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**THE UNION TOWNSHIP ZONING ORDINANCE**

**ADAMS COUNTY, PENNSYLVANIA**

**Date:**

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UNION TOWNSHIP ZONING ORDINANCE

ARTICLE I

TITLE, AUTHORITY, PURPOSE,  
COMMUNITY DEVELOPMENT GOALS AND OBJECTIVES

Section 101. SHORT TITLE

This Ordinance shall be known as and may be cited as the "UNION TOWNSHIP ZONING ORDINANCE".

Section 102. AUTHORITY

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code," July 31, 1968, as amended.

Section 103. PURPOSE

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one 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, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements; as well as,
- B. To prevent one 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. This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

Section 104. COMMUNITY GOALS AND OBJECTIVES

This Ordinance is enacted in accordance with the 1993 Union Township Comprehensive Plan and has been formulated to implement the purpose set forth in Section 103 above. This Ordinance is enacted with regard to the Community Goals and Objectives listed in Chapter 9 of the 1993 Union Township Comprehensive Plan.

Section 105. INTERPRETATION

In interpreting and applying this Zoning Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this Zoning Ordinance shall conform with all regulations for the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances.

**Section 106. CONFLICT**

This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel, any easements, covenants, restrictions or reservations contained in deeds or other agreements, but that if the ordinance imposes more stringent restrictions upon the use of buildings and land than are elsewhere established, the provisions of this ordinance shall prevail. In interpreting the language of this zoning ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language adopted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

**Section 107. APPLICABILITY**

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations contained herein, unless relief is granted by the Zoning Hearing Board by granting a Special Exception or Variance.
- B. This Ordinance shall not apply to an existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township 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.

**Section 108. VALIDITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of other part thereof.

ARTICLE II  
DEFINITIONS

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Section 201. GENERAL

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity.

The word "lot" includes the words "plot" or "parcel".

The term "shall" is always mandatory.

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 used or occupied."

Section 202. DEFINITIONS

**ABANDONMENT.** The relinquishment of property, or a cessation of the use of the property, by the owner, with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ACCESSORY BUILDING (STRUCTURE).** A building (structure) subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building.

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

**ACT.** Shall mean the Pennsylvania Municipalities Planning Code, Act 247, as amended.

**ADULT BUSINESS.** An establishment open to the general public or a private club open to members, except minors, which is used and occupied for one or more of the following activities and is defined further by the following definitions:

- A. **ADULT BOOKSTORE** – Any establishment which derives a substantial and significant portion of its gross receipts from the sale, distribution or exhibition of any literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure, audio-or videotape or motion picture which is pornography under the



meaning ascribed to the word by this section and which expressly prohibits entry to minors.

- B. **ADULT THEATER** – Any establishment operated for the purpose of showing motion picture films, videos, DVD's, or other audio or video representations to patrons, whether such patrons observe the motion-picture film while seated in the interior of the building or while seated in automobiles, and whether such motion-picture films are viewed in theater-type seating or in individual or small group booths or seating arrangements, which derives a substantial and significant portion of its gross receipts from the exhibition of films which are pornography under the meaning ascribed to that term in this section and which expressly prohibits entry to minors unless accompanied by an adult.
- C. **MASSAGE PARLOR**- Any establishment where any part of the patrons' bodies are massaged, caressed, stroked, pounded, rubbed or treated in a similar fashion, unless such establishment is operated by a licensed medical practitioner, chiropractor, professional physical therapist or certified massage therapist. This definition does not include an athletic club, health club, school, beauty salon, weight reduction salon or similar establishment where massage or similar treatment is offered for legitimate health related purposes as an accessory service.
- D. **NUDITY** – The showing of the human male or female genitals or pubic area or buttocks with less than a full opaque covering or the showing of female breast with less than fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernibly turgid state.
- E. **OTHER ADULT USES** – Any establishment in which conduct, activity or the sale, distribution or exhibition of printed or drawn material which is pornography within the meaning ascribed to that work in this section is the source of a substantial and significant portion of gross business receipts. Such "other adult uses" shall include, but not be limited to, nude wrestling, male or female erotic dancers or strippers and escort centers.
- F. **PORNOGRAPHY** – The depiction or dissemination of nudity, sexual conduct, sadomasochistic activity or abuse or explicit and detailed verbal descriptions, narrative or pictorial accounts of nudity, sexual excitement, sexual conduct or sadomasochistic abuse which, to the average person applying contemporary community standards, has as its dominate theme, taken as a whole, an appeal to prurient interest.
- G. **SADOMASOCHISTIC ACTIVITY** – Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- H. **SEXUAL CONDUCT** – Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.

- I. **SEXUAL EXCITEMENT** – The condition of human male or female genitals when in a state of sexual stimulation or arousal.

**ADULT DAY CARE CENTER.** A facility providing counseling and rehabilitative services to functionally impaired adults, licensed by the Pennsylvania Department of Public Welfare.

**ADULT RELATED FACILITY.** A business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

**AGRIBUSINESS OPERATIONS.** An agricultural operation involving the following:

- A. a poultry or game bird operation in excess of one (1) animal unit per acre.
- B. a swine operation in excess of one and seventy-five hundredths (1.75) animal units per acre.
- C. all other livestock in excess of two (2) animal units per acre.

**AGRICULTURAL FENCES.** A fence that is used to restrain livestock.

**AGRICULTURAL OPERATION.** An enterprise that is actively engaged in the commercial production or preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures on 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.

**AGRICULTURAL SUPPORT BUSINESS.** Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary or other animal services, farm labor and management services, and equipment and feed sales.

**AGRICULTURAL USE.** The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following:

- A. field crops, including: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
- B. livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals, excluding dogs.
- C. livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.
- D. aquaculture.

AIRPORT. Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

ALLEY. A public thoroughfare other than a minor street, which affords a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATIONS. As applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AMENDMENT. A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Board of Supervisors.

ANIMAL HOSPITAL. A building used for the medical treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

ANIMAL UNIT. 1000 pounds liveweight of livestock, regardless of the actual number of animals comprising the unit.

ANTENNA. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

ANTENNA, SATELLITE DISH. A device incorporating a reflective surface which is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, or horn, and including its pedestal and other attachments. Such device shall be used to transmit and/or receive radio or other electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, television receivers only or TVRO's, and satellite microwave antennas.

APARTMENT. A dwelling unit within a multiple dwelling. This classification includes apartments in Apartment Houses, Garden Apartments, Studio Apartments and Kitchenette Apartments. Accessory Apartments and Conversion Apartments, as defined herein, shall not be included in the classification.

APARTMENT, ACCESSORY. An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

APARTMENT, CONVERSION. An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, without substantially altering the exterior of the building.

APARTMENT, GARDEN. A two (2) story multi-family dwelling, containing one (1) story dwelling units.

APARTMENT HOUSING UNIT. A dwelling within a retirement community which is attached to other such dwellings and joined with common areas designed for the exclusive benefit of the group of residents. Common areas may include laundry, storage, recreational facilities, and other such facilities. Apartment housing units shall contain complete kitchen, toilet, and bathing facilities as well as at least one outside window.

AREA, BUILDING. See BUILDING AREA.

AREA, GROSS LAND. The gross land area of any development parcel including the area contained within the property line and the ultimate right-of-way line. The area within the right-of-way is computed as part of the "gross land area".

AUTO, BOAT AND/OR MOBILE HOME/MANUFACTURE HOMES SALES. A building or area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following items, provided same are in operable condition: motor vehicles, recreational vehicles, boats, boat trailers, farm machinery, motorcycles, trucks, buses, utility trailers, tractor trailers, construction vehicles, mobile or manufactured homes. This use may include a repair facility for the items displayed as an accessory use, provided that all requirements of this Ordinance related to such accessory use are complied with. This use shall not include mobile/manufactured home residential parks or junkyards.

BAFFLE. A freestanding randomly located structure, fence-like in nature and construction materials, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one (1) segment of one (1) property from another for the primary purpose of assuring privacy. A baffle or screen of this nature may also be utilized for the support of various types of living plant materials such as vines, climbing roses or espaliered trees and shrubs.

BED AND BREAKFAST ESTABLISHMENT. An owner-occupied single-family detached dwelling in which rooms, all without cooking facilities, are rented to guests on a daily basis for periods of time of less than thirty (30) days, with the service of providing breakfast to the guests by the proprietor of the facility.

BUFFER YARD. See YARD, BUFFER.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, including covered porches, decks and patios whether enclosed or unenclosed, storage/utility sheds, sun parlors, bay windows, and chimneys, but does not include steps.

BUILDING AREA. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

BUILDING, DETACHED. A building surrounded by open space on the same lot.

**BUILDING ENVELOPE.** The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations and yard setbacks.

**BUILDING HEIGHT.** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE.** A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plain will coincide with the most projected surface. This line defines the front, side and rear yards, required.

**BUILDING PRINCIPAL.** A building or, where the context so indicates, a group of buildings in or on which is conducted the principal use of the lot on which such building is located.

**BUILDING SETBACK LINE (MINIMUM).** A line parallel to and the distance from a public or private street or an adjoining property line as specified in this Ordinance which determines the minimum distance permitted between a building or structure and the street right-of-way line or adjoining property.

**CALIPER.** American Association of Nurserymen standard for trunk measurement for nursery stock. Caliper of the trunk shall be taken six inches above the ground for and up to and including four-inch caliper size, and 12 inches above the ground for larger sizes.

**CAMPGROUND.** A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.

**CARTWAY.** That portion of a street or alley which is improved, designed, or intended for vehicular use.

**CEMETERY.** Land used or intended to be used for the burial of the deceased, including, but not limited to, columbarium, mausoleums, and mortuaries when operated in conjunction with the cemetery and within its boundaries.

**CLEAR-SIGHT TRIANGLE.** An area of unobstructed vision at a street intersection(s) defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

**CLUB AND/OR LODGE.** A building and/or structure utilized as a private club offering food and/or drink privileges.

**CONDITIONAL USE.** A use permitted only in a particular zoning district pursuant to the provisions of Article X, of this Ordinance.

**CONDOMINIUM.** A group of dwelling units each of which is owned by a person in fee simple and which is assigned a proportionate interest in common elements, which units are established pursuant to the Pennsylvania Uniform Condominium Act, as amended.

**CONSTRUCTION.** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a structure, including the placement of mobile (manufactured) homes.

**CONVENIENCE STORE.** Any retail establishment offering for sale prepackaged food products, household items, energy products and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

**COURT.** An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

**COURT, INNER.** A court enclosed on all sides by exterior walls of a building or by exterior walls of a building and that which does not extend to a street, alley, yard or other outer court.

**COURT, OUTER.** A court enclosed on not more than three (3) sides by exterior walls with one (1) side or end open to a street, driveway, alley or yard.

**COVERAGE.** That portion or percentage of the lot area covered by all impervious materials.

**DAY CARE CENTER.** A facility, not in a private residence, enrolling four (4) or more children no more than six (6) years of age and where tuition, fees, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

**DECK.** A flat floored roofless area adjoining a dwelling unit.

**DENSITY.** A term used to express the allowable number of dwelling units per acre of land.

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

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate including, but not limited, to buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land.

**DISPLAY AREA, OUTDOOR.** An outdoor area of a tract utilized for purposes of displaying articles for sale as part of a retail establishment, such as the display of nursery stock, vehicular sales, and farm equipment sales. Display areas shall not include outdoor storage as defined herein.

**DRIVE-IN USE.** An establishment which by design, physical facilities, service or by packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**DUMP.** A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

**DWELLING.** A building or structure designed for living quarters for one (1) or more families, including industrialized housing and manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy. This definition of dwelling shall also include permanently attached model homes intended for residential purposes upon the completion of the development.

**DWELLING, MOBILE (MANUFACTURED) HOME.** A transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For Federal Emergency Management Agency (FEMA) flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days.

**DWELLING, MULTI-FAMILY.** A building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses.

**DWELLING, SINGLE FAMILY, DETACHED.** A building used by one (1) family, having only one (1) dwelling unit and two (2) side yards.

**DWELLING, SINGLE FAMILY, ATTACHED (TOWNHOUSE).** A dwelling used for one (1) family and having two (2) party walls in common with other buildings (such as a rowhouse or townhouse).

**DWELLING, SINGLE-FAMILY, SEMI-DETACHED.** A dwelling used by one (1) family, having one (1) side yard and one (1) party wall common with another dwelling.

**DWELLING, TWO FAMILY, DETACHED (DUPLEX).** A building used by two (2) families, with one (1) dwelling unit arranged over the other, and having two (2) side yards.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**DWELLING, ZERO LOT LINE.** A single-family detached dwelling with the building positioned on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

**EASEMENT.** A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**EATING ESTABLISHMENT.** Any form of restaurant and/or tavern open to the public, dispensing food and drink.

**EDUCATIONAL FACILITY.** Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, or private individual, partnership or individual person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

**ELDER CARE FACILITY.** A residential facility providing services for the elderly which many include health care, physical therapy, food and lodging, support services and accessory uses. This definition includes personal care facilities, skilled care facilities, independent living arrangements, and other forms of congregate housing facilities serving the elderly.

**ELDER COTTAGE.** An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption to the occupants of the principal dwelling.

**FAMILY.** A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, related individuals, or no more than five (5) unrelated individuals doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage, or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, family care/group care facility, commune, or institution.

**FAMILY CARE FACILITY.** A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to eight (8) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

**FAMILY DAY CARE HOME.** A residence offering baby-sitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

**FARM.** A parcel of land of not less than thirty (30) acres that is used primarily for purposes of conducting an Agricultural Operation, as herein defined.

**FARM-RELATED BUSINESSES.** A business accessory to and operated on a farm.



**FENCE.** Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singularly or in combination, erected for the purpose of screening or dividing one (1) property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line for the purpose of this ordinance, a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this ordinance, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines," "side yard lot lines" and "front yard lot lines."

**FILL.** Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

**FLOOD.** A temporary inundation of normally dry land areas.

**FLOOD, BASE (ONE-HUNDRED YEAR FLOOD).** A flood that, on the average is likely to occur once every 100 years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

**FLOOD FRINGE.** That portion of the flood plain outside the floodway.

**FLOOD PLAIN.** (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any surface.

**FLOOD PROOFING.** Any combination of structural and non-structural additions, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY.** The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude without increasing the water surface elevation more than one (1') foot at any point.

**FLOOR AREA.** The sum of the gross horizontal areas of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces (Gross Floor Area). All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, HABITABLE.** The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7') feet and the floor area of that part of any room

where the ceiling height is less than five (5') feet shall not be considered as part of the habitable floor area.

**FLOOR AREA, NET RETAIL.** All that space relegated to use by the customer and the retail employee to consummate retail sales, including display areas used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

**FORESTED AREA** (Forest). A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forests include areas that have at least 100 trees per acre with at least 50 percent of those trees having a two inch or greater diameter at 4.5 feet above the ground, and forest areas that have been cut but not cleared. An orchard is not a forest.

**FORESTED SLOPES.** An area meeting the definition of forest, growing on an area with a slope of fifteen (15%) percent or more, covering an area of at least 10,000 square feet.

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

**GARAGE, PRIVATE.** An enclosed or covered space for the storage of one (1) or more vehicles or vessels, provided that no business, occupation or service is conducted for profit therein, nor space herein for more than one (1) vehicle or vessel is leased to a nonresident of the premises.

**GARAGE, PUBLIC.** Any structure, other than a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles for compensation.

**GARBAGE.** All table refuse, animal and vegetable matter, offal from meat, fish and fowl, vegetables and fruits and parts thereof, and all other articles and materials ordinarily used for food, for humans or domestic animals, and which have become unfit for such use or which are discarded for any reason.

**GOVERNING BODY.** Shall mean the Union Township Board of Supervisors, Adams County, Pennsylvania.

**GRADE, FINISHED.** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**GREENHOUSE:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GROUP CARE FACILITY.** A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for nine (9) or more but fewer than fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or

physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP DAY CARE HOME. A residence offering baby-sitting services and child care services for seven (7) to eleven (11) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

HEIGHT OF BUILDING. See definition BUILDING HEIGHT.

HOME OCCUPATION. An accessory use which is incidental and clearly secondary to the residential use of the dwelling.

- A. Intensive – Those home occupations which are conducted primarily by one or more permanent residents of the dwelling and may involve a maximum of two (2) persons who are not permanent residents of the dwelling. The home occupation may have clients, patrons, or patients at the site which generate additional volumes of vehicular or pedestrian traffic or require additional parking space.
- B. Non-intensive – Those home occupations which have no employees or volunteers at the site and which are conducted entirely within the dwelling by one or more residents of the site. No sales, customers, or additional pedestrian or vehicular traffic will be permitted to the site. The exterior appearance of the structure or the premises must be maintained as a residential dwelling and no goods, public display or signs are permitted on the premises. The area used for the home occupation shall not be greater than 20% of the habitable floor area of the principal dwelling unit. No machinery or equipment shall be permitted that produces noise, odors, vibrations, glare or electrical interference beyond the boundary of the property.

HORTICULTURE. The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

HOSPITAL. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice.

HOTEL. A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

IMPERVIOUS COVERAGE. See COVERAGE.

IMPERVIOUS MATERIAL. Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

**INDEPENDENT DWELLING UNIT.** A dwelling within a retirement community which is designed to permit independent living which is within close proximity to the medical services provided elsewhere within the retirement community. Each dwelling unit shall contain complete kitchen, toilet, and bathing facilities as well as at least one outside window. Independent dwelling units may be detached, semi-detached, or attached provided that no more than six units are joined in common.

**INDUSTRY.** The manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

**INSTITUTION.** A building or grounds, all or a portion of which is used by persons who occupy the buildings for a common purpose, including, but not limited to, hospitals, convents, school dormitories, college campuses, nursing homes; the education, administrative and/or recreational facilities of such organizations as the YMCA, YWCA, Boy Scouts, Girl Scouts and Boys Clubs. Not to include penal institutions and similar facilities.

**JUNK.** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

**JUNKYARD.** A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or reclaimable material, or for the collection, dismantling, storage, and salvaging of machinery or two (2) or more unregistered, inoperable motor vehicles or other types of junk. Two (2) or more unregistered and/or inoperable farm vehicles/equipment, utilized solely for on-site replacement parts by the owner of the farm shall not be considered a junkyard.

**KENNEL.** An establishment required to be licensed by the Commonwealth of Pennsylvania to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling animals is conducted as a business, or an establishment in which more than six (6) or more domesticated animals are housed, groomed, bred, trained or sold.

**LANDOWNER.** The legal or beneficial owner or owners of land including the holder, or an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

**LANDSCAPE SCREEN:** A completely planted visual barrier composed of evergreen plants and trees arranged to form both a low level and high level screen.

LIGHTING:

- A. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade;
- B. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated;
- C. Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING BERTH/SPACE. An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LOT. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA. The area contained within the property lines of a lot, excluding space within the street right-of-way, easements, floodplain or wetlands located on the lot.

LOT, CORNER. A lot at the junction of and abutting on two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than 135 degrees and the radius of the street line is less than 100 feet.

LOT COVERAGE. The land occupied by buildings and structures or any other impervious surface.

LOT, DEPTH OF. The average distance between the street right-of-way line and the rear lot line, measured perpendicularly or radially to the street right-of-way line.

LOT, DOUBLE FRONTAGE. An interior lot having frontage on two (2) streets.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein.

LOT, NONCONFORMING. See NONCONFORMING LOT.

LOT OF RECORD. A lot which is part of a subdivision recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**MANUFACTURING.** The processing and/or converting of raw unfinished or finished materials or products, or of any combination, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

**MANURE STORAGE FACILITY.** A permanent structure or facility, or portion of a structure of facility, utilized for the primary purpose of containing manure. The storage facility of a waste management system is the tool that gives the manager control over the scheduling and timing of the spreading or export of manure. Examples include: liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a confinement building, permanent stacking and composting facilities and manure treatment facilities. The term does not include the animal confinement areas of poultry houses, horse stalls, freestall barns or bedded pack animal housing systems.

**MEDICAL CENTER.** Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, out-patient care facilities, and miscellaneous types of medical supplies and services.

**MINOR REPAIR.** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**MIXED USE.** Occupancy of a building or land for more than one (1) use.

**MOBILE (MANUFACTURED) HOME, DWELLING.** See definition DWELLING, MOBILE (MANUFACTURED) HOME.

**MOBILE (MANUFACTURED) HOME LOT.** A parcel of land in a mobile (manufactured) home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile (manufactured) home.

**MOBILE (MANUFACTURED) HOME PARK.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile (manufactured) home lots for the placement thereon of mobile (manufactured) homes.

**MOTEL.** A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

**NONCONFORMING LOT.** A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**NONCONFORMING STRUCTURE.** A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE.** A use, whether of land or of structure, which does not comply with the applicable use provisions herein or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of this Ordinance or amendment to its location by reason of annexation.

**NURSERY, HORTICULTURE.** Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

**NURSING HOME/PERSONAL HEALTH CARE FACILITIES.** A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

**OBSTRUCTION.** Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

**OFFICE BUILDING.** A building designed or used primarily for office purposes, no part of which is used for manufacturing.

**OFFICE, PROFESSIONAL.** A room or rooms used for the carrying on of a profession including, but not limited to, physicians, dentists, architects, engineers, accountants, attorneys, planners, real estate brokers, and insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

**ON-LOT WATER SERVICE.** On-site water service is a potable supply of water used for the consumption for the occupants on that lot.

**OPEN SPACE.** The unoccupied space open to the sky on the same lot with the building, not including parking lots.

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

**PARKING LOT.** Any lot, municipally or privately owned for off-street parking facilities area, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

**PARKING SPACE.** The space within a building, or on a lot or parking lot, for the parking or storage of one (1) vehicle.

**PARTY WALL.** A common shared wall between two (2) separate structures, buildings, or dwelling units.

**PAVED AREA.** When required herein, that amount of land required for the location of adequate parking spaces, driveways, or other access roads. In the computation of a paved area, the actual building area shall be excluded.

**PERSON.** Any individual or group of individuals, corporations, partnership, or any similar entity.

**PERSONAL CARE FACILITY.** A facility in which food, shelter, supervision, and assistance services are provided to residents of a retirement community. Services may include assistance with dressing, bathing, diet, or medication prescribed for self administration. Hospitalization and skilled care are not provided in personal care facilities. Each unit shall contain a living and sleeping area as well as an individual or shared bathroom.

**PERSONAL SERVICE ESTABLISHMENT:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

**PHYSICALLY CHALLENGED:** A person with a physical impairment that confines them to a wheelchair; causes a person to walk with difficulty or insecurity; affects the sight or hearing to the extent that a person functioning in a public area is insecure or exposed to danger; causes faulty coordination, or reduces mobility, flexibility, coordination, and perceptiveness to the extent that facilities are needed to provide for the safety of that person.

**PLACE OF WORSHIP.** A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses.

**PLANNING COMMISSION.** The Planning Commission of Union Township, Adams County, Pennsylvania.

**PLAT.** The map or plan of a subdivision or land development, whether preliminary or final.

**PORCH.** A covered area attached to the dwelling at a front, side or rear door of a structure.

**PREMISES.** Any lot, parcel, or tract of land and any building constructed thereon.



PRIVATE. Not publicly owned, operated, or controlled.

PROFESSIONAL OCCUPATION. The practice of a profession by any professional, including, but not limited to, Attorney, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropractist, Engineer, Surveyor, Architect, Landscape Architect, Planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

PUBLIC. Owned, operated or controlled by a government agency (federal, state, or local), including a corporation and/or board created by law for the performance of certain specialized governmental functions.

PUBLIC HEARING. A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance herein.

PUBLIC MEETING. A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE. A notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be less than seven days from the date of the hearing.

PUBLIC SEWERAGE SYSTEM. A sewer collection system and treatment facility which is available for service to the public and which is approved by the Pennsylvania Department of Environmental Resources.

PUBLIC USE. Public and semi-public uses of a welfare and educational nature, including, but not limited to, hospitals, schools, parks, churches, cemeteries, day care centers, historical restorations, fire stations, municipal buildings, essential public utilities which require enclosure within a building, airports, fraternal clubs and homes, non-profit recreational facilities, easements for alleys, streets, and public utility rights-of-way, and radio and television transmission facilities.

PUBLIC UTILITY FACILITIES. Public utility transmission and distribution facilities including substations and the like.

RECREATIONAL ANIMAL. Animals used for show, riding and/or training or personal use.

RECREATIONAL VEHICLE. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than eight (8') feet and a body length of no more than thirty-five (35') feet when factory equipped for the road, and licensed as such by the Commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motorhomes.

**RECYCLABLES.** Reusable material including, but not limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, plastics and other materials designated as recyclable under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act.

**RECYCLING FACILITY.** A facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold or reused by a manufacturer as a substitute for or a supplement to virgin materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste or composting facilities or resource recovery facilities as those terms are defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988.

**REFUSE.** All combustible refuse and incombustible refuse, referred to collectively.

- A. **Combustible Refuse:** All paper, straw, excelsior, packaging materials, rags, rubber, shoes and such other refuse as may result from ordinary housekeeping and commercial pursuits and which may be burned by fire.
- B. **Incombustible Refuse:** All discarded articles or materials other than sewage, liquid waste, garbage and combustible refuse.

**RETIREMENT COMMUNITY.** A residential development consisting of a mixture of apartment or independent housing units and personal care, skilled care, and nursing care facilities in an environment which cannot be achieved through the use of conventional residential development. Such congregate housing facilities serve persons who are a minimum of 50 years old or handicapped to the extent which requires personal or skilled care. Housing and health care services are provided to each resident of a retirement community pursuant to an agreement. Services provided in such facilities may include health care, intermediate and skilled care, medical facilities, physical therapy, board, lodging, support services, and accessory uses.

**RIGHT-OF-WAY.** A strip of land or parcel acquired by reservation, agreement, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, driveway, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses; generally, the right of one to pass over the property of another.

**RIGHT-OF-WAY, STREET.** A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

**ROOMING HOUSE.** A building containing single rooms where lodging is provided on a non-transient basis, without kitchen facilities.

**SATELLITE DISH.** See definition ANTENNA, SATELLITE DISH.

**SCHOOL, NURSERY.** See definition DAY CARE CENTERS.

**SCOPE OF OPERATIONS.** The totality of an undertaking or enterprise as measured by its number of employees, customers or uses; car and truck traffic; parking and loading requirements; hours of operation (including number of work shifts); square footage utilized; external impact (including, for example, lighting, noise and odors); days and/or hours during which a particular use is conducted; and other observable manifestations of the use of a property.

**SCREEN PLANTING.** A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

**SHOPPING CENTER/MALL.** A group of commercial establishments planned, designed, constructed and managed as a single entity, with customer, employee and service parking provided on-site; provision for delivery of goods, aesthetic considerations and protection from the elements; and landscaping and signage in accordance with an approved plan.

**SIGHT DISTANCE.** The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

**SIGN.** Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

**SIGN, GROUND.** Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

**SIGN, POLE.** A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is six feet or more above grade.

**SIGN, PROJECTING.** A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

**SIGN, WALL.** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than 12 inches from such building or structure.

**SIGN, WINDOW.** A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

**SITE PLAN.** A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-ways, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, and other such data necessary for municipal officials to determine compliance with this Ordinance and appropriate provisions of other such ordinances, as applicable.

**SKILLED CARE OR NURSING CARE FACILITY.** A facility in a retirement community which serves residents requiring continuous, intermediate, or skilled nursing care.

**SPECIAL EXCEPTION.** A use permitted in a particular zoning district pursuant to the provisions of Article XI, in this Ordinance.

**STABLES.** A structure used to house ordinary farm animals.

**STEEP SLOPE.** Steep slopes are defined as those areas having slopes of fifteen percent (15%) or greater. Isolated areas having a steep slope for a horizontal dimension of less than ten (10) feet, and which are not within a seventy-five foot (75') radius of any other steep slope shall be excluded from the definition of steep slope. Unless provided with a topographic survey certified by a registered professional indicating contours at two-foot intervals which are based on an official benchmark, the Zoning Officer shall make a determination of the boundary of the steeply sloping area by using available mapping and in-field verification. An applicant may, at his/her own option and expense, provide the aforementioned certified topographic survey with an application for a zoning permit, in which case the survey shall then be considered as the amended delineation of slope. Any portion of a lot that lies within those areas identified as having slopes equal to or greater than fifteen percent (15%) (Reference Article VI, Section 619(C)) shall be considered to have steep slopes. The Zoning Officer shall make the determination of the slope for any particular site. A determination of the Zoning Officer may be appealed to the Zoning Hearing Board.

**STORAGE FACILITY.** A structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

**STORAGE, OUTDOOR.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours, excluding display areas as defined herein.

**STORY.** That portion of a building located between the surface of any floor and the ceiling or roof above it.

**STORY, HALF.** A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls, are not over three (3') feet above the finished floor of such story.

**STREET.** A public or private right-of-way which includes avenue, boulevard, road, alley, lane, highway, freeway, parkway, and viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. Arterial - A street primarily used to serve comparatively high volumes of traffic or a regional nature at speeds higher than desirable on collector and local access streets.
- B. Collector (Major) - A street which provides for intercommunity travel connecting boroughs and unincorporated population centers and which carries large volumes of traffic to the arterial road system.
- C. Collector (Minor) - A street which provides routes to local communities shopping areas and industrial complexes. They serve as the circulation street in large residential subdivisions and serve small settlements.

