

ZONING ORDINANCE
OF THE
BOROUGH OF UNIONVILLE
CENTRE COUNTY, PENNSYLVANIA

January, 1988

W. Fisher — MAP

UNIONVILLE BORO

INCORPORATED MARCH 9TH - 1859

SCALE - 1" = 120'

JESSE CLEAVER

Jim Reigh, MLBQ. 355-7894
Sewer Auth.

TABLE OF CONTENTS

Swartz - 355-9033

| | <u>Page</u> |
|---|-------------|
| Article 1 - General Provisions | 1 |
| Article 2 - Agricultural District (A-1) | 9 |
| Article 3 - Residential Districts (R-1) | 14 |
| Article 4 - Commercial Districts (C-1) | 19 |
| Article 5 - Nonconforming Uses - Premises, Structures and Lots | 24 |
| Article 6 - Administration | 29 |
| Article 7 - Conditional Use Procedure | 36 |
| Article 8 - Certificate of Use and Occupancy | 38 |
| Article 9 - Supplemental Regulations | 39 |
| Article 10 - Zoning Hearing Board | 40 |
| Article 11 - Miscellaneous | 49 |

ZONING ORDINANCE OF THE BOROUGH OF UNIONVILLE,
CENTRE COUNTY, PENNSYLVANIA

Article 1

General Provisions

Section 1.1. Titles; General Intent; Establishment of Controls

A. Long Title. An Ordinance to establish zoning regulations for the use of land and structures, area of lots, bulk of buildings and other structures, the density of population, the provision of off-street parking spaces and similar accessory regulations for the Borough of Unionville, Centre County, Pennsylvania, and for such purposes divide the Borough into districts; and further, to provide for administrative enforcement and amendment thereof, in accordance with the provisions of the Pennsylvania Municipalities Planning Code (1968 P.L. 805 as amended), and to repeal all ordinances in conflict herewith.

B. Short Title. This ordinance shall be known and may be cited as the Zoning Ordinance of the Borough of Unionville, Centre County, Pennsylvania.

C. General Intent - Statement of Community Development Objectives. The zoning regulations and districts set forth in this ordinance are made in accordance with a Comprehensive

Policy Plan study by the Borough of Unionville, for the general welfare of the borough and are intended to achieve, among others, the following purposes:

To lessen congestion in the streets;

To secure safety from fire and other dangers;

To provide adequate light and air;

To prevent the overcrowding of the land, avoid undue concentrations of population;

To facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements; as well as

To conserve the value of land and buildings;

To preserve and protect the water supply available to the residents of the borough;

To ensure that adequate water resources remain available in sufficient quantities at a reasonable cost;

To supply water in accordance with the provisions of existing ordinances; and,

To promote and protect the public health, safety, comfort, convenience and prosperity.

These were made with reasonable consideration, among other things, of the existing character of the various areas within the Borough of Unionville and their respective suitability of particular uses.

D. Establishment of Controls

Minimum and Uniform Regulations. 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.

For New Uses and Structures. In all districts, after the effective date of this ordinance, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.

For Existing Uses and Structures. In all districts, after the effective date of this ordinance, any existing build-

ing or other structure, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations hereafter dealing with nonconforming uses.

Types of Control. The following minimum and uniform regulations shall apply in the respective districts:

Use regulations, including uses by right, and accessory uses, conditional uses, and uses by special exception;

Area and bulk regulations, including required front, side and rear yards, maximum permitted height and allowable lot coverage;

Off-street parking and loading regulations; and,

Sign regulations.

Section 1.2. Establishment of Districts

A. Types of Districts. For the purpose of this ordinance the Borough of Unionville is hereby divided into the following districts.

A-1 Agricultural District

R-1 Residential District

C-1 Commercial District

B. Lot Sizes. Any lot, as well as the open spaces reserved on it, must equal, or exceed, the minimum sizes prescribed by this ordinance for the district in which the lot is included.

Section 1.3. The Zoning Map

A. Adoption of Zoning Map. The areas within the Borough as assigned to each district and the location of boundaries of the districts established by this ordinance are shown on the Zoning Map which is declared to be a part of this ordinance and shall be kept on file with the Borough Secretary. If, and whenever, changes are made in boundaries or other matter included on the said Zoning Map, such changes in the Map shall be made promptly after the amendment has been approved by the Borough Council.

B. District Boundary Lines. The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of streets, the corporate boundary of the Borough or as dimensioned on the Map. In case of doubt or disagreement concerning

the exact location of the boundary line, the determination of the Zoning Hearing Board shall prevail.

Section 1.4. Separability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole nor the validity of any other section or provision of the ordinance than the one so declared.

Section 1.5. Definitions; Interpretation of Regulations

A. Language Interpretations. For the purpose of this ordinance certain words shall have the meaning assigned to them as follows:

Words used in the present tense include the future.

The singular number includes the plural and the plural the singular.

The word "shall" or "must" is always mandatory.

The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

The word "person" includes an individual, corporation, partnership, incorporated association or any other similar entity.

The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

B. Definitions. Specific definitions of words and phrases are set forth in Appendix "A" of this ordinance. The words and phrases set forth therein shall have the meaning given in the definition which follows the particular words and phrases.

C. Interpretation of Regulations. The interpretation of the regulations of this ordinance is intended to be such that whenever these requirements are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, as particularly refer to area and bulk regula-

tions and impose higher standards, the most restrictive requirement shall govern.

Article 2

Agricultural District (A-1)

Section 2.1. Statement of Intent

In addition to the general goals listed in the Preamble and Statement of Intent, the districts established in this regulation are intended to achieve the following:

To provide sufficient space in appropriate locations for the pursuits of agricultural activities, including animal husbandry, horticulture, and forestry.

To provide that the land most suitable for agricultural and related activities will be available in future years when land is in greater demand for the production of food and fiber.

To preserve the historic rural character of portions of the borough by protecting agricultural land from residential encroachment.

To prevent congestion, as far as possible, by utilizing agricultural land as separators or buffers between residential concentrations. This is not intended to stop build-

ing activity, but to reduce the pressures to subdivide agricultural land for building purposes.

To enhance public safety by protecting agricultural vehicles engaged in agricultural activities from heavy residential traffic on the public highways.

To minimize pollution of residential atmospheres from fertilizer dust or odors and from pesticide or herbicide sprays.

To promote the most desirable use of land in accord with a well-considered plan, to promote a stable agricultural industry, to protect the character of any district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect local tax revenues.

