
- OFF PREMISES SIGNS (PURSUANT TO ARTICLE XII)
- SCHOOL, - COMMERCIAL, PUBLIC AND PRIVATE, VOCATIONAL-MECHANICAL-TRADE
- SHOPPING CENTER
- WAREHOUSING AND WHOLESALE DISTRIBUTION CENTER

2. ACCESSORY USES. In addition to the ACCESSORY USES listed in Section 702.2 above, BUILDINGS and USES customarily incidental to a PRINCIPAL USE permitted as a CONDITIONAL USE shall be permitted in the Commercial DISTRICT only if such USE complies with the standards contained in Section 1110 of this ORDINANCE.

SECTION 704 – Area and Bulk Requirements

In this DISTRICT, any STRUCTURE hereafter erected or any LOT hereafter USED or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of this ORDINANCE, as applicable, for any specified USE, the more restrictive requirements shall take precedence.

1. LOT and BUILDING Regulations. Each of the following dimensional requirements shall apply to each USE in the Commercial DISTRICT, except as specifically provided for in this ORDINANCE:

A. All USES:

	With PUBLIC water and sewer	With PUBLIC water or sewer	Without PUBLIC water and sewer
Minimum Lot Area (SF)	25,000	30,000	43560
Min Lot Width (FT)	80	100	100
Maximum Lot Coverage (%) *	70		
Maximum Building Coverage	35		
Maximum Building Height **	35 feet		
Front Yard Setback	See §704.2 below		
Side Yard Setback (each) ***	15 feet		
Rear Yard Setback	35 feet		

Notes: (1) LOT COVERAGE includes all BUILDINGS, STRUCTUREs and other areas of IMPERVIOUS SURFACE (for example: DRIVEWAYs, parking areas, walkways).
(2) The maximum BUILDING HEIGHT shall not apply to barns, silos, grains and feed elevators, water towers, spires and steeples, solar heating and photovoltaic COLLECTORS and panels, HVAC and other mechanical equipment, and similar appurtenances. The BUILDING HEIGHT of ACCESSORY STRUCTUREs shall not exceed the height of the principal BUILDING or fifteen (15) feet, whichever is less.
(3) In the case of a corner LOT at the intersection of two (2) STREETs, the width of the side YARD on both STREET sides shall not be less than forty (40) feet.
(4) Where the rear YARD of non-residential USES abuts a service ALLEY the rear YARD SETBACK may be reduced to five (5) feet.

2. Minimum Front YARD Requirements.

A. There shall be a front YARD, the depth of which shall be determined by the type of STREET on which the principal BUILDING or the PRINCIPAL USE will front:

STREET Type	Front YARD* (feet)
Arterial	60
Collector	50
Local	40

* The depth at which the minimum LOT WIDTH shall be measured.

B. Front YARD Exception. By administrative review by the Zoning Officer, the front YARD of a proposed BUILDING may be decreased in depth to the average alignment of a majority of existing BUILDINGS on the same BLOCK frontage (same side) located within one hundred (100) feet of the proposed BUILDING.

SECTION 705 – General Requirements for all USES

1. Water and Sewage Facilities. All PRINCIPAL USES within this zoning DISTRICT shall be served by centralized water and/or centralized sewer pursuant to Article 4 of the Union Township Subdivision and Land Development ORDINANCE.

2. FLOODPLAIN and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or USES shall meet the requirements of Article XIII or the Union Township FLOODPLAIN ORDINANCE:

A. Steep Slope Protection Overlay
B. Streams and Surface Water Protection Overlay
C. WETLANDs Protection Overlay
D. FLOODPLAIN Protection Overlay

3. Standards for USES. In addition to the standards set forth in this Article, all USES permitted within the Commercial DISTRICT shall also comply with:

A. Landscape Area. As further set forth in Article XI, there shall be provided on all LOTs in the Commercial DISTRICT un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto ADJACENT properties, STREETs or ALLEYs.
B. YARD and OPEN SPACE Encroachment. All front, side and rear YARDs as required by this Article shall be open and unobstructed by any BUILDING or STRUCTURE, or part thereof, except as set forth in Article XI of this ORDINANCE.
C. Off-STREET Parking, Loading and Unloading. All USES in the Commercial DISTRICT shall provide off-STREET parking spaces and off-STREET loading and unloading space according to the provisions set forth in Article XIII of this ORDINANCE.
D. SIGNs. SIGNs may be erected and maintained only when in compliance with the provisions of Article XII of this ORDINANCE.
E. Environmental Performance Standards. All USES in the Commercial DISTRICT shall comply with the Environmental Protection Standards provided for in Article 4 of the Union Township SALDO.

ARTICLE VIII

INDUSTRIAL DISTRICT

SECTION 801 – Purpose

The Industrial DISTRICT is established to provide areas for a variety of intensive commercial and MANUFACTURING USES and PROCESSING activities. This DISTRICT is intended to avoid significant adverse impacts on surrounding lands regarding odors, noise, glare, and vibration.

SECTION 802 – USES Permitted by Right.

Each of the following PRINCIPAL USES and their ACCESSORY USES are permitted by right in the Industrial DISTRICT, provided that the USE type, dimensional and all other applicable requirements of this ORDINANCE are satisfied:

1. USES Permitted by Right:
    - AUTOMOBILE AND MOTOR VEHICLE SALES
    - AUTOMOBILE SERVICE AND REPAIR STATION
    - CARWASH
    - EMERGENCY SERVICES
    - FARM SUPPLIES AND EQUIPMENT SALES
    - HELIPORT/HELIPAD
    - LUMBER YARD; HOME AND BUILDING SUPPLY CENTER
    - MANUFACTURING, LIGHT
    - MINI-STORAGE/SELF-STORAGE FACILITY
    - NEWSPAPER; PRINTING AND PUBLISHING
    - SAWMILL
    - WAREHOUSE AND STORAGE (LOCKER PLANT)

2. ACCESSORY USES. Each of the following ACCESSORY USES shall be permitted in the Industrial DISTRICT only if such USE complies with the applicable standards contained in this ORDINANCE:
    - ALTERNATIVE ENERGY SYSTEM
    - BUILDINGS and USES customarily incidental to a permitted PRINCIPAL USE
    - OUTDOOR FURNACES and HEATING DEVICES

SECTION 803 – CONDITIONAL USES

Each of the following PRINCIPAL USES and their ACCESSORY USES may be permitted in the Industrial DISTRICT by the GOVERNING BODY in accordance with the standards contained in this ORDINANCE:

1. USES Permitted by CONDITIONAL USE:
    - ADULT ORIENTED BUSINESS.
    - COMMUNICATION TOWER
    - CORRECTIONAL OR PENAL INSTITUTION
    - CREMATORIUM
    - ELECTRIC GENERATION FACILITY
    - JUNKYARD; AUTO RECYCLING CENTER
    - LANDFILL, SANITARY; RESOURCE RECOVERY FACILITY
    - MANUFACTURING, HEAVY, LIGHT
    - MINERAL EXTRACTION OR RECOVERY FACILITY
    - MOTOR FREIGHT TERMINAL
    - OFF PREMISES SIGNS (PURSUANT TO ARTICLE XII)
    - POSTAL AND COURIER SERVICES
    - PARKING FACILITIES
    - PUBLIC UTILITY PUMPING STATION
    - RENDERING WORKS
    - SANITARY SEWER PUMPING STATION
    - SAWMILL
    - WAREHOUSING AND WHOLESALE DISTRIBUTION CENTER
    - WIND ENERGY SYSTEM, SMALL

2. ACCESSORY USES. In addition to the ACCESSORY USES listed in Section 1102.2 above, BUILDINGS and USES customarily incidental to a PRINCIPAL USE permitted as a CONDITIONAL USE shall be permitted in the Industrial DISTRICT only if such USE complies with the standards contained in Section 1110 of this ORDINANCE.

SECTION 804 – Area and Bulk Requirements

In this DISTRICT, any STRUCTURE hereafter erected or any LOT hereafter USED or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of this ORDINANCE, as applicable, for any specified USE, the more restrictive requirements shall take precedence.

1. LOT and BUILDING Regulations. Each of the following dimensional requirements shall apply to each USE in the Industrial DISTRICT, except as specifically provided for in this ORDINANCE:

   A. All USES:

Minimum LOT AREA (sq. ft.)	45,000
Minimum LOT WIDTH (sq. ft.)	200
Maximum LOT COVERAGE(1)	95%
Maximum BUILDING COVERAGE	70%
Maximum BUILDING HEIGHT(2) (ft.)	35
Front YARD SETBACK (ft.)	See§804.2 below
Side YARD SETBACK(3) (each) (ft.)	25
Rear YARD SETBACK (ft.)	40

Notes:

1) LOT COVERAGE includes all BUILDINGS, STRUCTUREs and other areas of IMPERVIOUS SURFACE (for example: DRIVEWAYs, parking areas, walkways).
2) The maximum BUILDING HEIGHT shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic COLLECTORS and panels, HVAC and other mechanical equipment, and similar appurtenances. The BUILDING HEIGHT of ACCESSORY STRUCTUREs shall not exceed the height of the principal BUILDING or fifteen (15) feet, whichever is less.
3) In the case of a corner LOT at the intersection of two (2) STREETs, the width of the side YARD on both STREET sides shall not be less than forty (40) feet.

2. Minimum Front YARD Requirements.

   A. There shall be a front YARD, the depth of which shall be determined by the type of STREET on which the principal BUILDING or the PRINCIPAL USE will front:

STREET Type	Front YARD* (feet)
Arterial	60
Collector	50
Local	40

* The depth at which the minimum LOT WIDTH shall be measured.

B. Front YARD Exception. By administrative review of the Zoning OFFICER, the front YARD of a proposed BUILDING may be decreased in depth to the average alignment of a majority of existing BUILDINGS on the same BLOCK frontage (same side) located within one hundred (100) feet of the proposed BUILDING.

SECTION 805 – General Requirements for all USES

1. Water and Sewage Facilities. All PRINCIPAL USES within this zoning DISTRICT shall be served by centralized water and/or centralized sewer pursuant to Article 4 of the Union Township Subdivision and Land Development ORDINANCE.
2. FLOODPLAIN and Critical Environmental Areas Overlays. Development within FLOODPLAIN and Critical Environmental Areas should be pursued in strict accordance with all applicable Federal, State and Local regulations.
3. *S*tandards for USES. In addition to the standards set forth in this Article, all USES permitted within the Industrial DISTRICT shall also comply with:

   A. Landscape Area. As further set forth in Article XI, there shall be provided on all LOTs in the Industrial DISTRICT un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto ADJACENT properties, STREETs or ALLEYs.
   B. YARD and OPEN SPACE Encroachment. All front, side and rear YARDs as required by this Article shall be open and unobstructed by any BUILDING or STRUCTURE, or part thereof, except as set forth in Article XI of this ORDINANCE.
   C. Off-STREET Parking, Loading and unloading. All USES in the Industrial DISTRICT shall provide off-STREET parking spaces and off-STREET loading and unloading space according to the provisions set forth in Article XIII of this ORDINANCE.
   D. SIGNs. SIGNs may be erected and maintained only when in compliance with the provisions of Article XII of this ORDINANCE.
   E. Environmental Performance Standards. All USES in the Industrial DISTRICT shall comply with the Environmental Protection Standards required by the applicable Federal, State and Local regulations.

ARTICLE IX

S – Senior Care DISTRICT

SECTION 901- Purpose

The Senior Care DISTRICT is established to provide areas for single-FAMILY semi-DETACHED DWELLINGs at a moderate to high DENSITY in areas which are or have the potential for being served by PUBLIC water and sewer facilities. The intent of this DISTRICT is to encourage single-FAMILY DETACHED and semi-DETACHED DWELLINGs in clustered areas to provide for PUBLIC water and sewage facilities are provided off the LOT. This DISTRICT is also intended to provide for assisted living facilities, rehabilitation facilities, NURSING HOME facilities and PUBLIC and civic USES.

SECTION 902- USES Permitted by Right

Each of the following PRINCIPAL USES and their ACCESSORY USES are permitted by right in the Senior Care DISTRICT, provided that the USE type, dimensional and all other applicable requirements set forth in Article XIV of this ORDINANCE are satisfied:

1. USES Permitted by Right:
    - EDUCATION AND RELIGIOUS FACILITIES
    - EMERGENCY SERVICES
    - COMMUNITY CENTER
    - MUNICIPAL PARK OR PLAYGROUND (INCLUDING ATHLETIC FIELDS)
    - SENIOR CITIZEN CENTER
    - SINGLE FAMILY DETACHED DWELLING
    - DUPLEX (SINGLE FAMILY SEMI-DETACHED DWELLING OR TWO-FAMILY DWELLING)
    - CONDOMINIUM, TOWNHOUSES, GARDEN APARTMENTS
    - PUBLIC UTILITY PUMPING STATION

2. ACCESSORY USES. Each of the following ACCESSORY USES shall be permitted in the Senior Care DISTRICT only if such USE complies with the applicable standards contained in Section 1110 of this ORDINANCE:

- STRUCTURE MOUNTED SOLAR ENERGY SYSTEM
- BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO A PERMITTED PRINCIPAL USE
- FAMILY DAY CARE HOME
- GARAGE OR CARPORT
- NO IMPACT HOME-BASED BUSINESS

SECTION 903 – CONDITIONAL USES

Each of the following PRINCIPAL USES and their ACCESSORY USES may be permitted in the Senior Care DISTRICT by the Union Township Supervisors in accordance with the standards contained in Section 1111 of this ORDINANCE.

1. USES Permitted by CONDITIONAL USE:

- MEDICAL OFFICE OR CLINIC
- NURSING AND RESIDENTIAL CARE FACILITIES
- RECREATIONAL FACILITIES
- SCHOOL, PUBLIC OR PRIVATE

2. ACCESSORY USES. In addition to the ACCESSORY USES listed in Section 902.2 above, BUILDINGS and USES customarily incidental to a PRINCIPAL USE permitted as a CONDITIONAL USE shall be permitted in the Senior Care DISTRICT only if such USE complies with the standards contained in Section 1110 of this ORDINANCE.

SECTION 904 – Area and Bulk Requirements

In this DISTRICT, any STRUCTURE hereafter erected or any LOT hereafter USED or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with other requirements in this ORDINANCE, or federal or state statutes, as applicable, for any specified USE, the more restrictive requirements shall take precedence.

1. LOT and BUILDING Regulations. The following dimensional requirements shall apply to all USES in the Senior Care DISTRICT, except as specifically provided for in this ORDINANCE

A. Single-FAMILY DETACHED DWELLINGs

	With PUBLIC water and sewer	**With PUBLIC water or sewer**	**Without PUBLIC water and sewer**
Minimum Lot Area (SF)	10,000	30,000	43560
Min Lot Width (FT)	80	100	100
Maximum Lot Coverage (%) *	80		
Maximum Building Coverage	40		
Maximum Building Height **	35 feet		
Front Yard Setback	See §904.2 below		
Side Yard Setback (each) ***	15 feet		
Rear Yard Setback	30 feet		

B. Two-FAMILY DUPLEX DWELLINGs:

	with PUBLIC water and sewer
Minimum LOT AREA (per unit, sq. ft.)	10,000
Minimum LOT WIDTH (combined)	80 feet
Maximum LOT COVERAGE*	80%
Maximum BUILDING COVERAGE	40%
Maximum BUILDING HEIGHT**	35 feet
Front YARD SETBACK	See §904.2 below
Side YARD SETBACK(each) ***	15 feet
Rear YARD SETBACK	30 feet

C. All Other USES:

	With PUBLIC water and sewer	**With PUBLIC water or sewer**	**Without PUBLIC water and sewer**
Minimum Lot Area (SF)	10,000	30,000	43560
Min Lot Width (FT)	80	100	100
Maximum Lot Coverage (%) *	80		
Maximum Building Coverage	40		
Maximum Building Height **	35 feet		
Front Yard Setback	See §904.2 below		
Side Yard Setback (each) ***	15 feet		
Rear Yard Setback	30 feet		

* LOT COVERAGE includes all BUILDINGS, STRUCTUREs and other areas of IMPERVIOUS SURFACE (for example: DRIVEWAYs, parking areas, walkways).
** The maximum BUILDING HEIGHT shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic COLLECTORS and panels, HVAC and other mechanical equipment, and similar appurtenances. The BUILDING HEIGHT of ACCESSORY STRUCTUREs for all non-agricultural USE shall not exceed the height of the principal BUILDING or twenty-five (25) feet, whichever is less.
*** In the case of a corner LOT at the intersection of two (2) STREETs, the width of the side YARD on the STREET side shall not be less than twenty-five (25) feet. For DUPLEX DWELLINGs, the side YARD SETBACK for the portion of the DWELLING with a common wall is reduced to zero.

2. Minimum Front YARD Requirements. There shall be a front YARD, the depth of which shall be determined by the classification of the STREET or road on which the principal BUILDING or the PRINCIPAL USE will front:

STREET Type	Front YARD* (feet)
Arterial	50
Collector	35
Local	25

* The depth at which the minimum LOT WIDTH shall be measured.

SECTION 905 – General Requirements for all USES

1. Water and Sewage Facilities. All principal, USES within the Senior Care DISTRICT shall be served by water and sewage facilities pursuant to Article 4 of the Union Township Subdivision and Land Development ORDINANCE.
2. FLOODPLAIN and Critical Environmental Areas Overlays. If located within or affected by the following zoning overlays, development or USES shall meet the requirements of Article XI or the union Township FLOODPLAIN ORDINANCE:

A. Steep Slope Protection Overlay
B. Streams and Surface Water Protection Overlay
C. WETLANDs Protection Overlay
D. FLOODPLAIN Protection Overlay

3. Standards for USES. In addition to the standards set forth in this Article, all USES permitted within the Senior Care DISTRICT shall also comply with:

A. Landscape Area. As further set forth in Article XI, there shall be provided on all non-agricultural LOTs in this DISTRICT un-surfaced, open and pervious spaces which are deSIGNed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto ADJACENT properties, STREETs or ALLEYs.
B. YARD and OPEN SPACE Encroachment. All front, side and rear YARDs as required by this Article shall be open and unobstructed by any BUILDING or STRUCTURE, or part thereof, except as set forth in Article XI of this ORDINANCE.
C. Off-STREET Parking, Loading and Unloading. All USES in the Senior Care DISTRICT shall provide off-STREET parking spaces and off-STREET loading and unloading space according to the provisions set forth in Article XIII of this ORDINANCE.
D. SIGNs. SIGNs may be erected and maintained only when in compliance with the provisions of Article XII of this ORDINANCE.
E. Environmental Performance Standards. All USES in the Senior Care DISTRICT shall comply with the Environmental Protection Standards provided for in Article 4 of the Union Township SALDO.

ARTICLE X

FOREST ZONES

SECTION 1001 – Purpose

The Forest Zone promotes the conservation and preservation of land in the Township possessing natural features identified as essential to the environmental health, economy and rural character of the community. These areas include lands with development constraints, such as steep slopes, WOODLANDs, WETLANDs and FLOODPLAINs, and stream corridors. Protection of natural features provides benefits such as soil erosion control, improved soil quality, enhanced water quality, enriched habitat and biodiversity, flood control, and the protection of BUILDINGS, roads and property.

SECTION 1002 – USES Permitted by Right

1. Each of the following PRINCIPAL USES and their ACCESSORY USES are permitted by right in the Forest Zone, provided all other applicable requirements of this ORDINANCE are satisfied:

- Forest and wildlife reserves
- FORESTRY and tree farming
- Agricultural and FARM operations.
- GREENWAYs and trails
- Single-FAMILY DETACHED DWELLINGs
- No-Impact Home-Based Business
- ACCESSORY STRUCTUREs and USES customarily incidental to a permitted USE
- CAMPGROUNDs and camps
- HUNTING AND FISHING CAMP or cabin

SECTION 1003 – Area and Bulk Requirements

In this district, any structure hereafter erected or any Lot hereafter used or occupied for any lawful purpose shall provide the minimum dimensions specified below. Should these requirements conflict with the requirements of this ordinance, as applicable, for any specified use, the more restrictive requirements shall take precedence.

1. LOT and BUILDING Regulations.

	All Uses	
Minimum LOT Area	10 acres	
Minimum LOT WIDTH	300 feet	
Maximum LOT COVERAGE	40,000 sq. ft.	
Maximum BUILDING COVERAGE	20,000 sq. ft.	
Maximum BUILDING HEIGHT*	35 feet	
Front YARD SETBACK	50 feet	
Side YARD SETBACK	50 feet	
Rear YARD SETBACK	50 feet	

* The maximum BUILDING HEIGHT shall not apply to barns, silos, grain and feed elevators, water towers, spires and steeples, solar heating and photovoltaic COLLECTORS and panels, HVAC and other mechanical equipment, and similar appurtenances. The BUILDING HEIGHT of ACCESSORY STRUCTUREs shall not exceed the height of the principal BUILDING or fifteen (15) feet, whichever is less.

2. At least eighty percent (80%) of the area of the LOT shall be maintained with a vegetative material.

SECTION 1004 – General Requirements for all USES

1. FLOODPLAIN and Critical Environmental Areas Overlays. Development within FLOODPLAIN and Critical Environmental Areas should be pursued in strict accordance with all applicable Federal, State and Local regulations.

2. Standards for USES. In addition to the standards set forth in this Article, all USES permitted within the FOREST DISTRICT shall also comply with:

A. Landscape Area. As further set forth in Article XI, there shall be provided on all LOTs in the FOREST DISTRICT un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto ADJACENT properties, STREETs or ALLEYs.
B. YARD and OPEN SPACE Encroachment. All front, side and rear YARDs as required by this Article shall be open and unobstructed by any BUILDING or STRUCTURE, or part thereof, except as set forth in Article XI of this ORDINANCE.
C. Off-STREET Parking, Loading and unloading. All USES in the FOREST DISTRICT shall provide off-STREET parking spaces and off-STREET loading and unloading space according to the provisions set forth in Article XIII of this ORDINANCE.
D. SIGNs may be erected and maintained only when in compliance with the provisions of Article XII of this ORDINANCE.
E. Environmental Performance Standards. All USES in the FOREST DISTRICT shall comply with the Environmental Protection Standards required by the applicable Federal, State and Local regulations.

ARTICLE XI

SUPPLEMENTAL REGULATIONS

SECTION 1101 – Purpose

These Supplemental regulations are established to provide additional general and specific requirements for certain permitted, accessory and CONDITIONAL USES listed in Articles IV through X of this ORDINANCE. If the zoning DISTRICT regulations are determined to be in conflict with the following general regulations, the most restrictive regulations shall be applied, unless otherwise stated.

SECTION 1102 – Identification and Delineation of Natural Resource Protection Areas

For purposes of this ORDINANCE, areas contained within the Natural Resource Protection Areas shall include the following:
1. WETLANDs: Any portion of a property within a designated WETLAND, as determined by current State and/or Federal guidelines.
2. Stream Corridors: Any portion of a property located within twenty-five (25) feet of the top of the bank of any stream or watercourse.
3. FLOODPLAINS: Any portion of property within a 100 year FLOODPLAIN as determined by the most recent Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA). All development proposed shall comply with the Union Township FLOODPLAIN ORDINANCE.
4. Steep Slopes: Any portion of the property which contains areas of overlands slopes which exceed 45%.

