

Borough of Sugarcreek  
Zoning Ordinance  
Ordinance No. 22 of 1969

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ORDINANCE NO. 22 OF 1969

As Amended

AN ORDINANCE DIVIDING THE BOROUGH OF SUGARCREEK INTO VARIOUS ZONING DISTRICTS AND REGULATING THE CONSTRUCTION, ALTERATIONS AND USE OF BUILDING OR LAND WITHIN EACH SUCH DISTRICT.

BE IT HEREBY ORDAINED by the Borough Council of the Borough of Sugarcreek, Venango County, Pennsylvania:

**ARTICLE 1 – GENERAL PROVISIONS**

**101 – TITLE:** The official title of this Ordinance is “Sugarcreek Borough Zoning Ordinance”.

**102 – EFFECTIVE DATE:** This Ordinance shall take effect June 13, 1969.

**103 – PURPOSE AND AUTHORITY:** This Ordinance is adopted by virtue of the authority vested in the Borough and set forth in the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended, for the purpose of protecting the public health, safety, moral and general welfare.

**104 – DEFINITIONS:** Certain words or terms that appear on this Ordinance are defined in Article 2.

**105 – COMPLIANCE:** No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged, nor shall any structure or land be used or be designed to be used except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

**106 – SEVERABILITY:** If any provision of this Ordinance or the applications of any provision to particular circumstances is held invalid, the remainder of this Ordinance or the applications of such provision to other circumstances shall not be affected.

**107 – REPEAL:** Any resolution or ordinance or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

**108 – COMMUNITY DEVELOPMENT OBJECTIVES:** This Ordinance and Zoning Map are intended to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, property density of population, civil defense, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements as well as preventing the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. More specifically, these broad purposes are designed to clearly achieve to objectives of the Sugarcreek Borough Comprehensive Plan adopted on May 5, 1969 which is part of the Comprehensive Plan for Venango County and the Central Venango Region dated January 13, 1967. The specific objectives upon which the Comprehensive Plan and this Ordinance have been based including the following:

- To support and encourage order and beauty in the development of Sugarcreek Borough for the convenience and pleasure of present citizens and future residents through sound land development practices and the provisions of adequate public utilities and facilities.
- To encourage future land development to complement a logical, harmonious and efficient pattern of future growth.
- To encourage future residential use to occur in a harmonious arrangement within compact neighborhood units and to discourage strip development.

- To preserve strategic properties suitable for industrial development for the establishment of diversified industry throughout the Borough.
- To guide commercial development in such a way as to minimize adverse influences on adjacent roads or land values; to maintain and protect existing commercial uses; and to encourage new commercial facilities to locate in functionally designed centers with safe and adequate highway access.
- To protect property values to insure a suitable, attractive and efficient community environment.
- To encourage integrated and cohesive urban development.
- To encourage developers to incorporate adequate public facilities and open spaces in neighborhood design.
- To increase diversity and vitality of neighborhoods and prevent isolation of income groups by encouraging dispersal of low and moderate incoming housing throughout the community.

## **ARTICLE 2 - DEFINITIONS**

Except where specifically designed herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future. The singular number shall include the plural and the singular. The word “shall” is always mandatory and not permissive. The word “used” or “occupied” as applied to any land or building shall be constructed to include the words “intended, arranged or designed to be used or occupied”.

**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 or utility power or fuels.

**Accessory Use:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use of building.

**Agriculture:** Any agriculture use, including farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry and forestry (including the harvesting of timber).

**Alley:** A narrow service way providing a secondary public means of access to abutting properties.

**Area:** Area of a lot or site calculated from dimensions derived by horizontal projections of the site.

**Basement:** A story having more than 50% of its clear height below the average finished grade.

**Bed and Breakfast:** A dwelling where the owner or manager resides and has up to four (4) bedrooms to let for the purpose or overnight lodging and breakfast may be served.

**Board:** The Zoning Hearing Board of the Borough of Sugarcreek, Venango County, Pennsylvania.

**Boarding, Rooming, Tourist or Lodging House:** A building where lodging is provided, for compensation, for five (5) or more persons.

**Building:** A roof structure enclosed by walls for the shelter, housing or enclosure of persons, good, materials or animals.

**Building Height:** The vertical distance from the average elevation at finished grade to the highest point of the roof.

**Building or Setback Line:** Imaginary line parallel to or concentric with the nearest road right-of-way beyond which no portion of a building may extend.

**Camp or Campground:** Site and facilities for temporary lodging or sportsmen, fisherman, campers, hunters or families.

**Cart Way:** That portion of a road which is paved, graded, or improved for travel by vehicles.

**Church:** An establishment designed and intended for religious instruction or public worship.

**Clinic:** Any establishment where human patients are examined and treated by doctors and other licensed professionals, but not hospitalized overnight.

**Club:** An establishment operated by an organization for social, recreational, educational and fraternal purposes, but open only to member and their guests and not the general public.

**Commission (or Planning Commission):** The Sugarcreek Borough Planning Commission of Venango County, Pennsylvania.

**Conditional Use:** A use which is subject to conditional approve by the Borough Council under the terms, procedures and conditions prescribed herein, after review and recommendation by the Borough Planning Commission as specified by this Ordinance.

**Continuing Care Retirement Community:** An integrated housing and are developed for persons over the age of 55 years (or, for a couple, if one of the partners over the age of 55 years) offering a coordinated variety of accommodations, services and health care alternatives. The Continuing Care Retirement Community may include, without limitation, independent living facilities, assisted living facilities and nursing home accommodations. Health care alternatives may include, without limitations, in-home visitation services, rehabilitation activities and areas, as well as centers for inter-generational programs, to promote the well-being of the residents of the Continuing Health Care Retirement Community may be included. The Continuing Care Retirement Community shall intend to and/or shall provide "continuing care" as defined in Section 3 of the Continuing Care Provider Registration and Disclosures Act (Act of June 18, 1984, P.L. 391, No. 82, §3(40 P.S. §3203).

**Council:** The Sugarcreek Borough Council, Sugarcreek Borough, Venango County, Pennsylvania.

**Coverage:** That percentage of the lot area covered by principal and accessory use structures.

**Density:** The number of families houses on a lot or ground of lots divided by the area in acres of the lot of group of lots computed exclusive of any portion of the right-of-way or any road.

**Dwelling:** Any building (including cottages) designed or used as a permanent or temporary living quarters for one (1) or more families.

**Dwelling, Single-Family:** A detached dwelling arranged or used for occupancy by one (1) family.

**Dwelling, Multiple-Family:** A building with dwelling units for use by two (2) or more families living independently of each other.

**Dwelling Units:** One (1) or more rooms for living purposes with separate cooking and sanitary facilities accessible from the outdoors either directly or through an entrance hall shared with other dwelling units.

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal or other government agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith: reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including structures.

**Family:**

- (1): One (1) or more persons related by blood, marriage or foster placement plus domestic servants, occupying a dwelling unit, including not more than four (4) boarders, roomers or lodgers.
- (2): Not more than four (4) unrelated persons occupying a dwelling unit, living together and maintaining a common household, except where there is an established Bed and Breakfast.

**Garage, Repair (See also Service Station):** Premises where motor vehicles are services and repaired, including engine overhaul and body work.

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

**Golf Course:** Land for playing the sport of golf, consisting of a minimum of nine (9) holes, but not excluding miniature golf, par-three golf, pitch and putt, driving ranges and similar golf – associated activities except accessory uses on a golf course.

**Hazardous Waste:** A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (B) pose a substantial present or potential hazard to humans health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

**Home Occupation:** Any use customarily carried on entirely within a dwelling by occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling purposes and which does not change the residential character thereof.