To preserve and protect the water supply available to the residents of the borough and to ensure that adequate water resources remain available in sufficient quantities at a reasonable cost.

To supply water in accordance with the provisions of existing ordinances.

Section 2.2. Designation of Districts

The Agricultural District is shown on the official zoning map which is made a part of this ordinance and incorporated by reference herein.

Section 2.3. Use Regulations

A. Uses by Right. In any Agricultural District, land, buildings or premises shall be used by right only for the following:

Single-family dwelling directly related and incidental to agricultural use of land (does not exclude individual mobile home); agricultural uses; usual farm buildings and structures, churches, public uses; public recreation facilities; and essential services.

B. Accessory Uses. Only the following accessory uses shall be permitted:

Customary agricultural and residential accessory uses; storage and sale of farm ^{related products;} ~~products produced on the farm;~~ sawmills; greenhouses; orchards; private hunting lodges; one additional single-family dwelling tenant house, does not exclude individual mobile home.

C. Uses by Special Exception. The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board subject to the provisions of this ordinance:

Hospitals; light industrial and manufacturing uses; sanitariums; home occupations; clinics; cemeteries; public, private, or parochial schools; public recreation; other public uses.

D. Conditional Uses. The following uses shall be permitted as conditional uses subject to meeting the standards and criteria for such uses and approval of Borough Council:

Single-family dwelling - unrelated to agricultural use of adjoining land, on a minimum size five (5) acre lot, with R-1 District set-backs, and located a minimum of 200 feet from any existing barn.

E. Area and Bulk Regulations. The following regulations shall be observed:

| | |
|--------------------|--|
| Lot Size | 5 acres minimum |
| Lot Coverage | 20% maximum |
| Setback | 50 ft. min. or 75 ft. from center line, whichever is greater. |
| Side Yards | 30 ft. minimum per side |

Rear Yard 75 ft. minimum
Maximum Building Heights 35 ft. or 3 stories max.
Lot Width at Street Line 200 ft. minimum
Location Restriction No new farm buildings or
structures shall be
located within 200 feet
of an existing residence
on a separate lot or
parcel of land.

Article 3

Residential Districts (R-1)

Section 3.1. Statement of Intent

In addition to the general goals listed in the preamble and General Intent, the districts established in this regulation are intended to achieve the following:

To provide sufficient space, appropriately located, for residential development to meet the housing needs of the present and expected future population of the Borough, within the range of house types and densities anticipated.

To assure light, air and privacy, as far as possible, by controlling the spacing and height of buildings and other structures.

To protect residential areas against hazards of fire, offensive noise, vibration, smoke, odors, glare or other objectionable influences.

To prevent congestion, as far as possible, by regulating the density of population and the bulk of buildings, and by providing for off-street parking.

To protect residential neighborhoods, as far as possible against heavy traffic or thru traffic.

To make possible provision of those public and private educational, recreational, health and similar facilities serving the needs of nearby residents, which perform most effectively in a residential environment and do not create objectionable influences.

To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stable residential development, to protect the character of any district and its peculiar suitability for particular uses to conserve the value of land and buildings, and to protect the Borough tax revenues.

To encourage residential development which will blend with existing agricultural uses and perpetuate the rural atmosphere of the area.

To provide sufficient space for on-lot sewage disposal which will not create any menace to public health.

To preserve and protect the water supply available to the residents of the borough and to ensure that adequate water resources remain available in sufficient quantities at a reasonable cost.

To supply water in accordance with the provisions of existing ordinances.

Section 3.2. Designation of Districts

The Residential Districts are shown on the official Zoning Map which is made a part of this ordinance and incorporated by reference herein.

Section 3.3. Use Regulations

A. Uses by Right. In any R-1 District, land, buildings, or premises shall be used by right only for one or more of the following:

Single-family dwelling including individual, contemporary, mobile homes; essential services; churches; public and semipublic uses; and, public recreation facilities.

B. Accessory Uses. Only the following accessory uses shall be permitted:

Customary residential accessory uses; swimming pool (provided that it is located in the rear yard or side yard

of the dwelling to which it is accessory, 25 feet from any lot line, and, additionally, it must be enclosed by a continuous barrier not less than four feet high); private greenhouse, home occupations. The uses permitted as accessory uses shall specifically not include garages, shops or other buildings used for the garaging, housing, repair or storage of tractor and/or trailer units.

C. Conditional Uses. The following uses shall be permitted as conditional uses subject to meeting the standards and criteria for such uses and approval of Borough Council:

Boarding and lodging houses; two family residential dwellings; townhouses and garden apartments; medical and dental clinics; greenhouses; two family semi-detached house or duplex; apartments; home occupations.

D. Area and Bulk Regulations. The following regulations shall be observed:

Lot Size with both on-site sewer and on-site water services - as required by the Pennsylvania Department of Health and Department of Environmental Resources, but shall not be less than 30,000 sq. ft. min.

Lot Size with on-site sewer and off-site water services - as required by the Pennsylvania Department of Health, and

Department of Environmental Resources, but shall not be less than 15,000 sq. ft. min.

Lot Size with off-site sewer and off-site ~~water~~^{WATER} services - 10,000 sq. ft. min.

Lot Width at Building Setback line for 10,000 sq. ft. lots - 80 ft. min.

Lot Width at Building Setback line for all other lots - 100 ft. min.

| | |
|---------------------------------------|---------------------|
| <u>Lot Width at Street Line</u> | 50 ft. minimum |
| <u>Lot Coverage</u> | 25% minimum |
| <u>Setback</u> | 30 ft. minimum |
| <u>Side Yards</u> | 10 ft. minimum |
| <u>Rear Yard</u> | 25 ft. minimum |
| <u>Maximum Building Heights</u> | 30 ft. or 3 stories |

Article 4

Commercial Districts (C-1)

Section 4.1. Statement of Intent

In addition to the general goals listed in the preamble and General Intent, the districts established in this regulation are intended to achieve the following:

To provide sufficient space in appropriate location for the types of commercial and service establishments anticipated in the Comprehensive plan.

To provide appropriate space for the requirements of present day merchandising, including the provisions of off-street parking spaces, safe circulation of pedestrian and motor traffic in the zone district and in nearby areas.

To promote the most desirable use of land and pattern of building development in accord with a well-considered plan, to promote stable commercial development, to strengthen the economic base of the municipality, to protect the character of the commercial area and nearby districts, to conserve the value of land and buildings, and to promote municipal tax revenue.

