

BOROUGH OF SUGARCREEK
VENANGO COUNTY, PENNSYLVANIA

ORDINANCE NO. 304 OF 2025

**AN ORDINANCE TO AMEND THE BOROUGH OF SUGARCREEK ZONING
ORDINANCE TO PROVIDE FOR THE REGULATION OF SOLAR ENERGY SYSTEMS**

WHEREAS, the Council of the Borough of Sugarcreek desires to amend the Borough of Sugarcreek Zoning Ordinance for the purpose of providing reasonable regulations for the business of solar energy generation and production within the Borough to protect the character and integrity of agricultural, residential, rural, environmental and natural resources in the Borough while permitting the reasonable location and development of solar energy facilities through careful siting and landscape screening, and to provide for the safe and proper removal of all solar energy facilities that are either abandoned or fail to meet the requirements set forth in these regulations.

WHEREAS, the Sugarcreek Borough Planning Commission entered upon its duties at the request of the Council of the Borough of Sugarcreek, and, after proper study and due reference to the Sugarcreek Borough Comprehensive Plan, at its public meeting held on July 9, 2025, recommended an amendment to the Zoning Ordinance of the Borough of Sugarcreek to regulate solar energy systems; 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 August 13, 2025, the Venango County Planning Commission made comments and recommended amendments to the requested amendment; and

WHEREAS, the Council of the Borough of Sugarcreek held a public hearing on the proposed zoning ordinance amendment on September 3, 2025, 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 10609 of the Municipalities Planning Code and Section 804 of the Zoning Ordinance of the Borough of Sugarcreek; and

WHEREAS, notice was published by the Council of the Borough of Sugarcreek in accordance with Section 10610 of the Municipalities Planning Code and Section 3301.2 of the Borough Code of its intention to enact this ordinance at its regularly scheduled meeting on September 3, 2025.

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: Article 1, Section 104, and Article 2 of Ordinance No. 22 of 1969, the Zoning Ordinance of the Borough of Sugarcreek, as amended, be, and is hereby, amended to add the following definitions:

ACCESSORY SOLAR ENERGY SYSTEM (ASES): An area of land or other area used for a solar energy system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. Ground mounted or freestanding Solar Energy Systems with an output size of not greater than 10kw shall be considered Accessory Solar Energy Systems. Roof Mounted Solar Energy Systems on the roofs of buildings on-site used primarily for on-site use shall have no limit as to energy output. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

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

PRINCIPAL SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

SOLAR EASEMENT: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

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

SOLAR ENERGY SYSTEM: An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power.

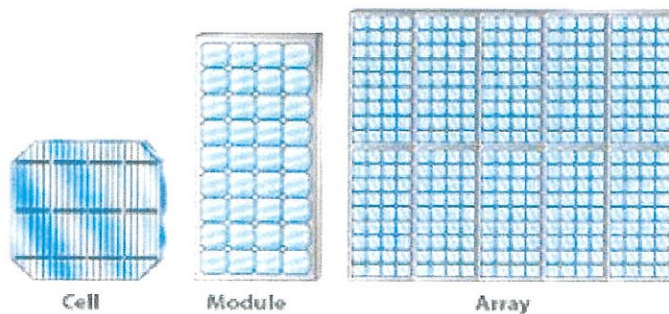
SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

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

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

- (a) **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.

- (b) SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.
- (c) SOLAR ARRAY: A grouping of multiple solar modules with purpose of harvesting solar energy.



Section Two: Article 4 of Ordinance No. 22 of 1969, the Zoning Ordinance of the Borough of Sugarcreek, as amended, be, and is hereby, amended to add Section 423, and which shall read as follows:

“SECTION 423 – ALL SOLAR ENERGY SYSTEMS

The following regulations apply to all solar energy systems including Principal Solar Energy Systems and Accessory Solar Energy Systems.

- 423.1: Solar energy systems constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing solar energy system, whether or not existing prior to the effective date of this Section that materially alters the solar energy system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
- 423.2: The solar energy system layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), the Institute of Electrical and Electronics Engineers (IEEE), the Solar Rating and Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), the National Electric Code (NEC), or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Borough and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- 423.3: Upon completion of installation, the solar energy system shall be maintained in good working order in accordance with standards of the municipal codes under which the solar energy system was constructed. Failure of the property owner to maintain the solar energy system in good working order is grounds for appropriate enforcement actions by the Borough in accordance with applicable ordinances.
- 423.4: All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

423.5: Glare

- a. All principal solar energy systems shall procure and use module technology that has been treated with anti-reflective coating. All principal solar energy systems shall be situated to minimize glare onto nearby structures and roadways.
- b. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

423.6: No portion of the solar energy system shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the solar energy system.