**Junk Yard:** Land or structure used for the depositing, collecting, storing, processing and sale of scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, waste paper, glass, rags, containers and other discarded materials, including refuse or garbage not kept in proper container for the purpose of prompt disposal. Under this Ordinance, two (2) or more scrapped, abandoned, or junked motor vehicles or one (1) or more dismembered vehicles or parts thereof shall constitute a junk yard. A scrapped,

abandoned or junked vehicle is any vehicle or remains of a vehicle that does not have a valid inspection sticker received within twelve (12) months.

**Light Manufacturing:** The processing of fabrications of certain materials and products which does not produce noise, vibration, air pollution, fire hazard or other disturbance of danger to neighboring properties.

**Loading Berth:** A portion of a lot usable for the standing loading or unloading of motor vehicles and having a minimum dimension of twelve (12) feet by fifty (50) feet with a vertical clearance of fourteen (14) feet.

**Lot:** A parcel of land.

**Lot, Corner:** A lot at the junction of and fronting on two (2) or more intersecting street rights-of-way.

**Lot, Depth of:** A mean horizontal distance between the front and rear lot lines.

**Lot, Minimum Area of:** The area of a lot computed exclusive of any portion of the right-of-way of any public road or street.

**Lot of Record:** Any lot which individually or as part of a subdivision has been recorded in the office of the Recorder of Deeds of Venango County prior to the effective date of this Ordinance.

**Lot, Width of:** The mean width measured at right angles to its depth.

**Mobile Home:** A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

**Mobile Home Lot:** 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.

**Mobile Home Park:** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

**No Impact Home-Based Business:** A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use of a residential dwelling and which involve no customer, client or patient traffic, whether vehicular or pedestrian, pick up, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- The business activities shall be compatible with the residential use of the property and surrounding residential uses.
- The business shall employ no employees other than family members residing in the dwelling.
- There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- The business activity may not use any equipment or process which creates noise, vibration, air, fumes, odors or electric coal or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- The business activity may not generate and solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- The business activities shall be conducted only with the dwelling and may not occupy more than 25% of the habitable floor area.
- The business may not involve any illegal activity.

**Non-Conforming Use:** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment hereto fore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the applications of such ordinance or amendment to its location by reason of annexation.

**Pennsylvania Planning Code:** Pennsylvania Municipalities Planning Code (Act 247 of July 31, 1968) as the same may be amended from time to time.

**Permitted Uses:** Any use of land and/or structure(s) in a district which is in conformity with the provisions of this Ordinance.

**Personal Services:** Any enterprise conducted which primarily offers services to the general public, such as: shoe repair, valet services, watch repairing, barber shops, beauty parlors and related activities.

**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.

**Professional Offices:** The use of offices and related spaces for such professional services as are provided by doctors, lawyers, architects, engineers and similar professions.

**Radioactive Waste:** Any material sold, liquid, or gas of which one or more constituents exhibit radioactivity or is capable of emitting ionizing radiation.

**Road or Street:** A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other way used by vehicles or pedestrians whether public or private including the entire right-of-way.

**Screening:** Screening relative to the Ordinance shall mean a fence, evergreen hedge, or wall at least eight (8) feet in height or other approved natural or constructed means of restricting visual contact with the screened area.

**Service Station:** A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists needs.

**Sewage Sludge:** The coarse screenings, grit, and dewatered or air dried sludges, septic and holding tank pumpings and any other residues from sewage collection and treatment systems which require disposal.

**Sign:** Any structure or device to attract attention by words or graphic display.

**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 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.

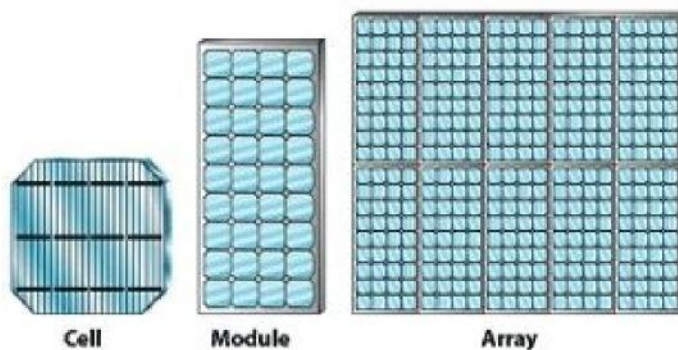
**Solar Energy System:** An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power.

**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 agriculture 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) <b><u>Solar Cell:</u></b>   | The smallest basic solar electric device which generates electricity when exposed to light. |
| (b) <b><u>Solar Module:</u></b> | A grouping of solar cells with the purpose of harvesting solar energy.                      |
| (c) <b><u>Solar Array:</u></b>  | A grouping of multiple solar modules with the purpose of harvesting solar energy.           |



**Solid Waste:** Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

**Solid Waste Processing and Disposal:** Any technology use for the purpose of reducing the volume of municipal or residual waste for off-site reuse and/or the incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth. Solid waste as defined by this amendment shall not include hazardous or radioactive waste.

**Special Exception:** A use which the Zoning Hearing Board is permitted to authorize in specific instances listed in this Ordinance under the terms, procedures and conditions prescribed herein.

**Specialized Animal Raising and Care:** The use of land and structures for the raising and care of fur-bearing animals, the stabling and care of horses, animal kennels, bird raising or similar operations.

**Story:** The portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, the space between such floor and the ceiling above it. A story shall be considered as a basement if more than 50% of its clear height is below finished grade and it not used for business or dwelling purposes.



**Structure:** Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Transient Trailer Camp:** A camp or park providing sites exclusively for travel trailers or motor homes.

**Travel Trailer:** A mobile vehicle, with wheels, designed for overnight occupancy or camping purposes, capable of being towed by a passenger automobile.

**Truck Stop:** A facility designed to provide for service and repair of trucks and associated motorized equipment and which may incidentally provide for eating and lodging facilities.

**Truck Terminal:** A private facility to accommodate the service, repair and storage of trucks and other motorized equipment and which may provide warehousing activities and minimal sleeping quarters for truck drivers and associate truck drivers, of the truck owners and/or operating company.

**Variance:** A departure for the strict letter of the Zoning Ordinances as it applies to specific properties as authorized by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

**Yard:** Any open spaced located on the same lot with a building, unoccupied or unobstructed from the ground up. Except for such projections as are expressly permitted by this Ordinance.

**Yard, Front:** An open space extending the full width of the lot between the building and the road right-of-way line.

**Yard, Rear:** An open space extending the full width of the lot between the building and rear lot line.

**Yard, Side:** An open space extending from the front yard to the rear yard between the building and rear lot line.

**Zoning Certificate:** The written authorization issued by the Zoning Officer for the use of land or buildings or other structures.

**Zoning Map:** The map containing the zoning districts of Sugarcreek Borough, Venango County, Pennsylvania, together with all amendments subsequently adopted.

**Zoning Officer:** The Zoning Officer or authorized representative appointed by the Sugarcreek Borough Council, Venango County, Pennsylvania.

### **ARTICLE 3 – DISTRICT REGULATIONS**

**301 – ZONING MAP:** A map entitled “Sugarcreek Borough Zoning Map” is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file available for examination at the Sugarcreek Municipal Building.

**302 – ZONING DISTRICTS:** The Borough is divided into the following districts stated in this Ordinance as shown by the district boundaries in the Zoning Map:

- A-1 Conservation
- R-1 Suburban Residential
- R-2 Urban Residential
- C-1 Commercial
- C-2 Highway Commercial

LI-C Light Industrial/Commercial

I-1 Light Industrial

I-2 Heavy Industrial

I-Z Institutional Zone

**303 – DISTRICT BOUNDARIES:** The boundaries between districts are centerlines of streets, alleys, railroads right-of-way, streams, or such line extended, or lines parallel thereto or concentric therewith, or property lines when approximate thereto or may be lines otherwise indicated on the Zoning Map. When the Zoning Officer cannot definitely determine the location of a district boundary, he shall deny the application and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary.