SECTION 1103 – Mifflin County Natural Heritage Inventory Sites

The Mifflin County Natural Heritage Inventory of 2007, as may be amended from time to time, identifies eight (8) sites within Union Township as significant natural habitat. In compliance with the Natural Heritage Inventory, as amended, the Union Township Zoning ORDINANCE seeks to conserve and protect these sites. Therefore, no earth disturbance shall be permitted, and no BUILDINGS or STRUCTUREs shall be placed in, above, under, or within one hundred (100) feet of such sites. In cases where more restrictive state standards apply, those standards shall prevail.

SECTION 1104 – Design and Performance Standards

1. In the event that two (2) or more natural resource areas identified in this Article overlap, the resource with the most restrictive standard shall apply to the area of overlap.
2. All plans for subdivision or land development shall conform to the Union Township Subdivision and Land Development ORDINANCE.
3. An erosion and sedimentation control plan, consistent with the requirements of the Union Township Subdivision and Land Development ORDINANCE,. Subsection 4.213, shall be required for any earth disturbance proposed within five hundred (500) feet of any watercourse, WETLAND, or water body.
4. All disturbed areas of the site shall be stabilized by seeding or planting.
5. Productive agricultural soils in active agricultural USE shall be preserved to the extent possible.

SECTION 1105 – WETLANDs Protection

1. Conservation of WETLANDs

   A. Any portion of a property within a delineated WETLANDs area is not to be altered, re-graded, filled, piped, diverted, or built upon except in conformance with the regulations of the PA DEP and the US Army Corps of Engineers.

   B. Any landowner proposing an activity requiring a Federal or State permit shall obtain such permit before approval by the Township.

   C. All USES and activities shall minimize to the extent possible the destruction, degradation, or adverse impact on a WETLAND.

   D. Wells and septic systems shall not be located in WETLAND areas.

   E. Stormwater management facilities shall not be located in WETLAND areas unless the WETLANDs are used as part of the facility.

2. Hydric Soils and Soils with a Seasonally High Water Table. No BUILDING and no portion of any SEWAGE DISPOSAL SYSTEM shall be constructed on or within any soil type with a seasonally high water table.

SECTION 1106 – Stream Corridors Protection

1. Conservation of Stream Corridors

A. Stream corridors shall not be altered, re-graded, filled, or used for any purpose, excluding agricultural land USES, except in conformance with this Section.

B. No STRUCTURE or earth disturbance shall be permitted within one hundred (100) feet of the top of the bank of any watercourse, or within one hundred (100) feet of the edge of any pond, WETLAND, or other water body in order to protect existing watercourses and water bodies, and to enable the regeneration of vegetation in order to enhance or create riparian BUFFERs, except as follows:

(1) Regulated activities permitted by the Commonwealth, such as stream or WETLAND crossing, for which the maximum disturbance permitted shall be five (5) percent of the riparian or WETLAND BUFFER area on the subject PARCEL.

(2) Provision for unpaved trail access;

(3) Selective removal of a safety hazard, diseased trees, or invasive plant species.

(4) Soil and stream conservation projects approved by the Mifflin County Conservation DISTRICT.

C. Where it is necessary to cross a stream or watercourse for any purpose, the property landowner, applicant and/or site conTRACTor is encouraged to work with the Mifflin County Conservation DISTRICT to establish best management practices (BMPs) to protect the stream.

D. Any changes in an existing stream or watercourse must be approved by the appropriate state and/or federal agency, with documentation of such permit provided to the Township.

E. Where the provisions in this subsection are found to be in conflict with the Union Township Stormwater ORDINANCE, said Stormwater ORDINANCE shall take precedence.

2. Riparian BUFFERs

A. A riparian BUFFER shall be maintained along all stream corridors to intercept sediment and pollutants from runoff occurring overland before they reach the stream, thereby protecting local water resources and the environment.

(1) The riparian BUFFER shall extend no less than thirty-five (35) feet from the top of the stream bank or the edge of the watercourse

(2) The BUFFER shall consist of existing or new vegetation or a combination thereof, in the following order of preference.

(a) Plant selection shall be consistent with Mifflin County Conservation DISTRICT, Pennsylvania Department of Environmental Protection, and USDA riparian forested BUFFER guidelines.

(b) Existing hedgerow, woodot, brush and/or uncultivated fields which are naturally occurring along the stream.

(c) A combination of existing vegetation (such as above) and newly-established vegetation.

3. Exemptions. Where STRUCTUREs exist on LOTs at the time of adoption of this ORDINANCE, impervious cover may be increased within the BUFFER by no more than fifty (50) percent. In such cases the following shall apply:

A. The BUFFER shall be reduced by no more than fifty (50) percent of its area or two thousand five hundred (2,500) square feet, whichever is less; and

B. No earth disturbance shall be permitted within thirty-five (35) feet of the WETLAND boundary or top of bank for watercourses and water bodies. In no case shall earth disturbance be permitted within the floodway unless a permit is obtained from the Pennsylvania Department of Environmental Protection, with documentation of such permit provided to Union Township.

SECTION 1107 – FLOODPLAIN Areas. Any portion of a property within a designated FLOODPLAIN area shall not be altered, re-graded, filled, or built upon except in strict compliance with the provisions of this ORDINANCE, the Township Flood Plain ORDINANCE, and with all other applicable federal, state and local regulations.

SECTION 1108 – Conflict. This section is intended to create overlay zones, wherein all of the regulations of the underlying DISTRICT shall remain in full force and effect. Where a conflict exists between the provisions or requirements of this Article and those of any underlying DISTRICT, or other Township ORDINANCEs and state or federal regulations, the more restrictive shall apply.

SECTION 1109 – General Provisions for All USES

1. Water and Sewage Facilities. All PRINCIPAL USES shall be served by water and sewage facilities pursuant to Article IV of the Union Township Subdivision and Land Development ORDINANCE.

2. Landscape Area. There shall be provided on all non-agricultural LOTs un-surfaced, open and pervious spaces which are designed to catch, collect, hold and/or absorb water run-off from roofs and other surfaced areas and prevent same from flowing or running onto ADJACENT properties, STREETs or ALLEYs.

    A. Landscape Area shall include any part of the site which is not used for BUILDINGS, other impervious STRUCTUREs, loading or parking spaces and aisles, sidewalks, and any area or space which is roofed.
    B. The landscape area shall be so designed that:
        (1) It catches or collects, holds and absorbs roof water run-off and the surface water run-off from surfaced areas.
        (2) It prevents roof water run-off and surface water run-off from flowing or running onto ADJACENT properties, STREETs or ALLEYs.
        (3) Each site where a part of the landscape area is located is itself reasonably secure from wash out, sliding or shifting under normal rain, ice or snow conditions.
        (4) It is maintained to provide an attractive appearance, and all non-surviving plants shall be replaced promptly.
    C. All landscape areas shall be planted with an all-season ground cover such as grass, ivy, vetch, pachysandra, etc., except that gravel may be substituted in a manner that compliments other vegetative materials.

3. YARD and OPEN SPACE Encroachment. All front, side and rear YARDs as required by this Article shall be open and unobstructed by any BUILDING or STRUCTURE, or part thereof, except as provided herein.

    A. Projections into required YARD.
        (1) Open, unenclosed porches may be placed in a required front YARD and rear YARD providing they do not extend for a distance of more than one-third (1/3) of the required front YARD and/or rear YARD area.
        (2) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a BUILDING may be located within a required SETBACK area.

(3) Architectural features including bay windows, cornices, eaves, fireplaces, chimneys, windowsills or other architectural features may extend into YARD SETBACK not more than twenty-four (24) inches.
(4) Lampposts and other light fixtures, sidewalks or walkways, DRIVEWAYs, FENCEs and retaining walls, flagpoles, decorative lawn ornaments, bird feeders, and similar objects shall be permitted within any required YARD.

4. Off-STREET Parking, Loading and Unloading. All USES shall provide off-STREET parking spaces and off-STREET loading and unloading space according to the provisions set forth in Article XIII of this ORDINANCE.

5. SIGNS. SIGNS may be erected and maintained only when in compliance with the provisions of Article XII of this ORDINANCE.

6. Environmental Performance Standards. All USES in Union Township shall comply with the Environmental Protection Standards provided for in Article 4 of the Union Township SALDO

7. BUFFERING, for any use requiring a buffer yard, the following requirements shall apply:

A. A BUFFER YARD shall be located at the perimeter of the LOT and shall not be located in any portion of a PUBLIC right-of-way or proposed right –of-way
B. BUILDINGS or storage of any kind shall not be permitted in a BUFFER YARD. Permitted USES in a BUFFER YARD include stormwater management facilities, underground utility, picnic areas, GREENWAYs and/or pedestrian walkways.
C. BUFFER YARDS shall not be used for parking.
D. A BUFFER YARD of fifty (50) feet shall be required between residential USES or residential zoning DISTRICTS and non-residential USES or commercial or industrial zoning DISTRICTs. SCREENING shall be required within the BUFFER YARD.

8. SCREENING. For any use requiring screening, the following provision shall be applicable:

A. SCREENING materials at maturity shall provide semi-opacity from the ground to a height of six (6) feet and intermittent visual obstruction from a height of six (6) feet to a height of thirty (30) feet. Vegetative SCREENING materials within intermittent visual obstruction areas shall contain horizontal openings

no greater than twenty (20) feet in width; and vegetative SCREENING material within semi-opaque areas shall contain openings no greater than ten (10) feet in width upon the plants' maturity. Grouping of plant material is encouraged to achieve a more natural appearance. SCREENING within a required BUFFER area shall consist of one of the following, unless a use requires a certain type of screening:

(1) Mixed vegetative Screen
- (a) Evergreen trees: minimum five (5) foot planting height.
- (b) Deciduous trees: minimum two (2) inch caliper and six (6) foot planting height.
- (c) Shrubs: minimum eighteen (18) inch planting height, reaching a minimum of thirty (30) inches within two (2) years. All shrubs (deciduous and evergreen) must have a minimum spread of twelve (12) inches to fifteen (15) inches when planted.
- (d) Minimum planting width: ten (10) feet.

(2) FENCE and vegetative screen
- (a) Minimum six (6) foot-high freestanding/retaining wall or solid FENCE.
- (b) Evergreen trees: minimum five (5) foot tree planting height.
- (c) Minimum planting width: twelve (12) feet.

(3) Evergreen tree screen.
- (a) Evergreen trees: minimum six (6) foot tree planting height.
- (b) Minimum planting width: twelve (12) feet.

(4) Berm and vegetative screen.
- (a) Berm requirements:
  - (i) Minimum six (6) foot planting height.
  - (ii) Berm slopes three to one (3:1) and less steep.
  - (iii) Eight (8) feet minimum top width.
- (b) Vegetation:
  - (i) Vegetation shall consist of a minimum of lawn or other ground cover, and shrubs and trees.
  - (ii) Minimum six (6) foot tree planting height.
  - (iii) The lawn or ground cover shall cover at least ninety-five (95) percent of the berm area within two (2) years of planting.
  - (iv) Shrubs and deciduous trees shall conform to subsection (1) above.

B. The following specific USES or features shall be screened from ADJACENT properties and from PUBLIC view from a STREET by a solid FENCE or wall, or by one of the SCREENING options in subsection A:

(1) Dumpster and trash-handling and storage areas.
(2) Loading docks or spaces.
(3) Outdoor storage or any material stocks, or equipment, including but not limited to motor vehicles, FARM or construction equipment or other similar items.

C. Maintenance – All required SCREENING, including vegetation, berms, FENCEs or walls shall be permanently maintained in good condition and, whenever necessary, repaired and replaced.

9. Limit of one (1) PRINCIPAL USE. No more than one (1) PRINCIPAL USE shall be permitted on a LOT, unless specifically permitted by this ORDINANCE. A PRINCIPAL USE shall not be located in an accessory BUILDING or STRUCTURE.

10. Multiple Occupancy. Occupancy of a principal commercial or industrial BUILDING by more than one (1) USE of similar type is specifically allowed, provided that all other requirements of this ORDINANCE are satisfied. Each USE within a multiple USE, MIXED-USE or multiple occupancy BUILDING shall be required to apply for separate ZONING PERMITs.

11. Minimum habitable floor area. All DWELLING UNITs must conform to the following minimum habitable floor area:
    A. SINGLE-FAMILY ATTACHED, single-FAMILY DETACHED, single-FAMILY semi-DETACHED, and two-FAMILY DWELLING UNITs shall have a minimum of not less than seven hundred (700) square feet per DWELLING UNIT.
    B. Multi-FAMILY DWELLINGs shall have a minimum of not less than four hundred fifty (450) square feet per DWELLING UNIT.
12. Prohibited USES
    A. All USES not listed in a zoning DISTRICT shall be prohibited in that zoning DISTRICT, except as provided for in Section 107 of this ORDINANCE.
    B. The housing or keeping of any animal and plant species considered to be threatened or endangered by the U.S. Fish and Wildlife Service are strictly prohibited.

13. PUBLIC UTILITY Exemption.

    A. This article shall not apply to any 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 in which the BUILDING or proposed BUILDINGS is located 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.

14. Temporary USE and STRUCTURE. A temporary USE permit may be issued by the Zoning Officer for STRUCTUREs or USES accessory during construction or other special circumstances of a non-recurring nature, subject to the following additional provisions:

    A. The life of such permit shall not exceed one (1) year, unless authorized by the Zoning Hearing BOARD.
    B. Temporary STRUCTUREs may be erected in conjunction with a temporary USE subject to approval by the Zoning Officer.
        a. No temporary STRUCTURE shall exceed one hundred twenty (120) square feet.
        b. All temporary STRUCTUREs must be removed, and the site returned to its condition prior to the commencement of the temporary activity, within 24 hours of the cessation of the temporary activity without cost to the township.
    C. A permit shall be required and prominently displayed throughout the event.
    D. No more than four (4) events may be held during one (1) calendar year by any one applicant and at any one location.
    E. Parking for the event shall be provided in conformance with Article XIII.
    F. Temporary STRUCTUREs or USES in conjunction with an active construction project or land development shall be exempt from the provisions of this subsection.
    G. Garage and YARD Sales

a. Within any zoning DISTRICT, an owner and/or occupant of a residential USE may conduct up to four (4) GARAGE/YARD SALEs per calendar year.
b. No GARAGE/YARD SALE shall be conducted for a period longer than three (3) consecutive days.
c. Such sales may offer for sale personal possessions; no import or stocking of inventory shall be permitted.

H. TEMPORARY RETAIL SALES.
a. Only one (1) TEMPORARY RETAIL SALES event may take place on a LOT at any given time.
b. TEMPORARY RETAIL SALES hours of operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m.
c. TEMPORARY RETAIL SALES may take place in parking areas subject to maintaining sufficient parking for all USES located on that site.
d. TEMPORARY RETAIL SALES shall not disrupt the daily operations of the principal business located on the LOT.

SECTION 1110 – ACCESSORY USES

The following regulations for accessory BUILDINGS and USES shall supplement the regulations set forth in this ORDINANCE in each zoning DISTRICT. ACCESSORY USES are all BUILDINGS and USES customarily incidental and subordinate to any permitted principal, CONDITIONAL USE or SPECIAL EXCEPTION USE.

1. General Requirements. The following regulations shall apply to any and all ACCESSORY USES, BUILDINGS and STRUCTUREs wherever situated.

A. BUILDINGS or STRUCTUREs attached to or forming an integral part of a primary BUILDING or STRUCTURE and utilized for an ACCESSORY USE shall not be considered as accessory BUILDINGS or STRUCTUREs and shall conform to all requirements for a principal STRUCTURE for the zone in which it is situated.
B. Accessory BUILDINGS, STRUCTUREs or USES shall not be located between the primary BUILDING STRUCTURE or USE and any STREET right-of-way.
C. Residential sales OFFICEs are permitted ACCESSORY USES, but such USES must be removed upon the sale of the last onsite residential unit offered for sale.

2. Accessory DWELLING UNIT

A. There shall be permitted one (1) accessory DWELLING UNIT for each principal permitted residential single FAMILY DETACHED DWELLING.
B. The accessory DWELLING UNIT shall be clearly subordinate to the principle DWELLING UNIT.
C. All accessory DWELLING UNITs shall be subject to the following:

1) Located on the same PARCEL as the principal single-FAMILY DWELLING.
2) The accessory DWELLING UNIT may be within existing single-FAMILY DWELLINGs or in a separate pre-existing STRUCTURE such as DETACHED garage or accessory BUILDING.

3. ALTERNATIVE ENERGY SYSTEMs

A. All permitted and SPECIAL EXCEPTION USES shall be permitted one (1) ALTERNATIVE ENERGY SYSTEM comprised of the following:

1) One WIND ENERGY SYSTEM; and/or
2) Any number of roof-mounted SOLAR COLLECTORS; and/or
3) No more than three hundred (300) square feet of ground mounted solar panels; and/or
4) One biogas or methane digester.

B. All accessory ALTERNATIVE ENERGY SYSTEMs shall be designed for private USE.
C. WIND ENERGY SYSTEMs (including Windmills):

1) No WIND ENERGY SYSTEM shall be located on a PARCEL less than 40,000 square feet.
2) All windmills, except single pole STRUCTUREs, shall be enclosed by a FENCE in compliance with Section 1502.10 of this Article. Such FENCE shall be located at least five (5) feet from the base of such windmill. Guy wires may be located outside the FENCEd area.
3) No windmill for private USE shall be greater than 10 kWh.
4) No windmill for private USE shall be greater than fifty (50) feet in height.
5) No windmill shall be permitted which is designed to have any vane, sail, or rotor blade to pass within thirty (30) feet of the ground.
6) All electrical wiring leading from a windmill shall be located underground
7) Windmills may be located within the required rear or side YARDs provided they are no closer than 2 times their height from the nearest

inhabitable STRUCTURE not located on the same PARCEL as the windmill.

D. All environmental standards of Section 4.203 of the Union Township Subdivision and Land Development ORDINANCE shall be complied with.

4. BED AND BREAKFAST. See BED AND BREAKFAST in Section 1503 herein.

5. DRIVE-THRU Facility shall be permitted as accessory to commercial USES subject to the following:

A. The DRIVE-THRU lane or canopy shall not be located between the principal BUILDING and a PUBLIC right-of-way.
B. The DRIVE-THRU lane or canopy may be located in side YARD or rear YARD SETBACK areas.
C. No DRIVE-THRU lane or canopy shall be situated less than two (2) feet from any LOT line or located within twenty (20) feet of the STREET right-of-way.
D. No canopy shall be less than eight (8) feet six (6) inches above GRADE.
E. All signage except clearance or directional SIGNs are prohibited from canopies.
F. All DRIVE-THRU facilities shall comply with applicable regulations set forth in Article XIII of this ORDINANCE.

6. FAMILY BURIAL GROUNDs

A. The individual to be buried must be one of the record owners of the property, or be related through blood or marriage, or an ancestor or direct descendent of a record owner of the property.
B. The burial must be under the supervision of a mortician licensed in Pennsylvania and must comply with all State regulations.
C. The place of burial must be at least five hundred (500) feet from any DWELLING UNIT other than one owned by the owner of the property where the burial is proposed to occur.
D. A deed restriction shall be placed upon the PARCEL of land containing the burial ground granting perpetual access to the FAMILY and descendants of the interred.

7. FAMILY Day Care Homes

A. A FAMILY Day Care Home may be permitted as an ACCESSORY USE to a single-FAMILY DWELLING.

B. Four, five or six children who are not related to the caregiver may receive child care in a FAMILY day care home.
C. All FAMILY Day Care Home shall hold a FAMILY child care home certificate of registration from the Pennsylvania Department of PUBLIC Welfare in order to legally operate.
D. All FAMILY Day Care Home shall conform to 55 Pa. Code, Chapter 3290, FAMILY Child Care Homes, as may be amended from time to time.

8. Garages and Carports. The following shall apply to private DETACHED garages situated in rear YARD SETBACK areas of LOTs:

A. The accessory DETACHED garage STRUCTURE shall not exceed fifteen (15) feet in height.
B. Garages and carports shall not exceed one thousand (1,000) square feet in size.
C. Garages shall be no closer than (6) feet to any property line.
D. All DETACHED garages and DETACHED carports shall be no closer than ten feet to the principal DWELLING.

9. Horses as Primary Transportation may be housed and maintained at single-FAMILY residential DWELLING in any DISTRICT allowing therefore subject to the following regulations:

A. A FENCE shall be erected around the entire grazing area.
B. stable or shelter shall be provided for the stabling of each horse, mule or pony, and maintained in a sanitary manner.
C. The keeping of horses and ponies is for personal primary transportation USE only; no retail or WHOLESALE USE may be made of subject animals.

10. No-Impact Home-Based Businesses shall be permitted in all zones as an ACCESSORY USE secondary to the USE of a property as a residential DWELLING provided all of the following criteria are met:

A. The business activity shall be compatible with the residential USE of the property and surrounding Residential USES.
B. The business shall employ no employees other than FAMILY members residing in the DWELLING.
b. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
C. The business activity shall be conducted only within the DWELLING and may not occupy more than twenty-five (25) percent of the habitable floor area;

11. OUTDOOR FURNACES and HEATING DEVICES .

A. Fuel substances permitted for combustion in an exterior furnace installation shall be limited to natural gas, propane, home heating oil, coal, firewood and untreated lumber.
B. The burning and combustion of trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure-treated wood), leaves, paper products, and cardboard are strictly prohibited.
C. OUTDOOR FURNACES shall be permitted in the Zoning DISTRICTs as indicated.
D. All OUTDOOR FURNACES shall be equipped with properly functioning spark arrestors.
E. All OUTDOOR FURNACES and HEATING DEVICES shall be provided with a properly guyed stack or chimney, the height of which shall be the greater of one of the following:
    i. Four (4) feet above the highest point of any STRUCTURE, BUILDING or wall within a fifty-foot radius of the heating device; or
    ii. A minimum of seventeen (17) feet in height measured from the ground at and on which the device is located; or
    iii. Meet or exceed the manufacturer's guidelines.
F. Installation of any electrical or plumbing apparatus or device used in connection with the operation of an outdoor furnace shall be in conformity with all applicable electrical and plumbing codes and, in the absence of such code, in conformity with the manufacturer's installation specifications. Any outdoor furnace must also comply with any other county, state or federal guidelines for the same.

12. Roadside Produce Stand

A. Such stand shall not exceed four hundred (400) square feet of gross floor area and shall be for the sale of FARM, NURSERY, or GREENHOUSE products.
B. No stand shall be less than fifty (50) feet from an intersection or within ten (10) feet of any right-of-way.

13. RURAL OCCUPATIONs

A. One (1) RURAL OCCUPATION may be permitted as an ACCESSORY USE to the principal agricultural or residential USE of the property.