- D. **Local Roads/(Minor Streets)** - A street primarily used to provide access to abutting properties and serve to connect all areas of the Township to the collector and arterial roads.

**STREET CENTERLINE**. The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

**STREET, CUL-DE-SAC**. A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**STREET GRADE**. The officially established grade of the street upon which a lot fronts, or in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET LINE**. The street line is the right-of-way line of a public street or the cartway line of a private street.

**STREET WIDTH**. The shortest distance between street lines measured at right angles to the center line of the street.

**STRUCTURE**. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including stormwater management facilities. For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**STRUCTURE, TEMPORARY**. A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**STRUCTURE, NONCONFORMING**. See definition **NONCONFORMING STRUCTURE**.

**STUDIO**. A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

**STUDIO, DANCING OR MUSIC**. The use of a premises by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "Dancing School" and "Music School," and other similar expressions.

**SUBSTANTIAL IMPROVEMENT**. Is defined as any repair, alteration, reconstruction or improvement of a structure, and/or use, the cost of which equals or exceeds fifty (50%) percent of its market value either:

- A. before improvement is started, or
- B. if the structure has been damaged and was being restored before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether

or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18") inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30") inches, designed, used and maintained for swimming and bathing.

THEATER. A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

TOWERS, COMMUNICATIONS. A structure that is intended to send and/or receive radio and television communications.

TRADITIONAL VILLAGE. A community offering a choice of housing types, employment, basic services and shopping for its residents as well as for those in the immediate surrounding rural area. It is a compact settlement easily distinguishable from the surrounding undeveloped land. Further, the density mix and arrangement of land uses encourages pedestrian movement among origins and destinations.

TRUCK TERMINAL. An area and building where cargo is stored and where trucks load and unload cargo on a regular basis.

UNDEVELOPED LAND. Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

USE. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE PERMIT. A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, as well as all other applicable requirements, have been satisfied.

USE, NONCONFORMING. See definition NONCONFORMING USE.

USE, PRINCIPAL. The primary or predominant use of any lot.

USE, TEMPORARY. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VARIANCE. Relief granted pursuant to the provisions of Article XI. In granting a variance in the designated Flood Plain Overlay District, additional criteria set forth in the Union Township Flood Plain Management Ordinance shall also apply.

VEGETATIVE COVER. Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

VEHICLE. Every device in or by which any person or property is or may be transported or drawn upon a highway.

VEHICULAR BODY SHOP. Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

VEHICULAR SALES ESTABLISHMENT. The use of any building, land area or the premise for the display, sale and leasing of new or used automobiles, trucks or vans, trailers, or recreational vehicles, including boats and motorcycles, and including any warranty repair work and other repair service conducted as an accessory use.

VEHICULAR GARAGE. A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of gasoline or oil to automobiles, trucks, or similar motor vehicles.

VEHICULAR SERVICE ESTABLISHMENT. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail cost, directly from pumps and storage tanks and which may include accessory facilities for rendering services, such as lubrication, washing, and minor repairs.

VEHICLE WASHING (CAR WASH). A building on a lot, designed and used primarily for the washing and polishing of vehicles and which may provide accessory services set forth herein for Vehicular Service Stations.

WASTEWATER SPRAY IRRIGATION FIELD. An area which meets the Pennsylvania Department of Environmental Protection requirements for the disposal of sewage effluent using piping and spray heads as the means of disposal to the ground surface.

WATER SUPPLY. The following definitions shall apply:

- A. Individual Onlot Water Supply. A water supply to a single principal use from a private well.
- B. Community Water Supply. A water supply system which provides water for human consumption to more than one lot or dwelling unit which has less than 15 service connections and which does not serve an average of 25 or more individuals for 60 or more days during any 12-month period.
- C. Public Water Supply. A municipal or comparable common water supply system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and permitted by the DER.
- D. Potable Water Supply. A water supply which complies with the water quality standards of the Pennsylvania Department of Environmental Resources and United States Environmental Protection Agency.

**WETLANDS.** Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typical for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

**YARD.** An unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

**YARD, BUFFER.** A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Ordinance, and on which is placed (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this Ordinance.

**YARD, EXTERIOR.** An open, unoccupied space between the buildings of a dwelling group or its accessory building and the property boundary or street line.

**YARD, FRONT.** An open unoccupied space on the same lot with a main building or structure, extending the full width of the lot and situated between the street line and the front building setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front minimum building setback line and the street right-of-way line.

**YARD, INTERIOR.** An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side, or rear yard.

**YARD, REAR.** An open unoccupied space on the same lot with a main building or structure, extending the full width of the lot and situated between the rear line of the lot and the rear building setback line projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear building setback line.

**YARD, SIDE.** An open unoccupied space on the same lot with the main building or structure situated between the side building setback line and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

**ZONING.** The designation of specified districts within a community reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

**ZONING MAP.** The map setting forth the boundaries of the Zoning Districts of the Township which shall be a part of this Ordinance.

**ZONING PERMIT.** A permit, stating that the purpose for which a building and/or structure or land is to be used, is in conformity with the uses permitted and all other requirements under this Ordinance for the district in which it is or will be located.

**ZONING OFFICER** The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.



## ARTICLE III

### NONCONFORMING LOTS, USES AND STRUCTURES

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#### Section 301. INTENT

If within the districts established by this ordinance or subsequent amendments there exist certain nonconformities which were lawful before this ordinance was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or amendment thereto, it is the intent of this ordinance to permit these nonconformities to continue until they are removed or discontinued, but not to encourage their survival.

#### Section 302. NONCONFORMING LOTS OF RECORD

On any lot of record, which does not conform to the zone in which it is located and where adjacent lots were not owned by the owner of the lot in question at any time between the effective date of this ordinance and the date the application for a building permit is filed with the Township, a building permit may be issued and a building may be erected, altered or used and any setback, yard, height and all other requirements, other than lot area, lot width or lot depth requirements, of this and all other applicable Township ordinances and regulations for the district in which the lot is located shall be met.

#### Section 303. NONCONFORMING USES AND STRUCTURES

Nonconforming uses and structures may continue to exist subject to the following limitations:

- A. Any residential use which is a nonconforming use or structure (other than a dimensionally nonconforming structure) may be permitted to expand by right, provided that all yard and coverage requirements of the district in which the residential use is located are met or that the expanded part of the structure will not extend nearer to the street than that part of the existing structure which is nearest to the street, whichever restriction is lesser.
- B. Any nonconforming use other than a residential use may be expanded upon the grant of a special exception by the Zoning Hearing Board subject to the following standards and criteria:
  1. The expansion of the nonconforming use shall be limited to a distance of one hundred (100) feet in any direction from the area devoted to such use and to an area equal to twenty-five percent (25%) of the area of the existing nonconforming use as it existed on the date when such use first became nonconforming.
  2. The total of all such expansions of a nonconforming use shall not exceed thirty-five (35%) percent of the area devoted to the nonconforming use as it existed on the date when such use first became nonconforming and/or represent an increase in the scope of operations in excess of thirty-five (35%) percent of the specific use in question at the time such use first became nonconforming.

3. Any expansion of a nonconforming use or structure shall be limited to the lot of record upon which the nonconforming use or structure existed on the date the use or structure became nonconforming.
4. Any expansion of a nonconforming use or structure shall comply with all applicable yard, setback and lot coverage requirements and shall not be a prohibited use as set forth in Article IV.
5. The applicant shall furnish conclusive evidence as to the extent of the use on the date when it became nonconforming.
6. For the purpose of this section, the area of a nonconforming use of land shall be measured as the lesser of the area authorized to be devoted to such use by a permit issued by a regulatory agency on or before the date the use became nonconforming or the actual physical area devoted to the use, exclusive of setbacks, buffers, lanes, driveways and other such areas upon which the use is not being continuously and actively conducted.

C. Discontinuance of Nonconforming Use.

No nonconforming use may be reestablished after it has been discontinued for twelve (12) consecutive months. The vacating of premises or structures or the nonoperative status of such premises or structures shall be conclusive evidence of discontinued use.

D. Substitution of Nonconforming Use.

The Zoning Hearing Board, by special exception, may permit the substitution of another nonconforming use if it is determined that the proposed use is at least equally compatible with the surrounding area, as the original nonconforming use, in accordance with the following criteria and limitations:

1. The proposed use shall be permitted in the district in which the nonconforming use would be a permitted use or in a more restrictive zoning district than a district in which the nonconforming use would be permitted.
2. The proposed use shall not generate more traffic than the existing nonconforming use.
3. The proposed use, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use.
4. The proposed use shall not generate higher levels of noise, smoke or glare off the property than the existing nonconforming use.
5. The proposed use shall not be more detrimental to the neighboring properties and uses than the existing nonconforming use.

**E. Substitution of a Conforming Use.**

Any use which complies with the regulations for the district in which the nonconforming use is located may be substituted for the nonconforming use. Once a conforming use is established, no nonconforming use shall be permitted in the future. If a nonconforming use is proposed to be eliminated and a conforming use substituted but certain regulations cannot be met (such as area, yard, etc.) the Zoning Hearing Board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such conforming use.

**F. Restoration and Repair.**

**1. Restoration**

A nonconforming structure which is unintentionally damaged or partially destroyed may be rebuilt and occupied for the same use as before the damage, provided that:

- a. The previous foundation is to be used for restoration.
- b. The reconstructed structure shall not be larger than the damaged structure.
- c. The reconstruction shall start within one (1) year from the time of damage to the structure.

**2. Repair**

A nonconforming structure may be repaired, provided that the repair shall not cause the structure to create further expansion in a nonconforming dimension or aspect.

**G. Dimensional nonconformity**

**1. Applicability**

A structure which is nonconforming as to setbacks or lot area may be expanded in accordance with the requirements of subsection G(2) herein. Only structures which are used for a permitted use in the district in which the structure is located shall be permitted to expand in accordance with this section.

**2. Expansion limitations**

Structures which are dimensionally nonconforming may be expanded in accordance with the following regulations:

- a. A structure which is located within the required front yard area of the district in which it is located is permitted to expand, provided that the expanded part of the structure will not extend nearer to the street than that part of the existing structure which is nearest to the

street and that the minimum side yard and rear yard areas of the district are met.

b. A structure which is located within the required rear yard area of the district which it is located is permitted to expand, provided that the expanded part of the structure will not extend nearer to the rear property line than that part of the existing structure which is nearest to the rear property line and that the minimum side yard and front yard areas of the district are met.

c. A structure which is located within a required side yard area of the district in which it is located is permitted to expand, provided that the expanded part of the structure will not extend nearer to the side property line than that part of the existing structure which is nearest to the side property line and that the minimum front yard, rear yard and other side yard areas of the district are met.

3. Restoration of Dimensionally Nonconforming Structure

A dimensionally nonconforming structure which is unintentionally destroyed or damaged may be rebuilt and occupied in accordance with the regulations set forth in Section 303(F) herein.

H. Unsafe or Unlawful Nonconforming Structures

If a nonconforming structure or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not hereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

I. Alteration within Floodplain Overlay District

Any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming use or structure located in the Floodplain Overlay District shall be elevated above the base flood elevation. In no case shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood heights, velocities or frequencies.

**Section 304. USES UNDER SPECIAL EXCEPTION/CONDITIONAL USE PROVISIONS NOT DEEMED NONCONFORMING USES.**

Any use which is permitted as a special exception/conditional use in a district under the terms of this ordinance (other than a change through Zoning Hearing Board action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use. Any expansion or alteration of such use shall require the granting of a special exception use by the Zoning Hearing Board in accordance with Article XI or a granting of a conditional use by the Board of Supervisors in accordance with Article X. Such special

exception or conditional use shall be considered in accordance with the provisions of the section which authorized such use of special exception or conditional use.

**Section 305. PREVIOUSLY EXPANDED NONCONFORMING USES AND STRUCTURES**

If a nonconforming structure or use was expanded to the limits of expansion for a nonconforming structure or use as authorized by a prior zoning ordinance, no further expansion of said structure or use shall be permitted. No provision of this ordinance shall be construed to permit the expansion of a nonconforming use or structure in excess of the limits of expansion for a nonconforming use or structure authorized hereunder. It is the express intent and purpose of this ordinance that if a use or structure was expanded pursuant to a prior zoning ordinance or regulation, any further expansion of said use or structure shall, if permitted by this Ordinance, only be authorized to the extent of expansion permitted under Section 303(B)(2) which has not previously been utilized.

**Section 306. REGISTRATION OF NONCONFORMING USES AND STRUCTURES**

- A. All nonconforming uses and nonconforming structures in existence on the effective date of this ordinance may be registered with the Zoning Officer. If by amendment, a use or structure was lawfully in existence prior to the effective date of said amendment becomes by operation of that amendment a nonconforming use or structure, such nonconforming use or structure may be identified and registered with the Zoning Officer.
- B. Registration may be accomplished by the completion of a registration statement which shall be presented to the Zoning Officer by landowners who desire to have their lot, use, or structure classified nonconforming according to this ordinance. The registration statement shall at least of the zoning district, names and addresses of the landowner at the time of the adoption of this ordinance and at the time of registration, a deed reference to the land involved and the way in which the use or structure is nonconforming, together with all applicable dimensions. The form shall be as prescribed by the Zoning Officer. Before permitting registration of any nonconforming use or nonconforming structure, the Zoning Officer may, at his discretion, examine or cause to be examined all buildings, structures, signs or land and portions thereof for which the proposed registration has been filed.
- C. In addition, upon approval of this ordinance, the Township will conduct a survey of lots, uses, and structures to determine nonconformities according to this Ordinance.

ARTICLE IV

ZONING DISTRICT CLASSIFICATIONS

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Section 401. TYPES OF ZONING DISTRICTS

- A. For the purpose of this ordinance, Union Township is hereby divided into eight (8) zoning districts:
1. Floodplain Overlay (FPO)
  2. Agricultural District (AG)
  3. Rural Residential (RR)
  4. Residential Low-Density (R-1)
  5. Residential Medium-Density (R-2)
  6. Mixed Use Center (MUC)
  7. Community Commercial (CC)
  8. Commerce/Light Industrial (CLI)

Section 402. TYPES OF USES

Types of land uses permitted in Union Township shall be regulated uniformly throughout each Zoning District based upon the following types of uses:

A. Permitted

Permitted uses shall be specifically allowed as a matter of right upon application with the issuance of a use permit by the Zoning Officer and without prohibition, condition, or exception, except where overlay district regulations, supplementary district regulations, or the general health, safety, and welfare of the Township supersedes the permitted use.

B. Conditional

Conditional uses may be allowed or denied by the Board of Supervisors pursuant to public notice and hearing, and the review by and recommendations of the Planning Commission and pursuant to expressed standards and criteria set forth for each in Article VII and Article X, Section 1006. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance as empowered by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

C. Special Exceptions

Special exceptions may be granted or denied by the Zoning Hearing Board pursuant to public notice and hearing, and in accordance with the criteria, standards and conditions set forth for each such use in Article VII and Article XI, Section 1102(D). In granting a special exception use, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance as empowered by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

**D. Uses Not Provided For**

1. Uses of the same general character as the uses permitted by right shall be allowed if determined by the Board of Supervisors or the Zoning Hearing Board as a conditional use or special exception, respectively that the impact of the use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the District.
2. Such use shall comply with all applicable area and bulk regulations and other applicable standards for comparable uses specifically listed in the District.

**E. Specific Prohibited Uses**

The following shall be uses which are specifically prohibited in all districts:

1. Dead animal or other rendering plants
2. Any use that would emit smoke, odor, or dust, or that may be dangerous to the health, safety, and welfare of the citizens of Union Township.
3. An outdoor firing range whereupon firearms are discharged if such range is located within 1,500 feet for any structure or building used for human habitation.
4. Any use contrary to laws of the Commonwealth of Pennsylvania.
5. Temporary Sales of Merchandise that is sold from a temporary structure or vehicle that is parked or displayed in a parking lot or roadside area provided they are not the owner or occupant of that property.

**Section 403. ZONING MAP; SEVERABILITY**

- A. The boundaries of the districts shall be as shown on the Zoning Map, except for the Flood Plain Overlay District, which is delineated in the most current Flood Insurance Study and Flood Boundary and Floodway Map of the Township of Union, as prepared by the Federal Insurance Administration. Said map and all notations, references and data shown thereon are hereby incorporated by reference in to this Zoning Ordinance and shall be as much a part of this Zoning Ordinance as if all were fully described herein.
- B. The Zoning Map shall be so labeled and identified by signature of the Chairman of the Board of Supervisors and attested by the secretary of the Board of Supervisors and bear the Seal of the Township under the following words: "This is to certify that the following one sheet comprises the Official Zoning Map of Union Township, Adams County, Pennsylvania, adopted this 15th day of November, 1995."

- C. Should any challenge be made to the procedural validity of the process used by the Township to enact the Official Zoning Map which is incorporated into this Ordinance, and should such procedure be determined to be invalid by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of the text of this Ordinance, it being the intention of the Board of Supervisors that the remainder of the text of this Ordinance shall be and shall remain in full force and effect. The foregoing severability provision is intended to be applied to its fullest extent in order that the remainder of this Ordinance shall not be affected by any procedural defects relating to the Official Zoning Map, including but not limited to posting of properties to be rezoned.

**Section 404. INTERPRETATION OF DISTRICT BOUNDARIES**

- A. Boundaries indicated as approximately following the center lines of streets shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township limits shall be construed as following such limits.
- D. Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines.
- E. In unsubdivided property, boundaries shall be determined by use of the scale or dimensions indicated on the Zoning Map.
- F. When a district boundary line divides a lot held in single and separate ownership at the effective date of this ordinance, the regulations of the abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district in a distance of not more than fifty (50') feet beyond the district boundary line.
- G. Questions concerning the exact location of district boundary lines shall be determined by the Zoning Officer. Appeals from the decision shall be made to the Zoning Hearing Board.

**Section 405. APPLICABILITY OF DISTRICT BOUNDARIES**

The regulations set by this Ordinance within each District shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereafter provided, in conformity with this Ordinance.

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part hereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the District in which it is located.



- B. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families to occupy a greater percentage of lot area or to have smaller or more narrow rear yards, front yards, side yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of the yard, open space or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing prior to the effective date of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

ARTICLE V

ZONING DISTRICT REGULATIONS

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Section 501. FLOODPLAIN OVERLAY DISTRICT

A. Intended Purpose

The purpose of the Floodplain Overlay (FPO) District, in the interest of public health, safety and welfare, is to protect floodplain areas subject to floodwater, to permit and encourage the retention of open space uses and to guide incompatible development into more appropriate zoning districts. The floodplain includes areas of Union Township which are subject to periodic inundation by floodwater. Specifically those areas which are subject to flooding by a one hundred (100) year flood as shown on the most current Flood Hazard Boundary Map (FHBM) of Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency for Union Township. All residential, commercial and industrial uses shall be prohibited within the FPO District.

B. Relation to Zoning Districts and Zoning Map

The Floodplain areas as described Section 501(A), shall be overlays to the existing underlying districts, as shown on the Official Union Township Zoning Map, and as such, the provisions of this District as set forth herein shall serve as a supplement to the underlying district provisions.

1. In the event that any conflict between the provisions or requirements of any of the Floodplain Overlay District areas and those of any underlying zoning district, the more restrictive provisions shall apply.
2. In the event that any provision concerning a Floodplain District Overlay area is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

C. Permitted Uses

1. Passive open space.
2. Agriculture generally associated with floodplain and waterway uses.
3. Cultivation and harvesting of crops.
4. Pasture and grazing land.
5. Outdoor plant nursery and orchard land.
6. Recreation uses, areas and ponds.
7. Picnic grove, golf course.
8. Hunting and fishing clubs (excluding building/or structures) game farm and fish hatchery reserves.
9. Wildlife sanctuary, woodland preserve, arboretum.

**D. Development Standards**

1. No structures shall be placed within the boundaries of the FPO District. Further any proposed use shall not, by runoff or otherwise, contribute to increasing the regulatory flood elevations.
2. No area in the FPO District shall either be paved or covered with impervious materials, nor the placement of materials or other appurtenant accessories subject to flotation by floodwaters be permitted.

**Section 502. AGRICULTURAL DISTRICT (AG)**

**A. Use Regulations:**

1. The use of a property of fifty (50) acres in size or larger, in existence on the effective of this section, shall be permitted by right.
2. The creation, by subdivision of an existing farm, of farms in excess of fifty (50) acres in size shall be permitted by right.
3. The creation, by subdivision of an existing farm, of farms between thirty (30) and fifty (50) acres in size shall be permitted by right, provided the applicant submits to the Township a business plan demonstrating the ability to conduct the proposed commercial agricultural operation on the proposed property. The business plan shall, at a minimum, identify the proposed product or products to be produced, and the procedures or farming methods to be used to produce the proposed product or products.
4. Farms between thirty (30) and fifty (50) acres in size, and created by subdivision of an existing farm, shall not be assigned any development allotment in accordance with the General Requirements section of the Agricultural (AG) District. Such farms shall be deed restricted to prevent further subdivision in accordance with Subsection D of the General Requirements section of the Agricultural (AG) District.
5. The remainder of the parent tract, if any, following the creation of farm(s) by subdivision, shall be subject to the Development Allotment of the General Requirements section of the Agricultural (AG) District as if the remainder parcel existed at the date of adoption of this section.

**B. Permitted Principal Uses:**

1. Farm buildings and agricultural uses, including crop and truck farming, pasturing, truck gardening, aviaries, hatcheries and similar agricultural uses.
2. Forestry uses.
3. Horticultural activities, including nurseries and greenhouses.

4. Single-family detached dwellings.
5. Nature preserves and wildlife sanctuaries.
6. Non-intensive home occupations.
7. Family day care home as defined herein.
8. Beekeeping.

**C. Permitted Accessory Uses:**

1. Buildings accessory to primary agriculture structures.
2. Agricultural stands.
3. Agricultural support businesses.
4. Farm-related businesses.
5. Temporary farm employee housing.
6. Manure storage facilities, subject to the following:
  - a. All manure storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements, and replacements thereof, published by the Pennsylvania Department of Environmental Protection or successor departments or agencies.
  - b. The Adams County Conservation District or its successor agency shall review all waste storage facilities' designs. The applicant shall furnish a letter from the Conservation District or its successor agency attesting to approval of the design of the proposed facility.
  - c. Construction and subsequent operation of the waste storage facility shall be in accordance with the Conservation District approval and the approved design. Any design changes during construction or subsequent operation will require the obtainment of another review by the Adams County Conservation District or its successor agency.
7. Signs, subject to the regulations set forth in Article IX, as amended.
8. Sale of farm products on the farm on which they are produced, provided that if a roadside "stand" is utilized, that the requirements set forth in Section 706, as amended, shall be adhered to.

9. Private swimming pools not open to the public.

D. Special Exception Uses:

1. Public Utilities.

2. Warehousing limited to the storage of agricultural products, equipment and materials.

3. Wastewater spray irrigation field.

4. Bed & Breakfast Inn.

5. Riding academy, boarding stables.

6. Grain mills.

7. Commercial kennels.

8. Accessory apartment.

9. Communication towers.

10. Intensive Home Occupations.

E. Conditional Uses:

1. Agribusiness Operations.

2. Firing Range.

F. General Requirements

All Permitted Uses, Special Exception Uses and Conditional Uses provided for in the Agricultural District shall comply with the following requirements, unless otherwise required by this Article:

1. Development Allotment – Existing properties shall be permitted the following number of lots and/or dwelling units, upon which may be conducted Permitted, Special Exception or Conditional Uses meeting the standards of this Ordinance. The number of lots and/or dwelling units allocated to a property shall be based on the property size as of January 9, 2000 (the effective date of the subject amendment to the Union Township Zoning Ordinance), excluding lands already placed under a conservation easement or similar such restriction, and in accordance with the following table:

<u>Parent Tract</u>	<u>Number of lots that may be subdivided from or dwelling units that may be constructed on a parent tract</u>
0 acre - 14.99 acres	1
15 acres - 29.99 acres	2
30 acres - 49.99 acres	3
50 acres - 99.99 acres	4
100 acres - 149.99 acres	5
150 acres - 199.99 acres	6
200 acres or more	7, plus one lot for each 100 acres over 200 acres

For parcels containing more than one (1) dwelling unit on the above effective date or upon which more than one (1) dwelling unit is constructed after the above effective date, each such dwelling unit shall be counted towards the total number of lots or dwelling units permitted in accordance with the above schedule.

Add-on lots to be used by the owner thereof strictly for agricultural purposes in situations in which no new lots are created shall not be counted against the number of lots permitted to be created in accordance with the above schedule.

Any subsequent owner of any portion of a tract legally existing as of the above effective date shall be bound by the actions of previous owners in that such subsequent owner may only subdivide the number of lots, if any, remaining from the original number permitted by this section. Any subdivision or land development plan filed after the above effective date for a tract of land in the Agricultural District shall specify which tract (s) or parcel (s) shall retain the right to any unused number of lots as determined by the provisions hereof.

In the event a tract of land which was not classified as part of the Agricultural District on the above effective date is subsequently classified as such, the size and number of lots able to be subdivided therefrom shall be determined as of the date of the change in such zoning classification.

2. Area and Bulk Requirements – Unless otherwise specified in this Section, the lot area, lot width, yard depths and widths, and building heights, shall meet the following requirements:
  - a. The minimum lot size for all uses shall be sixty thousand (60,000) square feet. The minimum lot area may be increased as a result of a hydrogeologic evaluation required hereby or by the Union Township Subdivision and Land Development Ordinance.
  - b. The maximum lot size for residential uses (not including residential uses which exist in conjunction with non-residential uses permitted herein, shall be two (2) acres. Where more than

two (2) acres is needed to meet the requirements of on-site sewer and water systems, the Township may waive this requirement; provided, that the additional area is used to meet the requirements of such on-site system and is the minimum additional area needed to do so.

- c. The minimum lot width for all uses shall be one hundred fifty (150) feet.
  - d. The front yard depth shall be measured from the right-of-way line and shall be a minimum of fifty (50) feet.
  - e. The minimum rear yard depth shall be twenty-five (25) feet.
  - f. The minimum side yard width shall be fifteen (15) feet.
  - g. The maximum height of any non-agricultural building or structure shall be forty (40) feet. There shall be no height limitation on structures used for agricultural purposes.
  - h. Impervious coverage:
    - 1) Single-family detached dwellings: maximum of thirty-five (35%) percent.
    - 2) Non-residential uses: maximum of forty (40%) percent.
  - i. Proposed residential uses shall be separated from Agribusiness Operations by a least one thousand (1,000) feet.
3. Locational Criteria – All applications for subdivision or land development shall be accompanied by the following information. The following information is required to allow the Township to ensure that the highest quality farmland is protected, and to ensure that new development affects agricultural operations to the minimum extent feasible.
- a. The size, shape and dimensions of the property and the size and location of all existing buildings.
  - b. All lots previously approved in accordance with this Section.
  - c. Land under active cultivation, land used as pasture and forested land or land within woodlots.
  - d. Soil information for the property, including soil series and soil capability class, subclass, and unit, as classified within the Soil Survey of Adams County, Pennsylvania and Agricultural Handbook 210 of the United States Department of Agriculture Soil Conservation Service.

e. The size, shape, dimension, location and use of all proposed lots. The developer shall demonstrate that the following location and design considerations have been fully addressed:

- 1) All uses or lots shall be established on non-prime farmland (Soil Capability Classes III-VIII), when such land is available, or on lands which cannot feasibly be farmed, due to existing features of the site such as rock outcroppings or heavily wooded areas, or due to the fact that the size and/or shape of an area suitable for farming is insufficient to permit the efficient use of farm machinery.
- 2) Where a property is comprised entirely of prime farmland (Soil Capability Classes I and II), the least suitable land shall be utilized for the development.
- 3) Where all non-prime farmland areas have been shown by the developer to be unsuitable for development because of slope, drainage, flooding, sewage disposal, or other characteristics, the least suitable remaining farmland shall be utilized for development.
- 4) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses, both within the subject property and in consideration of adjacent properties, to avoid a scattering of development.
- 5) Wherever feasible, lots shall be located in an area relatively free of sensitive environmental features including, but not limited to, flood plains, designated wetlands and slopes in excess of twelve (12%) percent.
- 6) Wherever feasible, lots shall be located such that disturbance to existing hedgerows, orchards, other wooded areas and other significant vegetation is minimized.

4. Application for the last lot or use permitted to be subdivided from or developed on a property shall be accompanied by a proposed deed for the residual farmland or property. The proposed deed shall contain a restriction to identify that all subdivision and development allotments have been used and that no further subdivision, development or establishment of additional principal uses shall be permitted. Said restrictive deed shall be recorded within thirty (30) days of subdivision approval for the last allowable lot or use. Failure to record said deed, subsequent removal of the deed restriction, or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Ordinance. The applicant shall provide the Zoning Officer a copy of the Recorder's Certificate within ten (10) working days after the deed is recorded.



5. All subdivision and land development plans for properties located in the Agricultural District shall include the following statement: Lands within the Agricultural District are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

**Section 503. RURAL RESIDENTIAL (RR) DISTRICT**

**A. Intended Purpose**

The primary purpose of the Rural Residential (RR) District is to provide for low-density housing in various basic forms which are compatible with agricultural uses and rely upon on-lot sewage disposal and water supply systems. Therefore, the average density must reflect the lands capacity to support such systems.