To provide a means whereby the Borough may, from time to time, redesignate certain areas for planned commercial uses according to commercial needs.

To provide commercial and other permitted facilities to serve primarily the needs of the local residents, including automotive oriented facilities, neighborhood type facilities and general convenience needs.

Section 4.2. Designation of Districts

The Commercial Districts are shown on the official zoning map which is made a part of this ordinance and incorporated by reference herein.

Section 4.3. Use Regulations

A. Uses by Right. In any C-1 district, land, buildings or premises shall be used by right only for one or more of the following:

Convenience goods stores; retail shops, supermarkets; industrial or manufacturing uses; garden centers; food services; business services; eating establishments; dairy stores; bowling alleys; business offices; clinics; doctor or dentist offices; theatres; government offices; public or semi-public service establishments; personal service

establishments; motels; one single-family residence per lot on the top floor over a commercial establishment.

B. Accessory Uses. Only the customary accessory uses (including motel swimming pools) associated with commercial and resident districts shall be permitted.

C. Uses Permitted as Conditional Use. The following uses shall be permitted as conditional uses subject to meeting the standards and criteria for such uses and approval of Borough Council.

Churches; funeral parlor or undertaker's establishment; motor vehicle oriented businesses; commercial auditoriums; drive-in theatres; gasoline service stations.

Section 4.4. Area and Bulk Regulations

The following regulations shall be observed:

Lot Size

30,000 sq. ft. - both on-site sewer and water services.

22,000 sq. ft. - either public off-site sewer or water services

18,000 sq. ft. - both public off-site sewer & water services

Lot Width

100 ft. minimum

Lot Coverage

25% maximum

20% maximum for gasoline service stations

Setback

70 ft., except upon approval of a site plan with parking at rear of building for Collector and Major street (or 100 ft. from centerline of roadway, whichever is greater).

Side Yards

15 ft. minimum for each, except that the building on any corner must be set back 20 ft. from the lot line on side street. (As an alternative, the [Planning Committee] may recommend and the [Borough] may approve, the consolidation of side yards for a property located in a C-1 Commercial District, so that one side yard is eliminated but the resulting side yard must be a minimum of thirty feet. Such a conditional approval would be based on a certified statement that abutting property owners will develop abutting properties simultaneously, using the same style or types of architecture and the same types of construction materials.)

Rear Yard

30 ft.

Screening

Shall be provided at the rear yard, along a 10 ft. buffer strip measured from the rear property line and shall be approved by the Planning Commission.

Maximum Building Height

Not exceeding 50 ft. from ground level.

Article 5

Nonconforming Uses - Premises, Structures and Lots

Section 5.1. Statement of Intent

The zoning districts established by this ordinance are designed to guide the future use of land in the Borough by encouraging the development of desirable residential, commercial and manufacturing areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.

To achieve this end, lawful existing uses which would be prohibited or restricted under the terms of this ordinance, or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located must be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means whereby nonconforming uses can be gradually eliminated and re-established in more suitable locations within the Borough.

Similarly, buildings or other structures which do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, width of lot, coverages, or height are deemed to be nonconforming.

Nonconforming uses and structures will be generally permitted to remain; the purpose of regulating them is to restrict further investment in uses or structures which are inappropriate to their locations.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction, or intended use of any building on which actual construction was lawfully begun prior to the effective date, or amendment, of this ordinance and on which actual building construction has been diligently carried on.

Section 5.2. Nonconforming Use Regulations

Lawful uses, located either within a building or other structure, or part thereof, or on the land, or in combination of both, which at the effective date of this ordinance or subsequent thereto, became nonconforming may be continued so long as they remain otherwise lawful, including subsequent sales of the property, subject to the following regulations:

A. Enlargement. No such nonconforming use shall be enlarged or increased greater than 25% in an area upon ground not occupied at the time of the passage of the zoning ordinance nor upon that portion of said ground not devoted to the nonconforming use.

B. Damage or Destruction. In the event that a manufacturing nonconforming use, in a residential district, is destroyed or partially destroyed by fire, explosion or other disaster, or otherwise damaged to the extent of 75% or more of the assessed valuation of all buildings, structures, and other improvements on the lot, as determined from the assessment rolls effective at the date of the damage or destruction, such nonconforming uses shall terminate and the lot shall thereafter be used only for conforming uses if reconstruction is not completed within one year after the date of damage.

In the event that any nonconforming use, in any district, is destroyed or partially destroyed by fire, explosion, or other disaster, or otherwise damaged, to the extent of 75% or more of the assessed valuation (as defined above) such nonconforming use shall terminate and the lot shall thereafter be used only for conforming uses if reconstruction is not completed within one year after the date of damage.

C. Discontinuance. If a nonconforming use of land ceases operations for a period of more than one year after which the owner of such property does not file a certification of intention to maintain such use, then this shall be deemed to be an intent to abandon such use and any subsequent use of the land shall conform to the regulations of this ordinance.

Section 5.3. Nonconforming Lots of Record

Nonconforming Lot Regulations. In any district, in which single-family houses are permitted, notwithstanding the area limitation imposed by other provisions of this ordinance, single-family house and customary accessory buildings may be erected on any single lot of record in existence at the effective date of adoption or amendment of this ordinance, provided the following requirements shall be observed:

Such lot must be in separate ownership, and not form part of a continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet requirements of area or width, or both, generally applicable in the district in which the lot is located, and a variance shall be issued by the Zoning Hearing Board except as follows:

No application for a variance shall be accepted if the side, front or rear yards or the width or area of the lot in question is less than 50% of the required minimum for the district in which it is located.

If two or more lots with continuous frontage in a single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area established by this ordinance, the lands involved shall be considered an undivided parcel, and no portion of such

parcel shall be occupied or sold which does not meet lot width and area requirements established by this ordinance.

Section 5.4. Registration of Nonconformity

Registration of Nonconforming Uses, Buildings and Lots.

In order to administer this ordinance, the Zoning Officer shall prepare, immediately after the adoption of this ordinance, a complete list of all nonconforming uses, buildings and lots then in existence.

Section 5.5. Nonconforming Structures in the Flood District

Structures existing in the Flood District prior to the enactment of this ordinance, but which are not in compliance with its use regulations, may continue to remain provided that prior to any modification, alteration, reconstruction, repair or improvement, a variance is obtained from the Zoning Hearing Board in the applicable provisions of this ordinance or any other applicable ordinance.