B. The RURAL OCCUPATION shall be operated by a resident of the property where the RURAL OCCUPATION will be located.

    a. The following USES shall be considered RURAL OCCUPATIONs in Union Township:
        i. Retail sales of agricultural products principally produced on an active FARM.
        ii. FARM machinery, equipment service and repair, small engines repair.
        iii. Arts and crafts MANUFACTURING.
        iv. Metalworking, blacksmith and tool sharpening shops.
        v. Carriage, buggy, wagon and related accessories, MANUFACTURING, sales and service.
        vi. Carpenters, electricians, plumbers, masons, other constructions tradesperson.
        vii. Woodworking, furniture, and cabinet making shops.
        viii. Bakeries, butchers, dry goods and similar shops.
        ix. Tailor, seamstress and shoe repair shops.
        x. Professional Services needing no more than two employees

    b. No RURAL OCCUPATION shall occupy more than 4,000 square feet of gross floor area or more than one (1) acre of LOT area, inclusive of off-STREET parking and loading areas.

        i. A shared ACCESS DRIVE serving the RURAL OCCUPATION and the principal agricultural or residential USE shall not be calculated as part of LOT AREA of the RURAL OCCUPATION.

    c. Retail and display areas affiliated with the RURAL OCCUPATION shall not exceed six hundred (600) square feet.

C. The RURAL OCCUPATION must be conducted within a completely enclosed BUILDING. Where feasible, the RURAL OCCUPATION shall be conducted within an existing BUILDING on the property.

        i. Any new BUILDING constructed for USE by the RURAL OCCUPATION shall be designed so that it can be converted to agricultural USE, or removed, if the RURAL OCCUPATION is discontinued.

D. No part of a RURAL OCCUPATION shall be located within one hundred (100) feet of any side or rear LOT line, or within three hundred (300) feet of any adjoining residential PARCEL or a residential DISTRICT. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the RURAL OCCUPATION and the property or DISTRICT line.

E. RURAL OCCUPATIONs shall not be subdivided or separated from the PRINCIPAL USE of the property.

F. Outdoor storage of supplies, materials or products shall be located behind the BUILDING in which the RURAL OCCUPATION is located, and shall also be screened from adjoining roads and properties.

G. 14. Sheds, Garden and Tool Storage, non commercial GREENHOUSES – shall not exceed five hundred (500) square feet in size and fifteen (15) feet in height, and shall not be located closer than six (6) feet to side or rear LOT lines.

H. SWIMMING POOLs

   a. All SWIMMING POOLs with a surface area of one hundred (100) square feet or more, or a depth in excess of two (2) feet shall be completely surrounded by a FENCE or wall not less than four (4) feet in height.
      i. The height of the FENCE shall be measured at ground level one (1) foot from the FENCE on the side of the barrier which faces away from the pool.
      ii. A FENCE is not required for all SWIMMING POOLs located more than four (4) feet above the ground level if provided with a retractable ladder.

   b. No SWIMMING POOL may be erected in the front YARD, or closer than six (6) feet to a side YARD or rear YARD LOT line.

   c. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual USE, except the door of any DWELLING which forms a part of the enclosure is equipped with an alarm.

d. No permanent SWIMMING POOL STRUCTURE shall be permitted without an operable filtration system utilizing chlorine, bromine or some other antibacterial agent.

e. All pool installations shall conform to all applicable BUILDING codes.

f. Conventional wading pools less than the area and depth requirements in subsection A, above shall be exempt from fencing and filtration requirements.

g. Water from a pool shall not be discharged directly onto or within twenty (20) feet of any PUBLIC right-of-way, or onto or within ADJACENT property without the owner's consent.

SECTION 1111 – Specific USE Standards

1. This section sets forth the specific USE standards that shall be applied to each USE identified herein, all of which shall be satisfied prior to approval of any application for a certificate of USE and occupancy permit, CONDITIONAL USE or SPECIAL EXCEPTION USE.

2. In Addition to the specific USE standards set forth in this section, standards and provisions in the following shall be complied with, as applicable:

    A. General provisions for USES established in this Article XI.
    B. Provisions for off-STREET parking and loading in Article XIII of this ORDINANCE.
    C. Provisions for SIGNs established in Article XIV of this ORDINANCE.
    D. Environmental Protection Standards in § of the Union Township Subdivision and land Development ORDINANCE.
    E. The Union Township Storm Water Management ORDINANCE.
    F. All applicable federal and state statutes and laws.

3. All USES identified subsequently herein must comply with the general provisions for USES within the particular zoning DISTRICT or DISTRICTs in which the USE is to be located. In the event different standards are established herein, the more restrictive shall apply.

ADULT ORIENTED BUSINESS

A. An ADULT ORIENTED BUSINESS, ADULT ENTERTAINMENT FACILITY and/or oriented MASSAGE PARLOR shall not be permitted to be located within one thousand (1,000) feet of any other ADULT ENTERTAINMENT FACILITY.
B. An ADULT ORIENTED BUSINESS, ADULT ENTERTAINMENT FACILITY and/or adult oriented MASSAGE PARLOR shall not be permitted to be located within one thousand (1,000) feet from the property line of any PUBLIC or private school, day care facility, playground or PUBLIC recreation facility, or HOUSE OF WORSHIP.
C. An ADULT ORIENTED BUSINESS, ADULT ENTERTAINMENT FACILITY and/or adult oriented MASSAGE PARLOR shall not be located within one thousand (1,000) feet of the property line of any residential DWELLING or residential zoning DISTRICT.
D. No materials, merchandise, film or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a BUILDING or STRUCTURE.
E. No SPECIFIED SEXUAL ACTIVITIES are permitted in adult regulated facilities.
F. Any BUILDING or STRUCTURE used and occupied as an ADULT ORIENTED BUSINESS and/or MASSAGE PARLOR shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film or other offered items of service shall be visible from outside the STRUCTURE.
G. No SIGN shall be erected upon the PREMISES depicting or giving a visual representation of the type of material, merchandise, film, service or entertainment offered therein.
G. Each and every entrance to the STRUCTURE shall be posted with a notice of at least four (4) square feet that the USE is an ADULT ORIENTED BUSINESS and/or MASSAGE PARLOR, that persons under the age of eighteen (18) are not permitted to enter and warning all others that they may be offended upon entry.

H. The following activities shall not be permitted within or on the grounds of any ADULT ORIENTED BUSINESS: sexual intercourse, deviate sexual intercourse as defined by the Pennsylvania Crimes Code, fondling of genitals, or nudity.

AIRPORT/AIRSTRIP

A. The approach zone to any of the proposed runway landing strips shall be in accordance with the all applicable Federal and/or State regulations.
B. Any BUILDING, hanger or STRUCTURE intended for PUBLIC USE shall be located, designed and operated in strict compliance with all applicable federal, state and local laws and regulations.
C. All PUBLIC facilities must be permitted under applicable Federal Aviation Administration regulations.
D. If required, the applicant shall maintain licensure from the Pennsylvania Department of Transportation, Bureau of Aviation.

AMUSEMENT ESTABLISHMENTS

A. AMUSEMENT ESTABLISHMENTS shall not be permitted within three hundred (300) feet of the property line of any PUBLIC or private school, day care facility, playground or PUBLIC recreation facility or HOUSE OF WORSHIP.
B. All BUILDINGS shall be adequately sound proofed so that sounds generated within the BUILDINGS cannot be perceived at the LOT lines.
C. No audio speakers or equipment shall be installed inside or outside the location of such USE that would cause sounds to emanate beyond the property line of the activity.
D. Adult supervision shall be provided at all times at the facility.
E. Hours of operation shall be limited to the hours between 9:00 am and 12:00 midnight if the entertainment is outdoors.

Automotive Service and Repair Station, Automobile and Motor Vehicle Sales (New or used)

A. All motor vehicles, automotive parts, refuse, and similar articles shall be stored within an enclosed BUILDING or enclosed area not visible from a PUBLIC right-of-way, excepting a dealership or repair facility may store motor vehicles in operating condition and meeting Pennsylvania inspection requirements outside of the BUILDING.

B. Fuel pumps shall be SETBACK at least twenty-five (25) feet from any STREET right-of-way or fifty (50) feet from the STREET centerline, whichever is greater, and thirty (30) feet from all parking areas.
C. The repair or replacement of automotive structural parts, including paint spraying and body and fender work, must take place within an approved area.

BED AND BREAKFAST

A. The BED AND BREAKFAST shall be operated by members of the immediate FAMILY residing therein.
B. No more than four (4) persons may occupy one (1) guest room.
C. At least one (1) bathroom shall be provided for each guest room in addition to at least one (1) bathroom provided for the principal residential USE.
D. Residential DWELLINGs that are converted to a BED AND BREAKFAST must maintain the appearance of a single FAMILY DETACHED DWELLING with a single front entrance. Additional entrances may be placed on the side or rear of the STRUCTURE. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front or side wall facing a STREET.
E. Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the BUILDING in connection with the BED AND BREAKFAST USE. After conversion to such USE, the BUILDING shall maintain the appearance of a single FAMILY DWELLING.
F. There shall be no separate cooking facilities in any guest room.

BOARDING HOUSE, ROOMING HOUSE,

A. There shall be no more than five (5) rental units per boarding/ROOMING HOUSE with a maximum of ten (10) persons.
B. A ROOMING HOUSE shall be owner-occupied with the owner of the STRUCTURE residing on the PREMISES.
C. No facilities for cooking shall be provided in individual guest rooms or suites.
D. All boarding/ROOMING HOUSES shall comply with applicable rules and regulations affecting health and safety administered by Federal, State or local agencies.

Camp or CAMPGROUND

A. The minimum LOT AREA of any camp or CAMPGROUND shall be ten (10) acres.
B. All CAMPSITES shall be located at least fifty (50) feet from any side or rear property line and at least one hundred (100) feet from any STREET LINE.
C. There shall be no more than twenty (20) camping sites allowed per acre.
D. Each campsite shall abut an ACCESS DRIVE no less than twenty (20) feet in width for two-way traffic and twelve (12) feet in width for one-way access.
E. Outdoor play areas shall be sufficiently screened and isolated so as to protect neighboring properties from inappropriate noise and other disturbances.
F. A maximum of one (1) permanent DWELLING shall occupy the LOT on a year-round basis. No other STRUCTURE shall be occupied on the LOT for more than 8 months in any calendar year.
G. All waste from shower, toilet, and laundry facilities shall drain into an approved SEWAGE DISPOSAL SYSTEM approved by the Pennsylvania Department of Environmental Protection and the Township.
H. CAMPGROUNDs may include a camp store for sales of routine items to campers, recreational facilities for campers, and other customary CAMPGROUND USES that are incidental and accessory to the PRINCIPAL USE.

CARWASH

A. All CARWASHes shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. Automatic, semi-automatic, and self-service CARWASHes shall be limited to the cleaning and waxing of vehicles.
C. The LOT shall be graded in such a way that process water shall not run off across the LOT, onto any ADJACENT LOT, or onto a PUBLIC STREET.
D. PUBLIC or centralized sewer and water services shall be utilized, and the recycling of grey water is required. Provision for the adequate collection and disposal of greases and sediment shall be demonstrated.

CEMETERY

A. Cemeteries may include mausoleums, chapels, and storage facilities for maintenance and related equipment.
B. No burial plots or facilities shall be located in set-back areas.
C. Pet cemeteries must meet all of the above applicable requirements.

CHILD DAY CARE FACILITIES

A. All child care providers operating a program for four (4) or more children unrelated to the operator must be certified by Pennsylvania Department of Welfare.
B. Documentation shall be filed with the Township that the facility has received approval for occupancy from the Pennsylvania Department t of Labor and Industry, where required.

Communications Tower

A. All proposed communications towers and antennas shall comply with all applicable licensing, location, construction, and operating standards established by the Federal Communications Commission, Federal Aviation Administration, PA bureau of Aviation and applicable Township AIRPORT zoning regulations.
B. The applicant shall demonstrate that the proposed COMMUNICATIONS ANTENNA cannot be reasonably located on existing STRUCTUREs for one or more of the following reasons:
    i. The proposed antenna and related equipment would exceed the structural capacity of all existing STRUCTUREs and its reinforcement cannot be accomplished at a reasonable cost.
    ii. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment which cannot be prevented at a reasonable cost.
    iii. There are no existing STRUCTUREs that have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
    iv. The addition of the proposed antennas and related equipment would result in electromagnetic radiation from such STRUCTURE exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
    b. A COMMUNICATIONS TOWER may be located on a LOT occupied by other principal STRUCTUREs and may occupy a leased PARCEL within a LOT, which LOT meets the minimum LOT AREA requirements for the zoning DISTRICT.
    c. A land development plan shall be required for a any PARCEL on which a COMMUNICATIONS TOWER is to be constructed.
C. The applicant shall demonstrate that the proposed height of the COMMUNICATIONS TOWER is the minimum height necessary to perform its function.
D. The maximum height of any COMMUNICATIONS TOWER shall be one hundred fifty (150) feet.

i. The height may be increased to no more than two hundred (200) feet, provided the required SETBACKs from adjoining property lines are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet.

E. In residential DISTRICTs, the base of a COMMUNICATIONS TOWER shall be landscaped so as to screen the foundations and base and communications equipment BUILDING from abutting properties.
F. The communications equipment BUILDING shall comply with the required YARD SETBACKs and height requirements of the applicable zoning DISTRICT for an ACCESSORY STRUCTURE.
G. A Pennsylvania registered professional engineer shall certify that the proposed tower will be designed and constructed in accordance with the current revision of EIA 222 ”Structural Standards for Steel Antenna Towers and Antenna Supporting STRUCTUREs,” published by the Electronic Industries Alliance/Telecommunications Industry Association.
H. A copy of owner/operators current Federal Communications Commission license, the name, address and emergency telephone number for the operator of the COMMUNICATIONS TOWER and a certificate of insurance for general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the COMMUNICATIONS TOWER and COMMUNICATIONS ANTENNAs shall be filed with Union Township.
I. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a FENCEd enclosure. The guy wires shall be clearly marked as to make the wires visible in the dark. Such markings are not to include lights.
J. The site of a COMMUNICATIONS TOWER shall be secured by a FENCE to limit accessibility by the general PUBLIC.
K. No SIGNs or lights shall be mounted on a communications tower, except as may be required by the Federal Communication Commission, Federal Aviation Administration or other governmental agency.
L. The owner, licensee or operator shall annually certify to Union Township that the tower is structurally sound and remains in USE.
M. Communications towers and facilities must be removed within one (1) year after cessation of USE.

i. Sufficient security in the amount to be determined by the Zoning Hearing BOARD shall be posted in the form of a Performance Bond or Irrevocable Letter of Credit to guarantee compliance with all aspects of the removal.

N. COMMUNICATIONS ANTENNAs shall not cause radio frequency interference with other communications facilities located in Union Township.

O. All COMMUNICATIONS ANTENNAs proposed to be mounted on an existing BUILDING or STRUCTURE shall comply with the following:

i. Such antennas may exceed the height limitations of the applicable zoning DISTRICT by no more than twenty (20) feet.

ii. Omni-directional or whip COMMUNICATIONS ANTENNAs shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

iii. Directional or panel COMMUNICATIONS ANTENNAs shall not exceed five (5) feet in height and three (3) feet in width.

iv. A Pennsylvania registered professional engineer shall certify that the proposed installation will not exceed the structural capacity of the BUILDING or other STRUCTURE, considering wind and other loads associated with the antenna location.

v. Detailed construction and elevation drawings indicating how the antennas will be mounted on the STRUCTURE shall be submitted for review by the Township Engineer for compliance with Township ORDINANCEs.

vi. Agreements and/or easements providing access to the BUILDING or STRUCTURE on which the antennas are to be mounted for installation and maintenance of the antennas and communications equipment BUILDING shall be filed with the Township BOARD OF SUPERVISORS' OFFICE.

COMMUNITY CENTER, CLUB, Grange Hall

A. If the CLUB is a private membership establishment and caters exclusively to members and their guests, documentation shall be filed with the Township identifying the CLUB as a non-profit organization under Section 5.01(c) of the Internal Revenue Code.

B. All outdoor recreational areas shall be set back at least fifty (50) feet from any property line abutting a residential DWELLING.

CONVENIENCE STORE

A. All outdoor lighting shall comply with Section 4.203 of the Township Subdivision and Land Developnt ORDINANCE and will not create a significant NUISANCE to existing and future residential DWELLINGs.
B. If a CONVENIENCE STORE serves prepared food that is to be consumed on site, it shall comply with the provisions for a restaurant included in this section.
C. Fuel pumps shall be set back at least twenty-five (25) feet from any STREET right-of-way or fifty (50) feet from the STREET centerline, whichever is greater, and thirty (30) feet from all parking areas.
D. All drive-through facilities shall comply with provisions of Article XiV of the Union Township Zoning ORDINANCE.

CONVERSION APARTMENT HOUSE

A. No more than five (5) conversion APARTMENTs shall be permitted per single-FAMILY DWELLING.
B. The minimum habitable floor area shall not be less than four hundred fifty (450) square feet per DWELLING UNIT.
C. No structural ALTERATION of the BUILDING exterior shall be made except as may be necessary for purposes of safety. Fire escapes, where required by other regulatory statutes, shall be in the rear of the BUILDING and shall not be located on any wall facing a STREET.
D. Two (2) additional off-STREET parking spaces shall be provided for each conversion APARTMENT.

CORRECTIONAL AND PENAL INSTITUTION

A. All PUBLIC and private CORRECTIONAL AND PENAL INSTITUTIONS, including federal, state and county jails, prisons, and Juvenile Detention Facilities shall comply with all applicable federal, state and local regulations and laws regarding such facilities.
B. No correctional facility shall be located within five hundred (500) feet of a residential zoning DISTRICT.
C. The minimum LOT AREA of any correctional facility shall be five (5) acres.
D. No BUILDING or STRUCTURE including any FENCE or wall shall be set back at least seventy-five (75) feet from all PUBLIC rights-of-way and all property lines.

COUNTRY CLUB

A. Country CLUBs, whether PUBLIC or private, shall comply with the standards set forth in this Section for COMMUNITY CENTERs and GOLF COURSEs, as applicable.

CREMATORIUM

A. Documentation that all applicable federal, state and local permits have been obtained shall be filed with the Township.
B. The facility shall be constructed, installed, operated and maintained consistent with all manufacturers' specifications and all applicable federal, state and local permits.
C. No offensive odor shall extend beyond the property boundaries. For the purpose of this ORDINANCE, an offensive odor is an unpleasant odor extending beyond the property boundaries discernible by two (2) or more Township officials within a 24 hour period.
D. No CREMATORIUM shall be located within five hundred (500) feet from any residential DWELLING.

ELECTRIC GENERATION FACILITY

A. This subsection shall not apply to any 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.
B. Non-PUBLIC UTILITY electrical generation facilities shall be permitted in the Industrial DISTRICTs.
C. A FENCE of sufficient height to restrict access shall be installed around all electrical generating facilities.
D. Copies of all required licenses and permits from applicable federal, state and local governmental agencies shall be filed with the Township.
E. The name, address and emergency telephone number for the operator of the electrical generating facility shall be supplied to the Township.

F. The facility operator shall provide evidence to the Township of a Certificate of Insurance evidencing general liability and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the ELECTRIC GENERATING FACILITY.
G. If the facility remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the facility within six (6) months of notice to do so by the Township.
    i. The owner or operator of the facility shall post security in a form acceptable to the Township favoring the Township in an amount to cover removal of the facility and site clean-up.
H. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide an Evergreen Tree screen pursuant to this ordinance so as to form an effective visual barrier.
I. The following provisions shall apply to all Wind Power Generating Facilities:
    i. The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily according to industry standards. No windmill that is taller than this minimum height shall be approved.
    ii. No windmill shall be located closer to any property line than its height plus the normal SETBACK for the DISTRICT.
    iii. No windmill shall be located less than five hundred (500) feet from a residential DWELLING not owned by the owner of the wind FARM or residential zone boundary.
    iv. The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by STRUCTURE failure, falling ice or other debris, electromagnetic fields, or radio frequency interference.
    v. All windmills shall be fitted with anti-climbing devices, as approved by the manufacturer(s).
    vi. The applicant shall submit certification from a Pennsylvania registered professional engineer that the proposed windmill(s) and support STRUCTURE(s) will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code.
    vii. All windmills shall comply with all applicable Federal Aviation Administration (FAA), or successor agency and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA or PA DOT Bureau of Aviation requirements.

FINANCIAL INSTITUTION

A. Drive-through facilities affiliated with a FINANCIAL INSTITUTION shall comply with the provisions of Section 1308 of Article XIII.

FITNESS AND HEALTH CENTERS

A. Fitness and health centers may include a snack bar or café that is incidental and accessory to the PRINCIPAL USE.

FUNERAL HOMES

A. Evidence that the USE is in compliance with all applicable federal, state, and local statutes or ORDINANCEs and required permits and licenses shall be filed with the Township.
B. A crematory may be permitted as an ACCESSORY USE to a mortuary provided the USE complies with all provisions for a CREMATORIUM set forth in this section.

GOLF COURSE

A. The minimum LOT AREA for all GOLF COURSEs shall be as follows:
    i. Standard 18 Hole – 110 acres.
    ii. Par 3 18 Hole – 50 acres.
    iii. Standard Nine Hole – 50 acres.
    iv. Driving range or Chip and putt – 10 acres.
    v. Miniature GOLF COURSE – 1 acre
B. A GOLF COURSE, chip and putt course or miniature GOLF COURSE may include a restaurant, food stand, pro shop or clubhouse that is incidental and accessory to the PRINCIPAL USE.
C. No fairway, tee box or green shall be located closer than one hundred (100) feet to the property line of an existing residential DWELLING or to the existing right-of-way line of any PUBLIC STREET.

GOVERNMENT FACILITY – See Municipal BUILDING, Park, Playground or Recreational Facility in this section.

GROUP HOME

A. There shall be adequate supervision by person(s) trained in the field for which the GROUP HOME is intended.
    i. Such adequacy shall be determined by the Pennsylvania Department of PUBLIC Welfare.
B. Any GROUP HOME involving three (3) or more unrelated persons living in a DWELLING UNIT or that is otherwise required to be licensed or certified under any applicable federal, state or local program shall be certified or licensed as applicable, as a condition of Township approval. A copy of any such license or certification shall be filed with the Township and shall be required to be shown to the Zoning OFFICER upon request. The GROUP HOME shall notify the township, in writing, within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number or residents or if an applicable certification/license expires, is suspended or is withdrawn.
C. For fire and safety purposes, the GROUP HOME shall register with the Township its location, sponsoring agency, general type of treatment/care, maximum number of residents permitted and the exact location of the bedrooms of the individuals who need assistance with evacuation in the event of any actual fire. Such information shall be available for PUBLIC review upon request.
D. A GROUP HOME shall not house persons who can reasonably be considered to be a physical threat to others.
E. The number of persons who may reside in a GROUP HOME shall not restrict or include bona fide employees who are needed in the GROUP HOME to supervise and care for residents.

GUN CLUB/SHOOTING RANGE

A. These provisions shall apply to gun CLUBs, indoor and outdoor shooting ranges, archery ranges, and trap or skeet shooting areas.
    a. All outdoor shooting ranges shall have a LOT AREA of at least ten (10) acres.
    b. The facility shall comply with all applicable Federal, State, and Local regulations, including but not limited to, those pertaining to the USE and storage of weapons and ammunition.