**B. Permitted Uses**

1. Agriculture, horticulture, floriculture;
2. Single-family detached dwellings;
3. Wildlife refuges and fish hatcheries;
4. Beekeeping;
5. Public and non-profit parks and playgrounds;
6. All uses and buildings customarily accessory and incidental to any permitted use, but not limited to the following:
  - a. Roadside Stands (provided 100% of products grown on premises)
  - b. Manure storage facilities.
7. Signs when erected and maintained in accordance with Article IX.
8. Home Occupations, Non-Intensive
9. Forestry Uses

**C. Special Exceptions**

The following special exceptions may be permitted by the Zoning Hearing Board pursuant to the standards and criteria set forth in Articles VII and XI.

1. Campgrounds;
2. Municipal uses and educational facilities;

3. Public Utility and communication uses where operation requirements necessitate locating within the District;
4. Places of worship;
5. Bed and breakfasts;
6. Home occupations, Intensive
7. Private clubs (hunting & fishing outdoor clubs);
8. Elder Cottage;
9. Family and Group day care home and care facilities;
10. Child/Adult day care facilities;
11. Kennels;
12. Temporary farm employee housing;
13. Agricultural stands (less than 100% of products are grown on the premises);
14. Cemeteries;
15. Commercial greenhouses and nurseries;
16. Farm-related businesses, may include but are not limited to:
  - a. Agricultural manufacturing and processing
  - b. Farm machinery repair service
  - c. Grain drying
  - d. Agricultural support businesses
  - e. Sales and service of Agricultural equipment, vehicles, feed or supplies
  - f. Veterinary Offices and animal hospitals with outdoor boarding shall be governed by the standards established for kennels.
17. Airports/Heliports
18. Recreational Uses
19. Communications Towers
20. Conversion Apartments

D. Conditional Use

1. Firing Range
2. Golf Course

E. All uses permitted within this District shall also comply with all applicable Supplementary District Provisions contained within Article VI as well as other applicable articles of this Ordinance.

F. Lot Area, Lot Width and Impervious Coverage Regulations

Lot area, lot width and impervious coverage requirements shall be provided for each structure or uses hereafter erected, established or altered for any permitted use within this District as follows, unless otherwise specified herein:

1. Minimum Lot Area:

All permitted uses shall have a minimum lot area of 60,000 square feet. However, the minimum lot area may be increased subject to the results of a hydrogeologic evaluation.

2. Minimum Lot Width:

All lots shall be one hundred (150) feet at the minimum building setback line.

3. Impervious Coverage:

- a. Single-family detached dwelling: Maximum of thirty-five (35%) percent.
- b. Non-residential uses: Maximum of forty (40%) percent.
- c. At least twenty (20%) percent of the lot area shall be maintained in a vegetative cover.

G. Setback Regulations

The following setback regulations shall apply to all uses permitted within this district unless otherwise specified herein:

1. Front yard - the minimum building setback shall be measured from the right-of-way line according to the street classification as follows:

- a. Minor streets: twenty-five (25) feet
- b. Collector streets: thirty (30) feet
- c. Arterial streets: fifty (50) feet

Exception: If the property is situated between two improved lots and at least one of the adjacent lots has a front dimension which is less than that which is required, the minimum front yard may be reduced to a depth equal to the average of front yards of the two adjoining lots, but in no case shall their minimum building setback distance be less than ten (10) feet from the road right-of-way.

- 2. Side yards: fifteen (15) feet (each side)
- 3. Rear yard: twenty-five (25) feet

H. Height Regulations

The maximum height permitted shall not be greater than:

- 1. Principal use: forty (40) feet.
- 2. Accessory use: twenty-five (25) feet.
- 3. Farm building: no limitation.

- I. Shade Trees/Landscaping shall be in accordance with Article VI, Section 614. Note: in areas where sidewalks are not required, shade trees shall be planted within the right-of-way, not more than 5 feet from the edge of the curb so that sidewalks may be accommodated in the future.
- J. Off-street parking shall be provided in accordance with Article VIII.

**Section 504. RESIDENTIAL LOW-DENSITY (R-1) DISTRICT**

**A. Intended Purpose**

The purpose of the Residential Low-Density (R-1) District is to provide for residential uses at a lower density in those areas supported by on-lot water and wastewater disposal systems.

**B. Permitted Uses**

- 1. Single-family detached dwellings;
- 2. Public parks and municipal recreational areas;
- 3. Uses and buildings customarily accessory and incidental to any permitted use;
- 4. Signs when erected and maintained in accordance with Article IX;
- 5. Home Occupations, Non-Intensive;
- 6. Forestry Uses.

**C. Special Exceptions**

The following special exceptions may be permitted by the Zoning Hearing Board pursuant to the standards and criteria set forth in Articles VII and XI.

- 1. Places of Worship;
- 2. Home Occupations, Intensive;
- 3. Municipal Uses and educational facilities;
- 4. Family and day care home facilities;
- 5. Public utility and communication uses where operation requirements necessitate locating within the district;
- 6. Elder Cottage;
- 7. Child/Adult day care facilities;
- 8. Agricultural Uses;
- 9. Conversion Apartment.

**D. Conditional Uses**

- 1. Golf Course

**E.** All uses permitted within this District shall also comply with all applicable Supplementary District Provisions contained within Article VI as well as other applicable articles of this Ordinance.

**F. Lot Area, Lot Width and Impervious Coverage Regulations**

Lot area, lot width and impervious coverage requirements shall be provided for each structure or uses hereafter erected, established or altered for any permitted use within this District as follows, unless otherwise specified:

**1. Minimum Lot Area:**

All permitted uses shall have a minimum lot area of 40,000 square feet. However, the minimum lot area may be increased subject to the results of a hydrogeologic evaluation.

**2. Minimum Lot Width:**

All lots shall be one hundred-forty (140) feet at the minimum building setback line.

**3. Maximum Depth to Width Ratio:**

The maximum Depth to width ratio shall generally be not more than 2.5:1.

**4. Maximum Impervious Coverage:**

- a. Single-family detached dwelling: Maximum of twenty-five (25%) percent.
- b. Non-residential uses: Maximum of forty (40%) percent.
- c. At least twenty (20%) percent of the lot area shall be maintained in a vegetative cover.

**G. Setback Regulations**

The following setback regulations shall apply to all uses permitted within this district unless otherwise specified:

**1. Front yard:**

The minimum building setback shall be measured from the right-of-way line according to the street classification as follows:

- a. Minor streets: twenty-five (25) feet.
- b. Collector streets: thirty (30) feet
- c. Arterial streets: fifty (50) feet

Exception: If the property is situated between two improved lots and at least one of the adjacent lots has a front dimension which is less than that which is required, the minimum front yard may be reduced to a depth equal to the average of front yards of the two adjoining lots, but no

case shall the minimum building setback distance be less than ten (10) feet from the street right-of-way.

2. Side yards: fifteen (15) feet (each side).
3. Rear yard: twenty-five (25) feet.

H. Height Regulations

The maximum height permitted shall not be greater than:

1. Principal use: forty (40) feet.
  2. Accessory use: twenty-five (25) feet.
- I. Shade trees/landscaping shall be provided in accordance with Article VI, Section 615.
- J. Buffer yard and screening shall be provided in accordance with Article VI, Section 604.
- K. Street lights shall be provided in accordance with Article VI, Section 616.
- L. Off-street parking shall be provided in accordance with Article VIII.

Section 505. RESIDENTIAL MEDIUM-DENSITY (R-2) DISTRICT

A. Intended Purpose

The purpose of the Residential Medium-Density (R-2) District is to provide for a range of basic housing types at varying densities, including arrangements of multi-family dwellings and mobile home parks where such uses do not adversely impact neighboring properties. The R-2 District applies to areas which may be within the service area of a public wastewater treatment facility and a public water supply system. As such, development at higher densities shall be contingent upon the use of such public facilities. All dwellings proposed without the provision of public wastewater treatment and water supply facilities should consider the site design concept of locating the dwelling unit to one side of a wider lot, so that future infill development potentials can be protected for such a time that public services become available. This district shall be developed with pedestrian orientation, both internally and externally with adjacent land developments, and at a human scale. In addition, social, recreational and civic uses shall be provided in order to promote a sense of community and to serve nearby residents.

B. Permitted Uses

1. Single-family Detached Dwellings
2. Single-family Semi-Detached
3. Single-family Attached

4. Townhouses
5. Multi-family Apartments
6. Public and non-profit parks, playgrounds and recreation areas
7. All uses and buildings customarily accessory and incidental to any permitted use
8. Signs when erected and maintained in accordance with Article IX
9. Home Occupations, Non-Intensive
10. Forestry Uses

C. Special Exceptions

1. Nursing, rest or retirement communities
2. Family and Group day-care home and care facilities
3. Places of Worship
4. Elder Care Facility
5. Municipal uses and education facilities
6. Commercial day-care facilities
7. Mobile home parks (permitted subject to the standards contained in Article IX of the Union Township Subdivision and Land Development Ordinance)
8. Accessory apartment
9. Professional offices
10. Elder Cottage

D. Lot and Yard Requirements

1. The minimum lot and yard requirements shall be determined by the following table:

Residential Medium-Density (R-2) District	Minimum Lot Area (S.F.)	Minimum Lot Width	Minimum Lot Depth	Minimum Side Yard	Minimum Rear Yard	Maximum Impervious Coverage
All uses No Public Sewer/No Public Water	40,000	140'	150'	15'	25'	25%
All Uses With Public Sewer/and Private Water	30,000	120'	130'	15'	25'	25%
Uses with public sewer/public water						
Single-family detached	14,000	90'	100'	15'	25'	50%
Single-family semi-detached (per unit)	12,000	75'	100'	15'	25'	50%
Two Family Detached (Duplex)	18,000	110'	120'	15'	25'	50%
Townhouse (1)	2,500	20'	100'	(1)	25'	50%
Multi-Family and Apartment (2)	12,500 plus 2,500 S.F. for each unit in excess of three (3)	125'	125'	(2)	25'	50%
Non-residential uses	14,000	90'	100'	15'	25'	50%
Notes: (1) See Section 607.C Townhouses (2) See Section 607.A Multi-Family Units, Apartments						

2. Depth to Width Ratio

The depth to width ratio shall not be less than 1 to 1 or greater than 2.5 to 1 except for Townhouses where the maximum ratio shall be 5 to 1.

3. Front Yard

The minimum building setback for all buildings shall be measured from the right-of-way line according to the street classification as follows:

- |    |                   |                       |
|----|-------------------|-----------------------|
| a. | Minor streets     | twenty-five (25) feet |
| b. | Collector Streets | thirty (30) feet      |
| c. | Arterial streets  | fifty (50) feet       |

Exception: If the property is situated between two improved lots and at least one of the adjacent lots has a front dimension which is less than that which is required, the minimum front yard may be reduced to a



depth equal to the average of front yards of the two adjoining lots, but no case shall the minimum building setback distance to be less than ten (10) feet from the street right-of-way.

4. Isolation distances

The following requirements shall apply to all apartment buildings containing more than three dwelling units and located on the same lot:

a. Minimum isolation distances between buildings

Side to side	30 feet
Side to rear	40 feet
Side to front	50 feet
Front to front	50 feet
Front to rear	50 feet
Rear to rear	50 feet
Corner to corner	30 feet

E. Height Regulations

The maximum height permitted shall not be greater than:

1. Principle Use: Forty (40) feet with a maximum of three (3) stories per use.
2. Accessory Use: Twenty-five (25) feet.

F. Water and Sewer Requirements

Public water and sewer facilities shall be required for all uses within this district. However, uses are permitted with on-lot facilities as identified in Section 504, Residential Low-Density (R-1) District.

G. Shade trees/landscaping shall be provided in accordance with Article VI, Section 614.

H. Buffer yard and screening shall be provided in accordance with Article VI, Section 604.

I. Street lights shall be provided in accordance with Article VI, Section 616.

J. Parking areas shall be provided in accordance with Article VI, Section 610.

K. Alleys shall be permitted in accordance Article VI, Section 603.

Section 506. MIXED USE CENTER (MUC) DISTRICT

A. Intended Purpose

The purpose of the Mixed Use Center District is to provide for a compatible mix of residential, commercial and community uses in a "traditional Village" setting which promotes a balanced socio-economic structure and common open spaces with a small-town rural neighborhood atmosphere. In addition, this district shall develop with pedestrian orientation, both internally and externally with adjacent land developments, and at a human scale, with buildings fronting on, and aligned with streets, uninterrupted with numerous parking lots and curb-cuts. The density or intensity appropriate for future uses within the Mixed Use Center District will be dependent upon both the protection of the community character and the availability of public wastewater treatment and water supply services. Non-residential uses are intended to primarily serve the needs of the local economy, and are generally limited by size and intensity to prevent the establishment of intensive commercial uses which exceed the community orientation of this District. The combined use of both on-street and off-street parking is encouraged. Where utilized, all off-street parking shall be integrated into the site and screened from view.

B. Permitted Uses

1. Single-Family Detached.
2. Single-Family Semi-detached.
3. Townhouses
4. Multi-family dwellings (apartments over retail and office uses)
5. Municipal uses owned and operated by the Township or an organization authorized by the Township.
6. Parks, greens, squares and recreational uses.
7. Small scale restaurants (no drive-in or drive-thru), provided the gross floor area does not exceed five thousand (5,000) square feet.
8. Grocery market.
9. Farmers market.
10. Hotel with 20 or fewer guest rooms
11. Post office
12. Library
13. Retail Specialty Shops and rental of goods, provided that the gross floor area of any one shop does not exceed five thousand (5,000) square feet and may include the following uses:
  - a. gifts
  - b. antiques
  - c. flowers
  - d. books
  - e. jewelry
  - f. wearing apparel
  - g. craft shops
  - h. bakery

14. Personal Service Shops, provided the gross floor area of any one (1) shop does not exceed three thousand (3,000) square feet and may include the following uses:
  - a. tailor
  - b. barber, beauty salon
  - c. shoe repair
  - d. clothing alterations
  - e. dry cleaners and/or laundry
  
15. Business Offices, provided the gross floor area of any one (1) office does not exceed three (3,000) square feet and may include the following uses:
  - a. brokerage firm
  - b. real estate sales
  - c. travel agency
  - d. insurance sales
  - e. employment counselling
  - f. advertising
  - g. banks
  
16. Studios, Galleries and Performing Arts Theaters, provided the gross floor area of any one uses does not exceed five thousand (5,000) square feet and may include the following uses:
  - a. dance/drama
  - b. art and/or photography
  - c. radio and/or television
  
17. Professional Offices provided that the gross floor area does not exceed three thousand (3,000) square feet per office use and no more than ten thousand (10,000) square feet per structure. Uses may include the following:
  - a. lawyers
  - b. engineers
  - c. architects
  - d. landscape architects
  - e. urban planners
  - f. accountants
  - g. economic consultants
  - h. doctors
  - i. dentists
  - j. chiropractors or other similar professional services
  
18. Health Clubs
  
19. All uses and buildings customarily accessory and incidental to any permitted use

20. Signs when erected and maintained in accordance with Article IX
21. Restaurants
22. Theaters
23. Home Occupations, Non-Intensive
24. Home Occupations, Intensive
25. Forestry Uses

**C. Special Exceptions**

The following special exceptions may be permitted by the Township Zoning Hearing Board pursuant to Articles VII and XI.

1. Places of worship;
2. Family day care home;
3. Child and adult day care centers;
4. Educational facilities;
5. Bed & breakfast;
6. Veterinarian Office, without boarding of animals;
7. Funeral homes;
8. Vehicular use repair and service station (no outside storage);
9. Commercial car wash (vehicular wash);
10. Nursing, rest or retirement community;
11. Veterinary Clinic without boarding;
12. Accessory dwelling, associated with a single-family dwelling on a lot of 160,000 square feet or greater (as permitted in conjunction with the Planned Residential Development);
13. Hotels with 20 or greater guest rooms;
14. Amusement Arcade; and
15. Conversion Apartment;
16. Elder Care Facility;
17. Bars and Taverns;
18. Auto, Boat and/or Mobile/Manufactured Homes Sales;
19. Convenience Stores, Including Fuel Sales;
20. Rooming Houses.

**D. Conditional Uses**

1. Shopping Centers and Malls

**E.** All uses permitted within this District shall also comply with all applicable Supplementary District Provisions contained within Article VI as well as other applicable articles of this Ordinance.



depth equal to the average of front yards of the two adjoining lots, but no case shall the minimum building setback distance be less than ten (10) feet from the street right-of-way.

G. Height Regulations

The maximum height permitted shall not be greater than:

1. Principle Use: Forty (40) feet with a maximum of three (3) stories per use.
2. Accessory Use: Twenty-five (25) feet.

H. Water and Sewer Requirements

Public water and sewer facilities shall be required for all uses within this district. However, uses are permitted with on-lot facilities as identified in Section 504, Residential Low-Density (R-1) District.

I. Shade trees/landscaping shall be in accordance with Article VI, Section 614.

J. Street Lights shall be provided in accordance with Article VI, Section 616.

K. Parking Areas shall be provided in accordance with Article VI, Section 610.

L. Alleys shall be provided in accordance with Article VI, Section 603.

Section 507. COMMUNITY COMMERCIAL (CC) DISTRICT

A. Intended Purpose

The purpose of the Community Commercial (CC) District is to provide for more intensive locally based commercial uses that may not be appropriately mixed with residential uses. The uses permitted are those which shall be supported by the local population.

B. Permitted Uses

1. Banks and similar institutions, provided that all drive-in facilities are located to the rear of the structure;
2. Retail and personal service shops;
3. Business and professional offices;
4. Places of Worship;
5. Hotels, motels and similar lodging facilities;
6. Supermarket;
7. Restaurants without drive-in facilities;
8. Theater/auditorium;
9. Municipal uses and educational facilities;
10. Medical and dental clinics;
11. Florists and nurseries;

12. Uses and buildings customarily accessory and incidental to the above permitted uses';
13. Public Parks and recreational facilities;
14. Home Occupations, Non-Intensive;
15. Home Occupations, Intensive;
16. Theaters;
17. Self-Storage Facilities;
18. Forestry Uses.

C. Special Exceptions

The following special exceptions shall may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria set forth in Articles VII and XI herein.

1. Commercial Day Care
2. Commercial recreation/health clubs
3. Vehicular use stations/repair
4. Restaurants with drive-thru facilities
5. Amusement Arcade
6. Shopping center provided no more than seven (7) permitted uses are combined on one lot and which involve the uses permitted within this District
7. Conversion Apartment
8. Veterinarian Office, with or without boarding of animals
9. Auto, Boat and/or Mobile/Manufactured Homes Sales
10. Bars and Taverns
11. Convenience Stores, Including Fuel Sales
12. Rooming Houses

D. Conditional Uses

1. Shopping Centers and Malls

E. All uses permitted within this District shall also comply with all applicable Supplementary District Provisions contained with Article VI as well as other applicable articles of this Ordinance.

F. Lot Area, Width and Impervious Coverage Regulations

1. Minimum Lot Area:
  - a. On-lot systems: All permitted uses shall have a minimum lot area of 43,560 square feet. However, the minimum lot area may be increased subject to the results of a hydrogeologic evaluation.
  - b. Public sewer: 20,000 square feet

c. Public sewer/water: 20,000 square feet

2. Minimum Lot Width:

a. On-lot systems: One hundred (140) feet at the minimum building setback line.

b. Public sewer: One Hundred (100) feet at the minimum building setback line.

c. Public sewer/water: One Hundred (100) feet at the minimum building setback line.

3. Maximum Impervious Coverage:

a. On-lot systems: Maximum of forty (40%) percent.

b. Public sewer/water: Maximum sixty-five (65%) percent.

c. At least thirty-five (35%) percent of the lot area shall be maintained in a vegetative cover.

G. Setback Regulations

The following setback regulations shall apply to all uses permitted within this district unless otherwise specified herein:

1. Front yard:

a. Minor streets: twenty-five (25) feet

b. Collector streets: thirty (30) feet

c. Arterial streets: fifty (50) feet

2. Side yards: fifteen (15) feet.

3. Rear yard: twenty-five (25) feet.

H. Height Regulations

The maximum height permitted shall not be greater than:

1. Principal use: forty (40) feet.

2. Accessory use: twenty-five (25) feet.

I. Landscaping Percent of Lot Coverage

A minimum of thirty-five (35%) percent of each lot shall be landscaped.



Any portion of the site not used for buildings, structures, parking areas, loading areas, storage and sidewalks shall be maintained in vegetative cover and/or ornamental plantings.

- J. Buffer yards and screening shall be provided in accordance with Article VI, Section 604.
- K. Street Lights shall be provided in accordance with Article VI, Section 616.
- L. Parking Areas shall be provided in accordance with Article VI, Section 610.
- M. Alleys shall be provided in accordance with Article VI, Section 603.

**Section 508. COMMERCE LIGHT-INDUSTRIAL (CLI) DISTRICT**

**A. Intended Purpose**

The purpose of the Commerce Light-Industrial (CLI) District is to provide for a wide range of commercial and light industrial uses that contribute to the well being of the Township by diversifying its economic base and providing valuable employment opportunities.

**B. Permitted Uses**

1. Laboratories for medical, scientific or industrial research and development;
2. Vocational and mechanical trade schools;
3. Sales, storage or wholesaling:
  - a. nursery and garden materials and stock
  - b. contractor supplies
  - c. plumbing, heating and air conditioning, electrical or other structural components of buildings
4. Bookbinding, printing and publishing;
5. Sign makers;
6. Professional and general offices;
7. Public buildings and utilities;
8. Processing, packaging and storage or wholesaling of food products (excluding rendering or slaughtering operations);
9. Manufacturing, packaging, storage or wholesaling of:
  - a. furniture, cabinets, fixtures and office supplies
  - b. scientific, specialized and technical instruments and equipment
  - c. optical, dental and medical supplies and equipment
10. Repair of products permitted to be manufactured in this district;
11. Agricultural support businesses;
12. Machine shops;
13. Small engine repair;

14. Veterinarian Offices, with or without boarding of animals, and animal hospitals;
15. Agriculture, horticultural or forestry related uses;
16. Signs when erected and maintained in accordance with Article IX; and
17. All uses permitted within the Community Commercial (CC) District;
18. Auto, Boat and/or Mobile/Manufactured Homes Sales;
19. Warehouses;
20. Self-Storage Facilities;
21. Forestry Uses.

C. Special Exceptions

1. Heavier industrial uses including process, packaging, production, repair or testing of materials, goods and products, including those industries performing assembly or non-toxic chemical operations;
2. Billboards;
3. Truck or freight terminals (vehicular freight terminals);
4. Recycling facilities for paper, plastic, glass and metal products;
5. Vehicular body shop;
6. Vehicular service station;
7. Vehicular washes (car wash);
8. Junk yards;
9. Solid waste disposal sites;
10. Natural resource extraction operations;
11. Towers, Communications;
12. Convenience Stores, Including Fuel Sales.

D. Conditional Uses

1. Adult Business

E. All uses permitted within this District shall also comply with all applicable Supplementary District Provisions contained within Article VI as well as other articles of this Ordinance.

F. Lot/Yard Requirements

1. Minimum Lot Area/Width: Where public water and sewer facilities are not available, the following minimum requirements shall apply, unless otherwise specified:
 

a.	Minimum lot area:	43,560 square feet
b.	Minimum lot width:	150 feet
c.	Front Yard:	
	(1) Minor streets:	twenty-five (25) feet
	(2) Collector streets:	thirty (30) feet
	(3) Arterial streets:	fifty (50) feet

- d. Side Yard: 15 feet
- e. Rear Yard: 25 feet

2. Minimum Lot Area/Width: Where public water and sewer facilities are available, the following minimum requirements shall apply, unless otherwise specified:

- a. Minimum lot area: 20,000 square feet
- b. Minimum lot width: 100 feet
- c. Front Yard:
  - (1) Minor streets: 25 feet
  - (2) Collector streets: 30 feet
  - (3) Arterial streets: 50 feet
- d. Side Yard: 15 feet
- e. Rear Yard: 25 feet

G. Maximum Impervious Coverage: sixty-five (65) percent.

H. Height Regulations

The maximum height permitted shall not be greater than forty (40) feet, except that chimneys, flag poles, water tanks and other mechanical structures may be built to a height not to exceed seventy-five (75) feet above the finished grade.

I. Commercial and Industrial Operation Standards

All commercial and industrial operations shall be in compliance with any Commonwealth of Pennsylvania and/or Federal government regulations, as required by the most recent regulations made available from those governmental bodies.

Proof of compliance shall be presented to the Union Township Zoning Officer prior to zoning permit issuance.

J. Landscaping Percent of Lot Coverage

A minimum of thirty-five (35%) percent of each lot shall be landscaped. Any portion of the site not used for buildings, structures, parking areas, loading area, storage and sidewalks shall be maintained in a vegetative cover and/or ornamental plantings.

K. Buffer yards and screening shall be provided in accordance with Article VI, Section 604.

L. Street lights shall be provided in accordance with Article VI, Section 616.

M. Off-Street Parking and loading shall be provided in accordance with Article VI, Section 610, and Article VIII.

## ARTICLE VI

### SUPPLEMENTARY DISTRICT REGULATIONS

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The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Ordinance:

#### Section 601. ACCESSORY USES AND STRUCTURES

##### A. Accessory Buildings

1. An accessory building with a footprint of 150 square feet or less and not constructed on a permanent foundation may be located within five (5') feet of a rear property line regardless of the applicable rear setback line of the zone in which the property is situated. The accessory building must comply with all other setback and other applicable zoning restrictions. No outside storage shall be permitted between the accessory building and the rear property line.
2. All nonconforming accessory structures which have been destroyed, demolished or moved, either voluntarily or involuntarily, can be rebuilt or replaced: provided, however, that said rebuilt or replaced accessory structures must comply with all setback requirements, unless the original accessory structure was on a permanent foundation, in which case the new accessory structure may be rebuilt or replaced on said foundation. The new accessory structure may not create any new dimensional nonconformities.

##### B. Antennas

1. Antennas subject to licensing and/or regulation by the Federal Communications Commission as accessory structures, shall be permitted provided that:
  - a. Any freestanding antenna shall be located at least fifteen (15') feet from any dwelling unit or principal structure on the lot.
  - b. Antennas and associated structures which do not exceed thirty (30') feet in height shall be located at least fifteen (15') feet from any property line. Antennas which exceed thirty (30') feet in height shall provide an additional one (1') foot of clearance for every one (1') foot of height in excess of thirty (30') feet.
  - c. Antennas shall not be permitted in any front yard.
  - d. The antenna and associated structures shall be securely anchored in a fixed position on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.

- e. The antenna and its associated supports, such as guy wires, or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Associated supports and guy wires shall not be located any closer than five (5') feet to any property line.

2. General Development Standards

All antennas are subject to the following provisions:

- a. No more than one (1) antenna is permitted on each lot.
- b. Antennas must be maintained and shall not create a safety hazard to adjoining property and others.
- c. All antennas must meet the required setback standards for the zoning district in which it is located and accessory supports and guy wires must be five (5') feet from property lines.

C. Auto, Boat and/or Mobile/Manufactured Homes Sales

Whether permitted by right (in the Commerce Light Industrial District) or by special exception (in the Mixed Use Center and Community Commercial Districts), Auto, Boat and/or Manufactured Homes Sales are subject to the following regulations:

- 1. No vehicle, boat or manufactured home or other items set forth in the definition of "Auto, Boat and/or Mobile/Manufactured Homes Sales" above on display shall occupy any part of the existing or future street right-of-way or required parking area.
- 2. All lights must be designed and installed to eliminate glare onto adjoining properties or public streets. Said lights shall be directed downward and the illuminated halo shall not leave the site.
- 3. All vehicles, boats and/or manufactured homes shall be setback a minimum of thirty (30') feet from existing street right-of-way lines and twenty (20') feet from all other property lines. Where a property on which an auto, boat and/or manufactured home sales business is or is proposed to be conducted abuts a property on which is located a residential use or which is zoned R-1, R-2, MUC, or RR, the setback from existing street right-of-way lines and from all other property lines shall be thirty (30') feet.
- 4. All areas to be used for the display of vehicles, boats and/or manufactured homes shall be improved to a mud free condition.
- 5. The maximum lot area which can be used for sales or which is otherwise covered by improvements or impervious surfaces shall not exceed sixty-five (65%) percent of the lot area.

6. All signs, banners, flags and pennants shall comply with Article IX of this Ordinance.
7. Designated parking areas for employees and customers must be provided in accordance with Article VIII of this Ordinance. Relief from said requirements may be provided by the Zoning Hearing Board as a special exception request and upon a showing of good cause.

**D. Fences and Walls**

1. Fences and walls erected, altered and maintained on properties used in whole or in part for residential purposes are permitted within the front yard provided only that such fence or wall shall not exceed four (4') feet in height. Fences and walls may be located on the property line within the side and rear yard provided the fence does not exceed a height of six (6') feet. Fences over six (6') feet in height shall be kept off the property line a distance equal to the height above six (6') feet, with no fence permitted above eight (8') feet in height.

Fences erected on properties used for non-residential purposes shall be placed a minimum of one-half of the height of the fence from the property line; provided however, that fences on properties used primarily for agricultural purposes shall be exempt from this requirement provided that said fence is no more than six (6') feet in height and at least fifty (50%) percent open.

Retaining walls, constructed to hold back or support an earthen berm, shall be exempted from said height standards. However, the retaining wall shall not exceed the natural existing grade.