**304 – DISTRICT REGULATIONS:** Lot and yard – dimensions, permitted uses, conditional uses and special exceptions, maximum height of structures and maximum lot coverage are specified for each district in Tables 304(A) and 304(B). Any use not expressly listed for a district is prohibited in that district. Conditional uses require approval from the Borough Council, whereas permitted uses require only normal procedures. Uses are normally accessory to the declared permitted uses are also permitted. Special exceptions require the approval of the Zoning Hearing Board.

TABLE 304(A)  
PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

**A-1 Conservation District**

<b>Permitted Uses:</b>	<b>Special Exceptions:</b>
1. Agriculture	1. Home Occupations
2. Single-Family Detached Dwellings	2. Water Recreation and Storage
3. Individual Mobile Homes	3. Country Clubs and Lodges
4. Parks and Playgrounds	4. Fire Stations
5. Churches	5. Municipal Buildings
6. Hunting Preserves and Game Lands	6. Open Land Recreational Uses
7. Golf Courses	7. Radio or TV Sending
8. Camps and Campgrounds	8. Nurseries and Greenhouses
9. Essential Services	9. Sawmills and Lumber Storage
10. Public Utilities Pedestals and Buildings (Not Storage)	10. Commercial Indoor and Outdoor Amusements
11. No-Impact Home-Based Businesses	11. Transient Trailer Camps
12. Forestry	12. Hospitals and Clinics for Humans
13. Bed and Breakfast	13. Animal Clinics
	14. Nursing and Convalescent Homes
	15. Cemeteries
	16. Specialized Animal Raising
	17. Stable and Riding Academies
	18. Ski Facilities
	19. Public Utility Buildings (Storage)
	20. Community or Social Buildings and Uses
	21. Principal Solar Energy Systems (agricultural use areas)

**Conditional Uses:**

1. Mobile Parks
2. Junk Yards
3. Solid Waste Processing and Disposal
4. Motels
5. Sewage Treatment Facilities
6. Mineral Excavation and Processing
7. Airports
8. Planned Unit Residential Projects
9. Public and Parochial Schools and Colleges
10. Eating and Drinking Establishments, except those serving alcoholic beverages
11. Intensive Animal Feed Operations
12. Communication Towers

TABLE 304(A) Continued  
PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

**R-1 Suburban Residential**

<b>Permitted Uses:</b>	<b>Special Exceptions:</b>
1. Single-Family Detached Dwellings	1. Home Occupations
2. Individual Mobile Homes	2. Water Recreations and Storage
3. Churches	3. Parks and Playgrounds
4. Libraries	4. Golf Courses
5. Essential Services	5. Fire Stations
6. Public Utilities Pedestals and Buildings (Not Storage)	6. Public Utility Buildings (Storage)
7. Nursing and Convalescent Homes	7. Multiple-Family Dwellings
8. Continuing Care Retirement Communities	8. Municipal Buildings
9. No-Impact Home-Based Businesses	9. Cemeteries
10. Forestry	10. Community and Social Buildings and Uses
11. Bed and Breakfast	

**Conditional Uses:**

1. Mineral Excavation and Processing
2. Sewage Treatment Facilities
3. Planned Unit Residential Projects
4. Public and Parochial Schools and Colleges
5. Mobile Home Parks
6. Agriculture

**R-2 Urban Residential**

<b>Permitted Uses:</b>	<b>Special Exceptions:</b>
1. Single-Family Dwellings	1. Home Occupations
2. Individual Mobile Homes	2. Multi-Family Dwellings
3. Churches	3. Water Recreation and Storage
4. Libraries	4. Parks and Playgrounds
5. Essential Services	5. Golf Courses
6. Public Utilities Pedestals and Buildings (Not Storage)	6. Nursing and Convalescent Homes
7. No-Impact Home-Based Businesses	7. Nursery Schools
8. Forestry	8. Fire Stations
9. Bed and Breakfast	9. Public Utility Buildings (Storage)
	10. Municipal Buildings
	11. Community and Social Buildings and Uses

**Conditional Uses:**

1. Mineral Excavation and Processing
2. Sewage Treatment Facilities
3. Mobile Home Parks
4. Public and Parochial Schools and Colleges
5. Planned Unit Residential Projects
6. Agriculture

TABLE 304(A) Continued  
PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

**IZ – Institutional Zone**

<b>Permitted Uses:</b>
1. Single Family Dwellings
2. Hospitals and Clinics
3. Medical and Medically Related Personal & Professional Offices
4. Library Buildings
5. Commercial Medical Schools
6. Eating and Drinking Establishments (Except those serving alcohol)
7. Beauty Shops
8. Pharmacies which Dispense Drugs and Medical Supplies Only
9. Flower Shops
10. Domiciliary Care
11. Essential Services
12. Rooming Houses
13. Gift Shops
14. Day Care/Visiting Care Services
15. Public Utilities Pedestals and Buildings (Not Storage)
16. Nursing and Convalescent Homes
17. Continuing Care Retirement Communities
18. Forestry
19. Bed and Breakfast

<b>Special Exceptions:</b>
1. Home Occupations
2. Multiple-Family Dwellings
3. Fire Stations
4. Churches
5. Residential Occupancy of Commercial Establishments
6. Motels and Hotels
7. Funeral Homes

**Conditional Uses:**

1. Retail Businesses (Compatible with the area)
2. Parking Ramp Structures
3. Dormitories

TABLE 304(A) Continued  
PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

**C-1 Commercial**

<b>Permitted Uses:</b>	<b>Special Exceptions:</b>
1. Retail Businesses	1. Drive-In Type Eating and Drinking Establishments
2. Eating and Drinking Establishments (but NOT including drive-in types), including alcoholic beverages	2. Motels & Hotels
3. Food Stores	3. Water Recreation and Storage
4. Offices	4. Auto Sales, Service and Storage
5. Personal and Professional Services	5. Churches
6. Municipal Buildings	6. Animal Clinics
7. Public Utility Buildings (Storage)	7. Hospitals and Clinics for Humans
8. Commercial Schools	8. Fire Stations
9. Commercial Indoor and Outdoor Amusements	9. Libraries
10. Clubs	10. Residential Occupancy of Commercial Establishments
11. Essential Services	
12. Funeral Homes	
13. Community or Social Buildings and Uses	
14. Public Utilities Pedestals and Buildings (Not Storage)	
15. Forestry	
16. Wholesale Businesses	

**Conditional Uses:**

1. Sewage Treatment Facilities
2. Mineral Excavation and Processing
3. Agriculture
4. Sexually Oriented Businesses

TABLE 304(A) Continued  
 PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES  
**C-2 Highway Commercial**

<b>Permitted Uses:</b>	<b>Special Exceptions:</b>
1. Retail Businesses	1. Mobile Home Parks
2. Eating and Drinking Establishments (including drive-in types with outside service), including alcoholic beverages	2. Research and Testing Laboratories
3. Food Stores	3. Water Recreation and Storage
4. Offices	4. Animal Clinics
5. Personal and Professional Services	5. Residential Occupancy of Commercial Establishments
6. Municipal Buildings	
7. Public Utility Buildings (Storage)	
8. Motels & Hotels	
9. Commercial Indoor and Outdoor Amusements	
10. Auto Sales, Service and Repair	
11. Essential Services	
12. Mobile Home Sales and Displays	
13. Community or Social Buildings and Uses	
14. Public Utilities Pedestals and Buildings (Not Storage)	
15. Forestry	
16. Fire Stations	
17. Churches	
18. Hospitals and Clinics for Humans	

**Conditional Uses:**

1. Sewage Treatment Facilities
2. Mineral Excavation and Processing
3. Agriculture

TABLE 304(A) Continued  
 PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES  
**LI/C Light Industrial/Commercial**