B. The range shall be designed and constructed in accordance with the National Rifle Association's standards for the particular type of range, or according to national standards for archery ranges, whichever applies. The range shall be used for only the type of firearms and arrows for which it is designed to accommodate. The range shall be operated in strict accordance with the National Rifle Association's standards for operation and safety.
C. The range shall not be lighted for night-time USE.
D. The safety of the adjoining properties shall be a primary consideration in the location and design of the facility. ADJACENT areas must be predominately undeveloped and the range area must be a least two hundred (200) feet from any property or STREET LINE, and must be at least one thousand (1,000) feet from any existing residential DWELLING that is not on the same property.
E. All outdoor shooting ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately provide for the PUBLIC safety. Such barrier shall prevent the ball, bullet or arrow from traveling more than fifteen (15) YARDs beyond the target.
F. All areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to this Article XV so as to from an effective visual barrier.

HELIPORT/HELIPAD

A. These provisions shall not apply to a HELIPAD accessory to a HOSPITAL or other emergency or PUBLIC safety facility and located on the same property as the PRINCIPAL USE.
B. All HELIPORTs and HELIPADs shall be approved and shall meet all the applicable federal and state aviation regulations.

HOME OCCUPATION

A. A HOME OCCUPATION may be a BARBER shop or BEAUTY SHOP, a pet grooming business, a real estate agent's or insurance agent's OFFICE, physician OFFICEs, dental OFFICEs, attorney OFFICEs, bake shops, handcraft shops, or similar USES.
B. The HOME OCCUPATION shall be primarily conducted by members of the FAMILY who reside in the house; however, there may be no more than one (1) non-resident employee.

C. The USE shall be conducted entirely within the principal BUILDING and shall not exceed twenty-five percent (25%) of the total habitable floor area of the BUILDING.
D. The character or external appearance of the DWELLING UNIT must be that of a DWELLING, and will not involve any dimensional ALTERATION to any existing BUILDING, or construction or placement of any new BUILDING.
E. The PREMISES must at all times be kept neat and orderly.
F. The USE will not result in a substantial increase in traffic.
G. Two (2) off-STREET parking spaces shall be provided for visitors and a non-resident employee, in addition to those required for the residential USE.
H. HOME OCCUPATIONs such as Notary PUBLIC, insurance, tax preparation, and similar USES, where the sole employee is an occupant of the residence, shall provide one (1) off-STREET parking space for visitors.
I.

HOSPITAL (Medical Center)

A. The minimum LOT AREA of any HOSPITAL or medical center shall be five (5) acres.
B. A HOSPITAL or medical center shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
C. A minimum of two (2) points of access in compliance with the requirements of all applicable local regulations.
D. A HOSPITAL or medical center may include various ACCESSORY USES that are customarily incidental to and in direct support of the primary health care mission of the HOSPITAL or medical center, including but not limited to medical and administrative OFFICEs, medical laboratory or blood donor station, patient hostel and staff DORMITORY, ambulance service, pharmacy and gift shop.
F. The principal and ACCESSORY USES comprising the HOSPITAL or medical center may be located in a single BUILDING or may consist of several BUILDINGS located on one (1) or more LOTs.
G. The required number of parking spaces shall be the sum of the parking requirements for each separate principal and ACCESSORY USE.
H. The applicant shall furnish a traffic study based upon the expected number of vehicle trips generated from the proposed USE and the current traffic volumes on roads connecting the site with arterial roads. Such study shall comply with the Union Township Subdivision and Land Development ORDINANCE and identify any resulting traffic congestion or safety problems, as well as mitigation measures.

I. All Parking areas shall be screened from ADJACENT or abutting residential USES by a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to Article XIII so as to form an effective visual barrier.

HOTEL

A. The minimum LOT AREA for all HOTELs (or MOTELs) shall be two (2) acres.
B. PUBLIC water and PUBLIC sewer service must be provided to all BUILDINGS affiliated with the USE.
C. All HOTELs (and MOTELs) with more than fifty (50) rooms shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
D. The height limit for principal BUILDINGS may not exceed thirty five (35) feet.
E. A restaurant, meeting rooms, ballrooms and other convention type facilities may be permitted as ACCESSORY USES.
F. Individual guest rooms and suites may include partial facilities for cooking.
G. The applicant shall furnish a traffic study based upon the expected number of vehicle trips generated from the proposed USE and the current traffic volumes on roads connecting the site with arterial roads. Such study shall comply with the Union Township Subdivision and Land Development ORDINANCE and identify any resulting traffic congestion or safety problems, as well as mitigation measures.
H. All parking areas shall be screened from ADJACENT or abutting residential USES by a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to Article XIII so as to from an effective visual barrier.

HOUSE OF WORSHIP

A. Evidence that the proposed USE is a bona fide nonprofit religious organization shall be filed with the Township.
B. All parking areas in excess of fifty (50) spaces shall be screened from ADJACENT or abutting residential USES by a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to Article XIII so as to form an effective visual barrier.

JUNKYARD, AUTO RECYCLING CENTER

A. All JUNKYARDs, auto-RECYCLING CENTERs or similar USES shall have a minimum LOT AREA of ten (10) acres.
B. The minimum LOT WIDTH shall be five hundred (500) feet.

C. No refuse shall be deposited and no BUILDING or STRUCTURE shall be located within two hundred (200) feet of the nearest property line.
D. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
E. All JUNKYARDs and similar USES shall be completely surrounded by an eight (8) foot high solid FENCE wall. Said FENCE or wall shall not be located in SETBACK areas or within required BUFFER areas.
F. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide an Evergreen Tree Screen pursuant to Article XIII standards for parking lots so as to form an effective visual barrier.

KENNEL

A. KENNELs and animal shelters shall have a minimum LOT AREA of three (3) acres.
B. All KENNELs shall fully comply with PA Act 225 or 1982 (P.L. 784, No. 225, 3 P.S. Section 459-101, et seq.), known as the Dog Law, as amended.
C. No KENNEL or animal shelter shall be located closer than five hundred (500) feet from any residential USE or residential DISTRICT.
D. All KENNELs, FENCEd enclosures and runs shall be sufficiently screened and insulated so as to protect neighboring properties from inappropriate noise, odor and other disturbances. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide a FENCE and Vegetative Screen pursuant to the Article XIII requirements for parking lots so as to form an effective visual barrier.
E. Provision shall be made for adequate disposal of animal waste.
F. Animals being boarded or bred must be either domestic canines or domestic felines.

LANDFILL, SANITARY AND RESOURCE RECOVERY FACILITY

A. All sanitary LANDFILLs, resource recovery centers, RECYCLING CENTERs or similar USES shall have a minimum LOT AREA of fifty (50) acres.
B. The minimum LOT WIDTH shall be five hundred (500) feet.
C. No refuse shall be deposited and no BUILDING or STRUCTURE shall be located within two hundred (200) feet of the nearest property line.
D. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.

E. All LANDFILLs or similar USES shall be completely surrounded by an eight (8) foot high FENCE so constructed that no opening will be greater than six (6) inches in any dimension. Said FENCE shall not be located in SETBACK areas or within required BUFFER areas.
F. All BUFFER areas ADJACENT to or abutting residential or institutional USES or residential zoning DISTRICTs shall provide an Evergreen Tree Screen pursuant to the Article XIII for parking lots so as to from an effective visual barrier.
G. Must comply with all applicable requirements of the Pennsylvania Department of Environmental Resources.

LAUNDRY/DRY CLEANING

A. All DRY CLEANING ESTABLISHMENTs shall be in compliance with the Uniform Construction Code, as amended.
B. Any drive-through facilities shall comply with Article XIII.

LIFE CARE COMMUNITY

A. All facilities designed for the residence and care of elderly persons and providing a continuum of care and services shall comply with all applicable federal, state and local licensing and regulatory standards.
B. Facilities that provide skilled nursing shall comply with the provisions for NURSING HOMEs herein.
C. These facilities may include a COMMUNITY CENTER, PERSONAL SERVICE shops, recreation areas and common open areas.
D. Age-restricted communities that do not provide a continuum of care or skilled nursing services shall not be considered as life-care communities.

MANUFACTURING, Heavy and Light

A. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide an Evergreen Tree Screen pursuant to the Article XIII parking lot requirements so as to form an effective visual barrier.

MASSAGE PARLOR – See Adult Oriented USES.

MEDICAL OFFICE or MEDICAL CLINIC

A. A MEDICAL OFFICE or MEDICAL CLINIC may include administrative OFFICEs, waiting rooms, treatment rooms, pharmacies and dispensaries directly associated with the MEDICAL OFFICE or MEDICAL CLINIC.
B. Services provided shall be those that do not require overnight stay.
C. The facility shall comply with all applicable federal, state, and local regulations and shall be licensed as required by the Commonwealth of Pennsylvania.

MINERAL EXTRACTION and PROCESSING

A. All MINERAL EXTRACTION and PROCESSING operations and facilities shall comply with the most current amendment of, but not limited to, the following statutes, as applicable:
    i. Act of May 31, 1945 (P.L. 1198, No. 418), known as the “Surface Mining Conservation and Reclamation Act.”
    ii. Act of December 19, 1984 (P.L. 1093, No. 219), known as the Non-Coal Surface Mining Conservation and Reclamation Act.”
    iii. Act of December 19, 1984 (P.L. 1140, No. 223), known as the “Oil and Gas Act.”
    iv. To the extent that the subsidence impacts of coal exTRACTion are regulated by the Act of April 27, 1966 (1ST Sp. Sess., P.L. 31, No. 1), known as “The Bituminous Mine Subsidence and Land Conservation Act.”
B. Evidence of compliance to the applicable statute(s) in subsection A shall be filed with Union Township or if the statutes are not applicable the applicant shall certify as such in writing to the ZONING OFFICER.

MINI-STORAGE

A. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. STRUCTUREs containing individual STORAGE UNITS shall be limited to one STORY and shall not exceed twelve (12) feet in height.
C. Each individual storage unit shall abut a paved ACCESS DRIVE.
D. ACCESS DRIVEs shall be at least fifteen (15) feet wide.
E. No storage outside of individual units shall be permitted, except for approved vehicle storage areas.

F. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide a FENCE and Vegetative Screen pursuant to the Article XIII parking lot screening requirements so as to form an effective visual barrier.
G. The USE of individual STORAGE UNITS shall be restricted to household goods and business equipment, supplies, and records. No storage of perishable items or hazardous, explosive, or highly flammable materials, or materials, that emit noxious odors shall be permitted.
H. A SELF-STORAGE FACILITY may include an OFFICE/residence for an on-site manager/care taker as part of the PRINCIPAL USE and shall be occupied as a DWELLING by only the manager/care taker and his or her FAMILY.

MIXED-USE/Mixed Occupancy BUILDING

A. The USES permitted shall be only those permitted PRINCIPAL USES within the Zoning DISTRICT where MIXED-USE and MIXED-OCCUPANCY BUILDINGS are permitted.
B. The minimum LOT AREA and minimum LOT WIDTH for a MIXED-USE or mixed occupancy BUILDING shall comply with the minimum requirements for a non-residential BUILDING within that Zoning DISTRICT.
C. Where a residential USE is proposed within a mixed USE BUILDING, such residential USE shall not be permitted on the STREET level floor.
D. Each separate USE within a MIXED-USE BUILDING shall be required to apply for separate zoning and occupancy permits.

MOBILE or MANUFACTURED HOME PARK

A. All applicable provisions of Article 5 of the Union Township Subdivision and Land Development ORDINANCE shall be met, including but not limited to roads, water and sewage, and stormwater management.
B. The minimum LOT AREA of all MOBILE HOME PARKs shall be ten (10) acres and a maximum overall DENSITY of no more than five (5) mobile homes per acre.
C. All MOBILE HOME PARKs shall meet the YARD SETBACK requirements for single FAMILY DETACHED DWELLINGs in the Agricultural DISTRICT.
D. All MOBILE HOME PARKs shall be served by a centralized or PUBLIC sewer and water system.

MOTEL – See HOTEL.

MOTOR FREIGHT TERMINALs

A. The minimum LOT AREA of any MOTOR FREIGHT TERMINAL shall be five (5) acres.
B. All MOTOR FREIGHT TERMINALs shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
C. A BUFFER YARD of at least one hundred fifty (150) feet shall be provided if ADJACENT to a residential or institutional USE or residential zoning DISTRICT.
D. All BUFFER areas ADJACENT to or abutting residential or institutional USES or residential zoning DISTRICTs shall provide an Evergreen Tree Screen pursuant to the Article XIII requirements for parking lots so as to form an effective visual barrier.

Multi-FAMILY DWELLINGs

A. The maximum permitted residential DENSITY shall be six (6) DWELLING UNITs to the acre.
B. The maximum number of DWELLING UNITs in an APARTMENT BUILDING shall be eight (8) DWELLING UNITs.
C. The off-STREET parking requirement may be reduced to one (1) space per unit if the APARTMENTs are designed for elderly or handicapped residents and limited to one-bedroom units. All parking spaces shall be located in a common parking area. A maximum of two ACESS DRIVEWAYs are permitted to provide access to the common parking area from PUBLIC STREETs. Under no circumstances shall parking be permitted at the edges of the development ADJACENT to existing PUBLIC STREETs.
D. The minimum separation between APARTMENT or CONDOMINIUM BUILDINGS shall be fifty (50) feet.
E. A site plan must be submitted with each ZONING PERMIT application showing the interrelationships between the proposed STRUCTUREs, OPEN SPACE or recreation areas, sidewalks, STREETs, parking areas, landscaping, and other features necessary to evaluate the proposed site deSIGN.

Municipal BUILDING, Park, Playground or Recreational Facility

A. Sufficient landscaping including trees, shrubs, and lawn shall be provided to serve as a BUFFER between such USE and adjoining properties, and to insure an attractive appearance for the USE.

B. A park designed for passive recreational purposes shall be permitted without regard to the minimum LOT AREA regulation of the DISTRICT in which it is located, provided, however, such USE shall meet all provisions set forth herein.

NATURE PRESERVE/WILDLIFE SANCTUARY

A. The minimum LOT AREA shall be ten (10) acres in size.
B. No animal, not indigenous to Pennsylvania, and which is dangerous or capable of causing harm to persons or damage to property shall be permitted to roam free.
C. Every barn, animal shelter, stable, cage, feed YARD or manure storage area shall be at least three hundred (300) feet from all LOT lines, residential DISTRICT boundaries and DWELLINGs except the DWELLING of the owner or lessee.

NIGHTCLUB

A. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. No NIGHTCLUB shall be located within two hundred (200) feet of a residential DWELLING or residential zoning DISTRICT.
C. A NIGHTCLUB shall not be located within one thousand (1,000) feet of any PUBLIC or private school, day care facility, playground or PUBLIC recreation facility, or HOUSE OF WORSHIP.
D. A NIGHTCLUB shall be completely enclosed within a BUILDING, with no outside music or entertainment.
E. NIGHTCLUBs may offer the retail sale of carry-out beer and wine as an ACCESSORY USE.
F. This USE does not include adult-oriented business USES as defined herein.

NURSING HOME/RESIDENTIAL CARE FACILITIES

A. minimum LOT AREA shall not be less than one thousand (1,000) square feet per bed, but in no case shall the LOT AREA be reduced below that required for the zoning DISTRICT in which such facility is to be constructed.
B. The facility shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
C. PUBLIC sewer and PUBLIC water must be utilized.

D. BUFFERs and screens shall be provided as necessary to adequately protect residents from existing non-residential properties. This includes, but is not limited to, FENCEs, walls, plantings and OPEN SPACEs.
E. All NURSING HOMEs and residential care facilities must comply with all applicable requirements of State and Federal laws and regulations, including but not limited to Pennsylvania Department of Welfare and the Department of Labor and Industry.

OFF-TRACK BETTING PARLOR

A. The facility shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. No OFF-TRACK BETTING PARLOR shall be located within two hundred (200) feet of a residential DWELLING or residential zoning DISTRICT.
C. No OFF-TRACK BETTING PARLOR shall be located within one thousand (1,000) feet of any PUBLIC or private school, day care facility, playground or PUBLIC recreation facility or HOUSE OF WORSHIP, or any other off-track betting parlor.
D. All off-track betting parlors shall comply with the Pennsylvania Horse and/or Harness Racing Commission’s Rules and Regulations pertaining to Non-primary Locations, as defined therein.

PARKING FACILITIES

A. The facility shall be primarily used for the parking of passenger vehicles.
B. The facility shall not be used for the sales, long term storage, repair, or servicing of automobiles.
C. Not more than seventy-five percent of the LOT shall be covered with IMPERVIOUS SURFACEs.
D. None of the paved area shall be closer than ten (10) feet from any property line, LOT line or STREET LINE, except for entrance or exit DRIVEWAYs.
E. To protect other vehicles and pedestrians in the immediate area, railing, fencing, posts, and chains, or similar protective barriers must be located on the perimeter of the parking areas except at ACCESS DRIVEs or exits. In addition, there shall be provided a wheel BLOCK securely anchored into the ground for each peripheral parking space.
F. No advertising SIGN may be located on the facility.
G. All PARKING FACILITIES, including spaces and drive aisles shall meet the design and construction standards set forth in Article XII of this ORDINANCE.

H. A vegetative screen as required for parking lots in Article XIII, sufficient to screen the USE from all roadways, adjoining properties, and any location in a residential DISTRICT and from any existing DWELLING in any DISTRICT shall be provided.
I. The provisions set forth herein shall not apply to a parking garage within a MIXED-USE BUILDING.

PASSENGER TRANSPORTATION TERMINAL

A. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. An area for the loading and unloading of bUSES separate from required off-STREET parking areas shall be provided.
C. PASSENGER TRANSPORTATION TERMINALs may include ticked OFFICEs, luggage checking facilities, lunch counter and similar facilities as ACCESSORY USES.
D. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide and Evergreen Tree Screen pursuant to Article XIII parking lot requirements so as to form an effective visual barrier.

POSTAL AND COURIER SERVICES

A. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. Except in the Village Center DISTRICT, all BUFFER areas ADJACENT to or abutting residential USES or residential DISTRICTs shall provide an Evergreen Tree Screen pursuant to the Article XIII parking lot standards so as to form an effective visual barrier.

PUBLIC UTILITY

A. This section 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.
B. There shall not be a specified minimum LOT area, however, each LOT shall provide front, side and rear YARDs in accordance with the regulations of the zone in which the BUILDING is located.

C. Un-housed equipment shall be enclosed with a FENCE or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in dimension. In the residential or village center DISTRICTs, such FENCE must be surrounded by evergreen plantings as required by Article XIII for parking lots.
D. When the equipment is totally enclosed within a BUILDING, no FENCE or screen planting shall be required and the YARD shall be maintained in conformity with the zone in which the BUILDING is located.
E. The external design of the BUILDING shall be consistent with the predominant architecture in the DISTRICT.

RECREATIONAL FACILITY (Private)

A. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. The minimum LOT AREA for all outdoor recreational facilities shall be two (2) acres.
C. If the recreational facility includes an accessory indoor amusement area, such USE shall comply with the Amusement Establishment standards provided herein.
D. Where an outdoor recreational facility abuts a residential DWELLING or residential zoning DISTRICT, a FENCE and vegetative screen pursuant to the Article XIII requirements for parking lots shall be provided so as to form an effective visual barrier between the outdoor recreational USE and adjoining residential properties.
E. Outdoor recreational facilities shall be permitted to operate only between the hours of 7:00 a.m. and 10:00 p.m.
F. All outdoor lighting shall be installed in compliance with the environmental requirements of Section 4.203.J of the Township Subdivision and Land Development ORDINANCE.

RESTAURANTS

A. All restaurants larger than one hundred fifty (150) seats shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. When this USE is ADJACENT to, or on the same LOT with a SHOPPING CENTER or group of commercial USES, it shall USE the common access with the other business establishments, if applicable.
C. Where a DRIVE-THRU window is proposed, a stacking lane not less than one hundred twenty (120) feet shall be provided.

D. A clearly delineated pedestrian walkway shall be provided between any existing sidewalk and the entrance to the restaurant.
E. All exterior seating areas shall be separated from all ACESS DRIVEs and parking areas fencing or landscaped BUFFER.
F. Any play areas shall be completely enclosed by a minimum three (3) foot high FENCE.
G. All portions of the parking area shall be adequately illuminated in compliance with the lighting standards in Section 4.203.J of the Union Township Subdivision and Land Development ORDINANCE.
H. An exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties in compliance with § 4.203K of the Union Township Subdivision and Land Development ORDINANCE.
I. All signage shall comply with Article XII of this ORDINANCE.
J. An outdoor menu BOARD for DRIVE-THRU service shall not be considered a SIGN as long as its predominant USE is clearly for listing food items and their costs and it is legible only to persons in the DRIVE-THRU lane.
K. Covered trash receptacles shall be provided outside the restaurant for patron USE in addition to a plan for the cleanup of litter.
L. Outdoor storage of trash shall be within an enclosed area and screened from view of ADJACENT STREETs, DWELLINGs or residential DISTRICTs.
M. Requirements for off-STREET parking, and the design and construction of all off-STREET parking areas and ACESS DRIVEs shall be in compliance with Article XIII of this ORDINANCE, and Article 4 of the Union Township Subdivision and Land Development ORDINANCE.
N. All off-STREET loading and service areas shall be screened from the STREET and ADJACENT properties in accordance with the Article XIII requirements for parking lots.
O. Fast Food Restaurants, Food Stands and similar establishments shall not include the sale of alcoholic beverages.

SAWMILLS

A. All machinery used in the SAWMILL operation shall be located at least five hundred (500) feet from any residential DWELLING or residential zoning DISTRICT.
B. All power saws and machinery shall be secured against tampering and locked when not in USE.
C. All SAWMILL by-products, except products composted on site, shall be disposed of on a frequent and regular basis.

D. Portable SAWMILL operations shall not be operational on a PARCEL not owned by the owner/operator for longer than six (6) months. A temporary USE permit shall be required prior to the beginning of operations and shall indicate the termination date of said operation, except operations of less than one (1) week duration.
E. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide an Evergreen Tree screen pursuant to the Article XIII requirements for parking lots so as to form an effective visual barrier.

SCHOOLS – COMMERCIAL, PUBLIC and PRIVATE, VOCATIONAL, MECHANICAL, TRADE

A. The following information shall be furnished:
    i. Detailed plot plan indicating location and intended USE of existing and proposed BUILDINGS, location of recreation areas, the relationship of the proposed USE to existing STREETs and ADJACENT properties.
    ii. Complete set of architectural plans.
    iii. GRADE levels of the pupils to be housed in the BUILDINGS.
    iv. Planned pupil capacity of such BUILDINGS and the contemplated eventual enrollment of the school.
B. All BUILDINGS shall be set back at least one hundred (100) feet from any abutting property zoned for or in residential USE.
C. All vocational activities including maintenance, repair, building, and construction training shall be conducted within a completely enclosed BUILDING.
D. Student loading and unloading areas shall be provided on site and arranged so that the students do not have to cross traffic lanes on or ADJACENT to the site.

SHOPPING CENTER

A. The SHOPPING CENTER shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. Off-STREET parking shall be provided in accordance with Article XIII of this ORDINANCE.
C. Storm water drainage requirements of § 4.209 of the Township's Subdivision and Land Development ORDINANCE must be complied with.
D. All parking areas shall be designed and constructed in accordance with all provisions in Article XIII of this ORDINANCE, and Article 4 of the Township Subdivision and Land Development ORDINANCE.
E. The USE shall be connected to a centralized water and sewerage system.