2. All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, chain link fence in conjunction with a screen planting or screen planting on all sides which face upon a street or face upon a lot in any district, other than the CLI District.

**E. Satellite Dish Antenna**

Satellite dish antennae in excess of thirty (30") inches in diameter shall be regulated as a structure and shall comply with all yard setback requirements as set forth herein.

**F. Solid Waste Storage Facilities**

All multifamily, commercial and manufacturing/industrial buildings or uses shall include adequate facilities on-site for the proper storage of solid wastes in accordance with the provisions of the Township refuse collection regulations and as hereinafter provided:

1. All dumpsters/storage areas shall be located within a side or rear yard, screened from adjoining roads and properties, and

enclosed within a masonry wall or fence on three sides maintaining a 100% visual blockage on all three sides.

2. Dumpsters/storage areas shall have hardened, stabilized surfaces with outdoor areas constructed to prevent accumulation of stormwater runoff.
3. Dumpsters/storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Township regulations while parked for collection of refuse and shall be provided with accessways facilitating ready deposit and collection of refuse.
4. Dumpsters/storage areas shall be of sufficient size to accommodate the container capacity required to store the refuse accumulation between collections.

**G. Stables and Boarding of Recreational Animals**

The boarding and exercise of recreational animals for personal use, shall be permitted as an accessory use to a single-family dwelling within the AG, RR, and R-1 Districts subject to the following standards:

1. The minimum lot area of three (3) acres for one animal. Each additional animal shall require minimum of two (2) additional acres.
2. Stables or structure for boarding shall have a minimum setback of two-hundred feet from any neighboring residential structure.
3. Where stables operate at two (2) or more animal units per acre, such a use shall operate under a nutrient management plan in accordance with standards set forth in the Pennsylvania Nutrient Management Act of 1993, and subsequent amendments.

**H. Swimming Pools**

Swimming pools shall be permitted as an accessory use in any district and shall comply with the following conditions and requirements:

1. The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property on which it is located, including guests.
2. Hot tubs, whirlpool baths and tubs, and Jacuzzi-type tubs or baths shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.
3. Pools shall be located at least 10 feet from an on-lot septic system.
4. Pools, including any walks, decks or paved areas around same, or any accessory structures related thereto, shall meet all

building setback line requirements for the zoning district in which the property is located.

5. All swimming pools now existing or hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least four (4') feet but not more than eight (8') feet in height, with the exception of atrium houses, and shall be constructed so as not to have openings, mesh or gaps larger than four (4) square inches in any direction. If a picket fence is erected or maintained, the horizontal dimension shall not exceed four (4") inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices and shall be locked at all times when the swimming pool is not in use.
6. A dwelling unit, excluding atrium dwellings, or an accessory building may be used as part of such enclosure. However, height requirements for a fence shall not apply to the building.
7. The provisions regulating fencing shall not apply to pools having sides extending four (4') feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use.
8. All materials used in the construction of pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.
9. Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.
10. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.
11. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no beam of light, only diffused or reflected light, enters adjoining properties.

I. Unenclosed Storage

1. Commercial Trucks
  - a. The storage or parking of any commercial truck upon any lot which is less than 21,750 square feet, or street right-of-way within the R-2 District is prohibited. For purposes of this section, commercial trucks shall include those that exceed a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds. In addition, the parking or storage of any trailer (commercial truck trailer) other than those accessory to a principal residential use is expressly prohibited in the R-2 District.



2. Recreational Vehicles, Trailers, Boats, Etc.

In no instance shall any recreational vehicles, trailers (used in transporting or hauling vehicles or boats), boats, or other like items, be situated to the exterior of the dwelling of any lot which is less than 21,750 square feet and occupied as a dwelling within the R-2 District.

3. Outdoor Stockpiling

In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in the front yard of any property. All stockpiled material shall be maintained as set forth in Section 601.F. The outdoor stockpiling of materials for a period in excess of six (6) months on any property in R-1, R-2 and MUC Districts is prohibited. This prohibition against outdoor stockpiling shall not be applied to the storage of firewood for use by residents of the premises on which the firewood is stored.

Section 602. AGRICULTURAL USE STANDARDS

A. Agricultural Uses

1. All agricultural uses shall comply with the following general requirements:

- a. All grazing animals, livestock or non-domestic animals shall be in an enclosed area.
- b. All manure storage structures shall be constructed in accordance with the Natural Resource Conservation Service (NRCS) specifications.
- c. Any in-ground manure pits shall be enclosed by a four (4) foot fence with a maximum of six (6) inch square centers.
- d. Livestock shall be raised in accordance with normal farming operations. Normal farming operations shall be considered customary and generally accepted activities, practices and procedures that livestock operations in Adams County adopt, use and engage in year after year.
- e. All dead livestock shall be butchered, slaughtered, incinerated, frozen or delivered to a rendering plant or disposed of in an acceptable composting facility within forty-eight (48) hours of the death of the animal. All dead animals shall be stored in a container or building.

2. Notwithstanding anything contained in this Ordinance to the contrary, all manure and agricultural facilities and buildings, including poultry-houses and livestock facilities, shall be managed in a manner so as to prevent pollution and in

accordance with all existing and future environmental statutes and regulations, including the Pennsylvania Clean Streams Law.

**B. Agricultural (Seasonal) Farm Stands**

1. The display and sale of locally produced food and agricultural products shall be permitted provided that:
  - a. One hundred (100%) percent of such products shall have been produced on the property on which they are offered for sale. Farms stands which offer Products for sale that are less than one hundred (100%) grown on the property on which they are offered for sale shall be permitted under the criteria set forth as a special exception.
  - b. Parking space for at least three (3) cars shall be provided behind the street right-of-way line.
  - c. Sale of farm products shall be conducted from a portable stand located behind the street right-of-way line and which will be dismantled at the end of the growing season.

**Section 603. ALLEYS**

Alleys shall be required as the primary means to provide access to parking located generally to the rear of structures. Alleys shall be parallel to primary streets; shall serve as a secondary means of access to any lot; and shall be paved sixteen (16) feet in width (edge to edge) with a twenty (20) foot right-of-way.

**Section 604. BUFFER YARDS AND SCREENING REQUIREMENTS**

**A. Buffer Yards**

1. Unless otherwise provided, where a non-residential use is established which abuts a residential use and where a multi-family use adjoins a single-family residential use, a buffer yard of not less than twenty-five (25') feet in width shall be provided on the site of the nonresidential use immediately adjacent to and parallel to the residential use and on the site of a multi-family use immediately adjacent or parallel to a residential single-family use.
2. If a side yard is provided, the buffer yard may coincide with the side yard.
3. Buffer yards shall be maintained and kept free of all debris and rubbish.
4. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards. However, access roads, service drives, and utility easements not more than thirty-five (35') feet in width are permitted to cross a buffer yard

provided that the angle of the centerline of the road, drive, or easement crosses the buffer yard at an angle not less than sixty (60) degrees.

5. No parking shall be permitted in buffer yards.
6. Prior to the issuance of a zoning permit, site plans for buffer yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangements of all of the buffer yards and the placement, species, and size of all plant materials to be placed in such buffer yard. Said plan must be reviewed by the Planning Commission and approved by the Zoning Officer before a zoning permit may be issued.

**B. Screening Requirements**

Buffer yards shall be developed with the following minimum landscaping requirements:

1. Natural woodlands shall be preserved and shall be supplemented with at least 15 evergreen trees and shrubs of at least three (3) feet in height per 100 feet of buffer perimeter, if they do not naturally exist.
2. If not wooded, grass mounds at least three (3) feet high, but not higher than seven (7) feet, shall be created and planted with shade trees, evergreen trees and shrubs and deciduous shrubs. There shall be at least two (2) shade trees per seventy-five (75) feet of buffer perimeter and 5 evergreen trees per one-hundred (100) feet of buffer perimeter. Shade trees shall have a minimum trunk diameter of 2 1/2 inches at breast height, evergreen trees shall be at least eight (8) feet tall, and shrubs shall be at least three (3) feet in height.
3. Screen plantings shall be of suitable vegetation in order to produce within three (3) years, a complete year-round visual screen of at least six (6') feet in height. The level of opacity within three years shall reach a minimum 50% visual blockage or opacity between residential uses and 75% between non-residential and residential uses.
4. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.
5. The screen plantings shall be so placed that at maturity they will not be closer than three (3') feet from any ultimate right-of-way or property line;
6. A clear sight triangle shall be maintained at all street intersections and at all points where vehicular accessways intersect public streets;
7. The screen planting shall be broken only at points of vehicular or pedestrian access;

8. Trees that shall not be used in screened planting of buffer yards are:
  - a. Poplars - all varieties
  - b. Willows - all varieties
  - c. White or Silver Maple
  - d. Aspen - all varieties
  - e. Common Black Locust
9. A list of common shade trees and grasses suitable for growth in Central Pennsylvania is contained at the Union Township Municipal Building and may be used in the screened plantings of buffer yards.

**Section 605. CONTROL OF TRAFFIC AND PROTECTION OF PUBLIC SAFETY**

- A. The application for a zoning permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to a State road or highway, approval by the Pennsylvania Department of Transportation shall be required. Where a driveway or access road gives access to a Township Road, the driveway or access road shall be in compliance with Union Township Road Specifications as outlined in the Union Township Subdivision and Land Development Ordinance, as amended.
- B. Driveways for any use shall not be less than fifty (50') feet from the intersection of any two street right-of-way lines.

**Section 606. FORESTRY USES**

- A. Forestry activities shall be conducted in accordance with an erosion and sedimentation pollution control plan that is consistent with current acceptable practices to control runoff, erosion, stream siltation and soil stabilization.
- B. The erosion and sedimentation pollution control plan shall be submitted to the Adams County Conservation District for their review and approval prior to initiating any earth moving or timber harvesting activities.
- C. The erosion and sedimentation pollution control plan, along with evidence of review and approval of same by the Adams County Conservation District, shall be submitted to the Township prior to initiating any earth moving or timber harvesting activities.
- D. All roads and trails developed as part of any forestry activity shall be mud and dust stabilized when within 100 feet of any lot or street line.
- E. Clear-cutting - No clear-cutting shall be done within fifty (50') feet of a wetland or stream or watercourse.

Section 607. GENERAL STANDARDS

A. Well Testing

Before any Zoning Permit shall be issued for any use where there is to be a well, the applicant shall read and sign a written statement, supplied by the Zoning Officer, to the effect that the applicant acknowledges the necessity for testing the well.

B. Projections into Required Yards

The projection of any overhanging eaves, gutters or cornices which utilize the building for support, but not being enclosed or part of the living area of the Building, may extend into the required yard not more than eighteen (18") inches in any case. Facilities installed to provide access to the physically challenged may extend into any front yard. The following encroachments are permitted in the required yard areas:

1. Light fixtures.
2. Sidewalks or walkways on grade.
3. Signs in accordance with Article IX.
4. Fences and retaining walls.
5. Flagpoles.
6. Sidewalk or walkway steps when not connected to a building, porch, deck, or other part of a building or structure.
7. Vegetation, including trees and landscaping materials.
8. Decorative lawn ornaments.
9. Bird feeders.
10. Handrails along sidewalk or walkway steps.
11. Parking spaces for single-family detached dwellings, limited to two (2) per dwelling, provided the parking spaces are situated on a driveway not more than twenty (20') feet in width.
12. Awnings in the front yard area only up to a maximum of five (5') feet from the face of the building wall. Awnings which overhang sidewalks shall be a minimum of seven (7) feet above the sidewalk.
13. Bus shelters, telephone booths, and cornices, eaves, chimneys, steps, canopies, and similar extensions, but not porches and patios whether covered or not.
14. Open fire escapes
15. Minor public utility structures.

C. Structure Alignment

If in developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same building line as the adjacent buildings along the street. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings along the street. If the adjacent buildings have varying setbacks, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings along the street; provided said

adjacent buildings are not greater than 140 feet from the building in question. Should said adjacent buildings be greater than 140 feet apart, the setback for the district in question shall control the distance between said buildings and shall not be greater than 140 feet.

D. Height regulations

Height regulations as set forth in each district shall not apply to spires, belfries, or domes not used for human occupancy; nor to chimney, ventilators, skylights, water tanks, utility poles or towers and solar collectors.

E. Calculation of Lot Areas

All lots shall be calculated from the street right-of-way and shall exclude any floodplain areas, easement or rights-of-way.

F. Measurement of Setback Lines

All front setback lines shall be measured from the street right-of-way line. Corner lots shall have front setbacks from all such right-of-way lines.

G. Measurement of Lot Widths

All lot widths shall be measured at the minimum front yard setback line.

H. Placement of Utilities

Unless conditions require otherwise, all electric, telephone and television cable lines installed after the effective date of this Ordinance shall be installed underground. This requirement shall not apply to repair or reinstallation operations.

I. Any owner of a commercial or industrial use shall file with the Township Zoning Officer, a site plan showing the location of the following as-built features:

1. Location and dimensions of storage tanks, both above and underground, labelled as to contents.
2. Location and dimensions of disposal or dumping areas, both above ground and underground with information describing the waste, and materials disposed of.
3. Location and dimensions of outdoor storage areas with information describing the materials being stored.

Additions or corrections to this site plan shall be made within thirty (30) days of the date any changes are made to the uses described in 1., 2., or 3. above.

**J. Public Utility Facilities**

Public utility facilities, maintaining their minimum use, shall be permitted in any district without regard to the use and area regulations under State and Federal regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

1. Front yards shall be provided in accordance with the regulations of the district in which the facility is located. Side yards shall be a minimum of ten (10') feet.
2. Height restrictions shall be as required by the district regulations.
3. Unhoused equipment shall be enclosed within a chain link fence eight (8') feet in height topped with barbed wire.
4. When equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which the facility is located.
5. If adjacent to a residential district, buffer yards and screened plantings shall be required in accordance with Section 604 herein.
6. The external design of the building shall be in character with existing buildings in the respective district.
7. No structure shall be used as an everyday work area.

**K. On Lot Wastewater Disposal Systems**

1. As of the effective date of this Ordinance, all proposed uses which require a Planning Module for Land Development and rely upon on-lot sewage disposal systems shall be required to specifically test for and secure one initial absorption area and another alternate absorption area. Both disposal sites shall be approved by the Township Sewage Enforcement Officer (SEO). The replacement absorption area shall be perpetually protected from excavation, construction and other activities that would result in disturbance of the soils' ability to assimilate sewage effluent, until such time as the replacement absorption area is activated due to malfunction of the initial absorption area.
2. In those instances where a hydrogeologic evaluation is required as part of the Planning Module process, lots must be of sufficient size to address nitrate-nitrogen loading in a manner acceptable to DER.
3. All uses relying upon on-lot sewage disposal systems shall be required to properly maintain and repair such systems.

L. Isolation distances from Septic Systems and Seepage Pits.

All structures or parts thereof, including, but not limited to, decks, patios, swimming pools, and water gardens shall be located a minimum of ten (10') feet from septic tanks, absorption areas, pump tanks and storm water seepage pits.

Section 608. RESIDENTIAL USE STANDARDS

A. Multi-Family Apartments

Where permitted all multi-family apartments shall comply with the following:

1. No building shall be in excess of three (3) stories in height.
2. No more than twelve (12) units shall be permitted per building.
3. A visual structural break either in the roof line or front façade shall be provided at least every forty-five (45') feet.
4. Water and sewer facilities shall be public systems or approved private systems. No individual on-site systems shall be approved for such dwellings.
5. No building shall exceed one hundred twenty (120') feet in length.
6. A permanent easement shall be provided where the rear or side yard abuts any property other than a street for the purpose of non-vehicular ingress and egress by interior property owners. Minimum width of said easement shall be five (5') feet.
7. Parking spaces shall be provided to the rear for each dwelling unit in accordance with Article VIII of the Ordinance. No off-street parking shall be permitted in the front or side of the residential structure. All parking areas must be twenty (20') feet from the residential structure.
8. The minimum distance between principal buildings shall be equal to two (2) times the height of the highest building. In no case shall this distance be less than sixty (60') feet. Side and rear building setback lines shall be equal to the height of the highest building and in no case shall this distance be less than thirty (30') feet.
9. If there is more than one (1) multi-family building located on a single tract of land, said buildings shall be defined by a boundary which defines the outside edge of the multi-family grouping. The maximum density of multi-family units within this boundary is ten (10) units per acre.



B. Mobile Homes

Any mobile home placed on an individual lot shall be considered, for the purpose of this Ordinance, as a detached residential unit. In addition, the following requirements shall be met (Reference the Union Township Subdivision and Land Development Ordinance as amended):

1. The mobile home shall be permanently affixed to an enclosed foundation sufficient to prevent the movement of the mobile home by natural forces. In no case shall the mobile home be placed on concrete corner block or any other such supports.

C. Townhouses

All townhouses shall comply with the following:

1. There shall be not more than five (5) attached units in a row.
2. A visual structural break either in the roof line or front facade shall be provided between every other dwelling unit.
3. Water and sewer facilities shall be public systems or approved private systems. No individual on-site systems shall be approved for such dwellings.
4. No building shall exceed one hundred twenty (120') feet in length.
5. The minimum side yard shall be twenty (20') feet for buildings containing four (4) or less units and twenty-five (25') feet for buildings containing five (5) units.
6. Two (2) offstreet parking spaces shall be provided to the rear of each unit. No off-street parking shall be permitted in the front or side of a townhouse. An access drive having a minimum width of twenty (20') feet shall provide access to the parking area. The access drive shall be constructed in accordance with the regulations set forth in the Subdivision Ordinance. The access drive shall be owned and maintained by a home owners association consisting of all lot owners whose property abuts said drive. Parking shall otherwise be provided as required by Article VIII hereof.
7. Townhouse buildings shall be located within a townhouse grouping. Each townhouse grouping shall be defined by a boundary which defines the outside edge of the townhouse grouping. The maximum density of townhouse units within this boundary is ten (10) units per acre.

D. Recreational Areas for Multi-Family Dwellings/Apartments and Townhouses.

Recreational areas for multi-family dwellings/apartments and townhouses shall be provided in accordance with the following provisions:

1. For up to five (5) units, a minimum total area of 1,500 square feet of recreational area shall be provided.
2. For more than five (5) units but less than ten (10) units, a minimum total area of 2,500 square feet of recreational area shall be provided.
3. For more than ten (10) units but less than fifty (50) units, a minimum of one hundred-fifty (150) square feet of recreational area per unit shall be provided in addition to the two thousand five hundred (2,500) square feet for the first ten (10) units.
4. For over fifty (50) units, recreational areas shall be provided as negotiated with the Township.
5. The subdivision or Land Development Plan and the Deed for each unit shall reflect responsibility for maintaining recreational areas. Such responsibility shall be in the form of a Home Owner's Association established by the property owners or such other means as negotiated with the Township.
6. Recreational areas shall be provided adjacent to the housing units.
7. Recreational areas shall be suitably landscaped.
8. Recreational areas shall not be considered for future development.

**E. Recreational Vehicles and Campers**

1. No recreational vehicles or campers shall be used as dwelling units, places of habitation or sleeping quarters, either temporarily or permanently, in any zoning district; provided, however, that said prohibition shall not apply to recreational vehicles or campers situated in campgrounds.

**F. Habitable Floor Area**

1. The minimum habitable floor area of a dwelling unit hereafter established, with the exception of mobile homes constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976, shall be as follows:
 

a.	Rooming Unit (designed for one (1) person)	250 square feet
b.	Efficiency Unit	500 square feet
c.	One Bedroom	600 square feet
d.	Two Bedrooms	750 square feet
e.	Three Bedrooms	900 square feet
f.	Four Bedrooms	1,050 square feet

2. The minimum habitable floor area for units within lodging establishments for transients shall be two hundred (200) square feet for each room used for sleeping purposes.

**Section 609. NATURAL RESOURCE AND ENVIRONMENTAL FEATURES**

**A. Forested Area Preservation**

The following provisions shall apply to forested areas as defined herein:

1. No more than twenty (20%) percent of forested areas located in environmentally sensitive areas shall be altered, regraded, cleared or built upon. Environmentally sensitive areas shall include flood plains, hydric soils, slopes in excess of fifteen (15%) percent, and wetlands.
2. No more than forty (40%) percent or the area that is necessary for the building envelop, which ever is less, of forested areas not located within environmentally sensitive areas (as defined in 1. above) shall be altered, regraded, cleared or built upon.

**B. Open Space Requirements**

1. Where required, open space areas shall be developed to complement and enhance the man-made environment. In the selection of the location of such area, consideration shall be given to the preservation of natural and man-made features which will enhance the attractiveness and value of the remainder of the property to be subdivided or developed, including flood plains, streams and ponds, wetlands, slopes equal to or greater than fifteen (15%) percent, natural permanent vegetation, historical amenities and other community assets.
2. The area shall be so located and designed that it is easily accessible to all residents including handicapped. Safe and easy access to common open space areas shall be provided either by adjoining road frontage, easements and/or paths.
3. Whenever possible, common open space areas shall be designed as a continuous system of usable area, which are interspersed among groupings of residential buildings.
4. Wastewater treatment facilities shall not be considered as part of open space.
5. Accessways to the site shall be of a sufficient width so that maintenance equipment shall have reasonable convenient access to such areas. In all instances, such open space areas shall be maintained.

**C. Steep Slope Provisions**

The excavation, grading, and stripping of vegetation shall be limited to a percentage of land within steep slope categories established by this

section. The applicant proposing the subdivision and/or land development shall prepare a topographic site plan with five (5) contour intervals depicting the slope of all areas within the site according to the categories of 0 - 11.9%, 12-14.9%, 15-25% and greater than 25%. Such areas shall be sealed by a professional engineer, professional land surveyor, or a landscape architect. The maximum area of land which may be developed, graded and stripped of vegetation shall be as follows:

1. No greater than 40% of areas with slopes ranging from 12% to 14.9% shall be excavated, graded or stripped of vegetation.
2. No greater than 30% of areas with slopes ranging from 15% to 25% shall be excavated, graded or stripped of vegetation.
3. No greater than 15% of areas with slopes greater than 25% shall be excavated, graded, or stripped of vegetation.

**Section 610. OBSTRUCTION TO VISION**

- A. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
- B. A clear sight triangle of seventy-five (75') feet, measured along the street right-of-way lines of intersecting streets, shall be maintained; within which such structures or planting shall be limited to a height of not more than three (3') feet or less than ten (10') feet above the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of ten (10') feet above the street grade.

**Section 611. PARKING AREAS (REFERENCE ARTICLE VIII)**

- A. Parking should generally be located at the rear of lots and shall be accessed by means of alleys and/or off-street vehicular connections between adjacent rear parking lots and shall be designed as follows:
  1. No parking shall be permitted in front yards;
  2. Off-street parking areas containing more than 19 spaces and/or six-thousand (6,000) square feet in size shall have internal landscaping as well as buffering landscaping on the edge of the lot;
  3. Any off-street parking space or parking area permitted in the side yard shall be accessed from the rear of the lot and shall be buffered by a landscaped area no less than 7 1/2 feet wide, which contains planting material no less than 3 1/2 feet high, or by a wall no less than 3 1/2 feet and no more than 6 feet high.

4. Requirements for off-street parking serving a particular lot may be reduced to the extent that the applicant can demonstrate that adequate parking is provided on-street and/or within a distance of two-hundred (200) feet.
5. All off-street parking areas shall be in accordance with the requirements of Article VIII as applicable. Adjacent off-street parking areas may have off-street vehicular and pedestrian connections.

**Section 612. PUBLIC NUISANCE REGULATIONS**

All uses shall comply with the requirements of this Section. Compliance shall be determined by the Zoning Officer with respect to Permitted Uses, by the Zoning Hearing Board with respect to Special Exceptions and the Board of Supervisors with respect to Conditional Uses. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Township may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

**A. Vibration**

Vibrations detectable without instruments on neighboring properties in any district shall be prohibited, with the exception of temporary vibrations associated with new construction.

**B. Air Pollution**

No pollution of air by flyash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or can cause soiling of property.

**C. Fire and Explosives Protection**

Fire protection and fire fighting equipment, acceptable to the Board of Fire Underwriters, shall be readily available for any activity involving the handling or storage of flammable or explosive materials.

**D. Glare and Heat**

1. Lighting devices which produce objectionable direct or indirect glare on adjoining properties or thoroughfares shall not be permitted.
  - a. Direct glare is defined for purposes of this Ordinance as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding, petroleum or metallurgical refining. No such direct glare shall be permitted with the exceptions that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety

(90) degrees if the luminary is less than four (4') feet above the ground. Such luminaries shall be placed not more than sixteen (16') feet above ground level.

- b. Indirect glare is defined for the purposes of this Ordinance as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure.
- c. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

2. There shall be no emission or transmission of heat or heated air that is discernible at the lot line.

**E. Non-Radioactive Liquid or Solid Wastes**

There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground of any liquid or solid materials except in accordance with the laws and regulations of the United States, Commonwealth of Pennsylvania, Adams County and Township of Union.

**F. Radioactivity or Electrical Disturbances**

No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

**G. Noise**

Noise which is determined to be objectionable due to volume, frequency or beat shall be muffled or otherwise controlled, with the exception of fire sirens and related apparatus used solely for public purposes. Noise in excess of ninety (90) decibels, as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five (25') feet from any property line of the property from which the noise source is located, shall not be permitted.

**H. Odors**

No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property with the exception of such odors associated with common farming practices.

**I. Smoke**

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

J. Erosion

No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties. Any earth disturbance activity shall be conducted in accordance with the Union Township Subdivision Land Development Ordinance, as amended.

K. Water Pollution

Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Resources.

Section 613. REDUCTION OF LOT DIMENSIONS

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller, or so that the coverage is greater than prescribed herein.

Section 614. SHADE TREES/LANDSCAPING

- A. Shade trees and other plant materials shall be provided along street frontage occupied by new land developments and change of uses prior to the issuance of the Occupancy Permit. In general a minimum of one tree shall be provided for each residential lot. The minimum distance between the curb and the tree shall be two and a half (2-1/2') feet and spaced at least thirty-five (35') feet apart but not more than sixty (60') feet apart along the entire length of each existing and proposed street. Street trees shall be located in a five (5') foot wide planting strip between the sidewalk and the curb.
- B. Shade trees shall be located at least fifteen (15') feet from street intersections, fire hydrants or utility poles.
- C. All trees should be of one genus and species planted continuously down each street and must have a continuous canopy of maturity.
- D. A minimum of twenty (20) percent of each lot shall be landscaped.

Section 615. SPACE REGULATIONS

No yard or other space provided about any building or structure for the purpose complying with this Ordinance shall be considered as a yard or other open space for another building or structure.

Section 616. STREET LIGHTS

Street lights are required and shall be at a pedestrian scale, fit harmoniously into the design, be a maximum of 15' feet in height and have an intensity which maintains the character of the district and community.

Section 617. TEMPORARY CONSTRUCTION BUILDING OR TRAILER

Temporary construction buildings or trailers may be installed on a property during construction of a permanent building or structure, so long as the construction trailer is not used as a dwelling and is located in accordance with principal building requirements set forth in this Ordinance which are applicable to the district in which the property located. All temporary construction trailers or buildings shall be removed within 14 days of completion of construction of the permanent building or buildings, or within 14 days of the expiration of the building permit for the project, which first occurs.

Section 618. TEMPORARY REAL ESTATE SALES OFFICES

A temporary real estate office may be established within a dwelling not occupied for residential purposes in a residential development having more than ten (10) dwelling units, if the real estate sales office is used only to market the real estate offered within the development. A temporary real estate office shall be removed within 14 days of the sale or lease of the last property in the development.

Section 619. VEHICULAR DRIVE-THRU USES

- A. Drive-thru shall not be located within the front yard area;
- B. Stacking lanes shall be of sufficient length to stack the number of cars projected to be served during peak hours. In no instance shall the stacking lane be designed to hold less than five (5) vehicles.
- C. All drive-thru window lanes shall be separated by curb from the parking area's interior drive.
- D. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- E. The drive-thru facility, including the teller windows and intercom, exterior speaker/microphone, and the driveway shall be located along the side or rear faces of the structure. In no event will the drive-thru facility be permitted along the front face of the structure between the principal structure and the adjoining public road.
- F. A site plan shall be provided and shall show building dimensions and placement, internal circulation, landscaping, location and size of signage.

Section 620. VETERINARIAN OFFICES

Whether permitted by right (in the Commerce Light-Industrial District) or by special exception (in the Mixed Use Center and Community Commercial Districts), Veterinarian Offices are subject to the following regulations:

- A. All veterinarian offices which provide care for small animals (i.e. dogs, cats and birds) shall be located on a parcel of at least two (2) acres. All veterinarian offices which provide care for large animals (i.e. cattle, horses, and pigs) shall be located on a parcel of at least three (3) acres.



- B. All buildings in which animals are housed or provided care shall be located at least one hundred (100') feet from all property lines. Buildings should be adequately soundproofed so that sounds generated within the buildings cannot be heard at the property lines which adjoin residential uses.
- C. Outdoor animal runs may be provided for small animals only provided said runs are at least two hundred (200') feet from any existing residential dwellings.
- D. A commercial kennel shall not be permitted as a principal or accessory use with a veterinarian office unless such a kennel is otherwise a permitted use in the zoning district in which the property is located. If a kennel is a permitted use, it must meet all requirements as set forth in the Ordinance.