<b>Permitted Uses:</b>	<b>Special Exceptions:</b>
1. Eating and Drinking Establishments, including Alcoholic Beverages	1. Churches
2. Retail Businesses	2. Community Buildings
3. Food Supermarkets	3. Auto Body and Repair Shops
4. Motels & Hotels	
5. Auto/Truck Sales, Service and Repairs (Except Body Repairs)	
6. Offices and/or Office Buildings	
7. Public Utility Buildings (Storage)	
8. Municipal and/or Government Buildings	
9. Essential Services	
10. Research and Testing Laboratories (Except Explosives)	
11. Light Manufacturing (as defined by Article 2)	
12. Warehouses	
13. Truck Terminals	
14. Fire Stations	
15. Wholesale Businesses	
16. Public Utilities Pedestals and Buildings (Not Storage)	
17. Forestry	

**Conditional Uses:**

1. Sewage Treatment Facilities
2. Mineral Excavation and Processing
3. Heavy Manufacturing
4. Sexually Oriented Businesses



TABLE 304(A) Continued  
PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

**I-1 Light Industrial**

<b>Permitted Uses:</b>	<b>Special Exceptions:</b>
1. Research and Testing Laboratories	1. Water Recreation and Storage
2. Office Buildings	2. Manufacturing w/Performance Standards of Section 406
3. Light Manufacturing (as defined by Article 2) including production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type compositions, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, light sheet metal products, plastic goods, pharmaceutical goods and food products. Not Including the following goods: Animal slaughtering, curing nor rendering of fats.	3. Truck Terminals
4. Municipal Buildings	4. Bulk Fuel Storage
5. Warehousing	5. Public Utility Buildings (Storage)
6. Essential Services	6. Fire Stations
7. Public Utilities Pedestals and Buildings (Not Storage)	7. Sawmills and Lumber Storage
8. Forestry	8. Retail Businesses
	9. Auto/Truck Sales and Service
	10. Eating and Drinking Establishments
	11. Community and Social Buildings and Uses

**Conditional Uses:**

1. Mineral Excavation and Processing
2. Sewage Treatment Facilities
3. Airports
4. Agriculture
5. Sexually Oriented Businesses
6. Scrap Yards/Junk Yards

TABLE 304(A) Continued  
PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

**I-2 Heavy Industrial**

<b>Permitted Uses:</b>	<b>Special Exceptions:</b>
1. Research and Testing Laboratories	1. Oil Refineries
2. Office Buildings	2. Water Recreation and Storage
3. Light Manufacturing (as defined by Article 2) including production of the following goods: home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type compositions, machine tools, dies and gauges, ceramics, apparel, lightweight non-ferrous metal castings, light sheet metal products, plastic goods, pharmaceutical goods and food products. Not Including the following goods: Animal slaughtering, curing nor rendering of fats.	3. Bulk Fuel Storage
4. Truck Terminals	4. Fire Stations
5. Warehousing	5. Heavy Manufacturing (provided said use is not objectionable to immediate neighbors because of noise, vibrations or emissions of noxious gases, fumes or dust)
6. Essential Services	6. Public Utility Buildings (Storage)
7. Public Utilities Pedestals and Buildings (Not Storage)	7. Community or Social Buildings and Uses
8. Forestry	8. Eating and Drinking Establishments
	9. Auto/Truck Sales, Service and Repairs

**Conditional Uses:**

1. Mineral Excavation and Processing
2. Sewage Treatment Facilities
3. Airports
4. Agriculture
5. Sexually Oriented Businesses

TABLE 304(B)  
LOT, YARD AND HEIGHT REQUIREMENTS

Zoning District	Min. Areas (sq ft or acres)	Min. Front Width (ft)	Min. Front Yard (ft)	Min. Side Yard (ft)	Min. Rear Yard (ft)	Max Building Height (ft)	Max Lot Coverage %
<b>A-1 Conservation</b> Residences All Other Uses	1 acre 3 acres	150 200	50 50	30 30	50 50	35 35	5 5
<b>R-1 Suburban Residential</b> All uses <b>NOT</b> served by Public Sewer  All uses (Except Multi-family dwellings with 5 or more units) Served by Public Sewer System  Multiple-Family dwellings with 5 or more units (must be served by Public Sewer System)	15,000  15,000  12,000 plus 3,000 sq ft per family	150  100  125	50  35  35	25  15  25	50  40  50	35  35  45	10  20  40
<b>R-2 Urban Residential</b> All uses (Except multi-family dwellings with 5 or more units) <b>NOT</b> served by Public Sewer  All Uses (Except multi-family dwellings with 5 or more units) served by Public Sewer  Multi-Family dwellings with 5 or more units (must be served with Public Sewer System)	1 acre  12,000  10,000 plus 3,000 sq ft per family	150  85  125	35  35  35	15  10  25	50  40  50	35  35  45	10  35  40
<b>I-Z Institutional</b>	5,000	50	15	15	20	45	60
<b>C-1 Commercial</b>	5,000	50	20	10	20	30	50
<b>C-2 Highway Commercial</b>	20,000	100	35	20	40	30	40
<b>LT/C Light Industrial/Commercial</b>	30,000	100	50	10	20	30	50*
<b>I-1 Light Industrial</b>	1 acre	150	50	20	30	45	50
<b>I-2 Heavy Industrial</b>	5 acres	300	50	50	150	75	50
<b>Public Utilities Pedestals and Building (Not Storage)</b>	0	0	0	0	0	12	Not to exceed 100 sq ft (10 ft, by 10 ft, at base)

\*Coverage over 50% shall require Zoning Hearing Board approval.

\*\*Setbacks include porches attached to house/building.

\*\*\* Public Utilities Pedestals and Buildings (Not Storage), as permitted in all Zoning Districts, not to exceed 100 sq ft (10 ft x 10 ft at base) and 12 ft in height. No front, side, or rear yards shall be required.

## **ARTICLE 4 – SUPPLEMENTARY REGULATIONS**

**401 – NON-CONFORMING USES:** The following provisions shall apply to all non-conforming uses and structures:

**401.1:** Any non-conforming use may be continued but may not be extended or expanded or changed unless to a conforming use, except as permitted by the Zoning Hearing Board accordance with the provisions of this Ordinance.

**401.2:** Any non-conforming structure damaged by fire, flood, explosion, or other casualty, may be reconstructed and used as before, if such construction is performed within twelve (12) months of such casualty and if restored structure covers no greater area, and contains no greater cubic content than before such casualty, and is erected on the same foundation. This time limit may be extended by the Zoning Officer for a period of six (6) months. If further extension is necessary, it may be granted by the Zoning Hearing Board. If proof is shown that said structure has a great yard setback than it had before the casualty, it does not have to be erected on the same location. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content, but minimum yard requirements of the district in which the structure is located and the off-street parking and loading requirements of this Ordinance must be met.

**401.3:** In the event that any non-conforming use, conducted in a structure or otherwise ceases for whatever reason for a period of one (1) year, such non-conforming use shall not be resumed, and any future use shall be in conformity with the provisions of this Ordinance.

**401.4:** The non-conforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of Ordinance. A non-conforming building or structure may, with the approval of the Board, be extended, enlarged or replaced but must meet the minimum yard requirements of the district in which the structure is located and must meet off-street parking and loading requirements of this Ordinance.

**401.5:** If no exterior structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification is approved by the Board.

**401.6:** Nothing contained herein shall require any change in overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approval and required permits have been granted, or where no approvals are necessary, where construction has been legally started before the enactment of this Ordinance, and completed within a one-year period.

**401.7:** Any structure or portion thereof, declared unsafe by any government agency, duly authorized and qualified to make such determination shall be restored to a safe condition.

**401.8:** Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

**401.9:** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, this Article shall also apply to any uses which thereby become nonconforming.

**402 – EXISTING LOTS OF RECORD:** Any lot of record existing at the effective date of the Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its dimensions are less than the minimum requirements of this Ordinance, except as set forth hereafter. Where two or more contiguous lots of record with less than required area and width are held by one owner on or before

the effective date of this Ordinance, the request for a permit shall be referred to the Board which may require replotting to fewer lots complying with the minimum requirements of this Ordinance.