F. All retail USES associated with the SHOPPING CENTER but not located within an enclosed BUILDING, such as in an interior courtyard shall be considered a RETAIL STORE or stores and regulated accordingly.
G. The applicant shall furnish a traffic impact study based upon the expected number of vehicle trips generated from the proposed USE and the current traffic volumes on roads connecting the site with arterial roads. Such study shall comply with §4.216 of the Union Township Subdivision and Land Development ORDINANCE and identify any resulting traffic congestion or safety problems, as well as mitigation measures.
H. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide a Mixed Vegetative Screen or a Berm and Vegetative screen pursuant to the Article XIII requirements for parking lots so as to from an effective visual barrier.

STABLE AND RIDING ACADEMY

A. This includes the keeping of horses or similar animals for USE by other than a single household.
B. The USE shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
C. When abutting a residential property, all stables or shelters shall be erected no less than fifty (50) feet of any side or rear property line.
D. Stables or other shelters shall be provided for the stabling of all horses, and maintained in a sanitary manner.
E. Outdoor illumination shall comply with the provisions of Section 4.203 of the Township Subdivision and Land Development ORDINANCE.
F. All parking LOTs and unimproved overflow parking areas shall be set back at least ten (10) feet from abutting property lines. Unimproved overflow parking areas shall also provide a FENCE delineating such occasional PARKING FACILITIES and preventing the parking and/or movement of vehicles across abutting and ADJACENT properties.
G. All animal waste shall be regularly cleaned up and properly disposed of in a way that prevents objectionable odor at the site’s property line.
H. If the stable or riding academy is accessory to an active AGRICULTURAL OPERATION, said USE shall comply with the provisions for an AGRIBUSINESS as set forth herein.

STOCKYARD/SLAUGHTERHOUSE

A. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.

B. All animal waste shall be regularly cleaned up and properly disposed of in a way that prevents objectionable odor at the site's property line.
C. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within five hundred (500) feet of any residential DWELLING or residential zoning DISTRICT.
D. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide a Mixed Vegetative Screen or a Berm and Vegetative Screen pursuant to the Article XIII requirements for parking lots so as to form an effective visual barrier.

TAVERNS, BARS OR PUBS

A. In addition to TAVERNs, bars and pubs the USE may include, but not be limited to, beer, gardens, cocktail lounges, saloons, and taprooms. A nightclub, where entertainment is the primary USE, shall not be included in this definition.
B. All TAVERNs, bars and pubs shall comply with all state and local codes regulating such establishments including but not limited to the Liquor Code (Act 21 of April 12, 1951, P.L. 90; as reenacted by Act 14 of June 29, 1987, P.L. 32, 47 P.S., Section 1-101, et seq. as amended).
C. All TAVERNs, bars and pubs shall hold a valid license for the premise in which the establishment is located.
D. All TAVERNs, bars and pubs, unless the establishment holds a CLUB (C), or Catering CLUB (CC) or Extended Hours Food (EHF) license from the Pennsylvania Liquor Control BOARD, shall only operate between the hours of 7:00 a.m. and 2:30 a.m. the following day.
E. No TAVERN, bar or pub shall contain less than three hundred (300) square feet of usable floor area.
F. Entertainment may be permitted as an ACCESSORY USE.

THEATER

A. The minimum LOT AREA of any THEATER shall be two (2) acres.
B. All THEATERs shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
    i. When this USE is ADJACENT to, or on the same LOT with a SHOPPING CENTER or group of commercial USES, it shall USE the common access with the other business establishments, if applicable.

TRUCK STOP/TRAVEL CENTER

A. The minimum LOT AREA of any TRUCK STOP or TRAVEL CENTER shall be five (5) acres.
B. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
C. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide an Evergreen Tree screen pursuant to the Article XIII requirements for parking lots so as to form an effective visual barrier.

VETERINARIAN/ANIMAL HOSPITAL

A. A minimum LOT AREA of a least three (3) acres shall be required for all veterinarians or ANIMAL HOSPITALs treating large animals, including but not limited to cattle, horses, and other livestock.
B. All BUILDINGS in which animals are housed or provided care shall be located at least two hundred (200) feet from the property line of a residential DWELLING or residential zoning DISTRICT.
C. BUILDINGS shall be adequately soundproofed so that sounds outside the BUILDING will be minimized and not result in a NUISANCE.
D. All KENNELs, FENCED enclosures and runs shall be sufficiently screened and insulated so as to protect neighboring properties from inappropriate noise, odor and other disturbances. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide a FENCE and Vegetative Screen pursuant to the Article XIII requirements for parking lots so as to form an effective visual barrier.

WAREHOUSING AND WHOLESALE DISTRIBUTION CENTERS

A. All such USES shall have direct vehicular access onto a STREET designed and constructed to PennDOT arterial or collector road standards.
B. A warehouse facility shall have a minimum LOT AREA of two (2) acres. A WHOLESALE facility shall have a minimum LOT AREA of three (3) acres.
C. All BUFFER areas ADJACENT to or abutting residential USES or residential zoning DISTRICTs shall provide an Evergreen Tree screen pursuant to the Article XIII requirements for parking lots so as to form an effective visual barrier.

WIND ENERGY SYSTEM

A. All permitted and SPECIAL EXCEPTION non-residential USES in the Commercial or Industrial zoning DISTRICTs shall be permitted one (1) Small WIND ENERGY SYSTEM.
B. Small WIND ENERGY SYSTEMs shall comply with the following:
    (1) No small WIND ENERGY SYSTEM shall be located on a PARCEL less than forty-five thousand (45,000) square feet.
    (2) All windmills, except single pole STRUCTUREs, shall be enclosed by a FENCE in compliance with Article XIII. Such FENCE shall be located at least five (5) feet from the base of such windmill. Guy wires may be located outside the FENCEd area if clearly marked.
    (3) No small WIND ENERGY SYSTEM in conjunction with a non-residential USE shall be greater than one hundred (100) feet in height.
    (4) No small WIND ENERGY SYSTEM in conjunction with a non-residential USE shall be permitted which is designed to have any vane, sail or rotor blade to pass within thirty (30) feet of the ground.
    (5) All electrical wiring leading from a windmill shall be located underground.
    (6) Windmills may be located within the required rear or side YARDs provided they are no closer than two (2) times their height from the nearest inhabitable STRUCTURE.
C. All windmills shall be fitted with anti-climbing devices, as approved by the manufacturer(s).
D. All environmental standards of the Union Township Subdivision and Land Development ORDINANCE shall be complied with.

ARTICLE XII
SIGNS

SECTION 1201 – Purpose

1. The purpose of this Article is to
    A. Allow for SIGNS as a means of visual communications while creating standards that ensure the overall aesthetic quality of those SIGNS.
    B. Set forth reasonable time, place, and manner standards that do not infringe on free speech rights.
    C. Prohibit a SIGN that would be distracting to motorists, such as described in the following sections.
    D. Minimize adverse effects on nearby properties.
    E. Enhance the economic value of the community.
2. A ZONING PERMIT shall be required for the erection of a new SIGN or any change to an existing SIGN that is shown as requiring a permit by the tables in Section 1206.

SECTION 1202 – General Regulations

1. SIGNS shall reflect the general character of the neighborhood.
2. SIGNS shall be constructed of durable materials and shall be maintained in good condition and repair.
3. When a SIGN becomes unsafe, the ZONING OFFICER shall give written notice to the property owner or lessee to repair or remove the unsafe SIGN.
4. Any SIGN shall be removed within three (3) months if the USE for which it was erected is abandoned. This shall not apply to a vacant BUILDING that is clearly being offered for sale or lease to new tenants, provided that the commercial message of the SIGN is removed or covered.
5. No temporary SIGNS shall be permitted unless specifically authorized herein.
6. Permanent SIGNS shall be securely and permanently attached to their support STRUCTURE, a BUILDING, or the ground.
7. SIGNS shall not be attached to utility poles, traffic control signals, fire hydrants, or similar items.
8. SIGNs shall not have any lighting that constitutes a public safety or traffic hazard.
9. SIGNS shall not imitate in any way an official traffic SIGN or signal or other governmental SIGN, such as using the words “stop” or “danger” or by using red, green, or yellow lights.
10. SIGNS shall not include a revolving or flashing light resembling an emergency vehicle or facility.
11. SIGNS shall not advertise products or services that are in any way illegal.

12. SIGNS shall not include words, phrases, or pictures that are considered to be vulgar, obscene, or pornographic.
13. SIGNS shall not include animated, sequential, intermittent, flashing, oscillating, or rotating elements. Time and temperature displays may be permitted provided they do not include any of the aforementioned prohibited elements.
14. SIGNS shall not emit smoke, vapors, particles, sounds, or odors.
15. Open flames shall not be used in a SIGN or to otherwise attract attention.
16. Searchlights, beacons, lasers, and similar lights are considered SIGNS and shall not be permitted.
17. The light from an illuminated SIGN shall not adversely affect (1) the safe vision of operators of motor vehicles on nearby roads, DRIVEWAYS, and parking areas, (2) the residents of the A, R, V, S, or F zoning DISTRICTS, or (3) any part of a BUILDING USED for residential purposes.
18. Special attention shall be paid to the proper shielding of externally illuminated SIGNS.
19. Unless otherwise permitted within this ORDINANCE, a SIGN shall only include information related to the property on which it is located.

SECTION 1203 – SIGN Location

1. No SIGN shall be located within a STREET right-of-way, except a government SIGN or other SIGN approved by the BOARD OF SUPERVISORS or the Pennsylvania Department of Transportation.
2. No SIGN shall be located in an easement for stormwater, PUBLIC water, PUBLIC sewer, or similar USE.
3. No SIGN shall be attached to a utility pole, FENCE, tree, fire hydrant or other object not intended to hold a SIGN.
4. No SIGN shall be located in a clear sight triangle or other area required to be kept clear by this or another ORDINANCE.
5. Freestanding SIGNS shall be set back ten (10) feet from side and rear property lines. SIGN SETBACK distances shall apply to all portions of the SIGN and the support STRUCTURE.
6. No SIGN shall be located so as to BLOCK a sidewalk, fire escape, access door or any other area designed for pedestrian USE.
7. A SIGN located over a pedestrian area shall be at least ten (10) feet above the walking surface.
8. A SIGN located over a vehicle driving area shall be at least eighteen (18) feet above the driving surface.

SECTION 1204 – SIGN Dimensions

1. SIGN area. The area of a SIGN shall be the area of the smallest rectangle, triangle, or circle that will encompass all letters, symbols, figures, designs, or other display elements of the SIGN.

A. When the SIGN is a separate unit, the area shall include any borders, framing, trim, background and space between elements. Structural support members shall not be included unless they contain design or display elements.

B. When the SIGN consists of individual elements attached to or painted on a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the SIGN from the surface to which it is attached.

C. The maximum area of a SIGN shall be applied to each SIGN face, provided that the faces are no more than five (5) feet apart at any point.

2. SIGN height. The height of a SIGN shall be measured from the average ground level beneath the SIGN to the highest point of the SIGN.

A. The ground elevation at the base of a SIGN shall not be artificially increased so as to increase the maximum height of the SIGN.

B. No SIGN shall exceed the height limitation of the zoning DISTRICT in which it is located.

C. Wall SIGNS shall not extend higher than the top of the wall to which they are attached.

D. SIGN projection. Any SIGN attached to a wall or other surface shall project no more than twelve (12) inches away from the surface to which it is attached.

SECTION 1205 – Nonconforming SIGNS

1. SIGNS legally existing at the time of enactment or amendment of this ORDINANCE which do not conform to the requirements of this ORDINANCE shall be considered nonconforming SIGNS.

2. Nonconforming SIGNS may continue to be used and may be modified and replaced provided that the modified or new SIGN does not increase the nonconformity in any way.

3. Nonconforming SIGNS shall be removed in accordance with Section 1202.4.

SECTION 1206 – Specific SIGN Requirements

The following two tables list specific requirements for Permanent and Temporary SIGNS.

1. Regulations for **Permanent** SIGNS

TYPE OF SIGN	ZONING DISTRICT	MAX. HEIGHT	MIN. SETBACK FROM R/W	MAX. AREA	NUMBER PERMITTED	PERMIT REQUIRED?
Freestanding (#)	A R V C I S	10 FEET	12 FEET	25 SF (A, R, V, S) 100 SF (C, i)	1 ALONG THE FRONTAGE OF THE LOT	YES
WALL (#)	A R V C I S	CANNOT EXTEND ABOVE THE TOP OF THE WALL OR CANOPYTO WHICH IT IS ATTACHED	N/A	0.5 SF PER LF OF WALL TO WHICH IT IS ATTACHED MAX: 20 SF (A,R, S) 1.0 SF PER LF OF WALL TO WHICH IT IS ATTACHED MAX 50 SF (V, C, I)	1 PER LOT (A,R, S) 1 PER BUSINESS (V, C, I)	YES
FRONT DOOR (##)	ALL	N/A	N/A	2 SF	1 PER BUSINESS	YES
REAR DOOR (##)	ALL	N/A	N/A	2 SF	1 PER BUSINESS	YES
WINDOW	ALL	N/A	N/A	20% OF WINDOW AREA	I PER BUSINESS	NO
SHOPPING CENTER (###)	V C	20 FEET	20 FEET	1 SF PER 2,000 SF OF GROSS FLOOR AREA MAX 60 SF	1	YES
ROOF (#)	V C I	CANNOT EXTEND BEYOND THE HIGHEST POINT OF THE ROOF	N/A	SEE WALL SIGNS ABOVE		YES

TYPE OF SIGN	ZONING DISTRICT	MAX. HEIGHT	MIN. SETBACK FROM R/W	MAX. AREA	NUMBER PERMITTED	PERMIT REQUIRED?
RESIDENTIAL DVLPMNT (SEE NOTE #1)	ALL	5 FEET	12 FEET	20 SF	2 PER DEVELOPMENT	YES
AGRICULTURAL	A R,	10 FEET	12 FEET	16 SF	1 PER LOT	YES
HOME OCCUPATION (^)	A R V C S F	5 FEET	12 FEET	9 SF	1 PER LOT	YES
INFORMATIONAL (^^)	ALL	5 FEET	12 FEET	3 SF	4 PER LOT	NO
BILLBOARDS (SEE NOTE #2)	C I	SEE NOTE #2	25 FEET	300 SF PER SIGN FACE	SEE NOTE #2	YES
OFF-PREMISES SIGNS (OTHER THAN BILLBOARDS) (SEE NOTE #3)	V C I	15 FEET ABOVE THE CLOSEST ROADWAY SURFACE	25 FEET	160 SF	1 PER LOCATION	YES
GOVERMENT	ALL	N/A	N/A	N/A	N/A	NO

Only permitted in conjunction with a permitted principla use that is non-residential and non-agricultural.
Must be mounted on or within one foot of the door
Center must contain at least 80,000 SF of gross floor area.
^ May be free standing or wall mounted.
^^ No more than two (2) located at each driveway entrance.

Notes for Regulations for Permanent SIGNS:

1. Only allowed for residential developments. No commercial advertising permitted. When the development is under construction, a temporary SIGN displaying real estate sales information may be permitted in lieu of a permanent SIGN.

2. Permitted only in the Commercial District. One (1) billboard may have two (2) faces with different messages, provided surfaces are back to back or at an angle of forty-five (45) degrees or less. BillBOARDs shall be set back twenty-five (25) feet from side and rear property lines. Each billBOARD shall be at least one-thousand (1,000) feet from all other billBOARDs, and at least three hundred (300) feet from the R DISTRICT on the same side of the STREET as the billboard. Not permitted on a LOT with a residential USE. The height of a billboard shall not exceed twenty-five (25) feet above the closest roadway surface; however, when the site on which the billboard is erected is at a higher elevation than the nearest roadway surface, there shall be a maximum height of forty-five (45) feet to the top of billboard, measured from the finished GRADE at the base of the SIGN.

3. Permitted only by CONDITIONAL USE Off-PREMISES SIGNs, except BillBOARDs may have two (2) faces, provided the message on each face is the same and the surfaces are back to back or at an angle of forty-five (45) degrees or less. Off-PREMISES SIGNs shall be set back twenty-five (25) feet from side and rear property lines. Each off-PREMISES SIGN shall be at least one hundred (100) feet from all other off-PREMISES SIGNs and billboards.

2. Regulations for Temporary SIGNS

TYPE OF SIGN	ZONING DISTRICT	MAX. HEIGHT	MIN. SETBACK FROM R/W	MAX. AREA	NUMBER PERMITTED	PERMIT REQUIRED?
REAL ESTATE (#)	ALL	5 FEET (A, R, V, S) 10 FEET (C, I, F)	5 FEET	10 SF (A, R, V, S) 32 SF (C, i, F)	1 ALONG THE FRONTAGE OF THE LOT	NO
OPEN HOUSE SIGN (##)	ALL	5 FEET	5 FEET	6 SF	1 PER STREET FRONTAGE PLUS 2 OFF-PREMISE – NO MORE THAN 1 PER INTERESECTION	NO
CONTRACTOR / FUNDING SIGN	ALL	5 FEET	5 FEET	6 SF	I PER CONTRACTOR / FUNDING AGENCY	NO
SIDEWALK (###)	ALL	5 FEET	5 FEET	9 SF	1 PER BUSINESS	YES
BANNER (^)	ALL	10 FEET	10 FEET	20 SF	1 PER BUSINESS	NO
GARAGE SALE (^^)	ALL	5 FEET	2 FEET	6 SF	1 PER LOT	NO

Must be located on the property offer for sale or lease. Must be removed within seven (7) days after settlement or signing of the lease.

Shall not be displayed longer than four (4) days. Oof-premise signs shall have the approval of the landowner.

Sign shall be placed outside only when the business is open. Sign shall not obstruct the sidewalk.

^ Sign displayed two times in a 12 month period for no more than 14 days at a time.

^^ Shall be displayed for no more than four (4) consecutive days for each sale.

Notes: 1. All contractors' SIGNS must be removed within seven (7) days after completion of construction. No more than four (4) contractors shall be displayed on a single SIGN. Such a SIGN shall not exceed ten (10) feet in height and thirty-two (32) square feet in area.

ARTICLE XIII

OFF-STREET PARKING, OFF-STREET LOADING, AND VEHICULAR ACCESS

SECTION 1301 – Purpose

These off-STREET parking and loading regulations are intended to lessen congestion, to enhance safety, and to decrease the parking burden on and within the PUBLIC rights-of-way, and to provide adequate SCREENING and BUFFERing of off-STREET parking areas.

SECTION 1302 – General Requirements

1. Off-STREET parking spaces shall be required when a new BUILDING or USE is established, when an existing BUILDING or USE is altered, enlarged, or expanded so as to require additional parking, and when an existing BUILDING or USE is changed to a different USE that requires additional parking.
2. Parking LOTs shall be utilized to provide required off-STREET parking for every USE except single-FAMILY and two-FAMILY DWELLINGs.
3. When multiple USES are involved, required parking shall be calculated for each independent USE, and the sum total number of required parking spaces for each separate USE shall be provided.
4. Required spaces shall be provided on the same LOT as the USE requiring the spaces.
5. Areas Used for vehicle fueling, vehicle washing, or performing other vehicle-related services shall count toward required parking spaces.
6. The Zoning Hearing BOARD may approve a variance from the required number and/or location of parking spaces where the applicant provides proper justification.
    A. Proper justification shall require the provisions of studies of existing cases of similar USES or situations; reports or recommendations produced by recognized engineering, parking, or planning organizations; or other data that is authoritative or produced by a person with appropriate professional credentials.
    B. Parking may be reduced where multiple USES have a common parking LOT and share customers or have different times of peak usage, provided proper justification is provided for the requested reduction.
    C. Where the Zoning Hearing BOARD grants approval of shared parking arrangements or parking spaces located on a LOT other than the one containing the USE requiring the parking, appropriate easements or agreements ensuring continued access to the parking LOT shall be required.
7. Where the computation of required parking spaces results in a fractional number, the fraction of one-quarter (1/4, 0.25) or more shall be counted as one (1) space.

8. Off-STREET parking spaces shall be required in accordance with the table in Section 1303 of this Article. Any USE not specifically listed in this Section shall comply with the most similar USE listed.
9. Parking LOTs are for the sole purpose of accommodating passenger vehicles of persons associated with a USE. Parking lots shall not be Used for the following purposes:

A. The parking of vehicles accessory to the USE.
B. Performing services on vehicles.
C. Loading and unloading functions, except minor and incidental package delivery.
D. These prohibitions shall not apply to churches, community organizations, and similar non-profit organizations that are holding a fundraiser, such as a vehicle wash or plant sale, and as provided in § 1102.16.H, TEMPORARY RETAIL SALES, of this ORDINANCE.