Article 6
Administration

Section 6.1. Administration and Enforcement

A. Administration

Zoning Officer. The provisions of this ordinance shall be administered by such person as may be designated by the Borough Council as the Zoning Officer for this purpose.

Duties. The duties of the Zoning Officer shall be:

- (1) To examine all applications for permits;

- (2) To issue permits only for construction and uses which are in accordance with the regulations of this ordinance and as may be subsequently amended;

- (3) To inspect nonconforming uses, buildings and lots and to keep a filed record of such nonconforming uses and buildings as a public record and to examine them periodically;

- (4) Upon the request of the Borough Planning Committee or the Zoning Hearing Board, present to such body facts, records and any similar information

or specific requests to assist such body in reaching its decision; and,

- (5) To be responsible for the keeping up to date this ordinance and the Zoning Map.

Appeals. Any appeal from a decision or action of the Zoning Officer shall be made directly to the Zoning Hearing Board.

Notification of Violation. If the Zoning Officer shall find that any of the provisions of this ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinue any illegal work being done, or shall take any other action authorized by this ordinance to insure compliance with or prevent violation of its provisions.

B. Enforcement. This ordinance shall be enforced by the designated Zoning Officer of the Borough. No permit of any kind as provided in this ordinance shall be granted by him for any purpose except in compliance with the provisions of this

ordinance, or a decision of the Zoning Hearing Board or the courts.

Complaints Regarding Violations. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

C. Penalties. For any and every violation of the provision of this ordinance: The owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist; the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist; and the general agent, architect, building contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding five hundred (500)

dollars for each and every offense. This shall inure to the benefit and use of the Borough with the costs of the suit and, in default of payment thereof, the offender may be committed to prison for a period not exceeding thirty (30) days for each and every offense. Whenever such person has been officially notified by the Zoning Officer or by service of summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

Section 6.2. Permits

A. Zoning Permit. A zoning permit shall be required prior to the erection, construction or alteration of any building, structure or any portion thereof, to be issued simultaneously with the required building permits where possible.

Application for zoning permits shall be made in writing to the Zoning Officer designated by the Borough Council and shall contain all information necessary for such Officer to ascertain whether the proposed erection, construction, alteration or use complies with the provisions of this ordinance.

Application for zoning permits shall include a detailed site plan showing all significant aspects of the proposed work.

Such permits shall be granted or refused within thirty (30) days from date of application.

No zoning permit shall be issued except in conformity with the regulations of this ordinance, except after written order from the Zoning Hearing Board or the courts.

Application for a zoning permit shall be accompanied by any lawful information that may be required by the Zoning Officer, or other sections of this ordinance. Where it is proposed to establish on-site sewage disposal and/or water, a feasibility report by an independent registered engineer shall be required.

A permit shall also be required before any proposed construction, alteration or other development is undertaken within the Flood District. Prior to the issuance of a zoning permit in the Flood District, the Zoning Officer shall review the application to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained including those required by Act 537, the Pennsylvania Sewage Facilities Act, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

B. Schedule of Fees. The Borough Council shall establish a schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, special permits, variances and other matters pertaining to this ordinance.

Said schedule of fees shall be posted in the office of the Zoning Officer. Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until preliminary charges have been paid in full.

Section 6.3. Amendments

A. Power to Amend. The regulations, restrictions, boundaries and requirements set forth in this ordinance may, from time to time, be amended, supplemented, changed or repealed through amendment by the Borough Council.

B. Procedure for Amendment. The following requirements shall be observed in making any amendment to this ordinance.

Proposed amendments, supplements or changes, or a proposal to repeal this ordinance or part thereof must be submitted to the Borough Planning Committee for their finding before any further public action is taken.

The finding of the Borough Planning Committee shall be submitted to the Borough Council in the form of a written report recommending or disapproving the proposed action. Failure of the Borough Planning Committee to submit such report within sixty (60) days shall constitute an approval.

No action may be taken to amend, supplement, change or repeal this ordinance until after a public hearing in relation thereto has been held, at which parties in interest and citizens shall have opportunity to be heard.

At least fifteen (15) days' notice of the time and place of such hearing and description of the general nature of the proposed action shall be published in a daily local newspaper of general circulation.

The Borough Council shall render a decision on these amendments, supplements, or changes within thirty (30) days after such public hearing.

Article 7

Conditional Use Procedure

Section 7.1. Conditional Use Application

Uses specified as conditional within the District regulations of this ordinance shall be permitted only after a sixty (60) day review by the Planning Committee and approval within thirty (30) days thereafter by the Borough Council based on the determination that the conditional use is appropriate to the specific location for which it is proposed, consistent with the community development plan, and in keeping with the purposes and intent of this ordinance. In order to implement the conditional use review procedure, the applicant shall submit a written descriptive statement, along with a site plan, relating to the proposed use to the Planning Committee.

Section 7.2. Hearing

The Planning Committee shall hold a hearing on uses specified as conditional pursuant to public notice and the notification of adjoining property owners before making its recommendations to the Borough Council.

Section 7.3. Criteria

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- (1) The presence of adjoining similar uses;
- (2) An adjoining district in which the use is permitted;
- (3) The need for the use in the area proposed as established by the Comprehensive Plan or other valid service;
- (4) Sufficient area to effectively screen the conditional use from adjacent different uses;
- (5) The use will not detract from the permitted uses of the District; and,
- (6) Sufficient safeguards such as parking, traffic control, screening, and setbacks can be implemented to remove any potential adverse influences the use may have on adjoining uses.

Article 8

Certificate of Use and Occupancy

Section 8.1. Certificate

A Certificate of Use shall be a statement issued by the Zoning Officer or other designated representative of the Borough setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance, or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.

Section 8.2. Certificate Required

No vacant land shall be occupied or used, and no structure or part of a structure which has been erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use shall have been regularly issued.

Section 1.3. Application

A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for upon completion of work as specified in the building permit, and shall be issued within ten days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance, approved plans, conditions and specifications.

Article 9
Supplemental Regulations

RESERVED

Article 10

Zoning Hearing Board

Section 10.1. Administration and Procedure

A. Membership of the Board. The Zoning Hearing Board shall consist of three residents of the Borough appointed by the Borough Council. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Hearing Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough, except that no more than one member of the Board may also be a member of the Borough Planning Committee.

B. Removal of Members. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

C. Organization of the Board. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and the laws of the Commonwealth.

D. Meetings. Meetings shall be held at the call of the chairman and at such other times as the Board may determine, all of which shall be open to the public.