## ARTICLE VII

### CONDITIONAL USES AND SPECIAL EXCEPTIONS

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#### Section 701. GENERAL INTENT

The follow policies and procedures are adopted to implement the stated goals of the 1993 Union Township Comprehensive Plan with the objective of guiding growth and providing for the public health, safety and welfare. The intent of this Article is to establish certain general requirement and procedures for uses which may be granted with conditions by either the Union Township Board of Supervisors or the Union Township Zoning Hearing Board.

#### Section 702. PROCEDURE FOR CONDITIONAL USES AND SPECIAL EXCEPTIONS

A. Conditional uses and special exceptions are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards explicitly set forth for each use, or as specifically required by the Board in authority to implement the intent of this ordinance. Applications for conditional uses and special exceptions shall be administered as set forth in Article X, Section 1006, and Article XI, Section 1103(D), respectively.

#### B. Application Requirements

The application for a conditional use and/or special exception shall include a site plan as specified in Article XI, Section 1104 and shall be submitted to the Zoning Officer for processing.

#### Section 703. SUPPLEMENTAL STANDARDS FOR CONDITIONAL USE AND SPECIAL EXCEPTIONS

In recognition that certain conditional uses and special exceptions may require specific consideration and standards for design installation, and operation in order to meet the stated goals and objectives of this ordinance, supplemental standards are hereby established for certain uses. These supplemental standards shall apply uniformly to the indicated uses throughout each base zoning district, except where more restrictive regulations apply by a higher authority or legal requirement.

#### Section 704. ACCESSORY APARTMENT

In accordance with the Union Township Subdivision and Land Development Ordinance, an accessory apartment may be created in a single-family detached dwelling existing as of the effective date of this Ordinance, provided that:

- A. The apartment will be a complete and separate housekeeping unit to include separate cooking and bathroom facilities that can be isolated from the original unit.
- B. Only one (1) apartment will be created within a single-family detached dwelling unit.
- C. The owner(s) of the residence in which the accessory unit is created shall occupy at least one (1) of the dwelling units on the premises, except for bona fide temporary absences.

- D. The accessory apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached building. In general, any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original structure by more than ten (10%) percent.
- E. The design and size of the apartment conforms to all applicable State and Township standards/codes including, but not limited to, Pennsylvania Department of Labor and Industry regulations.
- F. All additions shall be inspected by the Zoning Officer prior to issuance of an Occupancy Permit.
- G. Under no circumstances shall the apartment be greater than thirty (30%) percent of the structure's total floor area nor greater than eight hundred (800) square feet.
- H. A minimum of five hundred (500) square feet of floor area shall be required.
- I. Off-street parking shall be provided in accordance with Article VIII herein.
- J. Utilities

If on-lot septic systems or water systems are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the accessory apartment will not exceed at the time of hook-up or in the future, the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded. In which case, the expansion approvals are to be submitted. Any connection to, or additions to, an existing on-lot septic system shall be subject to the review and approval of the sewage enforcement officer.

**Section 705. Adult Business**

Adult Businesses are subject to the following criteria:

- A. The property on which the Adult Business is situated shall not be located within one thousand (1,000') feet of a property on which another Adult Business is situated.
- B. The property on which the Adult Business is situated shall not be located within six hundred (600') feet of a property used for residential purposes or zoned for residential use.
- C. The property on which the Adult Business is situated shall not be located within six hundred (600') feet of a property on which any of the following land uses are conducted:
  - 1. Amusement park
  - 2. Camp (for minors' activities)
  - 3. Day Care Center and related uses
  - 4. Place of Worship
  - 5. Community Center
  - 6. Park, playground or recreation facility
  - 7. School or educational facility
  - 8. Library
  - 9. Other use where minors congregate.

- D. The distance between any two Adult Businesses shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior line of each establishment. The distance between any Adult Businesses and a land use specified in C above, shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the Adult Business to the closest point on the property line of said land use.
- E. No materials, merchandise, books, magazines or film offered for sale, rent, lease, loan or for view upon the premises shall be sold, exhibited or displayed to minors or shall be sold, administered and displayed outside of a building or structure.
- F. Any building or structure occupied as an Adult Business shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no materials, merchandise or film shall be visible from outside of the building or structure.
- G. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
- H. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- I. No Adult Business may change to another Adult Business, except upon the request for and approval of a conditional use.
- J. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate or because of any other reason.
- K. All parking areas, sidewalks and walkways shall be provided with lighting during hours in which the Adult Business is in operation to a minimum of three foot candles, down lit so as to not illuminate adjoining properties.
- L. No sign shall be erected on the premises which uses vulgar or offensive language, pictures, displays or representations.
- M. No sign shall be erected on the premises larger than twenty (20) square feet or in excess of six (6') feet in height. In all other respects, any sign erected on the premises shall comply with the provisions of Article IX.

**Section 706. AGRIBUSINESS OPERATIONS**

The development of new Agribusiness Operations, or the expansion of existing Agribusiness Operations, shall be subject to the following conditions:

- A. Minimum lot size shall be fifty (50) acres. The Township Supervisors, based on the testimony provided at the Conditional Use Hearing, and other relevant information, may increase the minimum lot size required. When the proposed site of such operation is comprised of more than one tract, the owner of such tracts shall combine them under a single deed. Said deed shall be recorded in the Adams County Recorder of Deeds Office and a copy of such deed showing the date, book and page number of recording shall be provided to the Township before a conditional use permit will be issued.

B. Setbacks:

The following setbacks are required:

1. For new Agribusiness Operations, the structure(s) housing the agribusiness shall be located no closer than two hundred (200) feet from any front property line, no closer than one hundred (100) feet from any side or rear property line, no closer than one thousand (1,000) feet from any dwelling or water well not located on the tract being developed, no closer than one thousand (1,000) feet from any church or school property line and no closer than two hundred (200) feet from any body of water, wetland or designated one hundred (100) year floodplain.
2. Any manure storage facility shall be located in accordance with the setback requirements established by the Final Regulations of the Pennsylvania Manure Management Act of 1993, as from time to time amended or revised and shall otherwise comply with the provisions hereof related to such facilities.

C. Maximum lot coverage shall not exceed ten (10%) percent.

D. A Nutrient Management Plan, prepared in accordance with the Pennsylvania Manure Management Act, shall be submitted to the Adams County Conservation District for review and approval prior to the Conditional Use Hearing. Said plan and proof of its approval by the Adams County Soil Conservation District shall be presented at the Hearing.

E. A Water Supply Feasibility Report shall be prepared to demonstrate that sufficient water resources are available to serve the proposed operation. The Report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed Agribusiness Operation. The Report shall be prepared by a licensed hydrogeologist.

Prior to securing conditional use approval the applicant shall construct all wells necessary for the proposed use; shall perform appropriate pump tests; and shall monitor all wells within a one (1) mile radius of the site to verify that sufficient water is available for the proposed use and that no adverse impact will result to wells within said one (1) mile radius.

F. The applicant shall demonstrate, to the satisfaction of the Board of Supervisors, that its methods of disposing of dead animals are in strict compliance with applicable standards established by the Pennsylvania Department of Environmental Protection or its successor agency.

G. A Land Development Plan shall be submitted to, and approved by, the Township in accordance with the provisions of the Union Township Subdivision and Land Development Ordinance.

H. Areas designed for outdoor storage of pallets, machinery or other materials shall be screened by either a fence of at least eight (8) feet in height, or a landscaping of sufficient height to shield the outdoor storage area from view from adjoining properties or public roadways.

I. The perimeter of any parking area shall be landscaped with at least one (1) of the following materials; landscape mulch, grass, shrubs and trees.

- J. Public roads used by or serving the agribusiness operation must meet Pennsylvania Department of Transportation specifications for the type of traffic serving the site. Where public roads intended to be used by the agribusiness operation are not designed and constructed to Pennsylvania Department of Transportation specifications, improvements necessary to bring the roads into compliance with said specifications shall be made by the applicant prior to the applicant being permitted to conduct the agribusiness operation on the site.

**Section 707. AGRICULTURAL STANDS (Roadside Stands).**

Agricultural stands that sell less than 100% of products grown on the premises shall be subject to the following:

- A. Any structure used to display such goods and related parking shall be no more than two thousand (2,000) square feet in size and shall be located at least twenty-five (25') feet from any right-of-way.
- B. At least seventy-five percent of the products displayed for sale must have been produced on the premises.
- C. Off-street parking must be provided for employees and customers. At a minimum four parking spaces shall be provided with safe ingress and egress.
- D. Any signs used shall be attached to the roadside structure and shall not exceed ten (10) square feet in total area nor exceed a maximum height of fifteen (15') feet.
- E. Stands shall not be permanent.

**Section 708. AGRICULTURAL SUPPORT BUSINESSES**

Agricultural support businesses are subject to the following standards:

- A. No part of an agricultural support business shall be within three hundred (300) feet of any land within R-1, R-2 District;
- B. The agricultural support business shall occupy no more than two (2) acres. The applicant shall show that the size of the site is the minimum needed to conduct the agricultural support business;
- C. The applicant must provide evidence that the proposed use is important to local farming and is specifically sized to primarily serve local users. All activities and services should be directed at meeting the needs of those engaged in local farming. The facility should be directed at providing materials and services needed to farm, rather than the retail distribution of goods produced on the farm.

**Section 709. AIRPORTS/HELIPORTS**

Within the RR District, airports/heliports are permitted by special exception, subject to the following criteria:

- A. Minimum Lot Area - Thirty (30) acres;
- B. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;

- C. The applicant shall obtain licensure from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the special exception application; and,
- D. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300) feet from any property line.

**Section 710. AMUSEMENT ARCADE**

Amusement arcades shall be established in accordance with the following provisions:

- A. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to loitering outside the arcade.
- B. All activities must take place within a completely enclosed building.
- C. Amusement arcades shall be located at least one thousand (1,000') feet from school buildings, school playgrounds, and place of worship buildings.
- D. The facility, if accessory to a principal use, shall be located in a separate room, separate from other uses on the premises and from pedestrian circulation to and from such other uses.
- E. Off-street parking shall be provided in accordance with Article VIII. Additional bicycle parking facilities may be required upon review of the Zoning Hearing Board.
- F. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

**Section 711. BARS AND TAVERNS**

Bars and taverns shall be subject to the following regulations:

- A. No bar or tavern shall be located within three hundred (300') feet of any residence or residentially zoned land.
- B. The applicant shall furnish evidence to the Zoning Board that the proposed use will not have a detrimental impact on adjoining properties and neighboring uses resulting from hours of operation, lighting, noise, odors and/or litter. The Zoning Board may attach such reasonable conditions and safeguards, as it deems necessary to reduce the impact of such factors on surrounding properties.
- C. Buffer yard requirements:
  - 1. A buffer yard of at least fifty (50') feet shall be provided where the site adjoins a residential use or residentially zoned land.
  - 2. Screening of a type and to a height sufficient to shield the use from adjoining residential uses or residentially zoned land shall be provided.
  - 3. The buffer yard shall not be used for building, parking, loading or storage purposes.

D. Noise control:

1. At no time shall a bar or tavern business be conducted in such a manner that allows sound associated with the establishment, including music, to be heard at any property line of the premises on which the establishment is located.
2. When a bar or tavern provides outdoor seating or services (such as on a deck, patio, porch or similar arrangement), such services shall be subject to the noise control restrictions set forth in subparagraph 1 above. Outdoor service of customers shall not be conducted after 10:00 p.m.

- E. Hours of operation for any bar or tavern shall be limited to 10:00 a.m. to 2:00 a.m. Where the premises on which the bar or tavern is located abuts a property on which a residential use is located, the hours of operation shall be limited to 10:00 a.m. to 11:00 p.m.

**Section 712. BED AND BREAKFAST ESTABLISHMENTS**

Bed and breakfast establishments shall be subject to the following criteria:

- A. A maximum of ten (10) guest rooms shall be provided in any bed and breakfast establishment;
- B. No modifications to the external appearance of the building (except fire escapes) which would alter its residential character, shall be permitted;
- C. All floors above-grade shall have direct means of escape to ground level;
- D. One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit;
- E. No parking areas shall be located in the front yard;
- F. An approved means of sewage disposal and water supply shall be provided. Bed and breakfast facilities utilizing or proposing to utilize an on-lot sewage disposal system shall obtain a written statement from the Township Sewage Enforcement Officer certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure;

**Section 713. BILLBOARD SIGNS**

Billboard signs shall be permitted as a special exception by the Zoning Hearing Board pursuant to the following standards. The Board may attach such reasonable conditions as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, the Union Township Zoning Ordinance, and Union Township Comprehensive Plan.

- A. The billboard shall not be placed closer than three hundred (300) feet to a building used as one or more dwellings.
- B. The billboard shall not be placed within a one-thousand (1,000) foot radius of another billboard.



- C. The billboard shall not be placed in the minimum front or side yard area as specified in the Zoning Ordinance for the particular zoning district in which the sign is to be located.
- D. The billboard sign face shall have a maximum vertical dimension of ten (10) feet, and a maximum horizontal dimension of twenty (20) feet with a maximum area being two hundred (200) square feet.
- E. The maximum sign height of a billboard shall not exceed 20 feet measured from the top of the sign to the ground.
- F. Decorative shrubbery should be provided at the sign location.
- G. The billboard shall not adversely affect the health and safety of persons in the area of the billboard.
- H. The billboard shall not be detrimental to the use or development of, or change the essential character of, the area in which the sign is located.
- I. The billboard may portray information which directs attention to a business or commodity, service or entertainment which may or may not be located on the premises on which the sign is located.
- J. All billboard signs, at a minimum, shall comply with the general requirements for temporary and permanent signs as set forth in Article VIII.

**Section 714. CAMPGROUNDS**

- A. Within the RR District, campgrounds are permitted by special exception on a minimum of ten (10) acres, subject to the following criteria:
- B. Setbacks - 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 public street right-of-way line;
- C. Each campsite shall be at least one thousand (1,000) square feet in size and shall either provide parking space for one (1) automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common parking area;
- D. An internal road system shall be provided. All roads shall be paved up to the site's internal road system or a distance of 100 feet, whichever is less. The width of one-way access drives shall be at least fourteen (14) feet and the width of two-way access drives shall be at least twenty-four (24) feet. On-drive parallel parking shall not be permitted;
- E. All outdoor play areas shall be set back one hundred (100) feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be used exclusively by registered guests and their visitors;
- F. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100) feet from any property line. Such facilities shall be screened from any adjoining residential property;

- G. Any accessory retail or service commercial uses shall be setback a minimum of one-hundred (100) feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining parcels used for residential purposes;
- H. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street;
- I. A minimum of twenty percent (20%) of the gross area of the campground shall be devoted to active and passive recreational facilities. Responsibility for maintenance of the recreation area shall be with the landowner;
- J. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground;
- K. All water facilities, sewage disposal systems, rest rooms, solid waste disposal and vector control shall be approved and maintained in accordance with the requirements of the PA DER; and,
- L. All lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

**Section 715. CLUBS, LODGES, AND FRATERNAL ORGANIZATIONS**

These and similar uses shall meet the following requirements:

- A. Uses shall be restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members; provided that no permanent sign advertising the sale of food or beverages will be permitted.
- B. A buffer yard/screen planting of no less than ten (10') feet in depth shall be maintained along all property lines abutting a residential use.

**Section 716. COMMERCIAL GREENHOUSES AND NURSERIES**

Commercial greenhouses and nurseries may be established subject to the following conditions:

- A. A minimum lot area of 20,000 square feet shall be provided in addition to the lot area required for other uses located on the same property. However, in no case shall the lot be less than the minimum lot area permitted in the District in which it is located and in no case shall the yards be less than the minimum yard requirements permitted in the District in which it is located.
- B. A ten (10) foot buffer yard/screen planting shall be provided in accordance with the standards established in Article VI, Section 604.
- C. The sale of non-plant items, excluding peat moss and mulch, shall be incidental to the business. The display area for such items shall not exceed 1500 square feet.

- D. The display and sale of motorized nursery, garden, or lawn equipment shall not be permitted. The repair of such equipment is prohibited unless such equipment is owned by the property owner.
- E. All outdoor display areas shall be setback a minimum of twenty-five (25') feet from adjacent properties and road rights of way.
- F. Parking areas shall be setback a minimum of twenty-five (25') feet from property lines and road rights of way and screening shall be provided between any adjoining property in residential use.

**Section 717. CONVENIENCE STORES, INCLUDING FUEL SALES**

Convenience stores, including those with fuel sales, shall be subject to the following regulations:

- A. The minimum lot width shall be two hundred (200') feet.
- B. Fuel pumps shall be located at least twenty-five (25') feet from any public right-of-way or fifty (50') feet from the street centerline, whichever is greater.
- C. Canopies shall be located no less than ten (10') feet from any public right-of-way. Canopy height shall be limited to the minimum height necessary to allow clearance for delivery vehicles. However, in no event shall a canopy exceed seventeen (17') feet in height from ground level to the top of the canopy structure.
- D. A complete site plan shall be provided to the zoning hearing board during the special exception hearing at which the project will be reviewed. The site plan shall show building dimensions and placement, internal circulation lanes for vehicles, location and size of signage, and all of the pertinent design information needed for the zoning board's complete review of the project.
- E. The traffic circulation plan for the property shall be devised such that patrons awaiting fueling services are separated from those using the convenience store or other services to the maximum extent feasible.
- F. Loading and unloading of tractor trailers shall be performed in an area not designated for parking by customers and employees and not in a fashion which will obstruct traffic ingress, egress, regress and circulation on the property.
- G. Access by tractor trailers to the property on which a convenience store is located shall be designed to prevent backing on or off said property from a public street.
- H. All accessory structures on the premises shall meet the applicable building setback requirements for the zone in which the premises are situated.
- I. All trash dumpsters and outside storage of materials shall be screened from view and shall otherwise meet the standards set forth in Article VI above.
- J. All lighting used in conjunction with a convenience store shall be shielded in such a manner that the light shall be directed downward on to the premises on which the store is located. Light sources, whether within a canopy or otherwise, shall be installed such that the light source shall not be directly visible from public streets and adjoining properties.

**Section 718. CONVERSION APARTMENT**

Any building existing at the effective date of this Ordinance may be converted to a dwelling for more than one (1) family, provided that:

- A. The proposed conversion shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with Section 608F. The completed conversion of the total existing building shall meet all applicable sections of this Ordinance and other applicable Township regulations.
- B. There is no exterior evidence of change in the building except as required by State or Township building or housing codes or regulations.
- C. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
- D. Off-street parking shall be provided in accordance with the provisions of Article VIII.
- E. The plans for the conversion of said building shall be submitted to the Zoning Officer for review as a permitted use.
- F. An approved means of sewage disposal and water supply shall be provided. Conversion apartments utilizing or proposing to utilize an on-lot sewage disposal system shall obtain a written statement from the Township Sewage Enforcement Officer certifying that the system is properly designed to accommodate the use without expansion of the system and there are no apparent signs of system failure.
- G. Separate cooking and sanitary facilities shall be provided for each apartment unit.

**Section 719. DAY CARE CENTERS (CHILD OR ADULT), FAMILY CARE AND GROUP CARE FACILITIES, FAMILY DAY CARE HOMES AND GROUP DAY CARE HOMES**

Day care centers, including family care homes and group day care homes, may be established subject to the following conditions:

- A. Operators are responsible for compliance with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.
- B. For facilities with more than eight children or eight adults, an outdoor play recreation area shall be provided. Off-street parking areas shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and shall be completely enclosed by a four (4) high fence.
- C. Family day care home and group day care home facilities shall be permitted only in single-family detached dwelling unit.
- D. Facilities utilizing or proposing to utilize an on-lot sewage disposal system shall obtain a written statement from the Township Sewage Enforcement Officer certifying that the system is properly designated to accommodate the use and that there are no apparent signs of system failure.
- E. Enrollment shall be defined as the largest number of students and/or children under care supervision at any one time during a seven-day period;

- F. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site; and,
- G. Application and Permit Procedures for Family Day Care Home and Group Day Care Home Uses

Family day care homes or group day care homes shall be subject to the following application and approval process:

1. The applicant shall demonstrate compliance with the requirements of this Ordinance and shall request a special exception from the Zoning Hearing Board.
2. If a special exception is granted, the applicant shall apply for a Home Day Care Permit from the Zoning Officer.
3. The Zoning Officer shall review the application for compliance with the Zoning Ordinance, visit the dwelling if deemed necessary, and based on review of the conditions stated in this section, and if applicable, conditions set forth by the Zoning Hearing Board in the granting of the special exception, approve or deny the application for the Home Day Care Permit.
4. All persons conducting family day care home and group day care home uses, which are presently existing, or which are established, changed or enlarged after this ordinance is in effect, shall be required to obtain a permit from the Zoning Officer or his agent. The initial permit shall be valid for a period of one year after the date of issuance.
5. Home Day Care Permit shall expire on the last day in December of each year, and one previously granted may be renewed without additional hearings subject to the provisions of this section. An application form for permit renewal must be completed and submitted to the Zoning Officer with the annual fee. Failure to pay for the annual permit or failure to apply for renewal within 30 days of the permit expiration shall be grounds for revocation of the permit.

#### Section 720. ELDER CARE FACILITY

Elder care facilities include nursing homes, congregate living facilities, assisted living apartments, rest and retirement homes, and other forms of living arrangements for the elderly and shall be subject to the following regulations:

- A. All accessory uses for elder care facilities shall be limited to facilities serving employees, residents, and guests of residents. Accessory uses may include offices, maintenance facilities, recreational facilities, libraries, chapels, health care facilities, gift shops, banks, snack bars, village stores, pharmacies, barber/beauty shops, and other personal services.
- B. The density of an elder care facility shall not exceed six (6) units per acre. For the purpose of this Section, one unit shall be equivalent to:
  1. One (1) independent dwelling unit;
  2. One (1) apartment housing unit; or

3. Eight (8) personal, skilled, or nursing care beds.

- C. The maximum impervious lot coverage shall be fifty (50%) percent.
- D. The facilities shall be licensed by appropriate state and federal regulatory agencies.
- E. Bulk and setback requirements:

Minimum lot area:	20 acres
Minimum front area:	100 feet
Minimum side area:	50 feet
Minimum rear yard:	50 feet
Minimum lot width:	250 feet

Separation of Buildings:

Side to side:	20 feet
Side to rear:	30 feet
Side to front:	50 feet
Front to front:	50 feet
Front to rear:	50 feet
Rear to rear:	50 feet
Corner to corner:	20 feet

- F. An evergreen screening, with trees having a minimum size of six (6') feet in height at the time of planting, shall be provided along all adjacent property lines (excluding property lines along public roads). In addition, storage areas for trash and recyclable materials shall be screened from view of adjacent properties.
- G. Lighting facilities shall not produce direct glare on adjacent properties.
- H. The applicant proposing an elder care facility shall obtain documentation from appropriate providers of ambulance service indicating the ability to provide service to the site.
- I. Interior drives, alleys, or streets shall be designed to prevent the blockage of vehicles entering or leaving the site. The minimum cartway width of interior drives shall be twelve (12') feet for one-way streets and twenty (20') feet for two-way streets. In addition, all elder care facilities shall have two means of access for emergency vehicles.
- J. Pedestrian walkways shall be accessible from the entrance of each residential structure.
- K. The applicant shall demonstrate that the proposed use will be provided with an adequate supply of water and means of sewage disposal.
- L. Adequate and usable open space areas shall be provided.
- M. The maximum height of buildings shall be thirty-five (35') feet.

- N. The following minimum parking standards shall apply to elder care facilities:
1. Independent dwelling unit: one space for each unit plus one visitor space for every five (5) units.
  2. Assisted living/nursing care unit: one space for every four (4) beds.
  3. Staff parking: one space for each staff member working the largest shift.

Section 721. ELDER COTTAGE

- A. The elder cottage shall be of portable construction and may not exceed nine hundred (900) square feet of floor area;
- B. The total building coverage for the principal dwelling, any existing accessory structures, and the elder cottage together shall not exceed the maximum lot coverage requirement for the respective zone;
- C. The elder cottage shall be occupied by at least one (1) person who is fifty (50) years old, or handicapped or disabled, and is related to the occupants of the principal dwelling by blood, marriage or adoption. The elder cottage shall be occupied by a maximum of two (2) people;
- D. Utilities:
1. For sewage disposal and water supply and all other utilities, the elder cottage shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards;
  2. If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer;
- E. A minimum of one (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the elder cottage, in addition to that required for the principal dwelling;
- F. The elder cottage shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;
- G. The elder cottage shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use; and,
- H. Upon the proper installation of the elder cottage, the Zoning Officer shall issue a temporary zoning permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each

renewal of the temporary zoning permit. Such fee shall be based upon the cost of the annual review of the permit.

**Section 722. FARM-RELATED BUSINESSES**

- A. Not more than two (2) farm-related occupations per farm shall be permitted.
- B. Not more than a total of 2400 square feet of structure floor area shall be utilized for all farm-related businesses. Such space shall be physically partitioned from the principal use or other accessory uses.
- C. Not more than 600 square feet of total outdoor display space for all farm-related businesses shall be permitted. Outdoor display shall be limited to daylight hours and must be removed after dusk.
- D. Not more than one (1) person other than residents of the farm shall be employed.

**Section 723. FIRING RANGE**

In order to protect the health, safety and welfare of Union Township Citizens, the following regulations shall govern any firing range located within Union Township. Firing Ranges shall include: pistol ranges; shotgun ranges; highpower rifle ranges; and Trap, Skeet and Archery Ranges. However, personal archery practices involving one (1) target per lot of record is permitted within the RR and R-1 Districts. All ranges shall be constructed in such a manner as to eliminate all danger to persons or property from flying projectiles. Nothing in this section shall be construed to relieve the applicant from compliance with applicable state and federal regulations.

- A. Minimum lot size:
  - 1. Pistol, Trap, Skeet and Archery Ranges shall be five (5) acres when target area is protected by natural or manmade earthworks; otherwise, greater area requirements may be imposed by the Board of Supervisors in order to protect adjacent properties.
  - 2. Shotgun, Rifle and High Power Rifle Ranges shall be 75 acres when the target area is protected by natural or manmade earthworks, otherwise, greater area requirements may be imposed by the Board of Supervisors in order to protect adjacent properties.
- B. Minimum lot width:
  - 1. Pistol, Trap, Skeet and Archery Ranges shall be 450 feet.
  - 2. Shotgun, Rifle, and High Power Rifle Ranges shall be 1,500 feet.
- C. Perimeter Firing Range Buffer Yard shall be a minimum of twenty-five (25) feet.
- D. Perimeter Firing Range Buffering Requirements shall consist of a combination of six (6) foot earth mounding, surrounded by eight (8) foot fencing and tree plantings. The placement of trees and other landscaping and screening materials shall be placed in accordance with Article VI - Section 604 - Buffering and Screening Requirements. Where the applicant can demonstrate that natural site features which may include hillsides and ravines adequately buffer the adjoining properties, the earth mounding requirement may be reduced by the Board of Supervisors.



- E. No structure involved in shooting shall be located closer than 200 feet from any lot line.
- F. Site plans shall identify the location of proposed firing ranges and for the intended uses of each range including archery. Ranges within the site shall be situated in a manner that will not negatively impact the surrounding properties.
- G. The plan shall note all blind approaches to the firing range. Such approaches shall be generously posted with warning signage to ensure that people will not wander into the field of fire.
- H. No use and occupancy permit shall be issued until the applicant has furnished evidence that the proposed development meets all requirements as set forth by the appropriate state and federal regulations.
- I. In considering an application for Conditional Use, the Board of Supervisors shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto. Such conditions may include the incorporate of baffles and sidewalls.

**Section 724. FUNERAL HOMES**

Funeral homes may be established subject to the following conditions:

- A. A buffer yard/screen planting of no less than ten (10') feet in depth shall be maintained along rear and side lot lines abutting a residential use.
- B. Off-street parking shall be provided in accordance with Article VIII herein. In addition, stacking areas shall be provided in order to prevent traffic back-ups onto adjoining roads.

**Section 725. GOLF COURSE**

Golf courses shall be subject to the following regulations:

- A. The minimum lot area shall be as follows:
  - 1. Regulation 18 hole course – 130 acres
  - 2. Executive 18 hole course (less than 5,000 yards) – 60 acres.
  - 3. Nine hole course – 60 acres.
  - 4. Par 3, 18 hole course – 45 acres.
  - 5. Nine hole executive or par 3 course – 30 acres.
- B. The course shall be designed so that golf balls shall not be driven across any road, building or parking lot.
- C. Minimum separation distances shall be established and maintained from adjoining properties and street rights-of-way as follows:
  - 1. Seventy-five (75') feet from the center of any tee off area.