SECTION 1303 – Required Off-STREET Parking

1. Off-STREET parking spaces shall be required in accordance with the table below and with related provisions of this Article:

USE	Required Parking Spaces
Agricultural/Rural USES	
AGRIBUSINESS	1 per 200 sq. ft. of customer area + 1 per employee
Camp/CAMPGROUND	1 per campsite + 1 per employee/staff
Fairgrounds	50 per acre
FARM MARKET	1 per 200 sq. ft. of customer area + 1 per employee
GROUP HOME	1 per target
HELIPORT/HELIPAD	1 per employee + 2 per transient users
KENNEL	1 per 10 animals boarded + 1 per employee
Nature Preserve/WILDLIFE SANCTUARY	1 per 50 acres
RURAL OCCUPATION	1 per 200 sq. ft. of customer area + 1 per each non-resident employee
SANITARY LANDFILL	1 per employee on largest shift
SAWMILL/Planing Mill	1 per employee on largest shift
Stable and Riding Academy	1 per 2 horses boarded (minimum 1 space), + 1 per 1.5 pupils of the largest class.
StockYARD/SlaughterhoUSE	1 per employee on largest shift
VACATION HOME	1 per bedroom
Veterinarian ANIMAL HOSPITAL	4 per veterinarian + 1 per additional employee
Residential USES	
Accessory DWELLING UNIT	1 per unit
DWELLING UNIT	2 per DWELLING UNIT
GROUP HOME/Care Facility	1 per 2 occupants + 1 per employee on largest shift
HOME OCCUPATION	1 per 200 sq. ft. of area accessible to customers, + 1 per each non-resident employee

LIFE CARE COMMUNITY	1 per 3 residents, + 1 per employee
Commercial USES	
Adult-Oriented Business	1 per 100 sq. ft. gross floor area
AmUSEment Establishment	1 per 200 sq. ft. gross floor area
BED AND BREAKFAST	1 per guest room
BOARDing/ROOMING HOUSE	1 per guest room + 1 per employee
FINANCIAL INSTITUTION	1 per 250 sq. ft. of gross floor area

USE	Required Parking Spaces
Commercial USES continues	
Child Day Care Facility	1 per 10 persons at maximum occupancy, + 1 per employee
CONVENIENCE STORE	1 per 150 sq. ft. of customer area, + 1 per employee on the largest shift
FARM Supply & Equipment Sales	1 per 200 sq. ft. of customer area, + 1 per employee on the largest shift
FUNERAL HOME	1 per maximum occupancy divided by 4 + 1 per employee + 1 per each company vehicle
HOTEL/MOTEL/Tourist Cabin Court	1 per sleeping room + 1 per employee on largest shift + 1 per 4 persons of capacity of any associated meeting rooms. Parking for any associated restaurant, NIGHTCLUB, recreation, or other USES shall be calculated separately.
LAUNDRY/DRY CLEANING	1 per 200 sq. ft. gross floor area + 1 per employee
Lumber YARD/Home & BUILDING Center	1 per 200 sq. ft. of customer area, plus 1 per employee on the largest shift
MEDICAL OFFICE or Clinic	4 per doctor, dentist, or physician's assistant, plus 1 per employee
MINI-STORAGE/SELF-STORAGE FACILITY	1 per employee on largest shift + 2 for visitors/tenants
Motor Vehicle Service/Repair	1 per service bay + 1 per employee
Motor Vehicle Sales	2 per employee
NIGHTCLUB	1 per 3 persons at maximum occupancy + 1 per employee
OFFICE, Business or Professional	1 per 300 sq. ft. gross floor area
PERSONAL SERVICE	1 per 200 sq. ft. of customer area
POSTAL AND COURIER SERVICES	1 per 100 sq. ft. of floor customer area + 1 per employee + 1 per company vehicle
Restaurant, Fast-Food	1 per 2 seats + 1 per employee on largest shift
RESTAURANT, SIT-DOWN	1 per 4 seats + 1 per employee on largest shift
RETAIL STORE	1 per 200 sq. ft. of customer area + 1 per employee on largest shift
SHOPPING CENTER	1 per 200 sq. ft. of customer area, + 1 per employee

TAVERN/Bar/Pub	1 per 3 persons at maximum occupancy + 1 per employee
THEATER	1 per 4 seats at maximum occupancy, + 1 per employee
Vehicle Sales or Rental Facility	2 per employee
Recreational USES	
FITNESS/HEALTH CENTER	1 per 60 sq. ft. gross floor area + 1 per employee on largest shift
GOLF COURSE	4 per hole, plus 1 per employee, + 50% of required spaces for ACCESSORY USES.
MUNICIPAL PARK/Playground	2 per acre
Recreational Facility	1 per 4 persons at maximum occupancy for indoor facility; 1 per 5,000 sq. ft. land area for outdoor facility

USE	Required Parking Spaces
Institutional and PUBLIC USES	
COMMUNITY CENTER/CLUB/ Grange Hall	1 per 200 sq. ft. gross floor area + 1 per employee
Country CLUB, Excluding GOLF COURSE & SWIMMING POOL	1 per 4 seats at maximum occupancy + 1 per employee
CREMATORIUM	1 per employee
Correctional/Penal Institution	1 per employee on largest shift, plus 1 per 25 inmates
EMERGENCY SERVICES (Protective)	1 per each volunteer, or employee on the largest shift
FAMILY Day Care Home	1 per each 4 residents + 2 per DWELLING UNIT
GOVERNMENT FACILITY	1 per 200 sq. ft. Used by PUBLIC
HOUSE OF WORSHIP	1 per 4 seats or 1 per 6ft. of bench length, whichever is greater, + 1 per clergy
HOSPITAL	1 per 2 beds + 1 per staff physician + 1 per employee on the largest shift
Library	1 per 300 sq. ft. of PUBLIC area + 1 per employee
Massage Therapy	1 per therapy station + 1 per employee
Municipal BUILDING/Facility	1 per 200 sq. ft. Used by PUBLIC
MUSEUM	1 per 500 sq. ft. gross floor area + 1 per employee
NURSING HOME/RESIDENTIAL CARE FACILITY	1 per each 8 beds + 1 per each staff doctor + 1 per 2 employees, including nurses
PUBLIC UTILITY	1 per employee on largest shift, minimum 1 space
SCHOOL, PUBLIC/Private	1 per 20 classroom seats in GRADEs K-8; 1 per 5 classroom seats GRADEs 9-12; +1 per employee
SCHOOL, COMMERCIAL/Vocational/Mechanical Trade	1 per student + 1 per employee

Senior Citizen Center	1 per 4 seats at maximum occupancy
Industrial, Transportation, and Communication USES	
ELECTRIC GENERATING FACILITY	1.5 per each employee on the largest shift
JUNKYARD/Auto RECYCLING CENTER	1 per employee on largest shift + 1 per facility vehicle
MANUFACTURING, Heavy	1.5 per each employee on the largest shift
MANUFACTURING, Light	1.5 per each employee on the largest shift
MINERAL EXTRACTION Facility	1 per each employee on largest shift + 1 per facility vehicle
MOTOR FREIGHT TERMINAL	1 per each employee on largest shift or 1 per 1,000 sq. ft. gross floor area, whichever is greater
Newspaper	1.5 per each employee on largest shift
PASSENGER TRANSPORTATION TERMINAL	1 per each 100 sq. ft. of PUBLIC space + 1 per 2 employees
RESOURCE RECOVERY FACILITY	1 per employee on largest shift + 1 per facility vehicle
TRUCK STOP/TRAVEL CENTER	Parking for all associated restaurant, CONVENIENCE STORE, HOTEL, or other USES shall be calculated separately
WAREHOUSE/Storage (Locker Plant) and Distribution	1.5 per each employee on largest shift
WHOLESALE Distribution Center	1.5 per each employee on largest shift

2. For USES not specifically listed above, the USE classification for purposes of parking requirements shall be determined by the Zoning Officer, based on similarity of the proposed USE to the listed USE classification. If the Zoning Officer determines that a proposed USE is not comparable to any USE listed above, he shall request the Zoning Hearing BOARD to determine off-STREET parking requirements for the proposed USE at a regular Zoning Hearing BOARD meeting.

SECTION 1304 – Accessible Parking Spaces

1. Businesses and privately owned facilities that provide goods or services to the PUBLIC have an obligation to comply with the provisions of the American with Disabilities Act (ADA) and remove barriers to access in existing parking LOTs when it is readily achievable to do so. This section provides key information about how to create accessible car and van spaces and how many spaces to provide.
2. Accessible Parking Spaces for Cars
    A. Accessible parking spaces for cars have at least a five (5) foot wide access aisle located ADJACENT to the designated parking space.
    B. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car.
    C. These parking spaces are identified with a SIGN and located on level ground.
3. Van-Accessible Parking Spaces
    A. Van-accessible parking spaces are the same as accessible parking spaces for cars except for three (3) features needed for vans:
        (1) An access aisle eight (8) feet wide to accommodate a wheelchair lift
        (2) Vertical clearance to accommodate van height at the van parking space, the ADJACENT access aisle, and on the vehicular route to and from the van-accessible space.
        (3) An additional SIGN that identifies the parking spaces as “van accessible.”
    B. One (1) of eight (8) accessible parking spaces, but always at least one (1), must be van-accessible.
4. Features of Accessible Parking Spaces for Cars
    A. SIGN with the international symbol of accessibility mounted high enough so it can be seen while a vehicle is parked in the space.
    B. If the accessible route is located in front of the space, install wheel stops to keep vehicles from reducing width below thirty-six (36) inches.
    C. An access aisle of at least five (5) feet wide must be level (1:50 maximum slope in all directions), be the same length as the ADJACENT parking space(s) it serves and must connect to an accessible route to the BUILDING. Ramps must not extend into the access aisle.
    D. Boundary of the access aisle must be marked. The end may be a squared or curved shape.
    E. Two (2) parking spaces may share an access aisle.
5. Additional Features for Van-Accessible Parking Spaces

A. SIGN with “van accessible” and the international symbol of accessibility shall be mounted high enough so the SIGN can be seen when a vehicle is parked in the space.
B. A level access aisle at least eight (8) feet wide with a maximum slope of 1:50 in all directions shall be located beside the van parking space.
C. A minimum clearance height of eight (8) feet six (6) inches shall be provided at the van parking space, access aisle, and on the vehicular route to and from the van space.

6. Minimum Number of Accessible Parking Spaces

A. One (1) in every eight (8) parking spaces, but not less than one (1) space, must be van accessible, with a designated handicap SIGN and an access aisle at least eight (8) feet wide.
B. Accessible parking spaces shall be required in accordance with the table below:

Total Spaces in LOT	Accessible Spaces Required
1-25	1 van
26-50	1 standard + 1 van
51-75	2 standard + 1 van
76-100	3 standard + 1 van
101-150	4 standard + 1 van
151-200	5 standard + 1 van
201-300	6 standard + 1 van
301-400	7 standard + 1 van
401-500	7 standard + 2 vans
501-1000	2 percent of total spaces*
1001 and over	20 + (1 per 100 over 1000)*

* One (1) in every eight (8) accessible parking spaces must be a van accessible space with an eight (8) foot wide access aisle.
C. A standard accessible parking space is a minimum of eight (8) feet wide + a five (5) foot wide access aisle.

SECTION 1305 – Design Standards

1. Parallel parking spaces shall have minimum dimensions of eight (8) feet by twenty-three (23) feet. Non-parallel spaces shall have minimum dimensions of ten (10) feet by twenty (20) feet. Individual spaces shall be delineated by paint striping or other pavement markings to show their location.
2. The amount, location, and design of handicapped parking spaces and accessible routes to a BUILDING shall comply with the Americans with Disabilities Act Accessibility Guidelines for BUILDINGS and Facilities, as described in Section 1304 above.
3. Parking LOTs shall be arranged so that no vehicle will be required to back onto a PUBLIC roadway.
4. Aisles between rows of parking spaces shall meet the following minimum widths:

Parking Angle	**Aisle Width – One-Way- Traffic**	**Aisle Width – Two-Way Traffic**
90 degrees	20 feet	24 feet
60 degrees	18 feet	24 feet
45 degrees	14 feet	24 feet
30 degrees	12 feet	24 feet
Parallel	11 feet	20 feet

5. Parking LOTs shall be surfaced with asphalt, concrete, pavers, or other low-dust material approved by the Township.
6. Parking LOTs shall be graded to provide adequate drainage to avoid areas of ponding and shall have an approved stormwater management plan.
7. Speed bumps and other speed control devices are permitted within parking LOTs, provided they are clearly delineated with paint or pavement color and are marked with SIGNs. They shall not be permitted where they will cause vehicles to back out onto ADJACENT PUBLIC roadways.
8. Curb stops or other means shall be used to ensure that parked vehicles do not overhang onto walking areas, sidewalks, or landscape areas.
9. When a parking LOT will be used after dark, lighting shall be provided. Such lighting shall be directed inward and downward onto the parking LOT. It shall not create a glare on ADJACENT LOTs or STREETs. The placement of light standards shall be coordinated with interior landscaping to avoid conflicting with the effectiveness of the light fixtures.

10. When a parking LOT is connected to a STREET or STREETs by an ACESS DRIVE or DRIVEWAY, such drives shall meet the requirements of this Article and the Township subdivision and Land Development ORDINANCE.
11. Parking LOTs for ADJACENT USES shall be connected to each other to enable cross access between the USES. Appropriate easements and agreements shall be provided to ensure the continued right of access.
12. Off-STREET parking areas and LOTs shall be landscaped and screened in accordance with the provisions of Section 1707 of this Article.

SECTION 1306 – Off-STREET Loading

1. Off-STREET loading spaces shall be required when a new BUILDING or USE is established which requires off-STREET loading spaces, when an existing BUILDING or USE is altered, enlarged, or expanded so as to require additional loading spaces, and when an existing BUILDING or USE is changed to a different USE that requires additional loading spaces.
2. Off-STREET loading spaces shall be required in accordance with the table below and with related provisions of this Section:

USE	Required Loading Spaces	Length
Commercial and Institution USES, except those below	1 per of 10,000 to 50,000 sq. ft. gross floor area, plus 1 per each additional 50,000 sq. ft. or fraction thereof.	40 feet
MANUFACTURING, Industrial, Warehousing and WHOLESALE Distribution	1 per of 5,000 to 25,000 sq. ft. gross floor area, plus 1 per each additional 25,000 sq, ft, or fraction thereof.	65 feet

3. Design Standards
   A. All loading spaces shall be a minimum width of twelve (12) feet with a minimum height clearance of fifteen (15) feet.
   B. All loading spaces must be surfaced with asphalt or concrete.
   C. Loading spaces shall be located so that vehicles do not need to back into PUBLIC roadways.
   D. Loading spaces shall be separate from and shall not interfere with parking lots, pedestrian walkways, or other areas associated with customer, client, or employee traffic.
   E. Loading spaces shall be placed to the side or rear of commercial establishments.

F. When a loading space is connected to a STREET or STREETS by an ACCESS DRIVE or DRIVEWAY, such drives shall meet the requirements of this Article and the Township Subdivision and Land Development ORDINANCE.
G. Loading spaces shall be GRADED to provide adequate drainage to avoid areas of ponding and shall have an approved stormwater management plan
H. When a loading space will be used after dark, lighting shall be provided. Such lighting shall be directed inward and downward onto the loading space. It shall not create a glare on ADJACENT LOTS or STREETS. The placement of light standards shall be coordinated with interior landscaping to avoid conflicting with the effectiveness of the light fixtures.
I. All off-STREET loading areas shall be effectively screened on any side facing a PUBLIC right-of-way and shall be screened on each side that adjoins or faces PREMISES in any residential DISTRICT or any PREMISES used for residential or institutional purposes in any DISTRICT by a FENCE, wall, or compact hedge. Such FENCE, wall, or hedge shall be not less than four (4) feet, and no solid portion shall be more than six (6) feet in height, shall be maintained in good condition, and shall provide year-round SCREENING.

SECTION 1307 – LANDSCAPING and SCREENING

1. Landscaping

A. Parking lots and other uses requiring landscaping and screening in this ordinance shall be effectively landscaped with trees and shrubs to:

(1) Reduce the visual impact of glare, headlights, and parking lot or specific USE lighting.
(2) Delineate driving lanes and define rows of parking.
(3) Provide shade in order to reduce the amount of reflected heat.
(4) Improve the aesthetics of parking lots and other specific USES.

B. Parking lots and other USES specified in this ordinance shall be separated from STREET right-of-way lines with a landscape strip planted with an all-weather ground cover or other landscape plantings. The width of the landscape strip shall be based on the number of spaces within the parking LOT. Specified USES shall based on the number of spaces required for the use.

Spaces in Parking LOT	Landscape Strip Width
1-100	10 feet
101-250	15 feet
251 and more	20 feet

C. A ten (10) feet wide landscape strip shall be provided along rear and side property lines for parking lots and specified uses.
D. The ends of all parking rows shall be separated from the driving lanes by planting islands.
E. In residential developments, parking lots shall be divided by planting strips into smaller parking areas of no more than twenty (20) stalls.
F. In non-residential developments, parking LOTs shall be divided by planting strips into smaller parking areas of no more than sixty (60) stalls. There shall be no more than two (2) consecutive rows of parking spaces, regardless of the number of spaces in the row, without the installation of such planting strips.
G. All planting strips shall be a minimum width of four (4) feet. Such strips shall run the entire length of the parking row, be underlain by soil, and be mounded at a minimum slope of 12:1 and a maximum slope of 4:1. Planting strips shall contain one (1) shade tree for every thirty (30) linear feet plus shrubs and/or ground cover over the entire planting strip.
H. Planting islands shall be a minimum of nine (9) feet by eighteen (18) feet, be underlain by soil, and be mounded at a minimum slope of 12:1 and a maximum slope of 4:1. Each planting island shall contain at least one (1) shade tree plus shrubs and/or ground cover over the entire island. Examples of acceptable shade tree species may include, but not be limited, to, the following trees native to eastern North America:

(1) Common Hackberry
(2) Autumn Purple Ash
(3) Rose-hill Ash
(4) Hessei Ash
(5) Tulip Tree
(6) Swamp White Oak
(7) Chink-a-pin Oak
(8) Red Oak

I. Required trees shall have a trunk diameter (caliper) of at least two (2) inches at a point four (4) feet above finished GRADE level at the time of planting.
J. All non-residential off-STREET parking areas designed for more than five (5) vehicles and any USES specified in this ordinance as requiring a landscaping and screening buffer shall be effectively screened on any side facing a PUBLIC right-of-way and shall be screened on each side that adjoins or faces any residential DISTRICT or any PREMISES used for residential or institutional purposes in any DISTRICT by a FENCE, wall, or compact hedge. Such FENCE, wall, or hedge shall not exceed four (4) feet in height, shall be maintained in good condition, and shall provide year-round SCREENING.

SECTION 1308 – Drive-Through Off-STREET Stacking Space Regulations.

1. General Provisions. The purpose of off-STREET stacking space regulations is to promote PUBLIC safety by alleviating on-site and off-site traffic congestion from the operation of a facility which utilizes a drive-through service unit. Any USE having a drive-through service unit shall provide the required off-STREET stacking area on-site and shall locate the drive-through facilities in such a way as to ensure that on-site and off-site traffic conflicts, hazards and congestion are avoided. Each drive-through service unit shall provide the stacking spaces as follows:

A. Each stacking space shall be not less than eight and one half (8 ½) feet in width and seventeen and one half (17 ½) feet in length, with additional space for necessary turning and maneuvering.

B. The area required for stacking spaces shall be exclusive of and in addition to any required parking space, loading space, DRIVEWAY, ACCESS DRIVE or aisle, unless otherwise permitted.

C. A parking space at any component of a drive-through service unit (window, menu board, order station, or service bay) shall be considered to be a stacking space.

D. Any area reserved for staking spaces shall not double as a circulation drive or maneuvering area.

E. Sites with stacking spaces shall include an exclusive bypass aisle, drive, or other circulation area in the parking LOT, which is designed to allow vehicles to bypass the stacking area.

2. Any component of a drive-through service unit may project up to one (1) foot into the stacking area.

3. Drive-through service units may contain more than one component part.

A. Service units may contain such components as menu boards, pay windows, and food-service pickup windows. To determine the number of off-STREET stacking spaces located before a service unit, the final component of the service unit shall be used in determining the location of the off-STREET stacking spaces. In the case of vehicle wash facilities, the final component of a service unit is the entrance to the vehicle wash STRUCTURE itself.

4. Where a single drive-through lane serves more than one (1) drive-through service unit, the minimum number of stacking spaces provided shall equal the combined total required for each service unit.

5. Stacking Areas. Parking LOTs shall be designed to provide adequate stacking areas for vehicles entering the parking LOT so that PUBLIC roadways are not blocked.

A. Stacking areas shall also be provided for vehicles leaving the parking LOT so that parking spaces and aisles are not blocked.

B. Required stacking spaces.

(1) Vehicle wash facility.

a. Self-service or hand wash: Three (3) spaces before the final component of each service unit and two (2) spaces at the exit of each unit.

b. Semi- or fully automatic: Ten (10) spaces before the final component of each service unit and two (2) spaces at the exit of each unit.

(2) Restaurants or FINANCIAL INSTITUTIONs (including ATMs).

a. One (1) drive-through service unit: Six (6) spaces before the final component of the service unit and two (2) spaces at the exit of the unit.

b. For each additional drive-through service unit: Four (4) spaces before the final component of each additional service unit and one (1) space at the exit of each unit.

(3) The number of stacking spaces required above shall be considered minimums. The Township may require additional stacking spaces when they are deemed necessary to comply with the general provisions of this section.

(4) Where an applicant can provide compelling evidence that fewer than the required number of stacking spaces would adequately serve a drive-through establishment, the number of required stacking spaces may be reduced by the Zoning Hearing Board.

(5) All other facilities utilizing a drive-through service unit, including, but not limited to, laundry and cleaning stations, photo drop-off/pick-up stations, and vehicle oil change/lubrication facilities: Three (3) spaces before the final component of the service unit and one (1) space at the exit of each service unit.

ARTICLE XIV
ADMINISTRATION AND ENFORCEMENT

SECTION 1401 – Zoning Officer

1. The Zoning Officer. The regulations and provisions of this zoning ORDINANCE shall be administered and enforced by an individual who shall be known as the "Zoning Officer" and who shall be appointed by the Union Township BOARD OF SUPERVISORS. The Zoning Officer shall hold no elective office in the Township.

2. Deputy. The Union Township BOARD OF SUPERVISORS may appoint a second individual as the Deputy Zoning Officer to have all the duties and responsibilities of the Zoning Officer during the temporary absence, illness or disability of the Zoning Officer. The Deputy Zoning Officer may be an employee of the Township, but in no event shall the individual appointed as the Deputy Zoning Officer hold any elective office in the Township.

3. Compensation. The Compensation of the Zoning Officer and the Deputy Zoning Officer shall be determined by the Union Township BOARD OF SUPERVISORS.

4. Duties and Responsibilities. It shall be the duty of the Zoning Officer: to carry out the functions and purpose of this Zoning ORDINANCE, the Township FLOODPLAIN ORDINANCE and the Township Zoning-Height ORDINANCE; to perform the duties assigned by these ORDINANCEs and to perform such other duties as may be assigned from time to time by the BOARD of Township Supervisors; to review applications for USE permits and applications for BUILDING permits submitted under the ORDINANCEs and to make the determination that the proposed USE, occupancy, work, or the like conforms with the regulations and provisions of the ORDINANCEs; to administer and enforce each of the ORDINANCEs by making such inspections, tests, requirements, determinations, and enforcement notices, and orders as are necessary or appropriate to ensure that the regulations or provisions of each of the ORDINANCEs are met and compliance is achieved; and to keep records of all the business and activities of his duties and responsibilities.

Except where certain matters under the ORDINANCEs have been expressly left to the discretion or judgment of the Zoning Officer, the Zoning Officer shall administer the ORDINANCEs in accordance with their literal terms; and shall have no power to permit any act, conduct, construction, installation, work, land development, occupancy, USE, change, condition, or the like which does not and would no conform to the regulations or provisions of an ORDINANCE.

5. Inspections by the Zoning Officer. The Zoning Officer, in the discharge of his duties and upon proper identification, is hereby authorized to enter any LOT, BUILDING, STRUCTURE, or PREMISES in the Township for the purpose of making any inspection which he deems necessary or appropriate to make in performing his duties or carrying

out his responsibilities. In making an inspection, the Zoning Officer shall follow the procedures and shall have the authority as set forth in Appendix A, attached hereto and incorporated herein.

6. Report to Union Township BOARD OF SUPERVISORS and Township PLANNING COMMISSION. A report of the Zoning Officer shall be made annually and submitted to the Union Township BOARD OF SUPERVISORS and the Township PLANNING COMMISSION. The report shall contain: a record of the USE permits, BUILDING permits and certificates of USE and occupancy issued by the Zoning Officer; a record of the inspections and orders made, and the proceedings and other actions taken, by the Zoning Officer; a report of the effectiveness of the administrative and enforcement procedures; any amendments which the Zoning Officer believes should be made to the ORDINANCEs; and such other information, data or statistics as the Zoning Officer may wish to include in the report or as the Union Township BOARD OF SUPERVISORS or the Township PLANNING COMMISSION might request be included in the report.