E. Records. The following requirements shall be observed by the Zoning Hearing Board:

(1) The Board shall keep minutes of its proceedings, showing the vote of each member upon the question or indicating absence or failure to vote on the part of any member.

(2) The Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council once a year.

F. Hearings. The Board shall conduct hearings and make decisions in accordance with the following requirements:

(1) Notice shall be given to the public, the applicant, the Borough Planning Committee, the Borough Council, the Zoning Officer, and to any person who has made timely request for the same.

(2) The hearings shall be conducted by the Board or the Board may appoint any member as 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.

(3) The parties to the hearing shall be any person who is entitled to notice without special request thereof who has made timely appearance of record before the Board and any other person permitted to appear by the Board.

(4) The chairman or acting chairman of the Board for the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(5) 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.

(6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(7) The Board or the hearing officer shall keep a record of the proceedings, either stenographically or by sound recording, with a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

(8) The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representative 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 unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

(9) The Board or the hearing officer shall render a written decision, or, when no decision is called for, make written findings on the application within forty-five (45)

days. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on the ordinance, any law of the Commonwealth or any other rule or regulation shall contain a reference to the provision relied on 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 his report and recommendations available to the parties and the parties shall be entitled to make written recommendations thereon to the Board prior to final decision or entry of findings. When the Board has power to render a decision and the Board or hearing officer fails to render the same within the period required by the clause, the decision shall be deemed to have been rendered in favor of the applicant.

(10) A copy of the final decision, or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or find-

ings and a statement of the place at which the full decision or findings may be examined.

Section 10.2. Board Powers, Duties and Functions

A. Appeals from the Zoning Officer. The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

B. Challenge to the Validity of Any Ordinance or Map. The Board may hear all challenges wherein the validity of the ordinance or map presents any issue of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and make a record thereon as provided herein. At the conclusion of the hearing, the Board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

C. Variances. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant.

Subject to the laws of the Commonwealth, the Board may by rule prescribe the form of application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to the circumstances or conditions generally created by the provisions of the 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 the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of property.

(3) That such unnecessary hardship has not been created by the appellant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or perma-

nently 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.

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.

Section 10.3. Parties Appellant Before the Board

Appeals and proceedings to challenge an ordinance may be filed with the Board in writing by an officer or agency of the Borough or any person aggrieved. Requests for a variance may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Section 10.4. Time Limitations

The time limitations for raising certain issues and filing certain proceedings with the Board shall be the following:

A. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later than thirty (30) days from the time such ordinance, map or amendment takes

effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor shall be deemed adequate notice to him.

B. Under the same conditions, limitations and exceptions as prescribed herein, no person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceeding is designed to limit the approval in any manner.

Article 11
Miscellaneous

Section 11.1. Repealer

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 11.2. Severability and Validity

The provisions of this ordinance are hereby declared to be severable, and if any provision, sentence, clause section, part or application thereof shall be held illegal, invalid, or unconstitutional, by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair any of the remaining provisions, clauses, sentences, sections or applications. It is hereby declared to be the legislative intent of the Unionville Borough Council that this Ordinance would have been adopted had such illegal, invalid, or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid, or unconstitutional application had been specifically exempted therefrom.

Section 11.3. Warning and Disclaimer of Liability

This ordinance shall not create liability on the part of Unionville Borough, or any officer or employee thereof, for any

damage of any sort that may result from reliance on this ordinance, or any provision thereof, or any administrative decision lawfully made thereunder.

APPENDIX "A" - DEFINITIONS

(1) Accessory Building - An "accessory building" is: a subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use, and is located on the same lot.

(2) Accessory Use or Accessory - An "accessory use" is: a use conducted on the same lot as a principal use to which it is related; a use which is clearly incidental to, and customarily found in connection with a particular principal use.

(3) Alley - An "alley" is a minor way, which may or may not be legally dedicated, and is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

(4) Advertising Sign - see "Sign" and "Billboard."

(5) Alterations - "Alterations" include, but are not limited to the following: all incidental changes in or replacements to the non-structural parts of a building or other structure; minor changes or replacements in the structural parts of a building or other structure.

(6) Apartment Building - a building which consists of three or more dwelling units other than flats but does not include group dwellings.

(8) Basement - A "basement," or cellar, is an enclosed area partly or completely below grade. It shall be considered a building story if more than 1/3 of the walls are five (5) feet or more above grade.

(9) Billboard - A "billboard" is: a sign other than one indicating a business conducted on the premises; a sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either free-standing or attached to a surface of a building or other structure.

(10) Block - A "block" is a tract of land bounded by: streets, public parks, railroad rights-of-way, or corporate boundary lines of the Borough.

(11) Building - A "building" is any structure which: is permanently affixed to the land, has one or more floors or stories, and is bounded by either lot lines or yards. A "building" shall not include such structures as billboards, fences, or structures with interior surfaces not normally accessible to human use, such as gas tanks, grain elevators, coal bunkers or similar structures. A "building" may accommodate more than one family and have more than one dwelling unit and be used for residential, or commercial or manufacturing purposes.

(12) Building, Detached - a building which has yard areas on all sides.

(13) Building, Semi-detached - a building which is surrounded on three sides by yard area and so constructed that one wall is on a side lot line in common with an attached building on the neighboring lot.

(14) Building Setback Line - an established line within a property defining the minimum required distance between any structure to be erected, and an adjacent right-of-way, or street line.

(15) Bulk - "Bulk" is the term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines and includes: the size, height and floor area of building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called "density"); all open areas in yard space relating to buildings and other structures.

(16) Cellar - see "Basement."

(17) Center Line of Street - see "Street, Center Line of."

(18) Conditional Use - a use which is not appropriate to a particular zoning district as a whole, but which may be suitable in certain locations within the district only when specific conditions and factors prescribed for such cases within this ordinance are present. Conditional use is allowed or denied by the Unionville Borough Council after receipt of a report from the Unionville Borough Planning Committee.

(19) Converted House Trailer - a trailer rendered immobile and placed on either a temporary or permanent foundation for use as sleeping or living quarters (but still considered as a mobile home).

(20) Corner Lot - see "Lot, Corner."

(21) Dwelling, Group or Townhouse - a building divided by vertical walls, to consist entirely of three or more dwelling units each having a separate main entrance and a separate service entrance from the outside.

(22) Dwelling, Single-Family - a detached building designed for and occupied exclusively by one family.

(23) Dwelling, Two-Family - a building designed for and occupied exclusively by two families.