2. One hundred fifty (150') feet from the centerline of any fairway.
  3. One hundred (100') feet from the center of any green.
- D. The area between a golf course property line and a fairway, green or tee off area shall be landscaped with planting or otherwise screened to protect adjoining properties and those traveling public rights-of-way. Areas designated for such plantings or other screening shall be clearly delineated on the land development plan to be reviewed by the Board of Supervisors. In addition, the type, size and location of all plantings shall be shown on the final land development plan provided to the Board of Supervisors.
  - E. All golf cart paths and pedestrian walks which intersect arterial or collector streets shall have either a tunnel or bridge to cross such roadways. Golf cart paths and pedestrian walks which intersect a minor street shall either have a tunnel or bridge to cross such roadway or be clearly marked with warning signs and appropriate road markings to warn motorist, pedestrians and golfers as the Board of Supervisors shall determine to be most appropriate under the circumstance.
  - F. A clubhouse, restaurant, pro shop, tennis course and swimming pool may be included as part of the facilities at a golf course provided same meet all of the regulations, including building setbacks, in this Ordinance for such uses.
  - G. Golf driving ranges may be included as part of the golf course facilities provided the tee off area is set back a minimum of seventy-five (75') feet from an adjoining property line or public right-of-way and no part of the area in which golf balls are to be hit more than fifty (50) yards from the tee off area is closer than one hundred fifty (150') feet from an adjoining property line or public right-of-way.
  - H. No outdoor storage of maintenance equipment shall be permitted.
  - I. Maximum impervious coverage shall be ten (10%) percent.
  - J. Where feasible, the storm water management facilities for the golf course shall be integrated into the water features of the golf course.
  - K. Parking – Four (4) parking spaces shall be provided for each green, plus parking as required in Article VIII for all additional uses on the site (e.g. restaurant, retail shop, swimming pool).

**Section 726. HEAVIER INDUSTRIAL USES**

The applicant shall provide a detailed description of the proposed use in each of the following topics:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size;

- C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including, but not limited to, those of Article VI, Section 612 of this Ordinance; and,
- D. A traffic impact study prepared by a professional traffic engineer.

**Section 727. HEAVY EQUIPMENT SALES, SERVICE AND REPAIR FACILITIES**

Heavy equipment sales, service and repair facilities shall be provided in accordance with the following:

- A. All service and repair activities shall be conducted within a completely enclosed building.
- B. All exterior storage areas shall be screened from view.
- C. All display areas shall be screened from adjoining residential property.
- D. All storage and display areas shall be covered in an all-weather, dust-free surface and shall be set-back at least fifty (50) from adjoining street lines.

**Section 728. HOME OCCUPATIONS, INTENSIVE**

Home occupations, intensive shall be subject to the following regulations:

- A. The home occupation shall be conducted entirely within the dwelling unit. Mechanical operations or storage of materials, products or equipment shall not be outdoors, but storage may take place in an accessory building.
- B. The area used for the home occupation shall not be greater than twenty-five (25%) percent of the habitable floor area of the principal dwelling unit.
- C. Signs – Shall not be greater than four (4) square feet and shall not be illuminated. Signs shall be limited to one (1) per home occupation. Signs shall otherwise comply with all requirements of Article IX of this Ordinance.
- D. Parking – The Zoning Hearing Board shall review the potential automobile and truck traffic expected to result from the use to determine whether it would be compatible with the surrounding neighborhood. Any parking intended for trucks shall include a minimum ten (10') feet wide driveway, with the driveway and truck parking spaces setback a minimum of twenty-five (25') feet from any residential lot line. Additional off-street parking spaces are required for any employee who is not a permanent resident. The Zoning Hearing Board shall determine whether the proposed use shall include adequate off-street parking and loading spaces. If such parking cannot be accommodated using a driveway, such areas should be located to the rear of the property, if possible.
- E. Uses permitted as home occupations shall not include those which result in significant truck and automobile traffic, noise, fumes and odors. Examples of uses not permitted as home occupations are animal hospitals, kennels, funeral parlors,

retail and wholesale sales (except those incidental to a permitted home occupation), restaurants, automobile, truck, machinery and heavy equipment repair, printing and manufacturing.

- F. No machinery or equipment shall be permitted that produces noxious noise, odors, vibrations, glare or electrical interference beyond the boundary of the property. All requirements of Section 611 shall be reviewed by the Zoning Hearing Board in considering whether to allow the use.
- G. **Building Appearance** – The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign. No display indicating a non-residential use of the premises shall be visible from the exterior of the premises.
- H. **Hours** – Home occupation shall not be conducted between the hours of 9:00 p.m. and 7:00 a.m. Additional limits on the hours of operation may be imposed by the Zoning Hearing Board.
- I. Any instruction or tutoring shall be limited to a maximum of six (6) pupils being on the property at any one time.
- J. The Zoning Hearing Board shall consider the length of the setbacks from adjacent dwellings in determining whether the proposed use is suitable on the proposed lot.
- K. Only two (2) home occupations are permitted per dwelling unit or lot.
- L. The Zoning Hearing Board may require such conditions as they deem reasonable and necessary to limit potential adverse effects of a particular use.
- M. Not more than two (2) people other than residents of the dwelling unit shall be employed in the home occupation.
- N. Retail sales shall be limited to those incidental to the home occupation and shall not be the primary focus of the profession, service or occupation in question. No wholesale sales or distribution shall be permitted.

#### Section 729. KENNELS

Kennels may be established in accordance with the following provisions:

- A. All kennels shall be licensed by the Commonwealth of Pennsylvania and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Part II, Chapter 21 entitled, General Provisions; Kennels; Licensure; Dog-Caused Damages, as amended.
- B. The applicant shall provide evidence that an effective means of animal waste disposal shall be continuously implemented. The means of waste disposal shall be in accordance with standards established by the Department of Environmental Resources.
- C. All buildings in which animals are housed and all runs shall be located at least two hundred (200') feet from all lot lines.

- D. Outdoor runs may be provided if screening is provided in accordance with Article VI, Section 604. No animal shall be permitted to use the outdoor runs from 8:00 p.m. to 8:00 a.m.
- E. Noise shall not constitute a nuisance to adjoining property owners.

Section 730. MANUFACTURED (MOBILE) HOME PARKS

Manufactured Home Parks shall be permitted as a special exception subject to the provisions of the Union Township Subdivision and Land Development Ordinance as amended.

Section 731. PLACE OF WORSHIP RELATED EDUCATIONAL OR DAY-CARE FACILITIES

- A. All educational or day-care uses shall be accessory, and located upon the same lot as a place of worship;
- B. If education or day-care is offered below the college level for more than eight children, an outdoor play area shall be provided. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and shall be completely enclosed by a four (4) foot high fence;
- C. Enrollment shall be defined as the largest number of students and/or children under day-care supervision at any one time during a seven-day period;
- D. Passenger "drop-off" areas shall be provided on-site and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site;
- E. Unless the applicant can demonstrate that the off-street parking associated with the place of worship is sufficient for the proposed use, one (1) off-street parking space shall be provided for each six (6) students enrolled below grade ten, and/or one (1) off-street parking space for each three (3) students, grades ten and above.

Section 732. PLACES OF WORSHIP

Within Rural Residential (RR) District shall be subject to the following:

- A. A minimum of two (2) and a maximum of six (6) acres of land shall be devoted to such use for structures, parking, storage, display, setbacks, and landscaping.
- B. No more than forty percent (40%) of the area devoted to a place of worship shall be covered by buildings, parking lots or any other impervious surface.

Section 733. RECYCLING FACILITIES

All recycling facilities shall comply with the following regulations:

Recycling facilities are permitted by special exception in the Commerce Light-Industrial District subject to the following criteria:

- A. Litter control shall be exercised to prevent the scattering of wind-borne debris.

- B. All recycling collection operations shall be contained entirely within a wholly-enclosed building, however, the collection of paper, plastics, glass, and metal products may be conducted in outdoor containers, provided the following requirements are satisfied:
1. All outdoor collection receptacles shall be located to the rear or side of the main building, screened from view of the public right-of-way and adjacent properties and completely enclosed within a masonry or fenced enclosure equipped with a self-latching door;
  2. All facilities shall be screened from view of all adjacent properties from ground level to a minimum height of 6 feet. Such screening may consist of an earthen berm and/or evergreen plantings with trees having a minimum size of 6 feet in height at the time of planting.
  3. Materials shall be stored in enclosed containers and shall not be stored outdoors for a period in excess of 48 hours.
- C. The operator of the facility shall limit access to the site to those posted times when an attendant is on duty.
- D. Materials used or generated by the operation shall be stored in a leak and vector proof manner.
- E. Sufficient stacking lanes into the facility shall be provided to avoid the obstruction of vehicles on public roads.
- F. No use shall emit fumes or gases that constitute a health hazard as defined by the United States Environmental Protection Agency or other appropriate regulatory agency.
- G. The applicant shall explain the scope of the operation and any measures used to mitigate problems associated with noise, fumes, dust and litter.
- H. No use shall utilize lighting in any manner which produces glare onto public streets or other tracts of land.

**Section 734. ROOMING HOUSES.**

Rooming houses are permitted by special exception in the Mixed Use Center (MUC) and Community Commercial (CC) Districts subject to the following criteria:

- A. No facilities for cooking in individual rooms shall be permitted.
- B. The building to be used as a rooming house must have adequate water and sewage disposal systems, either existing or proposed, for the maximum number of occupants to be lodged therein. The existing or proposed sewage disposal system must be approved by the Township Sewage Enforcement Officer for the maximum number of occupants.
- C. If the rooming house shall include a dwelling unit for the owner and/or caretaker of the property, the applicant must meet all requirements of this ordinance for a single family dwelling and a rooming house.

- D. Each room available for lodging shall have a minimum area of 300 square feet, with a maximum of two (2) occupants.
- E. Bathroom facilities shall be provided at a minimum rate of one (1) bathroom for every two (2) lodging rooms
- F. A maximum of ten (10) guest rooms shall be provided in any rooming house.
- G. A special exception shall not be granted for a rooming house unless the applicant can provide proof that the/she has obtained all applicable federal, state and local permits and is in compliance with all federal, state and local laws, regulations and ordinances, including, but not limited to fire, health, safety, building and subdivision/land development regulations.
- H. Meals may be provided to rooming house residents in a common dining area. However, no dining room facilities shall be open to the public.
- I. Off-street parking shall be provided at the rate of one (1) space per lodging room. Additional spaces for the owner/caretaker's dwelling shall be provided as required hereby for single family dwellings.
- J. A proposed rooming house shall meet all minimum lot and yard requirements and other regulations for non-residential uses in the MUC or CC Districts as applicable.

**Section 735. SHOPPING CENTERS AND MALLS.**

Shopping Centers and Malls shall be subject to the following regulations:

- A. The following bulk and area regulations shall be met:
  - 1. Minimum lot area: Three (3) acres.
  - 2. Minimum lot width: Three hundred (300') feet measured at the building setback line.
  - 3. Maximum lot coverage: Sixty-five (65%) percent.
  - 4. Building setback: All buildings shall be set back at least fifty (50') feet from any property line adjoining another property and at least one hundred (100') feet from a street right-of-way line.
- B. Buffer yard requirements – A buffer yard at least fifty (50') feet wide shall be provided where the site adjoins a residential use or zone.
  - 1. The buffer yard shall be naturally landscaped with screening to shield adjoining residential uses.
  - 2. The buffer yard shall not be used for building, parking, loading or storage purposes.

- C. A shopping center/mall shall be under unified management, which shall clearly establish centralized responsibility for the operation and maintenance of the center, including all common areas.
- D. A shopping center/mall shall be designed in accordance with a unified architectural theme. Similar and complimentary building dimensions, materials and roof-lines shall be designed for all proposed uses within the shopping center.
- E. Access to a shopping center/mall must be via an arterial street as identified in the Union Township Comprehensive Plan.
- F. Only one (1) free standing monument-style sign shall be permitted to identify the shopping center and/or its tenants, including all out-parcels not subdivided into separate ownership.
- G. A site plan for a proposed shopping center/mall must be submitted to the Union Township Board of Supervisors and shall include the following:
  - 1. Location and dimensions of all structures.
  - 2. Location and dimensions of parking, loading and landscaped areas and signage.
  - 3. Description of internal vehicular circulation and external ingress and egress.
- H. A traffic study shall be submitted with the site plan providing information regarding the impact of the proposed shopping center/mall on adjoining streets and neighboring uses. The Board of Supervisors shall have the authority to impose conditions and restrictions on the proposed shopping center/mall to reduce the impact of traffic that will be generated by said use on the adjoining streets and neighboring uses.

**Section 736. SOLID WASTE DISPOSAL SITE, QUARRIES, NATURAL RESOURCE EXTRACTION OPERATIONS, AND JUNK YARDS**

- A. Junk yards shall comply with the Union Township Junk Yard Ordinance, Ordinance No. 1993-C as amended.
- B. All solid waste disposal sites, quarries, and natural resource extraction operations shall comply with the following requirements:
  - 1. No use shall emit fumes or gases that constitute a health hazard as defined by the United States Environmental Protection Agency or other appropriate regulatory agency.
  - 2. No use shall produce heat or offensive glare perceptible at or beyond the property line.
  - 3. No use shall utilize lighting in any manner which produces glare onto public streets or other tracts of land.



4. No use shall produce any physical vibrations perceptible at or beyond the property line in excess of the following maximum levels:

<u>Frequency (cycles/second)</u>	<u>Displacement in Thousandths on an Inch</u>
0 - 5	17.0
6 - 10	4.0
11 - 20	1.3
21 - 30	0.7
31 - 40	0.5
Greater than 40	0.4

5. The production or storage of any material designed for use as an explosive in a manner which has the potential to endanger surrounding properties is prohibited.

6. No use shall discharge any untreated, or improperly treated, effluent or leachate which constitutes a health risk or a risk of pollution of ground or surface waters by virtue of its composition and/or concentration.

7. No use shall discharge effluent which will raise the temperature of any stream or creek more than 5 degrees Fahrenheit above normal at a point 10 feet downstream of the discharge.

8. No use shall cause the sound level beyond its property lines to exceed the following sound pressure levels as measured in decibels on an A-weighted scale (SPL-dBA) with the exception of noises produced by automobiles, trucks, airplanes, railroads, safety signals, warning devices, and emergency pressure relief valves:

<u>Octave Band in Cycles per Second</u>	<u>Maximum SPL-dBA</u>
0 - 74	74
75 - 149	59
150 - 299	52
300 - 599	46
600 - 1,199	42
1,200 - 2,399	39
2,400 - 4,800	36
Above 4800	33

9. No use shall disturb bodies of water, watercourses, or wetlands or jeopardize the water supply of adjacent landowners.

10. The following minimum setbacks shall be maintained between all property lines and road rights of way:

a. Quarry pits or ditches and solid waste disposal areas shall be setback a minimum of 500 feet.

b. All structures shall be setback a minimum distance equal to the height of such structures unless a greater distance is required by other municipal, state, or federal regulations. In addition,

structures used for the processing of quarried material shall be setback a minimum of 500 feet from all lot lines.

c. Parking and loading and/or unloading areas for quarries, natural resource extraction operations and solid waste disposal facilities shall be setback a minimum of 300 feet.

11. The minimum lot size for quarries and solid waste disposal sites shall be 50 acres.
12. All such uses shall be screened from view of all adjacent properties from ground level to a minimum height of eight (8) feet. Such screening may consist of an earthen berm and/or evergreen plantings with trees having a minimum size of six (6) feet in height at the time of planting. Such screening shall be provided within a perimeter landscape buffer which is a minimum width of fifty (50) feet.
13. Fencing and gates shall be erected around all quarry pits and solid waste disposal sites. Such fencing and gates shall not be located closer than twenty-five (25) feet to any adjacent property, shall contain barbed wire on the top of the fencing and gates, and shall have a minimum height of eight (8) feet not including the barbed wire.
14. Sufficient stacking lanes into the facility shall be provided to avoid the obstruction of vehicles on public roads.
15. All driveways onto the site of a quarry or solid waste disposal operation shall be paved for a distance of at least 200 feet from the street right of way. In addition, a 50 foot-long gravel section of driveway shall be placed just beyond the preceding 200 foot section of driveway to assist with the removal of mud from the wheels of vehicles.
16. Litter control shall be exercised to prevent the scattering of wind-borne debris.
17. Any waste that cannot be used in any disposal process or material that is to be recycled, shall be stored in a leak and vector proof manner.
18. The operator of any disposal site, quarry, natural extraction operation or junkyard shall permit the Township to monitor all emissions, effluent discharges, odors and noise on site, at all stages of operation, on a 24 hour basis.
19. The operator of the facility shall comply with all applicable regulations of DER, the Environmental Protection Agency, and any other applicable agency and with all federal, state, county, and Township laws in the operation of the use.
20. The operator of the facility shall limit access to the site to those posted times when an attendant is on duty.
21. The operator of the facility shall maintain, and make available to the public at its offices, all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.

22. Any Certificate of Use and Occupancy for such a facility shall initially be temporarily issued and shall be conditioned upon the applicant operating in compliance with the foregoing standards. The site shall be inspected by the Township Engineer or another agent of the Township after such time as is set forth in the decision of the Zoning Hearing Board which authorized the special exception to permit the use or not later than 1 year after issuance of the temporary use and occupancy permit if no time is so fixed. The purpose of the inspection shall be to ensure compliance with these standards and other applicable standards. If the site is in compliance, a permanent use and occupancy permit shall be issued. If the site is not in compliance, the temporary use and occupancy permit shall be revoked and all operations shall cease until compliance is attained.
23. The impact of quarries, natural resource recovery operations, and solid waste disposal facilities on road conditions shall be evaluated and the owner of such facilities shall enter into a contract with the Township, which sets forth the responsibilities of the owner including road maintenance which is needed as a result of the operation, necessary improvements prior to the conduct of the operation, and a commitment to restore or reconstruct the roads to current conditions when the use is discontinued, or at any time during the lifetime of the use that it is determined by the Board of Supervisors that the road conditions warrant immediate restoration or reconstruction in order to maintain the health, safety and welfare of Township residents. Such evaluation shall address the following criteria as well as the standards established in the Pennsylvania Code Title 67, Chapter 201, Subchapter G:
- a. A pavement analysis, including pavement borings every one-half mile along all Township roads which are considered to be within the major routes of travel for vehicles utilizing the facility. This analysis shall also include the recording of existing pavement conditions through the use of a video cassette recorder or similar device to assist in future evaluations of the impact of the facility on Township roads. A copy of the video tape shall be provided to the Township.
  - b. A geometric review, including vertical and horizontal clearance, vertical and horizontal alignment, and roadway widths.
  - c. The ability of existing roadways to safely accommodate a mixture of automobiles and fully-loaded trucks based on traffic speeds, slopes, and signage.
24. Storm water shall be drained in a manner which does not result in chemical residues or other pollutants being discharged from the site in levels which are in excess of the regulations of DER, the Environmental Protection Agency, and any other applicable county, state, or federal agency.

**Section 737. TEMPORARY FARM EMPLOYEE HOUSING**

Temporary farm employee housing shall comply with the following:

- A. Takes place on a farm of at least 20 acres;

- B. Utilizes a mobile home or manufactured housing;
- C. Is only used to house farm laborers;
- D. Is removed when farm laborers no longer occupy the housing.

**Section 738. TOWERS, COMMUNICATIONS**

Towers, Communication shall be subject to the following regulations:

- A. The applicant must present evidence that the site proposed to be used for a communication tower is necessary for coverage purposes under Federal Communications Commission (FCC) guidelines and that the proposed tower shall meet or exceed all current standards and regulations of the FCC and all other applicable federal and state regulatory agencies.
- B. All towers must be enclosed with an eight (8') foot high fence with a self-locking gate. All gates shall be locked when the facility is unattended.
- C. All towers must be equipped with anticlimbing devices to prevent juveniles from being able to climb the structures.
- D. Driveways providing access to a tower must be mud and dust free. All driveways must have applicable state or municipal highway occupancy permits.
- E. The applicant must provide a storm water management plan for all driveway and parking areas.
- F. All tower facilities must provide two (2) parking spaces in a mud and dust free condition.
- G. Applicants must provide proof of all relevant federal, state and municipal permits and approvals.
- H. Applicants must supply the Township with a bond in an amount sufficient to remove the tower and restore the site to its condition prior to the erection of the tower in favor of the Township and conditioned on the removal of the tower within sixty (60) days of its no longer being used for communication purposes. Proof of the annual renewal of said bond shall be provided to the Township on the anniversary of the issuance of the building permit for construction of the tower.
- I. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If such lighting is required, the lighting alternatives and design chosen shall cause the least disturbance possible to surrounding properties.
- J. Towers shall comply with all building setback requirements for the zone in which the tower is located.
- K. The applicant shall demonstrate that the proposed height of the tower is the minimum height necessary to perform its function provided, however, that the maximum tower height shall be one hundred twenty-five (125') feet.

- L. The area surrounding the base of the tower shall be landscaped so as to screen the foundation and base of the tower, as well as any accessory structures, from view from abutting properties.

**Section 739. VEHICULAR BODY SHOP**

Vehicular body shops may be established in accordance with the following:

- A. All repair and paint work shall be performed within a structure.
- B. Buffer yard/screen plantings shall be provided in accordance with Article VI, Section 604.
- C. Stored and/or repaired vehicles shall remain no longer than sixty (60) days from the date of arrival.

**Section 740. VEHICULAR FREIGHT TERMINALS**

Vehicular freight terminals shall comply with the following additional provisions:

- A. No terminal or part thereof shall be located within two-hundred (200') feet of a floodplain or wetland, or within three-hundred (300') feet of a residential use or district.
- B. Access to a public street shall be provided by a public industrial service road or a major collector. No direct point of access shall be provided from an arterial road. Point of access shall be designed in accordance with the Union Township Subdivision and Land Development Ordinance.
- C. The layout of improvements must be such so as to provide for convenient forward movement of vehicles leaving and entering the site.
- D. A minimum area of 1,320 square feet of surface, not including maneuvering area, shall be provided per loading berth.
- E. Where said use adjoins a residential or commercial district or lot use primarily for residential or commercial purposes, a twenty-five (25') foot buffer yard/screen plantings shall be required in accordance with Article VI, Section 604.
- F. All parking, loading, maneuvering and storage areas shall be paved and site drainage provided in accordance with design and improvement standards of the Union Township Subdivision and Land Development Ordinance, as amended.

**Section 741. VEHICULAR SERVICE STATIONS AND OTHER DRIVE-IN TYPE USES**

Such uses shall comply with the following:

- A. No equipment above ground for the service of motor vehicles shall be closer than twenty-five (25') feet to any side or rear property line.
- B. Canopies shall be located no less than ten (10') feet from the right-of-way line.
- C. Fuel pumps shall be located at least twenty-five (25') feet from any public right-of-way or fifty (50') feet from the street centerline, whichever is greater.

- D. Vehicles stored at a service station due to an accident shall remain no longer than sixty (60) days from the date of arrival unless respective parts are documented to be unavailable within such time period. Said documentation shall be provided to the Zoning Officer for approval.
- E. The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed thirty (30') feet at its intersection with the curb line or edge of pavement.
- F. No two (2) driveways leading from a public street to such service station or other drive-in use shall be within fifteen (15') feet of each other at their intersection with the curb or street line.
- G. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.
- H. The level of noise emitted from the speaker boards for customer/employee contact shall not present a nuisance to surrounding residential uses. If necessary, the hours of drive-thru operations shall be limited.

**Section 742. VEHICULAR WASHES (COMMERCIAL CAR WASH)**

- A. Public sewer and water facilities shall be utilized.
- B. Each washing bay shall provide a one hundred (100) foot stacking lane.
- C. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter, and the applicant shall furnish and implement a working plan for the cleanup of litter and debris.

ARTICLE VIII

OFF-STREET PARKING

Section 801. GENERAL PARKING REGULATIONS

- A. Off-street parking facilities shall be provided to lessen on-street congestion. The facilities required herein shall be available to patrons, occupants, guests and employees throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way. Non-residential parking shall not be located in the front yard and shall be generally located to the rear of the structure or side.
- B. All parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be not less than ten (10') feet wide and eighteen (18') feet long. Parking spaces and the approaches shall have paved or stabilized surfaces. For purposes of this Ordinance, a stabilized surface is hereby defined as an approved all-weather, dustless surface.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. A garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above such an underground garage shall be deemed to be part of the open space of the lot on which it is located, if it is used for public purposes, such as a plaza or park area.

Section 802. PARKING FOR THE PHYSICALLY CHALLENGED

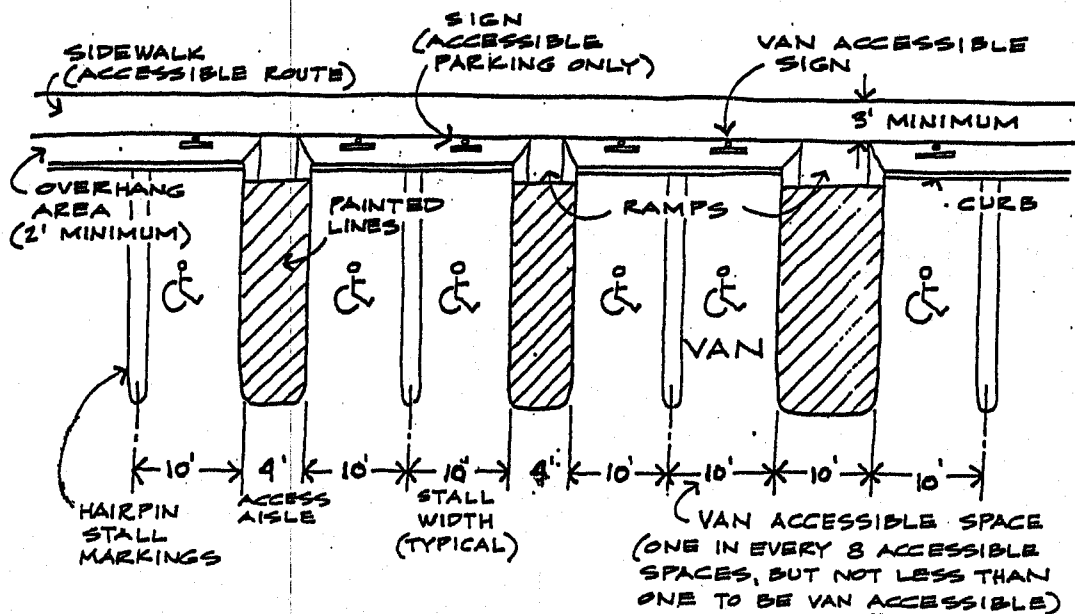
- A. All multi-family, commercial, public and industrial uses shall provide handicapped parking spaces for the physically challenged as follows:

<u>Total Parking Spaces</u>	<u>Required Accessible Spaces</u>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of Total
over 1000	20 plus 1 per 100 over 1000

B. Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act Architectural Guidelines and include the following (Refer to Figure VIII-1:

1. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
2. Accessible parking spaces shall be at least ten (10') feet wide.
3. One (1) parking access aisle of no less than five (5') feet in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three (3') feet in width to the building or facility entrance. A parking access aisle may be shared between two accessible parking spaces.
4. Parking spaces and access aisles shall be level with surface slopes not exceeding two (2%) percent in all directions.
5. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle parked in the space.

Figure VIII-1



ACCESSIBLE PARKING SPACE STANDARDS



**Section 803. OFF-STREET PARKING FACILITY REQUIREMENTS**

Any of the following facilities erected or enlarged, any facility converted into one (1) of the following facilities, and any open area used shall be provided with not less than the minimum parking spaces and loading/unloading areas as set forth below, together with adequate accessways, driveways or other means of circulation and access to and from a street.

**A. Specific Parking Space Requirements**

<u>Uses</u>	<u>Required Parking Spaces</u>
1. Banks/Financial Institutions	1 per 300 square feet GFA. Each drive-up window shall have sufficient stacking room for 4 cars, and a bypass lane shall be provided.
2. Bowling Alleys	4 per alley.
3. Convenience Stores	5 per 1000 square feet of GFA
4. Campground	1 dust-free 10' by 30' space per campsite.
5. Dance Halls and Swimming Pools	1 per 100 sq.ft. GFA or of surface water area in swimming pool (not including wading pools or whirlpool baths), plus one for each 30 sq. ft. of gross floor area used for spectator seating purposes.
6. Day Care Centers (Nursery Schools)	1 per employee plus 1 safe passenger off-street loading/unloading space per 5 children.
7. Family Care and Group Care Facilities	1 per 4 residents plus 1 per employee on maximum working shift.
8. Family Day Care and Group Day Care Homes	1 per nonresident employee plus 1 safe passenger off-street.
9. Funeral Homes/Mortuaries	1 per 100 sq.ft. GFA used for Memorial services, viewing area, business office and Products display, plus 1 per employee.
10. Furniture or Appliance Store	1 per 1000 sq.ft. GFA.
11. Home Occupation	(As set forth in Article VII).
12. Hospitals	1 per 4 beds, plus 1 per 2 Employees of the maximum working shift, plus one per staff Doctor.