SECTION 1402 – ZONING PERMIT and BUILDING Permit

1. When a Permit is Required. Before any person, whether owner, occupant, contractor, architect, engineer, agent, or employee, shall:

A. Establish, introduce, or locate any new USE on a TRACT of land or in a BUILDING STRUCTURE; or alter or change any existing USE to another USE

B. Undertake the work of constructing, installing or locating (or reconstructing, reinstalling or relocating) a BUILDING or STRUCTURE (including a SIGN, irrespective of whether the SIGN is intended to be permanent or temporary);

C. Undertake the work of installing, locating, or storing a house trailer or mobile home as distinguished from merely parking a house trailer or mobile home temporarily off-STREET;

D. Undertake the work of making a structural ALTERATION or structural change to an existing BUILDING or STRUCTURE, including the installation, cutting or removal of any bearing wall, bearing beam, or other bearing support;

E. Undertake the work of making an addition to, or change or modification in, the exterior outline, envelope elevation or profile of a BUILDING or STRUCTURE; or adding any window or any exit facility, or making an addition to, or a change or modification in, any window or any exit facility; or removing any window of any exit facility

F. Change the occupancy of a BUILDING or STRUCTURE from one USE occupancy to another USE occupancy which requires greater structural strength or more windows, or more exit facilities, or more bathrooms or lavatories;

G. Undertake the work of performing major or substantial structural repairs on, or installing, extending, enlarging, altering, relocating, or removing: any on-LOT or

on-site BUILDING sewer for sanitary sewage or storm water; or any on-LOT or on-site gas line, water line, or underground electric line, telephone line, or the like:

H. Undertake the work of performing any on-LOT or on-site excavation, filling or grading work;

I. Undertake the work of performing any paving work on a LOT (including the expansion or extension of any existing paving on the LOT);

J. Undertake the work of constructing, installing, or locating a PUBLIC SWIMMING POOL or a private SWIMMING POOL or altering the outline, envelope, or profile of a PUBLIC SWIMMING POOL or a private SWIMMING POOL;

Or

K. In the case where work is to be done on or in a BUILDING or STRUCTURE located in a FLOODPLAIN Area, undertake any work involving:

(1) The improvement of the BUILDING or STRUCTURE (that is, that which is intended to enhance the value, beauty, appeal, comfort, or enjoyment of the BUILDING or STRUCTURE),

(2) The interior ALTERATION, modification, remodeling, renovation, or improvement of the BUILDING or STRUCTURE,

(3) The installation, extension, expansion, ALTERATION, relocation or major repair of any electrical system, gas system, plumbing system, heating system, ventilating system, air conditioning system or mechanical system, or any principle or essential equipment, component or element required for the operation of such system, or

(4) Otherwise undertake, or cause to be undertaken, any construction or development in a FLOODPLAIN Area, he shall obtain the ZONING PERMIT from the Zoning Officer.

2. Exceptions. A ZONING PERMIT shall not be required in the following cases:

A. Ordinary maintenance and ordinary repairs to a BUILDING, STRUCTURE, or TRACT of land in the routine course of its upkeep; provided that such maintenance or repairs do not directly or indirectly include or involve any of the work described in § 1402.1 above.

B. Ordinary maintenance and ordinary repairs to the types of sewers, surface water drainage facilities, and utility lines described in § 1402.1.G above in the routine course of their operation and upkeep and any excavation, filling or grading work directly incident to and part of such maintenance and repairs; provided that such maintenance or repairs do not directly or indirectly include or involve any of the work described in § 1402.1 above.

C. Work of the kind described in § 1402.1.G above and any excavation, filling and grading work described in § 1402.1.H above directly incident to and part of

that work; provided that all such work is done by a PUBLIC UTILITY company, government agency or municipal authority.

D. The erection or placement of those types of SIGNs of contractors, builders, plumbers, electricians, painters, and the like which are referred to in Article XII, SIGNs, of this ORDINANCE.

E. In addition and only to the extent such does not conflict with any provision of the Union Township Flood Plain ORDINANCE, in the case of a BUILDING or STRUCTURE located in a FLOODPLAIN Area, a ZONING PERMIT shall not be required for:

(1) Ordinary maintenance and ordinary repairs to the interior or exterior of the BUILDINGS or STRUCTUREs in the routine course of upkeep of the interior or exterior. Repairing or replacing an existing roof, porch, set of stairs, or the like shall be deemed to be an ordinary repair.

(2) Cosmetic work (such as installing siding, interior or exterior painting, installing carpet or other floor covering, papering walls, paneling walls, or installing suspended ceilings) on or in the BUILDING or STRUCTURE and in accordance with the requirements for such work set forth in the Union Township Flood Plain ORDINANCE.

(3) Electrical work, plumbing work, gas work, heating ventilation and air conditioning work, or mechanical work on or in the BUILDING or STRUCTURE where the work involves ordinary maintenance, ordinary repairs, or like-for-like replacements of existing equipment, components, or elements in the routine course of their operation, upkeep, or useful life; provided that such maintenance or repairs do not directly or indirectly include or involve any of the work described in § 1802.1 above.

(4) The installation, extension, expansion, ALTERATION, relocation or major repair of any electrical system, gas system, plumbing system, heating system, ventilating system, air conditioning system, or mechanical system, or any principle or essential equipment, component or element required for the operation of such system if the value of all labor and materials used in the work is less than $500; provided that such maintenance or repairs do not directly or indirectly include or involve any of the work described in § 1802.1 above.

(5) Electrical work, plumbing work, gas work, heating ventilation and air conditioning work, or mechanical work on or in the BUILDING or STRUCTURE; provided that all such work is done by a PUBLIC UTILITY company, government agency, or municipal authority.

3. In the event of an emergency, or in the event there are practical difficulties involved in submitting an application for a permit and the Zoning Officer determines that there were/are extenuating circumstances, the Zoning Officer may in his discretion;

A. Modify the requirement that no new USE or changed USE may be used or occupied unless a ZONING PERMIT has first been obtained by the Zoning Officer.

B. Modify the requirement that no work requiring a ZONING PERMIT may be undertaken unless a permit has first been obtained by the Zoning Officer.

C. Issue a permit now for then; provided that:

(1) An application for a permit is first filed with the Zoning Officer;

(2) The spirit and intent of this entire Section 1802 are observed;

(3) The nature of the new, changed, or proposed USE is approved by the Zoning Officer; and

(4) The scope and nature of the work done before the issuance of the permit, and the scope and nature of any work remaining to be done after the issuance of the permit, are approved by the Zoning Officer.

4. Form of Application. The application for a ZONING PERMIT shall be submitted in such a form as the Union Township BOARD OF SUPERVISORS may prescribe and shall be accompanied by the required fee as hereinafter prescribed. Application for a 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 Lessee or the qualified person making an application, that the proposed work is authorized by the Owner or Lessee. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body or limited liability company, shall be stated in the application.

5. Description of Work. The application shall contain a general description of the proposed work, USE and occupancy of all parts of the BUILDING, STRUCTURE, or SIGN and such additional information as may be required by the Zoning officer. The application for a permit shall be accompanied by a plot plan of the proposed BUILDING, STRUCTURE, or SIGN drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-STREET parking and loading space if required, the location of new and existing construction, and the distances of the same from the existing LOT lines.

6. Time Limit for Application. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.

7. Issuance of Permits. Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of the Zoning ORDINANCE or the Flood Plain ORDINANCE as applicable, or all other pertinent local laws, he shall reject such application, in writing

stating the reasons therefore. He shall inform the applicant of his right of 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 the Zoning ORDINANCE and the Flood Plain ORDINANCE, as applicable, and all laws and ORDINANCEs applicable thereto, and that the certificate of USE and occupancy as required herein has been applied for, he shall issue a permit therefore as soon as practical.

8. Expiration of Permit. The permit shall expire one (1) year from the date of issuance; provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year.

9. Revocation of Permits. The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning 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 the Zoning ORDINANCE.

10. Posting of Permit. A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work or USE and until the completion of the same as defined on the application.

11. Temporary Permit. A temporary permit may be authorized by the Zoning Officer for a NONCONFORMING STRUCTURE or USE which he deems necessary to promote the proper development of the community; provided that such NONCONFORMING STRUCTURE or USE shall be completely removed upon expiration of the permit without cost to the Township of Union. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not to exceed three (3) years.

12. Payment of Fees. A permit shall not be issued by the Zoning Officer until the prescribed fee has been paid to the Township. The fee for the permit shall be that prescribed by the separate Township Costs and Fees Schedule adopted by Resolution of Union Township BOARD OF SUPERVISORS. The payment of a permit fee under this Section shall not relieve the applicant or holder of the permit from the payment of any other fee which may be required by this ORDINANCE or by another ORDINANCE or law.

13. Compliance with ORDINANCE. The ZONING PERMIT shall be a license to proceed with the work upon the obtaining of a BUILDING permit and other required permits and should not be construed as authority to violate, cancel, or set aside any of the provisions of the Zoning ORDINANCE, except as stipulated by the Zoning Hearing BOARD.

14. 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.

15. Compliance with Uniform Construction Code. This Zoning ORDINANCE shall be interpreted, read and applied in pari material (i.e. with reference to) and so as not to

conflict with the provisions and requirements of the Union Township Construction Code ORDINANCE, ORDINANCE No. 2004-2, as it may be amended and then applicable and pursuant to the Pennsylvania Construction Code Act, Act 45 of 1999, as amended, (35 P.S. § 7210.101, e.seq., as amended) and the regulations there-under. The provisions of such law, regulations and ORDINANCE and the duties and authority of the official known as the “Municipal Code Official” who is appointed in accord therewith, with the duties and authority as set forth therein, shall prevail in the event of a conflict between this Zoning ORDINANCE and the Uniform Construction Code.

SECTION 1403 – Certificate of USE and Occupancy

1..It shall be unlawful to use and/or occupy any STRUCTURE, BUILDING, SIGN, and/or land or portion thereof for which a ZONING PERMIT is required herein until a certificate of USE and occupancy for such STRUCTURE, BUILDING, SIGN, and/or land or portion thereof has been issued by the Zoning Officer or the Municipal Code Official appointed pursuant to the requirements of the Union Township Construction Code ORDINANCE, ORDINANCE No. 2004-2, as it may be amended and then applicable and pursuant to the Pennsylvania Construction Code Act, Act 45 of 1999, as amended (35 P.S. § 7210.101, et seq., as amended) and the regulations there-under, as applicable. The application for issuance of a certificate of USE and occupancy shall be made at the same time an application for a permit is filed with the Zoning Officer as required herein.
2. The application for a certificate of USE and occupancy shall be in such form as the Union Township BOARD OF SUPERVISORS may prescribe and may be made on the same application as is required for a permit.
3. The application shall contain the intended USE and/or occupancy of any STRUCTURE, BUILDING, SIGN, and/or land or portion thereof for which a permit is required herein.
4. The Zoning Officer shall inspect any STRUCTURE, BUILDING, or SIGN within ten (10) days upon notification that the proposed work that was listed under the 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 upon approval by the Municipal Code Official appointed pursuant to the Union Township Construction Code Act, Act 45 of 1999 as amended, (35 P.S. § 7210.101, et seq.; as amended) and the regulations there-under, if applicable, he shall issue a certificate of USE and occupancy for the intended USE listed in the original application.
5. The certificate of USE and occupancy or true copy thereof shall be kept available for official or public inspection at all times.
6. Upon request of a holder of a ZONING PERMIT, the Zoning Officer, together with the Municipal Code Official, as applicable, may issue a temporary certificate of USE and occupancy for a STRUCTURE, BUILDING, SIGN, and/or land or portion thereof, before

the entire work covered by the permit shall have been completed; provided such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer shall also issue a temporary certificate of USE and occupancy for such temporary USES as tents, USES of land for religious and other PUBLIC or semi-PUBLIC purposes and similar temporary USE and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Officer together with the Municipal Code Official, as applicable; however, in no case for a period exceeding six (6) months.

SECTION 1404 – Enforcement

1. Enforcement Notice.

A. If it appears to the Township of Union that a violation of any zoning ORDINANCE enacted under this act or prior enabling laws has occurred, the Township of Union shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. 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 and any other person against whom the Township of Union intends to take action.

C. An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Township of Union intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ORDINANCE.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing BOARD within thirty (30) days from the date of service of the notice.

(6) 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.

D. In any appeal of an enforcement notice to the Zoning Hearing BOARD, the Township of Union shall have the responsibility of presenting its evidence first.

E. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing BOARD shall be returned to the appealing party by the Township of

Union if the Zoning Hearing BOARD, or any court in a subsequent appeal, rules in the appealing party's favor.

2. Causes of Action. In case any BUILDING, STRUCTURE, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ORDINANCE enacted under the Pennsylvania Municipalities Planning Code, as amended, or prior enabling laws, the Union Township BOARD OF SUPERVISORS or, with the approval of the Union Township BOARD OF SUPERVISORS, an officer of the Township of Union, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such BUILDING, STRUCTURE, landscaping of land, or to prevent, in or about such PREMISES, any act, conduct, business or USE constituting violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township of Union at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Union Township BOARD OF SUPERVISORS. No such action may be maintained until such notice has been given.

3. Enforcement Remedies.

A. Any person, partnership or corporation (including a limited liability partnership or limited liability company) who or which has violated or permitted the violation of the provisions of any zoning ORDINANCE enacted under the Pennsylvania Municipalities Planning Code, as amended, or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township of Union, shall be fined by the District Magistrate an amount of no more than $500 plus all court costs, including reasonable attorney fees incurred by the Township of Union as a result of the enforcement. No fine shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge (formally referred to as "District Justice"). If the defendant neither pays nor timely appeals the judgment, the Township of Union may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continued or shall continue after such finding shall constitute a separate violation, unless the Magisterial District Judge (formerly referred to as "District Justice") determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation (including a limited liability partnership or limited liability company) violating the 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 of a violation by the Magisterial District Judge (formerly referred to as "District Justice") and thereafter each day that a violation continues shall constitute a separate

violation. All judgments, costs and reasonable attorney fees collected for the violation of the zoning ORDINANCE shall be paid over to the Township of Union.
B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township of Union the right to commence any action for enforcement pursuant to this section.

SECTION 1405 – NONCONFORMING USES and STRUCTURES

1. Continuation. Any lawful USE of a STRUCTURE or land or any lawful STRUCTURE existing at the effective date of this article may be continued, although such USE or STRUCTURE does not conform to the provisions of this ORDINANCE.
2. Extensions. A NONCONFORMING USE or a NONCONFORMING STRUCTURE may be expanded to a distance of no greater than one hundred fifty (150) feet in any direction from the existing NONCONFORMING USE or NONCONFORMING STRUCTURE or to an area equal to no more than twenty-five percent (25%) of an existing NONCONFORMING USE or NONCONFORMING STRUCTURE, whichever is the lesser. NONCONFORMING USES or NONCONFORMING STRUCTUREs created by VARIANCE shall not be permitted to expand.
3. Nonconforming LOTs of record. In any DISTRICT in which single-FAMILY houses are permitted, a single-FAMILY house and customary accessory BUILDINGS may be erected on any LOT of record in existence at the effective date of this article. In any appeal or application by an applicant to the Zoning Hearing BOARD, consideration shall be given by the Zoning Hearing BOARD as to the desirability and feasibility of merging the LOTs for purposes of this ORDINANCE when two (2) or more nonconforming LOTs have contiguous frontage and are in single ownership and are being used as one (1) LOT.
4. Substitution or Replacement. Any NONCONFORMING USE may be substituted or replaced by another NONCONFORMING USE by SPECIAL EXCEPTION granted by the Zoning Hearing BOARD, so long as the Zoning Hearing BOARD determines that the proposed USE is, at a minimum, equally compatible with and not detrimental to the surrounding area and neighborhood as the original NONCONFORMING USE. Furthermore, any proposed substitution or replacement of a NONCONFORMING USE shall not increase any dimensional nonconformity. In granting a SPECIAL EXCEPTION, the Zoning Hearing BOARD may attach such conditions as are reasonable and necessary to maintain the USE as compatible with the surrounding area and neighborhood.
5. Abandonment.

A. If a NONCONFORMING USE of a STRUCTURE or land ceases for a period of two (2) years or more, subsequent USE of a STRUCTURE or land shall be in conformity with the provisions of this ORDINANCE.

B. Abandonment regulations shall not apply to agricultural or farming USES.

6. Restoration.

A. Any NONCONFORMING STRUCTURE that has been damaged or destroyed by fire, windstorm, lightning or by other means, deemed to be not the fault of the owner, or any of them, may be reconstructed, subject to the limitations and requirements of this Section 1405 and any NONCONFORMING USE which had been utilizing a NONCONFORMING STRUCTURE which is damaged or destroyed, as aforesaid, may be continued, subject to the limitations and requirements of this Section 1405. Anything in this Section 1405 to the contrary notwithstanding, a request for a BUILDING permit must be submitted to the Township within one (1) year from the date of damage or destruction. Thereupon, restoration shall be completed within two (2) years from the date of damage or destruction. As to a NONCONFORMING USE which had been utilizing the STRUCTURE that was damaged or destroyed, as aforesaid, it must be continued on the land within two (2) years of the date of damage or destruction; otherwise, the USE of such land or any restoration of a STRUCTURE shall be in conformity with the provisions of this ORDINANCE.

B. Unless reconstructed in accordance with and in strict compliance with the provisions of this ORDINANCE, any rebuilding of a NONCONFORMING STRUCTURE must be reconstructed within, and not to exceed, the “footprint” of the STRUCTURE that has been destroyed.

C. No rebuilding shall be undertaken, as provided herein, until plans for rebuilding have been presented and approved by the Zoning Officer appointed hereunder and by the Municipal Code Official, as applicable, appointed pursuant to the Union Township Construction Code ORDINANCE, ORDINANCE No. 2004-2, as it may be amended and then applicable and pursuant to the Pennsylvania Construction Code Act, Act 45 of 1999, as amended, (35 P.S. § 7210.101, et seq., as amended) and the regulations there-under. Approval shall be for the same USE for an equal or more restricted classification.

D. Restoration regulations shall not apply to single-FAMILY homes or active nonconforming agricultural BUILDINGS and active FARMs which may be restored by right. However, where reasonably possible, the property shall be reconstructed to come into compliance with the dimensional requirements of this ORDINANCE.

7. ZONING PERMITs. In a case where a ZONING PERMIT has been issued prior to the effective date of this ORDINANCE and the proposed USE of the land and/or STRUCTURE does not conform with this ORDINANCE or if the proposed STRUCTURE

is a NONCONFORMING STRUCTURE per this ORDINANCE, said proposed USE and/or proposed STRUCTURE, as applicable, shall be regulated by the NONCONFORMING USE and/or NONCONFORMING STRUCTURE requirements of this ORDINANCE and shall be considered the same as a lawful NONCONFORMING USE or lawful NONCONFORMING STRUCTURE, as applicable, if construction, other than excavation and foundations, is undertaken within a period of ninety (90) days after the issuance date of said ZONING PERMIT and construction thereof is complete within two (2) years from the issuance date of the ZONING PERMIT.

8. NONCONFORMING USE of open land. Regardless of anything in this Section 1405 to the contrary notwithstanding and regardless of the definition of "STRUCTURE" as set forth in Article II, Section 202, or otherwise in this ORDINANCE, all nonconforming SIGNs, billboards, junk storage areas and similar NONCONFORMING USES of land, when discontinued for a period on ninety (90) days or damaged to an extent of seventy-five percent (75%) or more of replacement costs, shall not be continued, repaired or constructed.

SECTION 1406 – CONDITIONAL USE Process

1. Purpose. The CONDITIONAL USE approval process is designed to allow the Union Township BOARD OF SUPERVISORS the opportunity to review certain development which, due to its scale or other physical impacts, requires a higher level of review to ensure its consistency with, and ability to conform to all applicable requirements of this ORDINANCE, and where applicable, the Township Flood Plain ORDINANCE.

2. Procedure. Applications for CONDITIONAL USE approvals shall meet all requirements in the Sections of this ORDINANCE which authorize such CONDITIONAL USE. The Union Township BOARD OF SUPERVISORS shall consider the CONDITIONAL USE application and render its decision in accordance with the requirements of this ORDINANCE as it may be amended and of the requirements of the Pennsylvania Municipalities Planning Code, as amended. Before voting on the approval of a CONDITIONAL USE, the Union Township BOARD OF SUPERVISORS shall hold a PUBLIC hearing thereon, pursuant to PUBLIC notice. All PUBLIC hearings shall be conducted in accordance with the requirements outlined in Section 1408 of this ORDINANCE, except that the words "Zoning Hearing BOARD" shall be replaced with the "Township BOARD OF SUPERVISORS" and any reference to "SPECIAL EXCEPTION" shall be replaced with "CONDITIONAL USE".

3. Consideration of CONDITIONAL USE Application. When a CONDITIONAL USE is provided for in this ORDINANCE, the Union Township BOARD OF SUPERVISORS shall hear and decide requests for such CONDITIONAL USES in accordance with stated standards and criteria set forth in this ORDINANCE that authorizes such CONDITIONAL USE. The Union Township BOARD OF SUPERVISORS may grant

approval of a CONDITIONAL USE provided that the applicant complies with the express standards set forth in this Zoning ORDINANCE and the following general standards for all CONDITIONAL USES. The burden of proof shall rest with the applicant.

A. The applicant shall establish by credible evidence compliance with all standards and criteria for the CONDITIONAL USE enumerated in the Section which gives the applicant the right to seek the CONDITIONAL USE. The applicant shall provide the Union Township BOARD OF SUPERVISORS with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

B. The applicant shall establish by credible evidence compliance with all applicable Township, State and Federal ORDINANCEs, statutes and regulations. The applicant shall provide the Union Township BOARD OF SUPERVISORS with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

C. The applicant shall establish by credible evidence that the proposed CONDITIONAL USE shall be properly serviced by all existing PUBLIC service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or improvements made in order to effect the same. Similar responsibilities shall be assumed with respect to other PUBLIC service systems including but not limited to fire protection, utilities, parks and recreation.

D. The applicant shall establish by credible evidence that the proposed CONDITIONAL USE shall be in and of itself properly designed with regard to internal circulation, parking, buffering, and all other elements of proper design as specified in this ORDINANCE and any other governing law or regulation.

E. The proposed CONDITIONAL USE shall not substantially injure or detract from the USE of neighboring property or from the character of the neighborhood, and the USE of property ADJACENT to the area included in the CONDITIONAL USE application shall be adequately safeguarded.

4. Conditions. The Union Township BOARD OF SUPERVISORS, in approving CONDITIONAL USE applications, may attach reasonable conditions considered necessary to protect the PUBLIC welfare and the purposes listed above, including conditions which are more restrictive than those established for other USES in the same DISTRICT. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this ORDINANCE and be subject to the penalties described in this ORDINANCE.

5. Time Limitation. If a CONDITIONAL USE is granted, the necessary permit shall be secured and authorized action begun within six (6) months thereafter, and the BUILDING or ALTERATION, as the case may be, shall be completed within twelve (12) months of said date.

Should the applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work there-under within such six (6) months period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Union Township BOARD OF SUPERVISORS.
Should the applicant fail to complete construction or ALTERATION within said twelve (12) months period, the Union Township BOARD OF SUPERVISORS may, upon ten (10) days notice in writing, rescind or revoke the granted CONDITIONAL USE.
For good cause, the Union Township BOARD OF SUPERVISORS may, upon application in writing, state the reasons therefore, and extend either the six (6) months or twelve (12) months period.