423.7: No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a solar energy system.

423.8: Decommissioning

- a. The solar energy system owner is required to notify the Borough immediately upon cessation or abandonment of the operation. The solar energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of six (6) continuous months.
- b. The solar energy system owner shall then have six (6) months from abandonment in which to dismantle and remove the solar energy system including all solar related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the solar energy system within the established time frames, the Borough may complete the decommissioning at the solar energy system owner's expense.
- c. The solar energy system owner shall, at the request of the Borough, provide information concerning the amount of energy generated by the solar energy system in the last twelve (12) months.

423.9: Prior to the issuance of a zoning or land use permit, solar energy system applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, as well as its, his, her or their successors and assigns in title or, create in the property itself:

- a. The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
- b. The right to prohibit the development on or growth of any trees or vegetation on such property.

This acknowledgement shall be submitted to the Borough and placed on any required subdivision and/or land development plans.

423.10: Solar Easements

- a. Where a subdivision or land development proposes a solar energy system, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
- b. Any such easements shall be appurtenant, shall run with the land benefited and burdened, and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include, but not be limited to:
 - i. A description of the dimensions of the easement, including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight passes to a specified surface or structural design;
 - ii. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - iii. Enumerate terms and conditions, if any, under which the easement may be revised or terminated; and
 - iv. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

423.11: Stormwater Requirements

- a. The following components of a solar energy system shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district: The surface area of the arrays of a solar energy system, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located.
- b. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal storm water management regulations.

423.12: Impervious coverage limitations established in this section and a detailed stormwater analysis including post construction stormwater management (PCSM) and **BMP** requirements are required for all solar energy systems unless the requirements listed below are met.

- a. Impervious coverage requirements, and a detailed

stormwater analysis including PCSM and BMP requirements do not apply to the solar energy systems if:

- i. In accordance with the latest edition of the Pennsylvania Best Management Practices Manual, earth disturbance and grading activities shall be minimized and natural vegetative cover shall be preserved and/or restored using native species.
- ii. The low impact construction techniques must be utilized in accordance with the latest edition of the Pennsylvania Best Management Practices Manual.
- iii. Vegetative cover must have a minimum uniform 90% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.
 - a. A meadow condition is required for project located on slopes between 5-10%.
 - b. Vegetative cover shall not be cut to less than 4 inches in height.
 - c. Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application.
 - d. For this section, gravel is considered an impervious cover and is prohibited.
- iv. The individual solar modules within an array are arranged in a fashion that:
 - a. Allows the passage of runoff between each module, minimizing the creation of concentrated runoff.
 - b. Individual solar panels shall not exceed 3 feet in width to allow for adequate vegetative cover to be established and maintained.
- v. All panels must be placed on an area with 10% slope or less.
- vi. The lowest vertical clearance of the solar array shall be 10 feet or less from the surface of the ground but must be of adequate height to promote vegetative growth below the array.
- vii. A maximum of 5% of the solar project area may be occupied by the support

structure/foundations used to support
ground mounted solar panels.

- 423.13: An Emergency Management Plan shall be prepared for purposes of informing the County Emergency Management Agency, neighboring fire departments and emergency response providers of hazardous conditions and safety issues that may be encountered in responding to an emergency or disaster on site. The owner of the PSES shall also provide information and training to neighboring fire departments and emergency response providers regarding safety issues involved in emergency responses at a PSES facility. This information shall be updated as necessary.”

Section Three: Article 4 of Ordinance No. 22 of 1969, the Zoning Ordinance of the Borough of Sugarcreek, as amended, be, and is hereby amended, to add Section 424, and which shall read as follows:

“SECTION 424 – ACCESSORY SOLAR ENERGY

Regulations Applicable to All Accessory Solar Energy Systems:

- 424.1: Accessory solar energy systems that have a maximum power rating of not more than 10kW shall be permitted as a use by right in all zoning districts. Ground mounted accessory solar energy systems that have a power rating more than 10kW shall comply with the requirements for Principal Solar Energy Systems.
- 424.2: Exemptions
- a. Accessory solar energy systems with an aggregate collection and/or focusing area of (10) square feet or less are exempt from this ordinance.
- 424.3: Permit Requirements
- a. Zoning/building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the accessory solar energy system is constructed.
 - b. The zoning/building permit shall be revoked if the accessory solar energy system, whether new or preexisting, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the accessory solar energy system not to be in conformity with this Ordinance.
 - c. The accessory solar energy system must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the

Zoning Officer shall give written notice specifying the violation to the owner of the accessory solar energy system to conform or to remove the accessory solar energy system.