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|-----|--|--|
| 13. | Laundries  | 1 per 2 washing machines plus<br>1 per employee on maximum<br>working shift.   |
| 14. | Hotels, Motels,<br>Boarding and Lodging/<br>Rooming Houses   | 1 per sleeping room plus 1 per<br>square feet GFA non-room<br>areas.   |
| 15. | Industrial Uses  | 1 per 800 square feet GFA.   |
| 16. | Junkyard/Salvage Yard  | (As set forth in the Union<br>Township Ordinance<br>No. 1973B. Rev.)   |
| 17. | Lumberyard   | 1 per 500 square feet GFA plus<br>1 per 1,000 square feet of<br>indoor/outdoor storage area.   |
| 18. | Medical Centers  | 1 per 250 square feet GFA.   |
| 19. | Nursery/Greenhouse   | 1 per 1,000 square feet of GFA,<br>plus 1 per 2, 000 square feet of<br>lot area, excluding buffer area.  |
| 20. | Nursing and<br>Convalescent Homes  | 1 per 3 beds, plus 1 space per<br>2 employees in the maximum<br>working shift plus 1 per staff<br>doctor.  |
| 21. | Office, Dental   | One space for each 200 square<br>feet of leasable area, plus one<br>additional space for each 200<br>square feet of area used as a<br>reception area for visitors. |
| 22. | Office, General  | 4 per 1000 square feet GFA.  |
| 23. | Office, Medical  | One space per 300 square feet<br>of gross floor area. If over 10,000<br>square feet, one space per 250<br>square feet of gross floor area.                         |
| 24. | Office, Veterinarian   | Four spaces for every doctor,<br>plus one space for every additional<br>employee.  |
| 25. | Places of public or<br>private assembly (churches,<br>community centers,<br>theaters, or similar meeting<br>and assembly uses) | 1 per 5 seats or 1 per 100<br>square feet where no seats are<br>provided.  |

26.	Residential Uses	
	a. Single-Family	2 per dwelling unit
	b. Multiple Dwellings (Including Conversion Apts. and Excluding Accessory Apts.)	
	(1) Retirement Home	1 per dwelling unit
	(2) Efficiency/Studio	1 per dwelling unit
	(3) 1 Bedroom	1.5 per dwelling unit
	(4) 2 Bedrooms or More	2 per dwelling unit
	(5) Visitor Parking	1 per 3 dwelling units
27.	Restaurants, Tea Rooms, Nightclubs, Bars and Taverns	1 per 3 seats.
	a. Fast-Food Establishments	1 per 30 square feet. GFA
28.	Retail Stores and Shops	1 per 200 square feet GFA.
29.	Schools	
	a. Elementary	2 per classroom, but not less than 1 per teacher and staff.
	b. Intermediate	1.5 per classroom, but not less than 1 per teacher and staff.
	c. Secondary (Grades 10-12)	.5 per student based on design capacity, plus 1 space for each teacher and staff.
30.	Shopping Centers	4.5 per 1000 square feet GLA
31.	Utility or Communication Station	1 per vehicle normally required to service such facility.
32.	Vehicular Parts Sales/ Garages	3 per bay, plus 1 space for Service every 300 square feet of retail parts sales area.
33.	Auto, Boat and/or Mobile Home /Manufactured Homes Sales	1 per 500 square feet of indoor GFA, plus 1 per 2,500 square feet of outdoor sales/rental area, plus 2 per service bay, plus 1 per employee, but never fewer than 5 spaces.
34.	Vehicular Wash	5 per washing lane (stacking lane).
35.	Warehousing/Distribution	1 per 5000 square feet GFA, plus required spaces for any office or sales areas.

**B. All Other Uses Not Provided For Herein**

For all other uses not provided for herein, required parking spaces shall be determined by a study to be prepared by the developer and approved by the Township. The study shall include the following:

1. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound).
2. Estimated parking duration per vehicle trip (turnover rate).
3. Based on estimated number of trips generated and average parking duration per trip, calculate number of spaces required; and
4. Estimated number of employees; one space to be provided for every two employees working maximum shift.

**Section 804. LOCATION AND MANAGEMENT REQUIREMENTS**

**A. Existing Parking**

Structures and uses existing on the effective date of this Ordinance shall not be subject to the requirements of this Article so long as the type or extent of use is not changed, and provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.

**B. Changes In Requirements**

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards contained herein, the total parking required for the existing structure and use, as well as the alteration, change or extension shall be provided in accordance with the requirements of Section 802 and Section 803(A).

**C. Conflict With Other Uses**

No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

**D. Continuing Obligation**

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. Facilities shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

E. Drainage, Surfacing and Maintenance

Drainage, surfacing and maintenance of off-street parking areas, including driveways and access drives, shall be completed in accordance with the Union Township Subdivision and Land Development Ordinance, as amended.

F. Shared Parking

Two or more uses may provide for required parking in a common parking lot, if the total space provided is not less than the sum of the spaces required for each use individually. The number of spaces required in a common parking facility may be reduced below this total only as a Special Exception, if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility.

G. Computation Of Spaces

Where the computation of required parking space results in a fractional number, any fraction shall be counted as one.

H. Location Of Spaces

1. Single and two-family residential off-street parking spaces shall be provided on the same lot or premises with the use served.
2. All off-street parking shall be required on-site.

I. Lighting

1. All off-street parking areas shall be adequately lighted designed and located during no daylight hours. All newly-installed lights shall be located on raised, fifty (50) square foot, planted parking islands and not on the parking surface.
2. Any lighting used to illuminate off-street parking or loading areas shall be shielded from any street or residential use.

Section 805. DESIGN STANDARDS

A. Parking Facilities

1. The minimum dimensions of parking facilities to be provided shall be as follows:

Angle of Parking	Parking		Aisle Width	
	Stall Width	Stall Depth*	One-Way	Two-Way
90 Degrees	10'	18'	24'	24'
60 Degrees	10'	20'	18'	20'

Angle of Parking	Parking		Aisle Width	
	Stall Width	Stall Depth*	One-Way	Two-Way
45 Degrees	10'	18'	15'	20'
30 Degrees	10'	16'	12'	20'
Parallel	9'	22'	12'	20'

\*Depth of stall is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

- a. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
  - b. Parking areas shall be designed so that each motor vehicle may proceed to and from the respective parking space without requiring the moving of any other motor vehicle.
2. Setbacks for parking areas shall be provided as follows:
- a. All parking spaces and access drives shall be at least five (5) feet from any multiple dwelling building, or nonresidential building on the lot.
  - b. All parking spaces and access drives shall be at least five (5) feet from any exterior lot line, except where buffer yards are required, in which case such parking spaces and access drives may not encroach on the buffer yard area.
  - c. No off-street parking area shall be located within a public right-of-way.

**B. Perimeter Landscaping Requirements for Off-Street Parking Areas**

For purposes of this Article, off-street parking areas shall be defined as an open or unenclosed area containing more than 1,800 square feet of area or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas

Unless otherwise provided, landscape materials shall be installed to provide a minimum of fifty percent (50%) winter opacity and seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge or earthen mound within four years after installation. Further, grass or ground cover shall be

planted on all portions of the landscape buffer yard not occupied by other landscape material.

1. Off-street parking area perimeter requirements shall be as follows:
  - a. When any off-street parking area adjoins a property, a landscape buffer yard of at least ten (10) feet in width shall be provided. Such landscape buffer yard shall contain at least one (1) tree for every thirty-five (35) feet of boundary of off-street parking area or fraction thereof, or a minimum three and one-half (3-1/2) foot average height continuous planting or hedge.
  - b. When any public or private street right-of-way, access road, or service road adjoins a off-street parking area, a landscape buffer yard of at least ten (10) feet in width shall be provided. Such landscape buffer yard shall contain at least one (1) tree for every forty (40) feet of boundary of off-street parking area or fraction thereof, plus a three and one-half (3-1/2) foot average height continuous planting, hedge, or earth mound. Specific to commercial uses, the required tree for every thirty-five (35) feet of boundary is optional. Wherever practicable, the Planning Commission is encouraged to promote screened plantings.
  - c. When any industrial use off-street parking area abuts a residential use or district, a twenty-five (25) foot wide landscape buffer yard shall be provided in accordance with Article VI, Section 604, herein.

2. Landscape buffer yard conflicts

The required landscape buffer yard may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer yard more than two and one-half feet, and wheel stops or curbs shall be required.

3. Landscaping at access drive and street intersections

To insure that landscape materials do not constitute a driving hazard, a clear sight triangle shall be observed at all street intersections or intersections of access drives with streets. Within this clear sight triangle no landscape material nor parked vehicles, or other objects shall obstruct the clear sight triangle.

C. Interior Landscaping Requirements for Off-Street Parking Areas

1. Off-street parking areas containing one-hundred (100) or more parking spaces shall be planted with a minimum of one (1) shade tree for every twenty (20) parking spaces. Each shade

tree shall be surrounded by a planting island consisting of no less than fifty (50) square feet of permeable grass or groundcover. Plantings may be placed individually or collectively.

2. Planting islands shall be bounded by a concrete curb having a minimum height of six (6) inches.

#### D. Perimeter Landscaping Materials

The proposed perimeter landscape materials should complement the form of the existing trees and plantings, as well as the development's general design and architecture. The type of shade or sun should be considered in selecting plant materials. The perimeter landscaping materials shall consist of the following:

1. Earth Mounds

Earth mounds shall be physical barriers which block or screen the view similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.

2. Plants

Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements:

- a. Quality

Plant materials used in conformance with provisions of this Article shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

- b. Deciduous trees

Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet in Central Pennsylvania and having trunks which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at off-street parking area intersections where eight (8) foot clear wood requirement shall control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum of caliper, trunk diameter, measured six (6) inches above ground for trees up to four (4) inches caliper of at least one and three-fourths inches immediately after planting



shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep and for which the construction requirements shall be four (4) inch thick, reinforced concrete.

c. Evergreen trees

Evergreen trees shall be a minimum of five (5) feet high with a minimum caliper of one and one-half inches immediately after planting.

d. Shrubs and hedges

Shall be at least two (2) feet in average height for off-street parking perimeter requirements when planted and shall conform to the opacity and other requirements within four (4) years after planting.

e. Vines

Vines of the wall climbing variety are prohibited.

f. Grass or ground cover

Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Central Pennsylvania, and may be sodded or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in such a manner as to present a finished appearance and seventy-five percent (75%) of complete coverage after complete growing seasons, with a maximum of eight (8) inches on center. In certain cases, ground cover also may consist of crown vetch, rocks, pebbles, sand and similar approved materials.

E. Maintenance and Installation of Landscaping Materials

All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be

replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. All plantings shall be properly maintained with dead plantings replaced in spring and fall planting seasons as needed. Violation of these installation and maintenance provisions shall be grounds for the refusal of a certificate of occupancy or institution of legal proceedings.

F. Parking Area Circulation

1. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas.
2. All paved off-street parking spaces shall be marked so as to indicate their location.

G. Curb Radius

No less than a five (5) foot radius of curvature shall be permitted for all curb lines in all parking lots.

Section 806. OFF-STREET LOADING AND UNLOADING

A. Required Spaces

1. For all nonresidential uses requiring delivery or pick up of materials, a minimum number of off-street loading and unloading spaces shall be provided as follows:

<u>Gross Floor Area</u>	<u>Required # Of Loading Spaces</u>
0 - 20,000 sq. ft.	1 loading/unloading space
20,000 - 50,000 sq. ft.	2 loading/unloading spaces.
Above 50,000 sq. ft.	2 loading/unloading spaces, plus 1 additional space for each additional 50,000 sq. ft. of gross floor area.

2. Hotels shall have at least one loading space, with an additional loading berth when the floor area exceeds fifty thousand (50,000) square feet.
3. All off-street loading spaces shall be provided and maintained so long as the use exists which the facilities were designed to serve.

**B. Design Standards**

Off-street loading facilities shall be designed in accordance with the following specifications:

1. Each required space shall be not less than twelve (12') feet in width, sixty-six (66') feet in length and fourteen and one half (14.5') feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
2. There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.
3. The maximum width of driveway openings, measured at the street lot line, shall be forty (40') feet; the minimum width shall be twenty (20') feet.
4. All accessory driveways and entrance ways shall be graded, surfaced and drained in accordance with the Union Township Subdivision and Land Development Ordinance.

**Section 807. MOTOR VEHICLE ACCESS**

Motor vehicle access to lots shall be provided in accordance with the Union Township Subdivision and Land Development Ordinance, as amended.

## ARTICLE IX

### SIGNS

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#### Section 901. GENERAL INTENT

The purpose of this article is to protect the health, safety and welfare of Union Township by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for purposes of navigation, information and identification. Specifically, it is the intent of this section to provide businesses in the Township with equitable sign standards in accordance with fair competition and aesthetic standards acceptable to the community, and to provide the public with a safe and effective means of locating businesses, services, areas and points of interest within the Township. This section is based on the premise that signs are as much subject to control as noise, odors, debris and similar characteristics of land use, that if not controlled and regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties of the community.

#### Section 902. DEFINITIONS

A sign is defined as any name, number, symbol, identification, description, display or illustration which is affixed to, painted on, or represented directly or indirectly upon a building, structure or other device and which directs attention to any object, product, place, activity, person, institution, organization or business. This definition includes back-lighted plastic panels or strip lighting affixed to any wall or roof where any such panels or lighting serve to identify a business and attract attention rather than to illuminate space for human activity. All signs located on land within the Township and visible from any public right-of-way or adjacent property shall comply with this section unless specifically exempted in Section 903. Every Building must display its assigned postal street number clearly.

#### Section 903. EXEMPTIONS AND LIMITATIONS

The following signs are exempt from this article and are not subject to permit:

- A. The flag, pennant or insignia of any nation, state, city or other political unit.
- B. Signs of duly constituted governmental body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
- C. Signs in the nature of cornerstones, commemorative tablets and historical signs, provided such are limited to six square feet or less and are not illuminated.
- D. Signs in the nature of decorations customarily associated with any national, state, local or religious holiday, to be limited to sixty days in any one year, and to be displayed not more than sixty consecutive days.
- E. Political signs or posters concerning candidates for elective office, public issues and similar matters to be decided by public election provided they are displayed no more than sixty days prior to an election and removed

no later than seven days after such election. Such signs shall not exceed six square feet in size, shall not be illuminated in any manner, shall not create a safety or visibility hazard, or be affixed to any public utility pole, tree, or natural object, or be located within a public right-of-way.

- F. Signs not exceeding one square foot in area, bearing only property numbers, postal box numbers or names of occupants of premises.
- G. Signs indicating the sale, rental or lease of real estate, provided such signs are limited in size to six (6) square feet with one sign per street front. Such signs shall be placed on the property referred to and shall not be placed in public rights-of-way and shall be removed within fourteen days after sale, rental or lease has occurred. This does not include real estate directional signs.
- H. Signs for the promotion of school, community service or place of worship activities for a maximum period of thirty days per activity.
- I. Signs incorporated into a window display of a business.
- J. Traffic and directional signs indicating points of entry or exit for a facility or off street parking area, provided such signs are limited to four square feet in area and three feet in height, do not interfere with safe traffic circulation and do not interfere with or obstruct the view of drivers exiting onto arterial or collector *streets* and contain no information other than the word "in," "enter", "entrance", "out", "exit", and/or arrows indicating desired traffic movement.
- K. Window signage with a total area of less than two square feet and bearing only information about entry and exit, business hours and/or discount and credit systems accepted in that establishment (e.g. American Express, MasterCard, Visa).
- L. Mailboxes and Newspaper Boxes.

**Section 904. GENERAL REQUIREMENTS FOR TEMPORARY AND PERMANENT SIGNS**

**A. Location**

No sign shall be placed in public rights-of-way, except for those properties within the Mixed Use Center District, or in public parks or any other public property or on utility poles, trees or natural objects. No sign shall be located in such a way that it obscures traffic control signs, obstructs views of approaching or intersecting traffic, or interferes with the visibility or safety of vehicles or pedestrians entering, leaving or crossing a public right-of-way. No sign shall be located in any district zoned R-1, except as specified in Sections 906, 907, and 908(B).

**B. Size**

Sign area shall include the face of all the display areas of the sign not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign. Where a sign has two or more display faces, the area of all faces

of the sign shall be included in determining the area of the sign, unless two display faces are joined back to back, are parallel to each other and not more than twenty-four inches apart, or form a V-angle of less than forty-five degrees. The area of a sign consisting of individual letters or symbols, either free-standing or attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or regular geometrical shape which encompasses all the letters and symbols.

**C. Design**

1. Signs shall not resemble by design, color, shape or other characteristics any common traffic control device, or directional or warning signs directed or maintained by the State, Township or by any railroad, public utility or similar agency concerned with the protection of public health or safety.
2. Any multifaced sign shall consistently display the name and message on all used faces.
3. Reverse sides of signs shall be unobtrusive and blend with the surroundings.
4. Computer-band animated lettering may be incorporated into the overall design of a wall or ground sign within the Community Commercial (CC) District and the Commerce Light-Industrial (CLI) District, provided the computer-band comprises no more than twenty percent (20%) of the permitted sign area.

**D. Lighting**

1. If illuminated, signs shall be illuminated only by the following means:
  - a. By a white steady, stationary light, directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
  - b. By white interior light with logos and/or letters lit or silhouetted on an opaque background. No additional background lighting shall be permitted.
  - c. The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable safety hazard to vehicle traffic on any street from which the sign may be viewed.

**E. Construction**

All signs shall be properly constructed and maintained to insure that no hazard is created and shall be able to withstand a wind pressure of thirty pounds per square foot. All signs and related surroundings shall be properly maintained and shall not be allowed to fall into a state of obvious disrepair or neglect.

**F. Additional Restrictions**

The following signs or similar devices are prohibited:

Banners, pennants, off-premise real estate (sale, lease, rental) directional signs, streamers, spinners, bench signs, portable signs, mobil placecards, marquee-type signs with changeable message, flashing or blinking signs, and signs with moveable parts.

1. Flags, banners and pennants (except for residential use); and
2. Decorative flags for private residential use or specialty flags which indicate that a business is open may be permitted. Specialty flags for business use are permitted on the premises during normal business operating hours. No more than two (2) such flags shall be permitted per use.

**G. Window Sign (Temporary or Permanent)**

Window signs whether permanent or temporary shall include signs, posters, symbols and any other identification of or information about the occupant or the activity and/or use of the premises. Window signs are permitted for uses specified in Section 906 in addition to any permitted wall or ground sign, provided that the sum of the areas of the window sign(s) and the areas of the wall or ground sign for that building face does not exceed the maximum allowable area as determined by the use and the type (e.g. wall or ground) of the primary sign.

1. Placement

Window signs shall be limited to the ground floor or first floor windows only, unless a use is located in the second or higher stories of a building and has no first floor occupancy.

2. Number and Size

Window signs shall be limited to one sign per window and have a total area not to exceed thirty percent (30%) of the total glass area of the front of the building.

3. Lighting

Neon window signs may be permitted in cases where they are custom designed to be compatible with the buildings historic and/or architectural character and exterior color.

**Section 905. PERMANENT SIGNS**

All permanent signs shall also comply with the following requirements and with the height, area and setback regulations of Section 906.

**A. Wall Signs**

Wall signs are permitted for any business or use not identified by a ground sign.

1. Placement

- a. Wall signs shall not protrude more than ten inches from the building wall or face.
- b. A wall sign may not extend above the window sill of the second story. If wall signs, either box or separate letters, are placed in a space between windows, the height of such signs may not exceed two-thirds of the distance between the top of the window and the sill of the window above, or major architectural details related thereto.
- c. Signs may be attached to a building wall or extension which faces a street, parking lot or service drive, or may be attached to a canopy, marquee which projects beyond the building, provided that no part of the sign may extend above the canopy or marquee.

2. Size

The maximum allowable size for any wall sign shall be one square foot of sign area for each lineal foot or width of the building face to which the sign is attached, but shall not exceed the maximum size allowed for the use by Section 906.

3. Wall sign shall be limited in number to one per building or use. For buildings or uses on corner lots having at least 100 feet of frontage on two public rights-of-way, a second sign is permitted facing the right-of-way.

B. Ground Signs

Ground signs shall include pole signs and other types of free standing signs supported by uprights or braces on the ground. A ground sign is permitted only when all of the following conditions are fulfilled:

1. The sign is located on the property to which it refers.
2. The use is free-standing on its individual lot, is accessible by auto-mobile and has off-street parking.
3. The use has no wall sign visible from a public right-of-way.

a. Location

All ground signs shall be set back a minimum of eight feet from any public right-of-way. However, within the Mixed Use Center (MUC) and Community Commercial (CC) District, the minimum setback shall be three (3) feet.



**b. Size**

The maximum area and height for any ground sign shall be determined by the table in Section 906. The maximum height shall be measured at grade line to the highest point of the sign or its frame or support. The established grade line shall be defined as the average finished grade for that area of the site to where the sign is to be located, provided however, that the height of a sign shall not be artificially increased by the use of mounding.

**c. Number**

No more than one ground sign shall be permitted on any one lot or multiple lots if devoted to one specific use or user, except that, for buildings or uses having at least 100 feet of frontage on each of two public rights-of-way, two ground signs are permitted only if the combined area and height of both ground signs does not exceed one and one-third times the area and height dimensions. Neither ground sign shall, by itself, exceed the maximum allowable area and height dimensions.

**d. Shape**

No ground sign shall be in the shape of a logo or commercial product.

**C. Roof Signs**

A roof sign shall be construed as any sign erected upon the roof of a building. The roof line shall be defined as the uppermost line of the roof of the building, or in the case of any extended building facade, the uppermost height of the facade. Such signs are hereby prohibited in all districts.

**D. Projecting Signs**

A projecting sign is any sign attached to a building in such a way that the sign face is not parallel to the building face. Projecting signs are prohibited except in the Mixed Use Center (MUC) District and Community Commercial (CC) District.

1. Projecting signs shall be limited in number to one per business or use for each public right-of-way that the business or use faces.
2. Projecting signs shall not exceed six square feet in area or project more than three feet from the building face or hang lower than eight feet above the level of the pedestrian walkway.

**E. Billboard Signs**

A billboard sign is any sign displaying changeable advertising copy which pertains to a business, organization, event, person, place, service, or product not principally located or sold on the premises upon which said sign is located. Billboards shall be a use in the Commerce Light-Industrial (CLI) District subject to the standards contained in Article VII, Section 713. Billboards shall be prohibited in all other districts.

**F. Directional Signs**

A directional sign is any sign providing the necessary information to facilitate safe and efficient traffic flow and is located on a site other than the facility or event to which the sign directs. The sign must direct to a facility or an event. Directional signs for tourist attractions, commercial and industrial uses with low site visibility and hospitals are allowed and shall be a permitted use in the Commerce Light-Industrial (CLI) District and by special exception in the Rural Residential (RR) District and Agricultural (AG) District, subject to the following:

1. The sign must contain only the name of the facility and the necessary arrows and information to reach the destination in a safe and efficient manner. The sign shall not contain a message or symbols having advertising value.
2. The sign shall have a maximum height of ten (10) feet and any sign face shall have a maximum vertical dimension of three (3) feet and a maximum horizontal dimension of two (2) feet. The sign area shall not exceed six (6) square feet per side.
3. The sign shall not be illuminated.
4. The sign shall be permitted only on arterial and collector streets.
5. The directional sign shall not be placed closer than 300 feet to a building used as one or more dwellings and not within a 1,000 foot radius of another directional sign.
6. Directional signs shall not be used to reference home occupations.

**G. Home Occupation Signs**

Home Occupation Signs shall be permitted by special exception and erected in accordance with the standard contained in Article VII, Section 722, and subject to any conditions established by the Zoning Hearing Board.

Section 906. TABLE OF AREA, HEIGHT AND SETBACK REQUIREMENTS

	WALL SIGNS		GROUND SIGNS		WINDOW SIGNS
	Max. Area Sq. Ft.	Max. Height	Max. Area Sq. Ft.	Max. Height	Max. Area
Place of Worship, Education Facility, Library	20	8	15	6	Not permitted
Multi-Family Project ID	20	8	20	6	Not permitted
Rental/Sales Office within Residential District	8	8	8	6	Not permitted
Child Care, Rest Home, etc.	8	8	8	6	Not permitted
Office (administrative, professional other)	25	15	20	15	30%
Personal Service	35	15	25	15	30%
Hospital	35	15	30	15	Not Permitted
General Commerce (retail, restaurant, lodging, consumer service, entertainment, wholesaling, transportation, manufacturing and research	80	15	50	15	30%

Notes: The setback within the Mixed Use Center and Community Commercial Districts shall be three (3) feet from the right-of-way line.

Section 907. TEMPORARY SIGNS

Temporary signs shall include signs indicating or promoting the development of land, facilities or structures and the sale of farm products. Such signs must comply with the provisions of Section 904 with the exception that temporary signs shall not be illuminated. They shall be limited to thirty-two square feet in area and eight feet in height and be a minimum of eight feet from the public right-of-way. Application shall be made to the Township Zoning Officer. Approval shall be for a period not to exceed one year and may be renewed upon application. Specific to signs advertising the sale of farm products, such signs shall be displayed only when the farm products are on sale.

Section 908. SPECIAL CONDITIONS

In addition to the requirements and regulations previously listed, the following special conditions shall apply if relevant to the use in question:

A. Joint Identification Signs

Joint identification signs identifying the project name of a shopping center or other building complex shall be permitted for three or more combined permitted uses of the same lot. A joint identification sign shall be limited to one ground sign, shall not exceed the maximum allowable height for the uses involved (see table in Section 906) and shall be allowed in addition to the permitted signs of individual occupants. The area of the sign shall not exceed twenty-five percent (25%) of the total allowable ground sign area for the combined uses; in no case shall the total area of a joint identification sign exceed eighty square feet. A second joint identification sign of the same size is permitted, if the site fronts on two streets, provided that the frontage on each street is more than six-hundred (600) feet. For all buildings or complexes designed and/or intended for multi-tenant usage, a total sign plan which must conform to all requirements of this section must be submitted to the Township Zoning Officer before any sign permit for the complex or an individual tenant will be issued.

B. Identification Signage of Residential Subdivision Entrance

The maximum height shall be five (5) feet. Such signage shall be defined as a sign or feature marking a major entrance or to wall-mounted signs only, with placement on a brick wall, railroad ties, entrance columns, or similar architectural or landscaping features. Pole-type ground signs shall be prohibited. Such identification features may be located on the public right-of-way provided that the location is approved by the Township Engineer and provided that in no circumstances shall such features create a visibility hazard for the safe movement of traffic, or impair the future utilization or expansion of the public streets.

C. Nonconforming Sign

All existing signs that do not confirm to the standards of this Article must be brought into conformity under the following circumstances:

1. Upon any change of use of the property for which such property was intended at the time this Article became effective.
2. Upon alterations to the existing sign. The following regulations shall apply:
  - a. Structural

No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this section.

b. Repainting

The repainting or changing of the advertisement of signs shall not be deemed to be an alteration within the meaning of this section.

c. Existing signs; continuance.

Except as otherwise specifically provided, nothing in this section shall require the removal or discontinuance of a legally existing permanent sign which is attached to the realty, that is not altered, rebuilt, enlarged, extended or relocated, and the same shall be deemed a nonconforming use under the terms of this section. Such signs may continue in their present location until alteration, rebuilding, enlargement, extension or relocation becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with the Ordinance.

D. Conditional Uses/Special Exceptions

A conditional use or special exception shall be subject to the same signage requirements as if such use were a permitted use.

Section 909. FEES AND MAINTENANCE

A. Fees

Prior to the erection of any sign, except as otherwise noted, a permit shall be secured from the Zoning Officer. In applying for such permit, a scale drawing or drawings of the proposed sign and its proposed location and location of adjacent buildings shall be submitted to the Township Zoning Officer. Fees shall be in accordance with Union Township Resolution as established by the Board of Supervisors. No fee is required for temporary signs or signs exempted in Section 903.

B. Reinspection and Maintenance

All signs for which a permit shall be issued in accordance with this section shall be subject to the following provisions:

1. The Zoning Officer or his/her designee shall reinspect each sign once every twenty-four months following erection of such sign to determine its compliance with applicable building regulations of the Township and to insure proper operating conditions and maintenance.
2. Whenever the Zoning Officer, when making a reinspection, finds a sign in need of repair, support, replacement, cleaning, repainting or any maintenance service necessary to maintain reasonable and proper appearance and public safety, he shall issue an order to the owner of such sign allowing thirty days to effect needed repairs or maintenance.

3. Failure of an owner to comply with the provision listed above shall be cause for the Zoning Officer to order the permit issued for the sign void and issue an order for the sign to be removed within fifteen days.

**Section 910. ABANDONED SIGNS**

A sign shall be considered abandoned:

- A. When the sign is associated with an abandoned use.
- B. When the sign remains after the termination of a business. A use is considered to have ceased operations if it is closed to the public for at least twelve (12) consecutive months. Seasonal business are exempt from this determination.
- C. When the sign on its immediate premises is not adequately maintained and the repairs or maintenance orders under Section 909(B) are not completed within the specified time.
- D. When the sign does not conform to the provisions of this section or is not brought into conformity in accordance with Section 908(D).
- E. Abandonment shall be determined by Township Zoning Officer after a public hearing. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Officer shall direct the sign to be removed within thirty days. Any abandoned sign still standing after thirty days following an order for removal may be removed by the Municipality and the cost of the removal billed to the owner of the property.

## ARTICLE X

### ADMINISTRATION AND ENFORCEMENT

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#### Section 1001. ZONING OFFICER

The provisions of this Zoning Ordinance shall be administered and enforced by an agent, to be appointed by and serve at the pleasure of the Board of Supervisors, who shall be known as the "Zoning Officer." The Zoning Officer shall not hold any elected office in the Township. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance and all other applicable Township Ordinance and applicable statutes and regulations. The Zoning Officer may be provided with assistance of such persons as the Board of Supervisors may direct, and the compensation of the Zoning Officer shall be determined by the Board of Supervisors.