(24) Dwelling, Multiple - a building used or designed as a residence for three or more families living independent of each other and doing their own cooking therein, including apartment houses, apartment hotels, flat and group dwellings.

(25) Dwelling Unit - A "dwelling unit" consists of one or more rooms for living purposes together with separate cooking and sanitary facilities and is accessible from the outdoors either directly or through an entrance hall shared with other dwelling units and is used or intended to be used by one or more persons living together and maintaining a common household.

(26) Enlargement - An "enlargement" is an addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.

(27) Essential Services - the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, telephone exchange, supply or disposal systems.

(28) Family - A "family" is: a single person occupying a dwelling unit and maintaining a household; two or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household; or not more than three (3) unrelated persons occupying a dwelling unit, living together and maintaining a common household.

(29) Flat - a dwelling unit located above a commercial establishment in a building not exceeding two stories in height and which dwelling unit is completely separate from such commercial establishment and has a separate interior entrance from the street which entrance may be used in common by the occupants of more than one flat.

(30) Floor Area - "Floor area" is: the sum of the gross usable area of the floors of a building measured from the face of exterior walls.

(31) Floor Area Ratio - "Floor area ratio" is: the total allowable floor area for a given lot, divided by the area of that lot. (For example, a building containing 15,000 square feet of floor area on a given lot of 10,000 square feet of lot area has a floor area ratio of 1.5.)

(32) Front Yard - see "Yard."

(33) Front Yard Line - see "Yard Line."

(34) Garage, Private - A "private garage" is accessory to a principal building, either attached to it or separate, and is used only for storage purposes.

(35) Gasoline Service Station - A "gasoline service station" is an area of land, together with any structure thereon, used for: the retail sale of motor fuel and lubricants and incidental services, such as lubrication and hand-washing of motor vehicles, and the sale, installation or minor repair of tires, batteries, or other automobile accessories.

(36) Group Dwelling or Townhouse - see "Dwelling, Group."

(37) Height of Building - The "height of building" is the vertical distance measured from the average level of finished grade along all the exterior walls of a building to the mean height between the eaves and ridge, in the case of a pitched roof; otherwise the highest point of the roof.

(38) Height of Sign - The "height of sign" is the vertical distance measured from ground level to the highest point on the sign, or its supported structure.

(39) Home Occupation - A "home occupation" is an accessory use which is clearly incidental or secondary to the residential use of the dwelling unit, and is customarily carried on within a dwelling unit or accessory building by one or more occupants of such dwelling unit; does not permit selling articles produced elsewhere than on the premises, having exterior displays of goods visible from the outside, or making external alterations which are not customary in residential buildings; and includes the following occupations: professional offices, i. e., the practice of medicine, dentistry, architecture, law and engineering; artists, beauticians, barbers and veterinarians, excluding stables or kennels; and does not permit the full-time employment of more than two (2) persons not living on the premises.

(40) House Trailer - see "Mobile Home."

(42) Lot - A "lot" is a tract or parcel of land held in single and separate ownership.

(43) Lot, Corner - A "corner lot" is one bounded on at least two sides by streets. The owner or developer of a corner lot may specify which street line shall be the front lot line.

(44) Lot Line, Front - "Front lot line" is the line separating the lot from the street line.

(45) Lot Line, Rear - "Rear lot line" is the line generally parallel to the front lot line, which defines the rear of the lot.

(46) Lot Line, Side - "Side lot line" is any lot line which is not a front lot line or a rear lot line.

(47) Lot Width - the horizontal distance between side lot lines measured along the front lot line.

(48) Mobile Home - "Mobile home" means a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

(49) Mobile Home Lot - "Mobile home lot" is a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

(50) Mobile Home Park - "Mobile home park" is a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

(51) Motel - a building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy by transients and providing off-street parking facilities adjacent or convenient thereto.

(52) Motor Vehicle Oriented Business - any commercial business which, by design, type of operation, and nature of business, either requires or encourages the physical presence of a motor vehicle in order to perform its function and to justify its existence. It shall be deemed to include gasoline service stations, drive-in banks, drive-in restaurants, drive-in beverage sales, car-wash operations, and other businesses which essentially create the frequent entry on, and exits from the premises of motor vehicles. The foregoing specific examples are not intended as an inclusive list of such businesses.

(53) Nonconforming Land - "Nonconforming land" is any lawful lot which does not conform to one or more of the applicable area regulations of the district in which it is located either on the effective date of this ordinance⁹ or as a result of a subsequent amendment thereto.

(54) Nonconforming Structure - "Nonconforming structure" means a structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or

amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

(55) Nonconforming Use - "Nonconforming use" means a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

(56) Off-Site Sanitary Sewage Disposal, Community - a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

(57) Off-Site Sanitary Sewage Disposal, Public - a sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

(58) On-Site (Septic Tank) Sanitary Sewage Disposal - a covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

(59) Open Space - "Open space" consists of: parks, common greens, other recreation or generally open areas available to the public, or yards or other open areas provided in connection with residential buildings occupied by more than two families per lot which are intended for the sole use of the occupants of such buildings and their guests.

(60) Parking Space - A "parking space" consists of an open space with a dust-free all-weather surface (or space in a private garage or other structure) which shall be at least 9 x 20 feet in size for the storage of one automobile, accessible from a public way.

(61) Public Recreation - leisure-time activities, including but not limited to, sports and entertainment, that are open to anyone without restriction, except for the rules and standards of conduct and use.

(62) Rear Yard - see "Yard."

(63) Rear Yard Line - see "Yard Line."

(64) Setback - see "Building Setback Line."

(65) Side Yard - see "Yard."

(66) Side Yard Line - see "Yard Line."

(67) Sign - A "sign" is any letter, word, model, device or representation intended as an announcement, direction or advertisement and is either free-standing or attached or painted to another structure.

(68) Sign, Advertising - An "advertising sign" is one which offers services or goods produced or available somewhere other than on the lot on which the sign is located. The words "advertising sign" include the word "billboard."

(69) Sign, Business - A "business sign" is one which offers services or goods available on the lot on which the sign is located.

(70) Sign, Temporary - A "temporary sign" offers premises for sale, rent or development, or advertises the services of professionals or building trades during construction or alteration of the premises upon which the sign is located.

(71) Special Exception - the granting of special exceptions to the provisions of the ordinance where specifically stated within the ordinance subject to stated standards and criteria. Special exceptions are administered by the Zoning Hearing Board.