SECTION 1407 – Zoning Hearing BOARD, Creation and Organization

1. There is hereby created for the Township, a Zoning Hearing BOARD in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10901, et seq., as amended.
2. The membership of the Zoning Hearing BOARD shall consist of three (3) residents of the Township appointed by Resolution by the Union Township BOARD OF SUPERVISORS. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing BOARD shall promptly notify the Union Township BOARD OF SUPERVISORS of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion thereof. Members of the Zoning Hearing BOARD shall hold no other office in the Township.
3. Any Zoning Hearing BOARD member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Union Township BOARD OF SUPERVISORS which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. The Zoning Hearing BOARD shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing the taking of any action a quorum shall be not less than a majority of all members of the Zoning Hearing BOARD, but the Zoning Hearing BOARD may appoint a hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing BOARD as provided in Section 1408.3 hereinafter.

5. The Zoning Hearing BOARD may make, alter and rescind rules and forms for its procedure, consistent with ORDINANCEs of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing BOARD shall keep full PUBLIC records of its business, which records shall be the property of the Township of Union and shall submit a report of its activities to Union Township BOARD OF SUPERVISORS as requested by the Union Township BOARD OF SUPERVISORS.
6. Within the limits of funds appropriated by the Union Township BOARD OF SUPERVISORS, the Zoning Hearing BOARD may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing BOARD may receive compensation for the performance of their duties, as may be fixed by the Union Township BOARD OF SUPERVISORS, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Union Township BOARD OF SUPERVISORS.
7. The Union Township BOARD OF SUPERVISORS may appoint by Resolution up to three (3) residents of the Township to serve as alternate members of the Zoning Hearing BOARD. No alternate member of the Zoning Hearing BOARD shall hold any other OFFICE in the Township. Any alternate may participate in any proceeding or discussion of the Zoning Hearing BOARD but shall not be entitled to vote as a member of the Zoning Hearing BOARD or be compensated pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10907, and as fixed by the Union Township BOARD OF SUPERVISORS unless designated as a voting alternate member per the Municipalities Planning Code, 53 P.S. § 10906, as amended.

SECTION 1408 – Hearings before Zoning Hearing BOARD

The Zoning Hearing BOARD shall conduct hearings and make decisions in accordance with the following requirements:
1. PUBLIC NOTICE shall be provided once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing. In addition, the Zoning Hearing BOARD shall provide written notice to the Zoning officer, the Township Secretary, each member of the BOARD OF SUPERVISORS, the Secretary of the Township PLANNING COMMISSION, the applicant, and every other person or organization who shall have registered with the Zoning Hearing BOARD for the purpose of receiving such notices. Such written notices shall state the location of the site and the nature of the request. It shall also state the time, date and location of the proposed hearing. In addition to the written 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.

2. The Union Township BOARD OF SUPERVISORS may prescribe by Resolution 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.
3. The first hearing before the Zoning Hearing BOARD or Hearing officer 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 before the BOARD or hearing officer 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 the Township of Union, be granted additional hearings to complete their opposition to the application if the applicant and the Township of Union are granted an equal number of additional hearings for rebuttal.
4. The hearings shall be conducted by the Zoning Hearing BOARD or the Zoning Hearing BOARD may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing BOARD; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing BOARD and accept the decision or findings of the hearing officer as final.

5. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing BOARD, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing BOARD. The Zoning Hearing BOARD shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing BOARD for that purpose.
6. The chairman or acting chairman of the Zoning Hearing 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.
7. 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.
8. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
9. The Zoning Hearing 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 Zoning Hearing BOARD. The cost of the original transcript shall be paid by the Zoning Hearing BOARD if the transcript is ordered by the Zoning Hearing BOARD or Hearing Officer or shall be paid by the person appealing from the decision of the Zoning Hearing 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.
10. The Zoning Hearing 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, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, 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.
11. The Zoning Hearting 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 Zoning Hearing BOARD or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons thereof. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, of this Zoning ORDINANCE or of any law,

ORDINANCE, 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 Zoning Hearing 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 Zoning Hearing BOARD prior to final decision or entry of findings, and the Zoning Hearing BOARD's decision shall be entered no later than thirty (30) days after the report of the hearing Officer except for challenges filed under Section 1415 of this ORDINANCE and per § 916.1 (see 53 P.S. 10916.1) of the Pennsylvania Municipalities Planning Code. Where the Zoning Hearing BOARD fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing or fails to conduct or complete the hearing as required in Section 1408.3, aforesaid, 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 Zoning Hearing BOARD to meet or render a decision as hereinabove provided, the Zoning Hearing BOARD shall give PUBLIC NOTICE of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1408.1, aforesaid. If the Zoning Hearing BOARD shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

12. 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 Zoning Hearing BOARD not later than the last day of the hearing, the Zoning Hearing BOARD shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

SECTION 1409 – Jurisdiction of Zoning Hearing BOARD

1. 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 Union Township BOARD OF SUPERVISORS pursuant to §§ 609.1 and 916.1 (a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§ 10609.1 and 10916.1 (a)(2).

B. Appeals from the determination of the Zoning Officer 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 Township Engineer or the Zoning Officer with reference to the administration of the Township Flood Plain ORDINANCE or such provisions within a land USE ORDINANCE.
D. Applications for VARIANCEs from the terms of this ORDINANCE, the Township Flood Plain ORDINANCE or such provisions within a land USE ORDINANCE, pursuant to § 910.2 of the MPC, 53 P.S. § 10910.2.
E. Applications for SPECIAL EXCEPTIONs under this ORDINANCE or the Township Flood Plain ORDINANCE or such provisions within a land USE ORDINANCE, pursuant to § 912.1 of the MPC, 53 P.S. § 10912.1
F. Appeals from the determination of any Officer or agency charged with the administration of any transfers of development rights or performance DENSITY provisions of this ORDINANCE.
G. Appeals from the Zoning Officer's determination under § 916.2 of the MPC, 53 P.S. § 10916.2.
H. Appeals from the determination of the Zoning Officer or Township 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 applications under Article V or VII of the MPC, 53 P.S. § 10501 et seq., and § 10701 et seq.

SECTION 1410 – Time Limitations for Appeals to Zoning Hearing BOARD

1. No person shall be allowed to file any proceeding with the Zoning Hearing BOARD later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township 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 his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to §709 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10709, or from an adverse decision by the Zoning Officer on a challenge to the validity of this ORDINANCE or an amendment hereto or map or an amendment thereto pursuant to § 916.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.2, shall preclude an

appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 1411 – Stay of Proceedings of Appeals to Zoning Hearing BOARD

1. Upon filing of any appeal proceeding before the Zoning Hearing BOARD and during its pendency before the BOARD, all land development pursuant to any challenged ORDINANCE, order or approval of the Zoning Officer or of any agency or body, and all official action there-under, shall be stayed unless the Zoning Officer 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 Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the BOARD by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the BOARD.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

SECTION 1412 – VARIANCEs

1. Filing of VARIANCEs. An application may be made to the Zoning Hearing BOARD for a VARIANCE where it is alleged that the provisions of this ORDINANCE inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Zoning Officer at the Union Township Municipal Office and copies given to the Zoning Hearing BOARD, the Township PLANNING COMMISSION and the County PLANNING COMMISSION. The applicant must provide all the information requested on the form together with any other information and data that may be required to advise the Zoning Hearing BOARD on the VARIANCE requested whether such information is called for by the official form or not..

2. Standards for VARIANCEs. The Zoning Hearing BOARD may grant a VARIANCE, provided that all of the following findings are made where relevant in a given case:

A. 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 ORDINANCE in the neighborhood or DISTRICT in which the property is located.

B. 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 ORDINANCE and that the authorization of a VARIANCE is therefore necessary to enable the reasonable USE of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. 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.

D. 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.

4. In granting any VARIANCE, the Zoning Hearing BOARD may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, as amended, and the Zoning ORDINANCE, as amended.

5. Time Limitation. If a VARIANCE is granted, the necessary permit shall be secured and authorized action begun within six (6) months thereafter, and the BUILDING or ALTERATION, as the case may be, shall be completed within twelve (12) months of said date.

Should the applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work there-under

within such six (6) months period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing BOARD. Should the applicant fail to complete construction or ALTERATION within said twelve (12) months period, the Zoning Hearing BOARD may, upon ten (10) days notice in writing, rescind or revoke the granted CONDITIONAL USE.
For good cause, the Zoning Hearing BOARD may, upon application in writing, state the reasons therefore, and extend either the six (6) months or twelve (12) months period.

SECTION 1413 – SPECIAL EXCEPTIONs

1. Where the Union Township BOARD OF SUPERVISORS, in this ORDINANCE, has stated SPECIAL EXCEPTIONs to be granted or denied by the Zoning Hearing BOARD pursuant to express standards and criteria, the BOARD shall hear and decide requests for such SPECIAL EXCEPTIONs in accordance with such standards and criteria.
2. In granting a SPECIAL EXCEPTION, the BOARD may attach such reasonable conditions and safeguards, in addition to those expressed in this ORDINANCE and of the Pennsylvania Municipalities Planning Code, as amended.
3. Standards for SPECIAL EXCEPTIONs. The Zoning Hearing BOARD may grant a SPECIAL EXCEPTION, provided that all of the following findings are made where relevant in a given case:

A. The proposed USE will not substantially increase traffic congestion.
B. The proposed USE will not adversely impact the PUBLIC safety.
C. The proposed USE will not overcrowd the land or create excessive population densities.
D. The proposed USE is not detrimental to the appropriated USE of an ADJACENT property.
E. The proposed USE, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone and is not inconsistent with the surrounding zoning and USES.
F. There is or can be provided to the proposed USE an adequate water supply, sewage disposal, and storm drainage.
G. The proposed USE will not unduly burden PUBLIC facilities and infrastructure.
H. The proposed USE will not otherwise adversely affect the PUBLIC health, safety, morals or general welfare.

4. Specific Standards. In addition to the standards for all SPECIAL EXCEPTIONs as listed in § 1413.3 above, the specific standards for particular USES as listed in Article XI must be met prior to the granting of a SPECIAL EXCEPTION.
5. Time Limitation. If a SPECIAL EXCEPTION is granted, the necessary permit shall be secured and authorized action begun within six (6) months thereafter, and the

BUILDING or ALTERATION, as the case may be, shall be completed within twelve (12) months of said date.
Should the applicant fail to obtain the necessary permits within said six (6) months period, or having obtained the permit should he fail to commence work there-under within six (6) months period, it shall be conclusively presumed that the applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing BOARD.
Should the applicant fail to complete construction or ALTERATION within said twelve (12) months period, the Zoning Hearing BOARD may, upon ten (10) days notice in writing, rescind or revoke the granted CONDITIONAL USE.
For good cause, the Zoning Hearing BOARD may, upon application in writing, state the reasons therefore, and extend either the six (6) months or twelve (12) months period.

SECTION 1414 – Amendments

1. The Union Township BOARD OF SUPERVISORS may from time to time amend any of the regulations and provisions in this ORDINANCE.

   A. PUBLIC Hearing(s). Before voting on the enactment of an amendment, the Union Township BOARD OF SUPERVISORS shall hold a PUBLIC hearing thereon, pursuant to PUBLIC NOTICE as defined in the Pennsylvania Municipalities Planning Code, as amended. In the case of an amendment other than that prepared by the Township PLANNING COMMISSION, the Union Township BOARD OF SUPERVISORS shall submit each amendment to the Township PLANNING COMMISSION at least thirty (30) days prior to the hearing on such proposed amendment to provide the Township PLANNING COMMISSION an opportunity to submit recommendations.

   B. County PLANNING COMMISSION Review. At least thirty (30) days prior to the hearing on any amendment by the Union Township BOARD OF SUPERVISORS, the Township shall submit the proposed amendment to the Mifflin County PLANNING COMMISSION, to provide the Mifflin County PLANNING COMMISSION with an opportunity to submit recommendations.

   C. Amendments Involving ZONING MAP Changes. If the proposed amendment involves a ZONING MAP change, notice of the said PUBLIC hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the affected PARCEL, TRACT or area to notify potentially interested citizens. The affected PARCEL, TRACT or area shall be posted at least one (1) week prior to the date of the hearing.

D. In addition to the requirement that notice be posted, as aforesaid, where the proposed amendment involves a ZONING MAP change, notice of the PUBLIC hearing shall be mailed by the Township of Union at least thirty (30) days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township of Union. The 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.

1. Enactment of Amendments.

i. Proposed amendments shall not be enacted unless there is a PUBLIC hearing held pursuant to the PUBLIC NOTICE aforesaid and unless notice of proposed enactment is given in the manner set forth in this Section and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

b. The Township shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then:

(1) A copy thereof shall be supplied to the newspaper in general circulation in the Township at the time the PUBLIC NOTICE is published.

(2) An attested copy of the proposed ORDINANCE shall be filed in the County Law Library or other County OFFICE designated by the Mifflin County Commissioners who may impose a fee no greater than necessary to cover the actual costs of storing the ORDINANCE.

D. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Union Township BOARD OF SUPERVISORS shall, at least (10) days prior to enactment, re-advertise in one newspaper of general circulation in the Township a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Within thirty (30) days after enactment of any amendment to this ORDINANCE, a copy of the amendment shall be forwarded to the Mifflin County PLANNING COMMISSION.

SECTION 1415 – Procedure for Landowner CURATIVE AMENDMENTs

1. A landowner who desires to challenge on substantive grounds the validity of this ORDINANCE or the ZONING 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 Union Township BOARD OF SUPERVISORS with a written request that his challenge and proposed amendment be heard and decided as provided in § 916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10916.1. The Union Township BOARD OF SUPERVISORS shall commence a hearing therein within sixty (60) days of the request as provided in § 916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.1. The CURATIVE AMENDMENT and challenge shall be referred to the Union Township PLANNING COMMISSION and the Mifflin County PLANNING COMMISSION as provided in § 609 and notice of the hearing thereon shall be given as provided in §§ 610 and 916.1 if the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10609, 10610, and 10916.1.

2. The hearing shall be conducted in accordance with § 908 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908, and all references therein to the Zoning Hearing BOARD shall, for purposes of the Section, be references to the Union Township BOARD OF SUPERVISORS; provided, however, that the provisions of § 908(1.2) of the Pennsylvania Municipalities Planning Code, 53

P.S. § 10908(1.2) and § 908(9), 53 P.S. § 10908(9), shall not apply and the provisions of § 916.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10916.1 shall control. If the Township does not accept a landowner's CURATIVE AMENDMENT brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire ORDINANCE and ZONING MAP, but only for those provisions which specifically related to the landowner's CURATIVE AMENDMENT and challenge.

3. The Union Township BOARD OF SUPERVISORS, if it determines that a validity challenge has merit, may accept a landowner's CURATIVE AMENDMENT, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Union Township BOARD OF SUPERVISORS shall consider the CURATIVE AMENDMENTs, plans and explanatory material submitted by the landowner and shall also consider:

    A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other PUBLIC service facilities.

    B. If the proposal is for a residential USE, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this ORDINANCE or ZONING MAP.
    C. The suitability of the site for the intensity of USE proposed by the site's soils, slopes, WOODLANDs, WETLANDs, FLOODPLAINs, aquifers, natural resources and other natural features.

    D. The impact of the proposed USE on the site's soils, slopes, WOODLANDs, WETLANDs, FLOODPLAINs, natural resource and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

    E. The impact of the proposal on the preservation of AGRICULTURE and other land USES which are essential to PUBLIC health and welfare.

SECTION 1416 – Procedure for Township CURATIVE AMENDMENTs

If the Union Township BOARD OF SUPERVISORS determines that this ORDINANCE, or any portion hereof, is substantially invalid, it shall take the following actions:

1. The Union Township BOARD OF SUPERVISORS shall declare, by formal action, this ORDINANCE or portions hereof substantially invalid and propose to prepare a CURATIVE AMENDMENT to overcome such invalidity. Within thirty (30) days such declaration and proposal the Union Township BOARD OF SUPERVISORS shall:

    A. By resolution make specific findings setting forth the declared invalidity of this ORDINANCE which may include:

        (1) References to specific USES which are either not permitted or not permitted in sufficient quantity.

        (2) Reference to a class of USE or USES which require revision.

        (3) Reference to this entire ORDINANCE which requires revisions.

    B. Begin to prepare and consider a CURATIVE AMENDMENT to this ORDINANCE to correct the declared invalidity.

2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Union Township BOARD OF SUPERVISORS shall enact a CURATIVE AMENDMENT to validate, or reaffirm the validity of this ORDINANCE pursuant to the provisions of § 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10609, in order to cure the declared invalidity of this ORDINANCE.

3. Upon the initiation of the procedures, as set forth in Section 1416.1 above, the Union Township BOARD OF SUPERVISORS shall not be required to entertain or consider any landowner's CURATIVE AMENDMENT filed under §609.1, of the Pennsylvania Municipalities Planning Code, (See 53 P.S. §10609.1) nor shall the Zoning Hearing BOARD be required to give a report requested under § 909.1 (See 53 P.S. §10909.1) or § 916.1 of the Pennsylvania Municipalities Planning Code, (See 53 P.S. § 10916.1) subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in

the resolution required by Subsection 1416(1)(i). Upon completion of the procedures as set forth in Subsection 1416.1 and 1416.2 above, no rights to a cure pursuant to the provisions of § 609.1 of the Pennsylvania Municipalities Planning Code, (See 53 P.S. § 10609.1) and § 916.1 of the Pennsylvania Municipalities Planning Code, (See 53 P.S. § 10916.1) shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the un-amended zoning ORDINANCE for which there has been a CURATIVE AMENDMENT pursuant to this section.

4. The Township of Union having utilized the procedures as set forth in Subsection 1416.1 and 1416.2 above, may not again utilize said procedure for a 36 month period following the date of the enactment of a CURATIVE AMENDMENT, or reaffirmation of the validity of its zoning ORDINANCE, pursuant to Subsection 1416.2 above; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Township of Union by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Union Township BOARD OF SUPERVISORS may utilize the provisions of this section to prepare a CURATIVE AMENDMENT to its ORDINANCE to fulfill said duty or obligation.

ARTICLE XV

CONFLICT AND VALIDITY

SECTION 1501 – Severability

The regulations and provisions of this ORDINANCE are severable, and if any of the regulations or provisions of this ORDINANCE shall be held to be illegal, invalid or unconstitutional, the decision of the court shall not affect or impair any of the remaining regulations or provisions of this ORDINANCE. It is hereby declared to be the intent of the Union Township BOARD OF SUPERVISORS that this ORDINANCE would have been adopted if such illegal, invalid or unconstitutional regulation or provision had not been included herein.

SECTION 1502 – Repealer and Savings

Any ORDINANCE or part of any ORDINANCE or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this ORDINANCE is hereby repealed insofar as the same affects this ORDINANCE or is inconsistent with this ORDINANCE, specifically including the Union Township Zoning ORDINANCE, ORDINANCE No. 1969-2 as amended by ORDINANCE No: 1976-1 and ORDINANCE 1999-3.

Further, this ORDINANCE hereby repeals ORDINANCE 1991-1 Regulating Adult Entertainment Facilities.

SECTION 1503 – Effective Date

Upon publication and adoption, the effective date of this ORDINANCE shall be five (5) days after the date of adoption of this ORDINANCE.

ORDAINED AND ENACTED by the Union Township BOARD OF SUPERVISORS, Mifflin County, Pennsylvania, in PUBLIC session assembled, this 16th day of NOVEMBER, 2020.

BOARD OF SUPERVISORS
TOWNSHIP OF UNION
MIFFLIN COUNTY, PENNSYLVANIA

Attest:

Secretary

CHAIR

(SEAL)

SUPERVISOR

SUPERVISOR\

APPENDIX A

To Union Township Zoning ORDINANCE

A.1. The Zoning Officer, in the discharge of his duties, and upon proper identification is hereby authorized to enter any LOT, BUILDING, STRUCTURE or PREMISES in the Township to see that the standards and provisions of this ORDINANCE and the standards and provisions of the Flood Plain ORDINANCE are complied with, Monday through Friday, except holidays, during announced business hours; or by appointment at the convenience of the owner or occupant or contractor; or at any time when work is in progress; or at any time when the LOT, BUILDING, STRUCTURE or PREMISES are open to the PUBLIC.

A.2. Before he may enter any LOT, BUILDING, STRUCTURE or PREMISES, the Zoning Officer shall deliver to the owner, occupant or contractor a written form evidencing the reason for his inspection. Thereupon, if entry is refused, unduly delayed, or made unduly impractical by the owner, occupant or contractor, the Zoning Officer is hereby authorized to apply to a Magisterial District Judge for a search warrant authorizing entry at any time and day within two (2) days of the warrant's issuance.

A.3 Nothing in this Appendix or in any ORDINANCE shall be construed so as to prohibit the entry of the Zoning Officer at any time without a written reason or a search warrant when entry is by permission or request of the owner, occupant or contractor, or when entry is upon PREMISES open to the PUBLIC, or when a permit has been obtained and work is in progress, or when an actual emergency tending to create an immediate danger to health or safety exists, or when following an accident or casualty an immediate inspection is required to determine if an immediate danger to health or safety exists.

A.4 Inspection by Zoning Officer shall not have for its purpose the harassment of the owner, occupant or contractor; and such inspection shall be made so as to cause the least amount of inconvenience to the owner, occupant or contractor, consistent with the purposes and provisions of this ORDINANCE and the purposes and provisions the Flood Plain ORDINANCE consistent with the efficient discharge of the duties of the Zoning Officer.

A.5. Whenever the Zoning Officer determines that a USE, BUILDING, STRUCTURE, feature or other condition does not comply with the regulations or provisions of this ORDINANCE or the Flood Plain ORDINANCE, he shall give notice of that

fact to the owner, occupant or contractor, as the case may require. The notice shall be in writing; identify the LOT or PREMISES where the USE, BUILDING, STRUCTURE, feature or condition is located; and state the reasons why the USE, BUILDING, STRUCTURE, feature or condition does not comply with the regulations or provisions of this ORDINANCE or the Flood Plain. The notice shall contain an order that the owner, occupant or contractor, as the case may be:

(3) Take such action to correct the USE, BUILDING, STRUCTURE, feature or condition as is deemed necessary by the Zoning Officer to have the USE, BUILDING, STRUCTURE, feature or condition comply with the regulations or provisions of this ORDINANCE or the Flood Plain.

(4) Stop work until the USE, condition or violation on which the order is based has been remedied; or

(5) Cease and desist from continuing the USE, condition or violation.

A.6. An order to correct, a stop-work order, or a cease and desist order shall be served upon the owner, occupant or contractor, as the case may require:

(1) By sending a copy of the order by certified mail, return receipt requested, to his last known address; or

(2) By handing a copy to him; or

(3) By handing a copy to any adult person in apparent charge of his residence or OFFICE; or in apparent charge of the work; or in apparent charge of the BUILDING, STRUCTURE or PREMISES where the work is located; or in apparent charge of the USE, BUILDING, STRUCTURE, feature or condition which is the subject of the order.

If service of the order is made by hand, it may be made by any adult person in the employ of the Township, who shall make a return of service setting forth the day, hour and place of service and the name of the person to whom a copy of the order was handed.

A.7. If the Zoning Officer determines that there are grounds to believe that the order to correct or stop-work order or the cease and desist order has not been carried out, and if the owner, occupant or cotractor subject to the order does not grant the Zoning Officer Permission to enter for the purpose of determining whether the order has been carried out, the Zoning Officer is hereby authorized to apply to a Magisterial District Judge for a search warrant authorizing entry at any time and day within two (2) days of the warrant’s issuance.