424.4: Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- a. A roof mounted or wall mounted accessory solar energy system may be located on a principal or accessory building.
- b. Accessory solar energy systems mounted on roofs or walls of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within each of the underlying Zoning Districts.
- c. Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.
- d. Roof mounted solar panels may be located on front-facing roofs as viewed from any adjacent street when approved as a special exception. The applicant shall demonstrate that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

424.5: Ground Mounted Accessory Solar Energy Systems:

- a. Setbacks
 - i. The minimum yard setbacks from side and rear property lines shall be equivalent to the principal structure setback in the zoning district.
 - ii. Ground mounted accessory solar energy systems are prohibited in front yards, between the principal building and the public street.
 - iii. A ground mounted accessory solar energy system may be located in the portion of the yard in front of the principal building and outside of the required front yard provided that vegetative screening is provided.
- b. The total surface area of the arrays of ground mounted accessory solar energy systems on the property shall not exceed more than fifteen (15%) percent of the lot area.
- c. Height: Ground mounted accessory solar energy systems shall not exceed fifteen (15) feet in height about the ground elevation surrounding the systems.
- d. Appropriate safety/warning signage concerning voltage

shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the accessory solar energy system shall be locked to prevent unauthorized access or entry.

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

Section Four: Section 304 of Ordinance No.22 of 1969, the Zoning Ordinance of the Borough of Sugarcreek, as amended, be, and is hereby, amended to include in Table 304(A), A-1 Conservation District, Special Exceptions, the following use;

Principal Solar Energy Systems (agricultural use areas)

Section Five: Article 4 of Ordinance No. 22 of 1969, the Zoning Ordinance of the Borough of Sugarcreek, as amended, be, and is hereby amended, to add Section 425, which shall read as follows:

“SECTION 425 – PRINCIPAL SOLAR ENERGY SYSTEMS

Regulations Applicable to All Principal Solar Energy Systems:

- 425.1: Any proposed principal solar energy system shall be located within the following distances of an adequately sized power line, a substation that is capable of accepting solar energy into the electricity grid, or another solar facility.

PSES – Proximity to Power Grid		
10 MWac or smaller	Distance to three-phased power lines	1,000 feet
69 kV or higher	Distance to transmission line	1 mile
Distance to Substation		2 miles

- 425.2: Plan Requirements. A report and plan highlighting the existing conditions of the property shall be included in the submission to the Borough. The information should highlight existing vegetation, topography, and other existing natural

features.

- a. Ground mounted principal solar energy systems require submission of a land development plan if the solar project area is greater than 5,000 square feet.
- b. Roof mounted principal solar energy systems do not require submission of a land development plan.

425.3: Permit Requirements

- a. Principal solar energy systems shall comply with the municipal subdivision and land development ordinance requirements through submission of a land development plan. The installation of principal solar energy systems shall be in compliance with all applicable permit requirements, codes and regulations.
- b. The principal solar energy system owner and/or operator shall repair, maintain and replace the principal solar energy system and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the principal solar energy system in good repair and operating condition.
- c. The zoning/building permit shall be revoked if the principal solar energy system, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the principal solar energy system not to be in conformity with this Ordinance.

425.4: Decommissioning

- a. At the time of issuance of the permit for the construction of the principal solar energy system, the owner shall provide financial security in the form and amount acceptable to the Borough to secure its obligations under this Section.
 - i. No construction of the principal solar energy system shall be undertaken until the owner shall have provided the Borough with a financial security in the form and amount acceptable to the Borough, to secure the estimated expense of dismantling and removing said principal solar energy system, and restoration of the land for agricultural or other reasonable use, based on a consideration of the former use of the lands, and current estimated costs for removal and disposal, and estimated useful life of the system, and an inflation factor.
 - ii. On every fifth (5th) anniversary of the date of providing the decommissioning financial security the principal solar energy system owner shall provide an updated decommission cost estimate, utilized the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount

changes, the principal solar energy system owner shall remit the increased financial security to the Borough within thirty (30) days of the approval of the updated decommissioning security estimate by the Borough.

- iii. Decommissioning security estimates shall be subject to review and approval by the Borough, and the principal solar energy system developer or owner shall be responsible for administrative, legal, and engineering costs incurred by the Borough for such review.
- iv. At no time shall the financial security be an amount less than \$500,000.00.
- v. The decommissioning security may be in the form of cash or letter of credit.
- vi. Prior to approval of any plan or permit for a principal solar energy system, the principal solar energy system Developer shall enter into a Decommissioning Agreement with the Borough outlining the responsibility of the parties under this Agreement as to the Decommissioning of the principal solar energy system

425.5: Dimensional Requirements

System Type:	Requirement:	Zoning District
		Agricultural
Principal Solar Energy Systems	Minimum Lot Size (acres)	10'
	Minimum Setbacks (feet)	50' 100' from residential buildings
	Maximum Height (feet)	20 (at maximum tilt)
	Impervious Coverage	30-40 %

* Impervious coverage requirements do not apply if the proposed facility is exempt from Stormwater requirements as noted in this section.