(72) Story - A "story" is that portion of a building located between the surface of any floor and the next floor above it.

(73) Street - A "street" is a right of way (or portion thereof) intended for general public use to provide means of approach for vehicles and pedestrians. The word "street" includes the words "road," "highway," "thoroughfare" and "way."

(74) Street, Center Line of - A "street center line" is the line which is usually at an equal distance from both street lines, or right-of-way lines.

(75) Street Line - A "street line" is a right-of-way line.

(76) Structure - "Structure" is any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

(77) Use - A "use" is any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building or other structure on a tract of land.

(78) Variance - A "variance" is a permissive waiver from the terms and conditions of the ordinance where literal enforcement would create hardship. A variance can be granted only by the Zoning Hearing Board.

(79) Yard - A "yard" is that portion of the lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

(80) Yard, Front - A "front yard" is the yard extending along the full length of the front lot line.

(81) Yard, Rear - A "rear yard" is a yard extending the full length of the rear lot line.

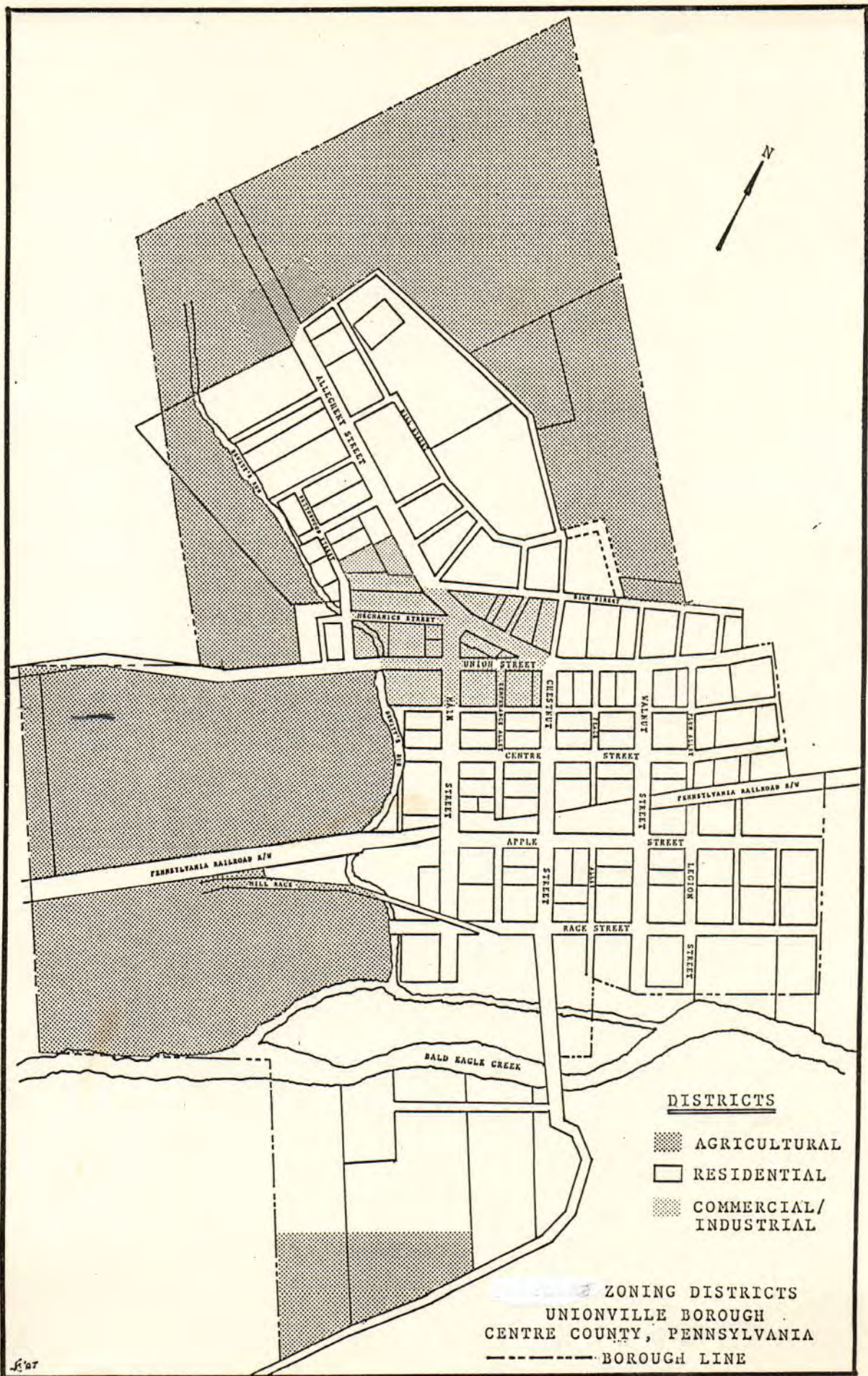
" (82) Yard, Side - A "side yard" is a yard extending along the side lot line from the required front yard to the required rear yard.

(83) Yard Line - A "yard line" is a line drawn parallel to the corresponding lot line at a distance specified for the required depth of yard in each respective case.




(84) Yard Line, Front - A "front yard line" bounds the front yard and is parallel to the front lot line.

- (85) Yard Line, Rear - A "rear yard line" bounds the rear yard and is parallel to the rear lot line.

(86) Yard Line, Side - A "side yard line" bounds the side yard and is parallel to the side lot lines.



DISTRICTS

-  AGRICULTURAL
-  RESIDENTIAL
-  COMMERCIAL/
INDUSTRIAL

ZONING DISTRICTS
 UNIONVILLE BOROUGH
 CENTRE COUNTY, PENNSYLVANIA
 ----- BOROUGH LINE

The Council of the Borough of Unionville, Centre County, Pennsylvania, hereby enacts and adopts the foregoing Zoning Ordinance of the Borough of Unionville and the Comprehensive Policy Plan Study by the Borough of Unionville, in lawful session duly assembled, this 14th day of March, 1988.

Borough of Unionville

By: Earl W. Ripka
President

Attest:

Henry A. Lucas
Secretary
(Seal)

Examined and approved this 14th day of March, 1988.

Ordery D. Colborn
Mayor

BOROUGH OF UNIONVILLE, CENTRE COUNTY, PENNSYLVANIA

COMPREHENSIVE POLICY PLAN STUDY
BY THE BOROUGH OF UNIONVILLE

I. Preliminary Statement

The Borough of Unionville has given consideration to the enactment of a zoning ordinance for several years and numerous formal and informal discussions have been held with the citizens and landowners of the municipality. Public meetings have been held concerning the issue and a Zoning Committee was appointed. The said committee gave thorough and specific consideration to the subject of zoning and a proposed zoning ordinance has been developed.