**402.1:** No provision of Section 304, Table 304(B) of this Zoning Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Officer may grant a reduction for side yards and rear yards for lots of record which lack required lot width. However, in no event may such yards be reduced by more than one-half that is required by Section 304, Table 304(B) without approval of the Zoning Hearing Board. A lot of record shall mean a lot recorded in the Venango County Courthouse, as defined in the Ordinance, as of the date of this amendment.

#### **403 – APPLICATION OF YARD REGULATIONS:**

**403.1:** Lots which abut more than one street are required to have one front yard which shall be on the side the front door of the house is nearer or nearest.

**403.2:** All structures, whether attached to the principal structure or not and whether opened or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front or side yard. However, in residential districts, accessory buildings (detached private garages, tool houses, play houses, etc) may project into rear yards. Such structures shall be located no than than five (5) feet from a side or rear lot line.

**403.2(a):** A Public Utility Building (equipment not storage) and Pedestals shall comply with Section 304B (Public Utilities Buildings and Pedestals) but shall not be located so as to interfere with sight distance for highways or exits from private drives.

**403.3:** A wall or fence under six feet in height, or higher if a retaining wall, and paved terrace without walls or roofs or other enclosure, and fences or walls required by this Ordinance for the purpose of screening, may be erected within the limits of any yard.

**403.4:** Non-Residential buildings hereafter constructed or uses hereafter established in any of the residential districts shall not be located or constructed closer to any lot line than the distance specified in the following schedule:

Use	Minimum Side or Rear Yard
Off-Street parking spaces and access drives for non-residential uses	20 feet
All other non-residential uses or structures	40 feet

**403.5** : In districts permitting single-family residence, not more than one single family residence may one lot unless authorized by the Zoning Hearing Board. The Board shall not authorize more than one dwelling if the overall density permitted in that particular district is exceeded. Dwellings which are placed beside each other shall be spaced so that the distance between the structures is at least twice the required side yard in that particular district and all other yard requirements must be met. All dwellings must have direct access to a street right-of-way.

**403.6:** In all districts the Zoning Officer may reduce the front yard requirements for lots fronting on alleys, up to one-half of the requirements for the front yard setbacks. However, in no event may

such yard be reduced by more than the requirements set by section 402.1. Yard requirements shall also comply with the requirements of section 403.2.

**404 – TEMPORARY STRUCTURES:** Temporary structures used in conjunction with construction shall be permitted only during the period that the construction work is in progress. Permits for such temporary structures shall be issued for a six (6) month period. Residing in basement or foundation structures before completion of the total structure shall be permitted if approved by the Board. The Board may establish a reasonable period of time for completion of the structure.

**404.1: Deleted**

**404.2:** An underground home shall not be considered a basement or a temporary structure.

**405 – HEIGHT LIMITATION:** When the following conditions are met, height limits may be increased by the Zoning Hearing Board except where it could interfere with existing solar panels.

**405.1:** Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side and rear yard depths are increased one foot for each additional foot of height.

**405.2:** The following structures are exempt from height regulations provided they do not constitute a hazard to an established airport: television and radio towers, church spires, chimneys, elevator bulkheads, smoke stacks, conveyors, flagpoles, silos, standpipes, elevated water tanks, derricks and similar structures.

**406 – PERFORMANCE STANDARDS:** No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons in the Borough. Furthermore, every use of land or structure in any district must observe the following performance requirements:

**406.1 – Fire Protection:** Fire protections and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

**406.2 – Electrical Disturbances:** No activity shall cause electric disturbance adversely affecting radio or other equipment in the neighboring areas.

**406.3 – Noise:** Noise which is determined to be objectionable because of volume or frequency shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes, which shall be exempt from the requirement.

**406.4 – Smoke:** The maximum amount of smoke emission permissible shall comply with the provisions of the Pennsylvania Air Pollution Control Act (PL 2119) of January 8, 1960, as amended.

**406.5 – Odors:** In any district except the Industrial District, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. This shall apply to any form of fertilizer in districts where agriculture is a permitted use.

**406.6 – Air Pollution:** No pollution of air by flying ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or property.

**406.7 – Glare:** Lighting devices which produce objectionable direct or reflected glare on adjoining property or public roads shall not be permitted.

**406.8 – Erosion:** No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

**406.9 – Water Pollution:** The method for discharging wastes into public sewers, drains or watercourses shall be in accordance with the provisions of the Pennsylvania Sewage Facilities Act (Act 537 of 1966) and the Pennsylvania Clean Streams Law (June 22, 1937 PL 1987) as they may be amended from time to time.

In cases involving Performance Standards, the Board may require a plan of the proposed construction or development, a description of the machinery proposed and specifications for the mechanism and techniques to be used; and the Board may obtain qualified expert consultants to testify as to whether a proposed use will conform to the performance requirements. The cost of such services shall be borne by the applicant.

**406.10 - Notation of Hazardous Materials (Public Utilities):** All hazardous materials or electrocution hazards or any other hazards must be noted on a post, not attached to the building or pedestal and this post must be in the most direct approach to the site.

**406.11 – Bed and Breakfast**

- 406.11(a):** No separate new structure shall be built specifically for a Bed and Breakfast.
- 406.11(b):** There shall be one (1) common kitchen and one (1) eating area, If eating facilities are provided. Guest rooms shall not have eating or cooking facilities. Meals are to be confined to breakfast and only to overnight guests. All rooms and eating facilities must meet all applicable State, Federal, and local restrictions.
- 406.11(c):** There must be one (1) bathroom to service the quest rooms. It may be a common bathroom, but must be fitted with a keyed and turn style lock...the keyed side must be to the outside of the bathroom door. The key must be in the possession of the owner or manager in case of emergency.
- 406.11(d):** Smoke alarms must be installed in each bedroom and hallway. These are to be connected to the kitchen and basement smoke alarms; all alarms must be tired into the bedroom of the owner or manager. Also fire exit maps must be prominently posted in each bedroom.
- 406.11(e):** A five (5) year permit must be secured from the Borough of Sugarcreek, 212 Fox Street, Franklin, PA 16323; for a nominal cost to be established. The above regulations governing the Bed and Breakfast must be copied on the back of the permit. This permit must be renewed every five (5) years, and/or after the Borough has reviewed all valid complaints. The owner must take action to correct any deficiencies at the owner's expense. The permit must state the dwelling must be occupied by the owner or manager during normal sleeping hours.

**407 - OFF-STREET LOADING AND PARKING:** Off-street loading berths and parking spaces shall be provided in accordance with the specifications in this Section in all districts whenever any new use is established or any existing use is enlarged.

**407.1 - Off Street Loading:** Every use which requires the distribution or receipt by vehicles of merchandise or materials shall provide off-street loading berths in accordance with the following schedule. Where the lot does not abut on a public or private alley or other access easement providing adequate ingress, egress and turnaround space so that vehicles are not required to park upon or back onto a road. Directional signs shall be posted at ingress points indicating locations of loading docks and waiting areas.

#### OFF-STREET LOADING BERTH REQUIREMENTS

Uses:	Square Feet of Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (in addition to space for Ambulance)	10,000 – 300,000 For each additional 300,000 or major fraction thereof	1 1 additional
Undertaker and Funeral Homes	5,000 For each additional 5,000 or major fraction thereof	1 1 additional
Hotels and Offices	10,000 or more	1
Commercial	10,000 – 40,000	1
Wholesale, Manufacturing and Storage	40,000 – 60,000 60,000 – 80,000 80,000 – 100,000 For each additional 50,000 or major fraction thereof	2 3 4 1 additional

#### **407.2 - Off Street Parking:**

**407.2(a) - Size and Access:** Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles, and be in a usable shape and condition. Except in the case of dwelling, no parking area shall contain egress to all parking spaces. Parking areas shall be designed to provide sufficient turn-around area so that vehicles are not required to back onto roads. Where a lot does not abut on a public or private alley or easement of access, an access drive leading to the parking area sufficient to adequately accommodate two-way traffic shall be provided. Access to off-street parking areas shall be limited to safe, well-defined location, and in no case shall there be unrestricted access along the length of a street or alley.