**All PSES shall be set back 70 feet from any residential property line or district.

***PSES that abut PSES on another parcel shall not be subject to setback requirements.

425.6 Borough Roadways

- a. Borough roads that are utilized must be bonded according to PennDOT standards.

425.7: Environmental Protection

- a. All principal solar energy systems must be set back a distance of fifty (50) feet from any area designated as a wetland, a FEMA Floodplain, or an area containing Fifteen (15%) Percent slope or greater.

425.8: Unless specific permission is obtained from the holder of an easement or right-of-way, ground mounted principal solar energy systems shall not be placed within any legal easement or right-of-way location where solar would impede the operation of the facilities occupying the easement or right-of-way, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

425.9: Security

- a. All ground-mounted principal solar energy systems shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate. The fence shall meet setback requirements noted in this section.
- b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the principal solar energy system informing individuals of potential voltage hazards.

425.10: Access

- a. At a minimum, a twenty-five (25) foot wide access road must be provided from a state or municipal roadway into the site.

- b. Between the solar arrays, a twenty (20) foot wide emergency access shall be provided to allow access for maintenance vehicles and emergency management. Emergency access width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
- 425.11: Principal solar energy systems shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
- 425.12: The owner of a principal solar energy system shall provide the Borough written confirmation that the public utility company to which the principal solar energy system will be connected has been informed of the customer's intent to install a grid connected system. The written confirmation shall include a statement of capacity and approval of the proposed connection.
- 425.13: At all times, the principal solar energy system owner and/or operator shall keep the Borough informed of persons to contact in the event of any hazard, danger, event that causes harm to the facility, or emergency. Such information shall include names, titles, addresses, phone numbers, and email information for the persons responsible for the public to contact with inquiries and complaints throughout the life of the project.
- 425.14: All principal solar energy system developments must comply with all applicable federal, state and local regulations and have permits required by any governmental regulatory agency with jurisdiction over any aspect of the development. Such requirements shall include, but not limited to, Soil Erosion and Sedimentation Plans, Land Development Plans, Stormwater Plans, and NPDES Plans. No construction may commence without required permits and approvals and except in accord with all such permits and approvals. The Borough shall be provided with copies of such permits.
- 425.15: Screening for principal solar energy systems shall be provided and maintained in the following manner.
- a. Ground mounted principal solar energy systems shall be screened from public roadways. Unless screened by natural woodland area at least twenty-five (25) feet in width, the screen shall be at least four (4) feet in height at time of planting and shall consist of plant materials which provide a visual screen to a height of at least six (6) feet within five (5) years of planting and which shall be planted within the first year of operation adjacent to or outside of the road right-of-way, between the road right-of-way and the solar perimeter fence.
 - b. Screening shall also be required between ground mounted principal solar energy system facilities and adjoining properties on which residential uses are located. Unless screened by natural woodland area at least twenty-five (25) feet in width, this screening may consist of the

following: (a) six (6) feet high opaque decorative fencing, or (b) double staggered row of evergreen trees at least four (4) feet high planted and spaced to create a continuous hedge at least six (6) feet in height within five (5) years of planting.

- c. Any trees and landscaping required as a condition of approval of any plan, application, or permit shall be maintained in good condition and replaced as needed to maintain the visual screening throughout the operational life of the principal solar energy system.”

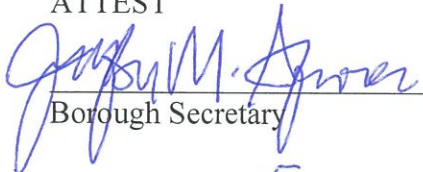
Section Six: All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

Section Seven: 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 Eight: This Ordinance shall become effective five (5) days after final enactment.

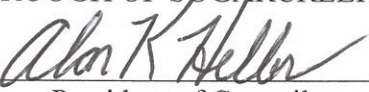
ORDAINED and ENACTED this 3rd day of September, 2025, by the Council of the Borough of Sugarcreek, Venango County, Pennsylvania.

ATTEST


Borough Secretary

Vote for: 5
Vote against: 0

BOROUGH OF SUGARCREEK

By 
President of Council

By 
Mayor