#### Section 1002. DUTIES AND RESPONSIBILITIES OF ZONING OFFICER

The Zoning Officer shall have all of the duties and powers conferred upon him by this Ordinance and the Municipalities Planning Code. The duties of the Zoning Officer shall include but not be limited to:

##### A. Applications and Permits

The Zoning Officer shall receive, examine and process all applications for zoning permits, conditional uses, special exceptions, variances and/or certificates of use and occupancy for the erection, construction, alteration, repair, extension, replacement, relocation, conversion, use, change of use and/or occupancy of land, buildings, structures, signs and/or landscaping in the Township. The Zoning Officer shall record and file all applications for permits and accompanying plans and documents and keep them for public record.

##### B. Inspections

The Zoning Officer may, and if requested by the Board of Supervisors or the permit holder shall, make at least one (1) inspection during the progress of the work for which a zoning permit has been issued. Upon completion of the work and before issuance of a certificate of use and occupancy, he shall make a final inspection of the property to assure compliance with all provisions of this Zoning Ordinance and all other applicable Township Ordinances and applicable statutes and regulations. Violations of approved plans or permits shall be noted, and the Zoning Officer shall notify the holder of the permit of all discrepancies.

##### C. Complaints Regarding Violations

The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof shall, investigate alleged violations of this Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within thirty (30) days of the receipt of said complaint. A written report of all

investigations of alleged violations of this Zoning Ordinance shall be prepared and properly filed, and a copy shall be sent to the Board of Supervisors. If, after investigation, the Zoning Officer determines that a violation has occurred, he shall take action as provided in this Zoning Ordinance.

D. Official Records

It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include but not be limited to all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of this Ordinance and all amending ordinances, a copy of the current Official Zoning Map and all other pertinent information. The records of the Zoning Officer shall be available for the use of the Township government and inspection by any interested party during normal office hours. The Zoning Officer shall submit to the Board of Supervisors a written report of all zoning permits and certificates of use and occupancy issued and all notices of violations and stop work orders issued or recommended as requested by the Board of Supervisors.

E. Nonconforming Uses, Structures and Lots

The Zoning Officer shall inspect nonconforming uses, structures and lots and keep a record of such nonconforming uses, structures and lots as a public record.

F. Presentation of Evidence and Testimony

Upon the request of the Board of Supervisors or the Zoning Hearing Board, the Zoning Officer shall present to such bodies facts, records and any similar information on specific requests to assist such bodies in reaching their decisions.

G. Enforcement

The Zoning Officer shall enforce the provisions of this Zoning Ordinance in accordance with Section 1007 and 1008 and all applicable provisions set forth herein.

Section 1003. ZONING PERMITS

A. Requirement

1. A zoning permit shall be obtained from the Zoning Officer:
  - a. For any erection, construction, alteration, extension, replacement, relocation or conversion of any building or structure or the commencement of excavation for construction of any building or structure; and
  - b. For the change in use of any building, structure, sign and/or land.



2. No zoning permit shall be required for repairs to or maintenance of any building, structure or land, provided that such repairs do not change the use, alter the exterior dimensions of the building or structure or otherwise violate the provisions of this Ordinance or any other applicable Township ordinance or applicable statute or regulation.

**B. Form of Application for Zoning Permit**

The application for a zoning permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as set by the Board of Supervisors. Application for a zoning permit shall be made by the owner or lessee of any building, structure or land 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 from the owner or lessee designating the agent and authorizing the work. The full name and address of the applicant and the landowner, if different, shall be stated on the application. If the applicant is a corporation, the names and address of the officers of the corporation shall be included on the application.

**C. Description of the Work**

1. The application shall contain a description of the proposed work and/or use and occupancy of the building, structure, sign and/or land with any other information required by the Zoning Officer to determine compliance with this Zoning Ordinance and other applicable Township ordinances, statutes and regulations, and with any decisions of the Zoning Hearing Board or subdivision and/or land developments plans which have been recorded. The application shall be accompanied by plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, distance from existing lot lines and street right-of-way lines, easements, parking areas and other pertinent information.
2. If the proposed development, excavation or construction is located within the Floodplain Overlay District, the following information is specifically required to accompany all applications:
  - a. The accurate location of the floodplain and floodway.
  - b. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements.
  - c. The elevation, in relation to the NGVD, to which all structures and utilities will be floodproofed.

**D. Approval or Disapproval of Application**

Upon receipt of the application, the Zoning Officer shall examine the application and supporting information to determine compliance with this Zoning Ordinance and other applicable Township ordinances, statutes and regulations. The Zoning Officer shall complete this examination within thirty (30) days from the date the application, including all required fees, is filed with the township. The Zoning Officer shall determine if subdivision and/or land development approval and/or stormwater management plan approval has been obtained, if state sanitation inspection requirements have been met and if, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision and/or land development approval has been granted and the application is in compliance with such approval, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a driveway permit under the Township Ordinance No. 1991-C or a highway occupancy permit issued by the Department of Transportation of the Commonwealth of Pennsylvania has been issued in order that access may be gained to the lot and that all other required Township approvals and permits have been granted or issued. The Zoning Officer shall mark the application as either approved or disapproved and shall return one (1) copy of the application to the applicant. The other copy shall be retained by the Zoning Officer for the Township files. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board.

**E. Issuance and posting of permits**

Upon approval of the application by the Zoning Officer, the Zoning Officer shall issue a zoning permit placard which shall be visibly posted on the site of operations during the entire time of construction.

**F. Expiration of Zoning Permit**

The zoning permit shall expire six (6) months from the date of issuance if the work described in the zoning permit has not begun. If the work described in the zoning permit has begun, the zoning permit shall expire one (1) year from the date of issuance.

**G. Revocation of Permit**

The Zoning Officer may revoke a zoning permit issued under the provisions of this Ordinance if he subsequently determines that the permit was issued erroneously or issued as a result of any false statement or misrepresentation of fact in the application or on the plans on which the permit was based or if the work is not undertaken in accordance with the permit or for any other cause set forth in this Zoning Ordinance.

H. Rights of Permit Holders

The zoning permit shall be a license to proceed with work described on the approved application. Permit holders shall proceed with work at their own risk and are subject to the rights of aggrieved parties who may appeal the issuance of the zoning permit as authorized by the Municipalities Planning Code.

Section 1004. PAYMENT OF FEES; COMPLIANCE REQUIRED

A. Payment of Fees

No zoning permit shall be issued until the fees prescribed by the Board of Supervisors have been paid. The payment of fees under this Article shall not relieve the applicant or permit holder from payment of other fees which may be required under any other applicable ordinance, statute or regulation.

B. Compliance with Ordinance

The zoning permit shall be a license to proceed with work or to commence a use in accordance with the application filed and terms of the permit issued and shall not be construed as authority to violate, cancel or set aside any of the provisions of this Article.

C. Compliance with Permit and Site Plan

All work or use shall conform to the approved application and plans for which the zoning permit was issued, as well as any approved site plan.

Section 1005. CERTIFICATE OF USE AND OCCUPANCY

A. Certificate of Use and Occupancy Required

It shall be unlawful to use and/or occupy any structure, building or land or portion thereof for which a zoning permit is required until a certificate of use and occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a certificate of use and occupancy unless he has inspected said structure, building or land and has ascertained compliance with all provisions of this ordinance and all other applicable township ordinances, statutes and regulations. The issuance of an occupancy permit specific to residential real estate used as a dwelling shall be in accordance with the procedures and requirements as set forth in the 1992 - Union Township Occupancy Permit Ordinance.

B. Form of Application

The application for a certificate of use and occupancy shall be in such form as the Zoning Officer may prescribe and shall be made when the work authorized by the zoning permit for the use authorized by the zoning permit has been completed.

C. Description of Use and Occupancy

The application shall contain a description of the intended use and occupancy of any building, structure, sign or land or portion thereof for which a permit is required herein.

D. Issuance

Upon the receipt of written notification that the work for which a zoning permit has been issued has been completed, the Zoning Officer shall inspect the premises within five (5) working days to determine that the work has been performed in accordance with this Ordinance and the approved application and other applicable Township Ordinances, statutes and regulations. If he is satisfied that the work has been completed in accordance with the approved application and applicable ordinances, statutes and regulations, he shall issue a certificate of use and occupancy to the permit holder for the use indicated on the approved application. A copy of the certificate of use and occupancy shall be retained by the Zoning Officer as part of the records. If he finds that the work has not been performed in accordance with this Ordinance and the approved application, the Zoning Officer shall refuse to issue the certificate of use and occupancy and, in writing, give the reasons therefor and inform the permit holder of his rights of appeal to the Zoning Hearing Board.

E. Availability of Certificate of Use and Occupancy

The certificate of use and occupancy or a true copy thereof shall be kept available for inspection by the Zoning Officer at all times.

F. Temporary Certificate

The Zoning Officer may also issue a temporary certificate of use and occupancy for such temporary uses as tents, trailers and buildings on construction sites, the use of lands for public or semipublic purposes or other temporary use and/or occupancy upon order of the Zoning Hearing Board. Such temporary certificates of use and occupancy shall be for the period of time to be determined by the Zoning Hearing Board, but in no case shall any temporary certificate of use and occupancy be issued for more than six (6) months. The applicant shall completely remove the structure or use authorized by the temporary certificate of use and occupancy upon expiration of the permit without cost to the township.

Section 1006. CONDITIONAL USES

A. Conditional Use Approval Required

When conditional uses are provided for in this ordinance, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with stated standards and criteria. Conditional uses shall only be granted when the minimum conditions set forth for the granting of a conditional use have been met. In granting a conditional use, the Board may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and the 1993 Union Township Comprehensive Plan. Prior to granting approval

or denying a conditional use application, the proposal shall first be reviewed by the Union Township Planning Commission and may be reviewed by the Adams County Office of Planning and Development. Furthermore, a minimum of one public hearing shall be held regarding the proposal by the Board of Supervisors pursuant to public notice. The grant of approval of a conditional use shall not relieve the applicant from filing a land development, subdivision, or site plan as required by other Township regulations and obtain approval therefore from the Township.

**B. Form of Application**

The application for a conditional use prescribed by the Township shall be submitted by the applicant along with a fee (established by resolution by the Board of Supervisors) to the Zoning Officer. The fee may hereafter be adjusted by adoption of a resolution by the Board of Supervisors. No application shall be considered complete until a site plan has been submitted. The contents of the site plan shall be in accordance with the requirements set forth in Article XI, Section 1104.

1. The applicant shall submit ten copies of necessary documentation of the proposed use to enable the review of such proposal by the Township. The burden of submitting the adequate data to allow full evaluation of the proposal shall rest with the applicant. However, at a minimum, the following requirements shall be addressed:
  - a. The applicant shall establish by credible evidence compliance with all conditions of the conditional use requested as enumerated in the section which gives the applicant the right to seek the conditional use.
  - b. The applicant shall establish by credible evidence that the proposed conditional use shall be properly serviced by all existing public service systems including water and sewer if applicable. 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 police protection, fire protection, utilities, parks and recreation.
  - c. 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.
  - d. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.

- e. For uses, structures or any development within the Floodplain Overlay District, the applicant shall present evidence of the effect of the use, structure or development on flood heights, flood frequencies and velocities; the susceptibility of the use, structure or development to flood damage; the availability of emergency access to the use, structure or development in times of flood; the necessity of the use, structure or development to be located near the floodplain; and the compliance with the requirement that the use, structure or development will not be located in the floodplain if the use, structure or development will increase the base flood elevation.
- f. The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places, the Pennsylvania Register of Historic Sites and Landmarks or any other registry of historic structures.
- g. The proposed conditional use shall not 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.
- h. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Municipalities Planning Code and this Ordinance, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.
- i. Unless otherwise specified by the Board or by law, a conditional use shall expire if the applicant fails to obtain a zoning permit within three (3) months from the date of authorization therefore by the Board or by the court if such conditional use has been granted after any appeal or if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the conditional use approval within one (1) year from the date of authorization thereof by the Board or by the court if such conditional use has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one (1) year.
- j. Any site plan presented in support of the conditional use shall become an official part of the record for said conditional use. Approval of any conditional use shall also bind the use in accordance with the submitted site plan. Should a change in the site plan be required as a part of the approval of the use, the applicant shall revise

the site plan prior to the issuance of a zoning permit and present such revised plan to the Zoning Officer. Any subsequent change to the use on the subject property not reflected on the originally approved site plan or the amended site plan filed with the Zoning Officer prior to the issuance of the zoning permit shall require the grant of another conditional use to authorize such change.

**Section 1007. ENUMERATION OF VIOLATIONS**

The construction, excavation, alteration, maintenance or use of any structure, building, sign, land or landscaping or the change of use, area of use, percentage of use or displacement of the use of any structure, building, sign, land or landscaping without first obtaining a zoning permit; or the use of any building, structure, sign or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign or land for a use or in a manner which is not in accordance with the provisions of this Ordinance; or the use of property for a use different from that set forth in any zoning permit or certificate of use and occupancy which has been granted for the property without applying for and being granted a zoning permit and certificate of use and occupancy for such new or different use; or the failure to comply with any other provisions of this ordinance; or the violation of any conditions imposed upon the grant of a special exception, variance or appeal by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a special exception, variance, appeal or conditional use is granted by such court are hereby declared to be violations of this Zoning Ordinance.

**Section 1008. ENFORCEMENT NOTICE**

If it appears to the Zoning Officer that a violation of this Ordinance shall exist, the Zoning Officer shall send an enforcement notice (also known as a "notice of violation and cease and desist order") to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, to any other person requested in writing by the owner of record and to any person against whom the Township may bring an enforcement action. The enforcement notice shall contain the name of the owner of record and any other persons against whom the township may take action, the location of the property in violation, the specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, the date before which steps for compliance must be commenced and that date before which the steps must be completed, that the recipient of the enforcement notice has the right to appeal to the Zoning Hearing Board within thirty (30) days and that a failure to comply with the notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation with sanctions as provided in this Ordinance.

**Section 1009. ENFORCEMENT ACTION**

If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Board of Supervisors. The Board of Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the

structure, building, sign, landscaping or land in violation of the provisions of this Ordinance or the order or direction made pursuant thereto.

**Section 1010. VIOLATIONS AND PENALTIES**

Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof. The fee shall be established by the resolution of the Board of Supervisors. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township.

**Section 1011. ADDITIONAL REMEDIES**

In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto, or any of the permits or certificates of use and occupancy issued under this Ordinance, or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board, or upon the grant of a conditional use by the Board of Supervisors, then in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.



## ARTICLE XI

### ZONING HEARING BOARD

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#### Section 1101. CREATION; MEMBERSHIP; VACANCIES; REMOVAL; ALTERNATES

- A. There is hereby created a Zoning Hearing Board which shall consist of five (5) residents of the Township who shall be appointed by resolution of the Board of Supervisors.
- B. Zoning Hearing Board members shall serve for three-year terms which shall be so fixed that the term of office of no more than two (2) members shall expire each year.
- C. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which shall occur, and appointments to fill such vacancies shall be only for the unexpired portion of the term.
- D. Members of the Zoning Hearing Board shall hold no other office in the Township.
- E. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days' advance notice of the intent of the Board of Supervisors to take such a vote. A hearing shall be held in connection with the vote if the member shall request such hearing in writing.
- F. The Board of Supervisors may, in its discretion, appoint by resolution between one (1) and three (3) alternate members to the Zoning Hearing Board. Such alternate members shall have the right to participate in all hearings of the Zoning Hearing Board but shall be entitled to vote only as provided in Article IX of the Municipalities Planning Code.
- G. Whenever the term "Board" is used in this Article, it shall mean the Zoning Hearing Board.

#### Section 1102. ORGANIZATION

The Board shall elect from its membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not fewer than three (3) members. If the Board of Supervisors has appointed alternate members to the Zoning Hearing Board, the Chairman of the Board may designate alternate members to participate and vote upon designated applications in accordance with the regulations contained in Article IX of the Municipalities Planning Code. The Board may also appoint a Hearing Officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in the Municipalities Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the township and the laws of the commonwealth. The Board shall keep full public records of its business, which records shall be the property of the township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

**Section 1103. FUNCTIONS**

The Zoning Hearing Board shall have the following functions and duties:

- A. The Board shall hear and render final adjudications concerning substantive challenges to the validity of any land use ordinance in accordance with Article IX of the Municipalities Planning Code.
- B. The Board shall hear and render final adjudications concerning challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said land use ordinance.
- C. The Board shall hear and render final adjudications concerning appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit or the failure to act on the application therefor, the issuance of any notice of violation or cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Special exceptions

When special exceptions are provided for in this Ordinance, the Board shall hear and decide requests for such special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance. The Board may grant approval of a special exception, provided that the applicant complies with the following standards for special exceptions and that the proposed special exception shall not be detrimental to the health, safety and welfare of the neighborhood. The applicant shall submit ten copies of necessary documentation of the proposed use to enable the review of such proposal by the Township. The burden of proof shall rest with the applicant.

- 1. The applicant shall establish by credible evidence compliance with all conditions on the special exception enumerated in the section which gives the applicant the right to seek the special exception.
- 2. The applicant shall establish by credible evidence that the proposed special exception shall be properly serviced by all existing public service systems including water and sewer if applicable. 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 police protection, fire protection, utilities, parks and recreation.

3. The applicant shall establish by credible evidence that the proposed special exception 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 chapter and any other governing law or regulation.
4. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
5. For uses, structures or any development within the Floodplain Overlay (FPO) District, the applicant shall present evidence of the effect of the use, structure or development on flood heights, flood frequencies and velocities; the susceptibility of the use, structure or development to flood damage; the availability of emergency access to the use, structure or development in times of flood; the necessity of the use, structure or development to be located near the floodplain; and the compliance with the requirement that the use, structure or development will not be located in the floodplain if the use, structure or development will increase the base flood elevation.
6. The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places, the Pennsylvania Register of Historic Sites and Landmarks or any other registry of historic structures.
7. The proposed special exception 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 special exception application shall be adequately safeguarded.
8. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Municipalities Planning Code and this Article, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements.
9. Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within three (3) months from the date of authorization thereof by the Board or by the court if such special exception has been granted after any appeal or if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception approval within one (1) year from the date of authorization thereof by the Board or by the court if such special exception has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to one (1) year.

10. Any site plan presented in support of the special exception pursuant to Section 1104 shall become an official part of the record for said special exception. Approval of any special exception shall also bind the use in accordance with the submitted site plan. Should a change in the site plan be required as a part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit and present such revised plan to the Zoning Officer. Any subsequent change to the use on the subject property not reflected on the originally approved site plan or the amended site plan filed with the Zoning Officer prior to the issuance of the zoning permit shall require the grant of another special exception to authorize such change.

**E. Variances**

The Board shall hear requests for variances where it is alleged that the provisions of the ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided that the following findings are made where relevant in a given case. The applicant shall submit ten copies of necessary documentation of the proposed use to enable the review of such proposal by the Township. The burden of proof shall rest with the applicant.

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of a lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located.
2. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the applicant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
6. For uses, structures or any development within the Floodplain Overlay District, the applicant shall present evidence of the effect of the use, structure or development on flood heights,

flood frequencies and velocities; the susceptibility of the use, structure or development to flood damage; the availability of emergency access to the use, structure or development in times of flood; the necessity of the use, structure or development to be located near the floodplain; and the compliance with the requirement that the use, structure or development will not be located in the floodplain if the use, structure or development will increase the base flood elevation. The provisions of this section, shall be in accordance with the provisions set forth in the Union Township Floodplain Ordinance.

7. The applicant shall inform the Board whether any structures on the property are listed upon the National Register of Historic Places, the Pennsylvania Register of Historic Sites and Landmarks or any other registry of historic structures.
  8. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. The Board shall require that adequate on- or off-site water and sewage disposal facilities are available for the use intended.
  9. Unless otherwise specified by the Board or by law, a variance shall expire if the applicant fails to obtain a zoning permit within three (3) months from the date of authorization thereof by the Board or by the court if such variance has been granted after any appeal or if the applicant fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the variance approval within one (1) year from the date of authorization thereof of the Board or by the court if such variance has been granted after an appeal. The Board, upon written application, may extend the approval for an additional period up to six (6) months if the applicant can show a hardship such as financing, physical disability, etc.
  10. Any site plan or plot plan presented in support of the variance pursuant to Section 1104 shall become an official part of the record for said variance. Approval of any variance shall also bind the use in accordance with the submitted site plan. Should a change in the site plan be required as a part of the approval of the use, the applicant shall revise the site plan or plot plan prior to the issuance of a zoning permit and present such revised plan to the Zoning Officer. Any subsequent change to the use on the subject property not reflected on the originally approved site plan or the amended site plan filed with the Zoning Officer prior to the issuance of the zoning permit shall require the grant of another variance to authorize such change.
- F. The Zoning Hearing Board shall hear and render final adjudications in any other matter for which the Board shall have been granted jurisdiction by Article IX of the Municipalities Planning Code.

## Section 1104. APPLICATIONS

All applications for hearings before the Board shall be made on forms adopted by the Board of Supervisors. No application shall be considered complete until any required fees have been paid. No application shall be complete until a site plan has been submitted. All applicants shall submit a plan drawn to scale as required in the Union Township Subdivision and Land Development Ordinance, which shall include all of the following:

- A. The location of all existing floodplains, watercourses, railroads, areas of subsidence, wooded areas (marking all wooded areas to be cleared), bridges, culverts and other significant natural features on the tract and within two hundred (200) feet of the tract.
- B. The location of all streets, adjoining tracts and buildings within two hundred (200) feet of the tract.
- C. The location of all proposed land uses, including residential uses by types.
- D. Size and intensity of use data, including the number of residential or commercial lots, lot sizes, the number and types of dwelling units and the density per acre of each type of dwelling unit.
- E. The location and arrangement of all open spaces and yards, landscaping, fences and buffer yards, including the methods and materials to be employed for screening.
- F. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.
- G. The dimensions (numbers shown), location and methods of illumination for signs and exterior lighting.
- H. The location and dimensions of sidewalks and all other common areas.
- I. If applicable, a description of any proposed industrial or commercial operation in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
- J. Provisions to be made for the treatment and disposal of sewage and industrial wastes and for water supply. The applicant shall indicate whether on-lot sewage disposal is proposed and, if so, whether the site has been tested for an initial and a replacement on-lot sewage disposal system, and if no such testing has been performed, whether it is possible to meet the requirements for an initial and replacement system based upon the size of the property and required isolation distances.
- K. Site contours at five (5)-foot intervals.
- L. Zoning districts and applicable area, bulk and yard requirements.
- M. Certification by the person who prepared the site plan.

- N. Certification of ownership and acknowledgment of plans signed by owner and developer.
- O. Statement that the applicant has referenced the Union Township Well Ordinance and shall comply with the required placement standards.

**Section 1105. HEARINGS**

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

- A. The Board shall fix a reasonable time and place for the public hearing and shall give notice thereof stating the time and place of the hearing and the particular nature of the matter to be considered as follows:
  - 1. By publishing notice thereof 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.
  - 2. By mailing a notice thereof to the applicant (by certified mail).
  - 3. By mailing a notice thereof to the Zoning Officer, the Township Secretary and to every person or organization who shall have registered with the Zoning Hearing Board for the purpose of receiving such notices.
  - 4. By posting notice conspicuously on the affected tract of land at least one (1) week prior to the hearing.
- B. The hearing shall be held within such time periods as are required by the Municipalities Planning Code.
- C. The hearings shall be conducted by the Board or the 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 Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the applicant, the Township, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organization, permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.

- F. 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.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee of a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer; or shall be paid by the person appealing from the decision of the Board if such appeal is made. 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.
- I. The Board or 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 its Solicitor, unless the parties are afforded an opportunity to contest the material so notices 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.
- J. The Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provision of this chapter or of any act, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Board shall make a report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the 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, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or to render a decision as hereinabove provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner provided in Section 1105(A). If the 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.

- K. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the 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 1106. TIME LIMITATIONS**

- A. Appeals from the denial or an application by the Zoning Officer or from the issuance of a notice of violation and/or cease-and-desist order shall be made within thirty (30) days of the denial of said permit or issuance of said notice of violation and/or cease-and-desist order.
- B. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by the Board of Supervisors or later than thirty (30) days after a permit has been issued by the Zoning Officer if such proceeding is designed to secure reversal or limit the approval or the permit in any manner unless such person alleges and proves that he had no notice or knowledge or reason to believe that such approval has been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
- C. No appeal shall be considered filed with the Board unless any applicable filing fee has been paid.

**Section 1107. APPEALS**

Any party aggrieved by any decision of the Board may appeal to the Court of Common Pleas of Adams County in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the Municipalities Planning Code.

ARTICLE XII  
AMENDMENTS

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Section 1201. AMENDMENTS

The Board of Supervisors may from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change or repeal this Ordinance, including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Supervisors or by a petition to the Board of Supervisors. Such amendment, supplement, change or repeal shall be submitted to the Township and the Adams County Office of Planning and Development for their recommendations.

Section 1202. AMENDMENTS INITIATED BY PLANNING COMMISSION

When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Supervisors, which shall then proceed in the same manner as with a petition to the Board of Supervisors which has already been reviewed by the Township Planning Commission.

Section 1203. AMENDMENTS INITIATED BY BOARD OF SUPERVISORS

When an amendment, supplement, change or repeal is initiated by the Board of Supervisors, it shall submit the proposal to the Township Planning Commission and Adams County Office of Planning and Development for review and recommendations.

Section 1204. PROCEDURE FOR PETITION

The petition for amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the application form approved by the Board of Supervisors, shall include an accurate legal description and surveyed plan of any land to be rezoned and shall be signed by at least one (1) record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee, to be established by the Board of Supervisors, shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The petitioner shall also pay any fee required by the Adams County Office of Planning and Development for the review of the proposed amendment, supplement, change or repeal.

Section 1205. REFERRAL TO TOWNSHIP AND COUNTY PLANNING COMMISSIONS

After receipt of the petition by the Board of Supervisors, said petition shall be presented to the Township Planning Commission and the Adams County Office of Planning and Development for their review and recommendations at least thirty (30) days prior to the public hearings. A report of the Township Planning Commission's review, together with any recommendations, shall be given to the Board of Supervisors in writing within thirty (30) days from the date of said referral. The recommendation of the Township Planning Commission shall include a specific statement as to whether or not the proposed action is in accordance with the intent of the 1993 Union Township Comprehensive Plan. The recommendation of the Adams County Office of Planning and Development

shall be made to the Board of Supervisors within thirty (30) days, and the proposed action shall not be taken until such recommendation is made. If, however, the Adams County Office of Planning and Development fails to act within thirty (30) days, the Board of Supervisors may proceed without its recommendation.

**Section 1206. PUBLIC HEARINGS**

The Board of Supervisors shall fix a time and place for a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of such public hearing shall be given in accordance with the requirements of the Municipalities Planning Code.

**Section 1207. ACTION BY BOARD OF SUPERVISORS**

At the time and place specified, the Board of Supervisors shall conduct a hearing on said petition to amend, supplement, change or repeal this Zoning Ordinance or Zoning Map of the Township and shall thereafter either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Supervisors may adjourn said hearing in its discretion to a time and place certain.

**Section 1208. AUTHENTICATION OF OFFICIAL ZONING MAP**

Whenever there has been a change in the boundary of a zoning district or a reclassification of the zoning district adopted in accordance with the above, the change on the Official Zoning Map shall be made and shall be duly certified by the Township Secretary and shall thereafter be refiled as part of the permanent records of the Township.

**Section 1209. CURATIVE AMENDMENT**

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 any interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request, unless such time period shall be extended by the petitioner. The curative amendment shall be referred to the Township Planning Commission and the Adams County Office of Planning and Development, and public notice of the hearing shall be provided in accordance with the requirements of the Municipalities Planning Code. The hearing shall be conducted in accordance with the requirements of such hearings set forth in the Municipalities Planning Code.

ARTICLE XIII

INTERPRETATION/REPEALER AND EFFECTIVE DATE

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Section 1301. CONTINUATION OF PRIOR PROVISIONS; REPEALER

- A. The provisions of this Ordinance amending the Union Township Zoning Ordinance, insofar as they are the same as those of ordinances and codes in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and codes. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any permit issued or approval granted or any cause or causes of action, including actions to enforce any right or penalty or punish any offenses under the repealed ordinances, arising prior to the enactment of this Ordinance.
- B. All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including the relevant provisions of the current zoning ordinance known as the Union Township Zoning Ordinance of 1995.

Section 1302. EFFECTIVE DATE

This Ordinance shall become effective from and on the 20th day of November, 1995. ORDAINED AND ENACTED into law this 15th day of November, 1995.

BOARD OF SUPERVISORS  
TOWNSHIP OF UNION  
ADAMS COUNTY, PENNSYLVANIA

ATTEST:

By Lewis Hillard  
Chairman

Joseph Minor

Louis Hilker

John Strevig  
Secretary

Section 1303. ENACTMENT OF AMENDMENTS

This Ordinance was amended by Ordinance No. 2000-A ordained and enacted the 4th day of January 2000.

Board Of Supervisors  
Township of Union  
Adams County, Pennsylvania

\_\_\_\_\_  
John Strevig  
Secretary

By: \_\_\_\_\_  
Jack Freet  
Chairman

\_\_\_\_\_  
Donald Pollard

\_\_\_\_\_  
John Aldridge

This Ordinance was amended by Ordinance No. 2001-B ordained and enacted the 19th day of June, 2001.

Board Of Supervisors  
Township of Union  
Adams County, Pennsylvania

\_\_\_\_\_  
John Strevig  
Secretary

By: \_\_\_\_\_  
Jack Freet  
Chairman

\_\_\_\_\_  
Donald Pollard

\_\_\_\_\_  
John Aldridge