**407.2(b) - Number of Parking Spaces Required:** The number of off-street parking spaces required is set forth in the following table. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply.

#### OFF-STREET PARKING SPACE REQUIREMENTS

Uses	Required Parking Spaces
1. Automobile Sales and Service Garages	1 for each 400 sq. ft. of floor area
2. Banks	1 for each 100 sq. ft. of floor area
3. Bowling Alleys	7.5 for each lane
4. Car Wash	5 car capacity lane for each wash bay
5. Churches and Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
6. Community Buildings and Social Halls	1 for each 50 sq. ft. of floor area used by and/or accessible to the public
7. Driving Ranges and Miniature Golf Facilities	1 for each tee
8. Dwellings	2 for each family dwelling unit including space in



9. Food Supermarkets	1 for each 100 sq. ft. of floor area used by and/or accessible to the public
10. Funeral Homes, Mortuaries	10 for first parlor, 5 for each additional parlor
11. Furniture or Appliance Stores	1 for each 200 sq. ft. of floor area used by and/or accessible to the public
12. Home Occupations	As designated by the Zoning Hearing Board, with a minimum of two
13. Hospitals, Nursing or Convalescent Homes	1 for each 2 beds and 1 for each 1.5 per employee (including staff) based upon peak shift.
14. Hotels and Motels	5 plus 1 for each living or sleeping unit*
15. Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 and 1/2 parking spaces for each employee
16. Medical or Dental Office	5 for each doctor, plus one for each staff person
17. Mobile Home or Monument Sales	1 for each 2,500 sq. ft. of lot area.
18. Professional Offices (Non-Medical)	2 for each professional and 1 for each staff person
19. Restaurants, Taverns and Night Clubs	1 for each 2.5 seats
20. Retail Stores and Shops	1 for each 100 sq. ft. of floor area used by and/or accessible to the public
21. Rooming Houses and Dormitories	1 for each occupant
22. Service Stations	4 for each service bay
23. Sports Arenas, Auditoriums	1 for each 3 seats
24. Transient Trailer Camps	1 for each trailer site (See also Section 421.4)
25. Wholesale Establishments or Warehouses	1 for each employee on maximum shift. The total parking area shall not be less than 25% of the building floor area
26. Continuing Care Retirement Community	1 for each living unit and 1 for each 1.5 employees based upon peak shift
27. Bed and Breakfast	All parking must be off street, if available

\*If a hotel or motel has eating, drinking or similar facilities, it must also provide the required off-street parking for the same, as provided for in Item 19, Restaurants, Taverns and Night Clubs

**407.3 - Location of Parking Areas:** Required parking spaces shall be located on the same lot with the principal use. The Board may permit parking spaces to be located a reasonable distance from the lot of the principal use if located in the same zoning district as the principal use and the Board finds that it is impractical to provide parking on the same lot with principal use.

**407.4 - Screening and Landscaping:** Off-Street parking areas for more than five vehicles and off-street loading areas, shall be effectively screened on each side which adjoins or faces any residential district, but shall not interfere with or obstruct horizontal sight distances nor shall it be located in such a manner as to create a safety hazard.

**407.5 - Minimum Distances and Setbacks:** No off-street loading or parking area for more than five vehicles shall be less than twenty (20) feet from any adjoining property containing a dwelling, school, hospital or similar institution.

**407.6:** All loading and parking area shall be designed for orderly and safe loading and parking, shall be graded and be paved, oiled or otherwise treated for stabilization and prevention of dust and erosion. A detailed off-street parking plan must be submitted to and reviewed by the Borough Planning Commission 30 days prior to the hearing date for Special Exceptions and Conditional Uses.

**407.7 - Lighting:** Any lighting used to illuminate off-street parking or loading areas or utility buildings or pedestals, shall be arranged so as to reflect the light away from adjoining properties and public roads.

**407.8:** Loading Berths and/or Posted Waiting Areas located within 300 feet of a residence are required to have an electrical outlet for Vehicle Engine Heaters and area to be posted: ALL TRUCKS MUST BE SHUT OFF, EXCEPT EMERGENCY VEHICLES.

**408 - MOBILE HOMES:** Individual mobile homes are regarded as single family dwellings by this Ordinance provided they are set upon a permanent foundation or supports, with supports and framework fully enclosed, and are connected to available utility services.

**409 - MOBILE HOME PARKS:** Mobile home parks shall meet the following requirements: **409.1:** No mobile home park shall have an area of less than 5 acres.

**409.2:** Each mobile home lot within the park shall have an areas of at least 5,000 sq. ft.

**409.3:** No mobile home shall be less than 40 feet from an adjoining property or 30 feet from an adjacent mobile home or building.

**409.4:** Not less than ten percent (10%) of the gross area of the park must be improved for recreational activities of the residents of the park.

**409.5:** The park shall be landscaped and screened from adjacent properties.

**410 - PLANNED UNIT RESIDENTIAL DEVELOPMENT:** The Borough Council may permit departures from the Zoning regulations for any planned residential development in the manner herein provided for Conditional Uses, if the planned project meets the following requirements:

**410.1:** The area of land to be developed is not less than fifteen (15) acres. **410.2:** Adjacent properties will not be adversely affected.

**410.3:** The average density of dwelling units is not greater than the density requirements in the district in which the plan is located. The use of the land shall not differ substantially from the use-permitted in the district, except that limited commercial facilities intended to serve only planned project area and fully integrated into the design of the project may be allowed.

**410.4:** The plan is consistent with the intent and purpose of this Ordinance.

**410.5:** A complete plan for the area is submitted for review by the Borough Planning Commission and Council to determine, among other things, is the proposed project is consistent with the Borough Comprehensive Plan.

**410.6:** A minimum of 2 acres per one hundred (100) dwelling units shall be reserved for recreational use, with no such recreation area to be less than one (1) acre.

**411 - WATER RECREATION AND STORAGE AREAS:** Water recreation and storage areas such as swimming clubs, reservoirs, sewage lagoons, and other similar facilities or uses shall comply with the following provisions:

**411.1:** Before a permit shall be issued to the operator or owner of the facility, a plan shall be approved by the Board as to the size of the facility, the proposed use, the parking arrangement and use of any other buildings on the site, surrounding properties and their usage, and any other pertinent information, including yard requirements and fencing.

**412 – SIGNS:** No sign shall be permitted except as herein provided:

**412.1 – GENERAL:** In any district all signs shall comply with the following general requirements:

**412.1(a):** They shall not be illuminated in any manner which will cause undue distractions, confusion or hazard to vehicle traffic.

**412.1(b):** They shall no project over public right-of-ways.

**412.1(c):** Temporary signs used for the purpose of advertising candidates for political elective office, or advertising questions to be decided by the electorate or for similar purposes shall be permitted provided such signs comply with all provisions of this Ordinance and do not exceed eight (8) square feet in size. In addition, such signs shall be removed within 30 days after the election for which they are intended. To insure their removal, the organization or individual(s) distributing such signs shall post a bond with the Zoning Officer, in an amount determined by a fee schedule established annually by Borough Council. The bond will be forfeited to the Borough in the event said signs are not removed in the prescribed time.

**412.1(d):** One temporary real estate or construction sign not exceeding eight (8) square feet in area will be permitted on a property being sold, leased or developed. Such signs shall be removed promptly when it has fulfilled its function.

**412.1(e):** One sign not exceeding four (4) square feet in area will be permitted which announced the name, address or professional activity of the occupant of the premises on which said sign is located.

**412.1(f):** Signs for non-conforming uses may be permitted on the premises of the non-conforming use provided they comply with the lot requirements of the district in which they are located and meet the minimum requirements of sign for similar uses in districts in which the use would be conforming.