The population of the municipality is small and the geographical area within the boundaries of the Borough of Unionville is not large. The small size of the municipality has been given due consideration in developing the proposed ordinance. A number of the elements to be given included in a comprehensive plan under the applicable statute are not factors in the present instance.

The municipality has given considerable thought and study to the subject of zoning over a period of several years. A number of public meetings have been held and the comments and suggestions of many members of the community have been received. Borough Council has engaged in extensive analysis of the issues involved and it appointed a Zoning Committee which provided

additional and detailed consideration. The Zoning Committee has prepared a draft ordinance and the same has been preliminarily reviewed by the Centre County Office of Planning and by the Unionville Borough Solicitor.

II. Authority

The plan presented herein is proposed in compliance with Article III of the MPC, Sections 301, et seq. This document shall be considered a statement of the Comprehensive Plan as developed by the Zoning Committee of the Borough of Unionville and presented to the Council of the Borough of Unionville.

III. Objectives

The zoning regulations and districts set forth in the proposed zoning ordinance are for the advancement of the general welfare of the community and are intended to achieve the following objectives:

- A. To lessen congestion in the streets;
- B. To secure safety from fire and other dangers;
- C. To provide adequate light and air;
- D. To prevent the overcrowding of the land, avoid undue concentrations of population;
- E. To facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements; as well as

F. To conserve the value of land and buildings;

G. To preserve and protect the water supply available to the residents of the borough **in sufficient quantities at a reasonable cost; and,**

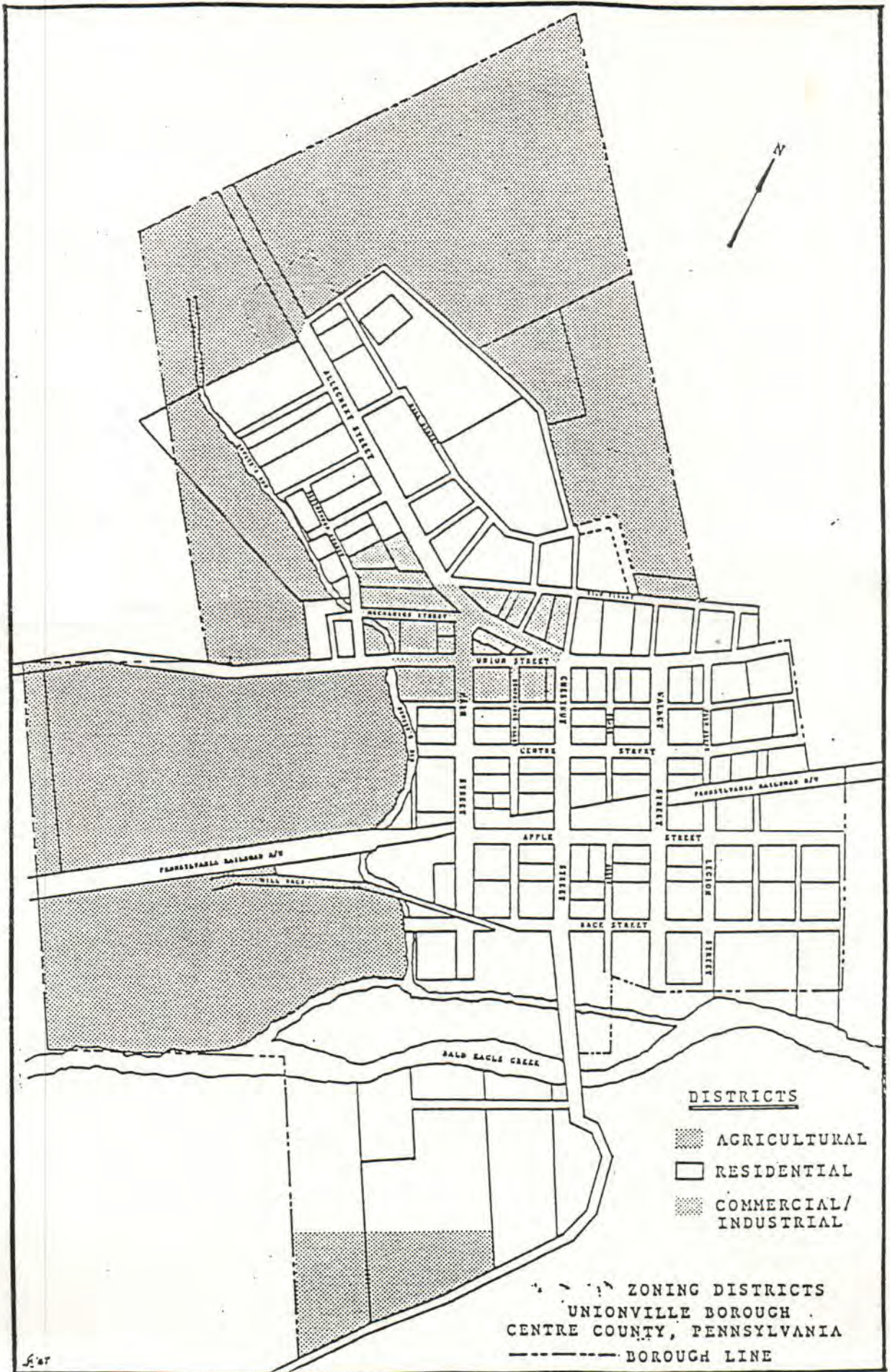
H. To promote and protect the public health, safety, comfort, convenience and prosperity.

IV. Land Use Plan




The municipality will be regulated in terms of land use by a zoning ordinance. Three districts are envisioned, including Commercial District, Agricultural District and Residential District. Although a specific Industrial District is not enumerated, industrial uses will be provided for in terms of development and land use. The proposed draft of the zoning ordinance, provides an outline of the intended ordinance and zoning regulations.

V. Transportation

It is anticipated that the system of streets, alleys and roads will remain essentially the same for the foreseeable future. No significant changes are anticipated in this regard.



DISTRICTS

-  AGRICULTURAL
-  RESIDENTIAL
-  COMMERCIAL/
INDUSTRIAL

ZONING DISTRICTS
 UNIONVILLE BOROUGH
 CENTRE COUNTY, PENNSYLVANIA
 ----- BOROUGH LINE