

BOROUGH OF SUGARCREEK

ORDINANCE NO. 274 OF 2013

AN ORDINANCE OF THE BOROUGH OF SUGARCREEK AMENDING ORDINANCE NO. 111 OF 1986, THE ZONING ORDINANCE OF THE BOROUGH OF SUGARCREEK, AS AMENDED, IN ORDER TO ADD SCRAP YARDS/JUNK YARDS AS A CONDITIONAL USE IN AN I-1 LIGHT INDUSTRIAL DISTRICT AND TO AMEND SECTION 416.3 CONCERNING REGULATIONS FOR JUNKYARDS AND SIMILAR STORAGE AREAS (INCLUDING AUTOMOBILE WRECKING)..

WHEREAS, the Council of the Borough of Sugarcreek, following consideration of an initial recommendation of the Sugarcreek Borough Planning Commission to include scrap yards/junkyards as a permitted use in an I-1 Light Industrial District, at its public meeting held on December 5, 2012, recommended an amendment to the Zoning Ordinance of the Borough of Sugarcreek to include scrap yards/junkyards as a conditional use in an I-1 Light Industrial District; and

WHEREAS, following submission of the newly proposed zoning ordinance amendment for recommendations to the Sugarcreek Borough Planning Commission at least thirty (30) days prior to the public hearing in accordance with Section 10609 of the Municipalities Planning Code, the Sugarcreek Borough Planning Commission recommended that the Council of the Borough of Sugarcreek approve the requested amendment at its regular meeting on December 12, 2012; and

WHEREAS, in accordance with Section 10609 of the Municipalities Planning Code, the Council of the Borough of Sugarcreek submitted for recommendations the proposed zoning ordinance amendment to the Venango County Planning Commission at least thirty (30) days before the public hearing; and

WHEREAS, by letter dated December 6, 2012, the Venango County Planning Commission recommended that the Council of the Borough of Sugarcreek approve the requested amendment; and

WHEREAS, the Council of the Borough of Sugarcreek held a public hearing on the proposed zoning ordinance amendment on January 16, 2013, after notice of said hearing was published once each week for two (2) consecutive weeks in the Franklin News-Herald with the first publication occurring at least fourteen (14) days, but not more than thirty (30) days, prior to the public hearing in accordance with Section 804 of the Zoning Ordinance of the Borough of Sugarcreek; and

WHEREAS, after the public hearing, notice was published by the Council of the Borough of Sugarcreek in accordance with The Borough Code of its intention to enact this ordinance at its regularly scheduled meeting on February 6, 2013.

BE IT ORDAINED AND ENACTED, by the Council of the Borough of Sugarcreek, Venango County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

Section One: Section 304 of Ordinance No.111 of 1986, the Zoning Ordinance of the Borough of Sugarcreek, as amended by Ordinance No. 123 of 1989, be, and is hereby, amended to include in Table 304(A), I-1 Light Industrial District, Conditional Uses, the following use:

“5. Scrap Yards/Junkyards.”

Section Two: Section 416.3 of Ordinance No.111 of 1986, the Zoning Ordinance of the Borough of Sugarcreek, as amended by Ordinance No. 123 of 1989, be, and is hereby, amended to read as follows: “No junkyard established after the effective date of this Ordinance shall be located closer than 1,000 feet to an existing State or Federal road, or 300 feet to an existing Borough road; provided, however, that the Council of the Borough of Sugarcreek, when acting on a conditional use permit, may allow a junkyard to be established at a distance closer than those set forth above based on the facts and circumstances presented, and subject to all other conditions imposed by the Council.”

Section Three: All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

Section Four: In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal or unconstitutional 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 this Ordinance, it being the intent of the Council of the Borough of Sugarcreek that the remainder of this Ordinance shall be and shall remain in full force and effect.

Section Four: This Ordinance shall become effective immediately.

APPROVED this 6th day of February, 2013.

ATTEST:

BOROUGH OF SUGARCREEK

By _____
Borough Secretary

By _____
President of Council

Voting For: _____

By _____
Mayor

Voting Against: _____