**412.1(g):** Signs erected or maintained pursuant to and in the discharge of any law, ordinance or governmental regulation will be permitted.

**412.1(h):** A sign not exceeding one (1) square foot shall be permitted for the purpose of announcing the resident's name only and shall not contain any information relating to other uses of the property.

**412.1 (i):** Signs shall not be located to interfere with highway sight distances, nor shall they be located at curves.

**412.2 – Residential Districts:** In residential districts signs shall comply with the following:

**412.1(a):** One bulletin board not exceeding forty (40) square feet in area will be permitted in connection with any church, school or similar structure.

**412.3 – Commercial and Industrial Districts:** In commercial and industrial districts signs shall be permitted as follows:

**412.3(a):** One sign in connection with any legal commercial or industrial use or structure will be permitted on the premises of the business, provided such sign contains no information beyond the name, symbol and nature of the business, providing that if said commercial use or structure faces more than one road, on sign shall be allowed on each road frontage.

**412.3(b):** Signs shall contain no information or advertisement for any product or service not sold or processed on the premises.

**412.3(c):** Signs shall have an aggregate area not greater than one and one-half (1 1/2) square feet for each foot of width on the principal building on the premises.

**412.4 – Conservation District:** In the conservation district signs shall be permitted as follows:

**412.4(a):** Signs shall not exceed 300 square feet in area, not 25 feet in length, nor 12 feet in height. Total height of the sign from ground level shall not exceed 18 feet.

**412.4(b):** Signs shall be located not closer than 250 feet to a road intersection.

**412.4(c):** Signs shall not be permitted closer than 1,000 feet to another sign on the same side of the road and not closer than 500 linear road feet to another sign on the opposite side of the road.

**412.4(d):** Signs shall not be permitted closer than 250 feet to any residential use, school, church, park, playground, cemetery or similar use.

**412.5 – Institutional Zone:** Only signs that comply with Section 412.1 shall be permitted. The Planning Commission may review requests for signs that relate to the safety and general welfare of the public. The Zoning Officer may, after review of the Planning Commission's recommendations, approve or disapprove the requests.

**413 – AGRICULTURE:** Agriculture uses shall comply with the following except in the Conservation District where only Section 413.3 shall apply:

**413.1:** No farm building other than a dwelling may be erected within 300 feet of a neighboring residential building.

**413.2:** Intensively used facilities for animal raising and care, including but not limited to such facilities as feed lots, runs and pens, shall not be constructed within 500 feet of a neighboring residence.

**413.3:** Roadside stands for the sale of agriculture products shall be permitted providing:

**413.3(a):** They are erected at least 50 feet back from the nearest edge of the roadway surface on State Traffic Routes and 30 feet on all other roads.

**414 – FLOOD PLAINS:** Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only as follows and in accordance with the Sugarcreek Borough Flood Plain Ordinance (Ordinance 104 of 1985) and as it may from time to time, be amended:

**414.1:** Agriculture and recreational uses not including buildings or structures shall be permitted within designated flood areas.

**414.2:** Other uses, including agriculture and recreational uses, requiring buildings or other structures shall comply with the Flood Zone Construction Standards of the Sugarcreek Borough Building Permit Ordinance as the same may be amended or revised from time to time.

The location and boundaries of areas subject to periodic flooding shall be determined by reference to the Flood Hazard Boundary Map of the Federal Insurance Administration of the U.S. Department of Housing and Urban Development issued in conjunction with the National Flood Insurance Program.

**415 – MINERAL EXCAVATIONS AND PROCESSING:** Excavation and processing of sand, gravel, coal, oil, gas or other material from the ground shall be considered a temporary use and may be permitted in all districts as a Conditional Use if approved by the Borough Council. All mineral excavations shall comply with the Pennsylvania Oil and Gas Act (Act 223 of 1984) and the following minimum requirements and any other measures that Borough Council might specify to protect the public interest. A Zoning Certificate shall be required for each property.

**415.1:** All operations must be conducted no closer than 100 feet to an adjacent property, unless under common lease of ownership and no closer than 100 feet to any road right-of-way line.

**415.2:** All operations must be conducted no closer than 300 feet to a neighboring dwelling, school, hospital or similar use.

**415.3:** The operator shall file with Borough Council a plan showing location of adjacent properties, roads, and natural features.

**415.4:** The operator shall submit to the Borough Council for approval a plan for the restoration of the area to be disturbed, which shall include a time interval for restoration, anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, steps which will be taken to conserve the topsoil and the location of future roads, drainage courses or other improvements contemplated.

**415.5:** The operator shall file with the Borough Council written evidence that he has met all requirements and bounding requirements of the Pennsylvania Department of Environmental Protection (DEP). When the operator has performed all requirements contained in the restoration plan, he will be issued a written certificate by Borough Council that the restoration is complete and is in compliance with the plan.

**416 – JUNKYARDS AND SIMILAR STORAGE AREAS (INCLUDING AUTOMOBILE WRECKING):**

**416.1:** In addition to the provisions of this Ordinance, the establishment, use and maintenance of all junkyards shall be in accordance with the provisions of the Sugarcreek Borough Junkyard Ordinance (Ordinance 11 of 1962), as the same may be amended from time to time. In the event any provisions of this Ordinance conflict with the provisions of said Junkyard Ordinance the more restrictive provision shall prevail.

**416.2:** All junkyards shall be completely screened from roads or developed areas with a solid fence or wall eight (8) feet or more in height, maintained in good condition and painted (except for masonry construction) or other approved natural or constructed means of restricting visual contact. All existing junkyards shall comply with this requirement within one (1) year of the date of this Ordinance or shall terminate their operation.

**416.3:** No junkyards 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.

**416.4:** Access to and egress from junkyards established after the effective date of this Ordinance shall not be directly from State and Federal roads.

**417 – SOLID WASTE PROCESSING AND DISPOSAL:** Any technology used for the purpose of reducing the volume or municipal or residual waste for off-site reuse and/or the incineration, deposition, injections, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth. Solid waste as defined by this amendment shall not include hazardous or radioactive waste.

**417.1:** Solid Waste Processing and Disposal Operations may be permitted on in the A-1 Conservation District as a Condition Use if approved by the Council of Sugarcreek Borough in accordance with Article 7 of the Zoning Ordinance of the Borough of Sugarcreek, Venango County.

**417.2:** Plans for solid waste processing and disposal facilities and areas shall be in harmony with existing surroundings uses and shall conform with all requirements of the Pennsylvania Solid Waste Management Act 97 of 1980, as the same may be amended. In addition, all solid waste processing and disposal operations shall comply with the following minimum requirements:

**417.2(a):** No operation shall be conducted closer than 7,000 feet to an existing dwelling, school, hospital or similar use or water source for those uses.

**417.2(b):** There shall be one access road serving the solid waste processing and disposal operation. Said access road shall be located no closer than 3,000 feet to an existing dwelling, school, hospital or similar use.

**417.2(c):** No solid waste processing and disposal operation shall be located closer than one thousand (1,000) feet to an existing State, Federal or Borough road.

**417.2(d):** No operation proposing to dispose of hazardous, radioactive or sewage sludge from metropolitan or industrial sources shall be located closer than 10,000 feet to an existing dwelling, school, hospital or similar use or water supply for those uses.

**417.2(e):** A fee on a cost per ton basis, set by the Council, shall be assessed to any solid waste transported into solid waste processing and disposal that has been generated from outside the Borough of Sugarcreek.

**418 - DRIVE-IN THEATERS:** Where possible, access shall be from minor roads, rather than highways, to reduce congestions and accidents. Theater screens shall be placed so that they are not visible from a highway or shall be screened with adequate fencing or planting. No part of the facility shall be closer than 200 feet to any residential district.

**419 - HOME OCCUPATIONS:** A home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes. The following additional conditions shall be observed:

**419.1:** The occupation is customarily carried on in a dwelling unit or in a structure or building accessory to a dwelling unit.

**419.1(a):** Bed and Breakfast is a permitted use.

**419.2:** The occupation is carried on by members of the family residing in the dwelling unit, with not more than one employee outside the family.

**419.2(a):** Bed and Breakfasts may have a manager reside at the dwelling.

**419.3:** The occupation is carried on wholly within the principal structure or accessory structure.

**419.4:** There is no exterior display, no exterior sign, no exterior storage of materials and no exterior indication of the home occupation or variation from the residential character of the principal structure except as provided in Section 412.2(e).

**419.5:** No offensive odor, no vibration, smoke, dust, heat or glare is produced.

**419.6:** The only commodities sold shall be those made as part of the home occupation and related items.

**419.7:** The occupation occupies no more than 30 percent (30%) of the principal structure.

**419.8:** Off-Street parking is provided in accordance with Section 407.2(b).

Home occupations may include, but are not limited to art studios, dressmaking, professional offices of physicians, dentists, lawyers, engineers, architects or accountants; real estate offices, insurance offices barber shop and beauty parlors, or teaching, with musical instruction limited to one pupil at a time. A home occupation shall not be interpreted to include commercial stables, kennels or restaurants.

**420 – RESIDENTIAL OCCUPANCY OF COMMERCIAL ESTABLISHMENTS:** In accordance with provisions of Article 3 – Districts Regulations, a two-story building of appropriate design may, in addition to the first floor commercial use, provide residential apartments in the second floor as an accessory use.

In the Institutional Zone district, a multi-story building of appropriate design may, in addition to first-floor commercial use, provide partial residential use of the first floor and residential apartments on the addition floors as an accessory use, provided they meet all the requirements governed by the State Uniform Construction Code (UCC).

**421 – TRANSIENT TRAILER CAMPS:** Transient trailer camps shall, in addition to the rules and regulations of the Pennsylvania Department of Environmental Protection for campgrounds, the Venango County Subdivision and Land Development Regulations and other appropriate regulations, meet the following minimum requirements.

**421.1:** Transient trailer camps shall have an area of five (5) or more acres.

**421.2:** Each transient trailer site within the camp shall have an area of at least 1,500 feet.

**421.3:** Transient trailer sites within the camp shall be spaced so that trailers are at least twenty (20) feet apart and no closer than fifty (50) feet to an adjacent property line.

**421.4:** In addition to the minimum off-street parking space requirements of Section 407, separate off-street parking area for visitors shall be provided in the ratio of one half ( 1/2 ) parking space for each trailer site within the camp.

**422 – MULTIPLE-FAMILY DWELLINGS:** In addition to the other provisions of this Ordinance, multiple-family dwellings with five (5) or more dwelling units shall meet the following requirements:

**422.1:** The proposed multiple-family dwelling shall be so located that the sum of the number of dwelling units in the proposed multiple-family dwelling when added to the number of existing dwelling units within a twenty (20) acre circumscription, having as its center the location of the proposed multiple-family structure, shall not exceed twice the maximum number of units allowable for a hypothetical twenty-acre area developed entirely with single-family residences meeting the density requirements of the zoning district in which the project is proposed.

**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

510%.

- 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.”

#### **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."

**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 (5<sup>th</sup>) 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
<b>Principal Solar Energy Systems</b>	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."

## **ARTICLE 5 – ADMINISTRATION, ENFORCEMENT AND APPEALS**

**501 – ZONING OFFICER:** The Borough Council shall appoint the Zoning Officer, who shall administer the provisions of this Ordinance.

**502 – DUTIES OF THE ZONING OFFICER:** The Zoning Officer shall enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him/her by the Zoning Ordinance and are reasonably implied for that purpose.

**502.1 – Application, Zoning Certificate, Building Permits and Inspection:** The Zoning Officer shall receive applications for Zoning Certificates and Building Permits and make all inspections in accordance with the provisions of the Zoning Ordinance.

**502.2 – Inspection:** The Zoning Officer may examine or cause to be examined all structures and/or land for which an application has been filed for a Zoning Certificate and may conduct such inspections from time to time during and at completion of the work for which a Zoning Certificate has been issued.

**502.3 – Non-Conforming Use:** The Zoning Officer shall keep an up-to-date list of all Non-Conforming Uses.

### **503 - ZONING CERTIFICATE:**

**503.1 - Requirements:** Until the Zoning Officer has issued a Zoning Certificate applicable thereto, no person shall:

- 503.1(a):** Occupy or use any vacant land; or
- 503.1(b):** Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged; or
- 503.1(c):** Change a non-conforming use.

**503.2 - Expiration of Zoning Certificate:** The Zoning Certificate shall expire nine (9) months from the date of its issuance.

**503.3 - Application and Fees:** Each applicant for a Zoning Certificate shall present with the application a plot of the property showing clearly and completely the locations, dimensions and nature of any structure involved and such other information as the Zoning Officer may require in compliance with this Ordinance, together with a filing fee in accordance with the schedule of fees established annually by the Borough Council.

**503.4 - Records:** The Zoning Officer shall maintain a permanent file of all Zoning Certificates and Applications as public records.

**503.5 - Sewage Compliance:** The Zoning Officer shall not issue a Zoning Certificate not shall a Building Permit be issued until such time as the applicant presents satisfactory evidence that the proposed use will be adequately served by either public sewerage system or a private on-site sewage disposal system in compliance with the Pennsylvania Sewage Facilities Act (Act 537 of 1966), as amended and other appropriate laws and regulations relating to sewage disposal.

### **504 - BUILDING PERMITS:**

**504.1:** The applicant for a Building Permit shall also apply for a Zoning Certificate as required by this Ordinance.

### **505 - VIOLATIONS/ENFORCEMENT OF ORDINANCE: 505.1 Enforcement Notice:**

- a If it appears to the municipality that a violation of any Zoning Ordinance enacted under this Ordinance or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an Enforcement Notice as provided in this Section.
- b An Enforcement Notice shall be sent to the owner of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of the record.
- c An Enforcement Notice shall state at least the following:
  - 1 The name of the owner of record, any other person against whom the municipality intends to take action.
  - 2 The location of the property in violation.
  - 3 The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
  - 4 The date before which the steps for compliance must be commenced and the date before which the steps must be completed which shall be no less than thirty



(30) days after the Enforcement Notice date except when the violation involves imminent danger to person(s) or property.

- 5 That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the ordinance.
  - 6 That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- d In any appeal of an Enforcement Notice to the Zoning Hearing Board, the municipality shall have the responsibility of presenting its evidence first.
  - e Any filing fee paid by a party to appeal an Enforcement Notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

**505.2 Cause of Action:** In case any building, structure, landscaping or land is, or proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under this act or prior enabling laws, the governing body or, with the approval of the governing body, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the governing body of the municipality. No such action may be maintained until such notice has been given.

### **505.3 Enforcement Remedies:**

- a Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each date that violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there as a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5<sup>th</sup>) day following the date of determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation of zoning ordinance shall be paid over to the municipality.
- b The court of common pleas, upon petition, may grant an order of stay, upon cause shown,

tolling the per diem fine pending a final adjudication of the violation and judgement.

- c Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

**506 – APPEALS:** The procedure and time limitations for appeal from any ordinance, decision, determination or order of the Borough Council, Zoning Officer, Zoning Hearing Board or other applicable agency or officer of the municipality in the enactment or administration of this Ordinance shall be in conformance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968), as amended.

## **ARTICLE 6 – ZONING HEARING BOARD**

**601 – GENERAL:** In accordance with Article IX of the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board shall be appointed and organized, which Board shall adopt rules to govern its procedure. The Boards shall hold meetings, keep minutes and pursuant to notice, conduct hearings, compel the attendance of witnesses take testimony under oath and render decisions or findings. For the filing of any appeal or proceeding with the Boards, a fee shall be charged in accordance with a schedule established annually by the Borough Council.

Except as provided in Section 910, 912, 1004, 1005 of the Pennsylvania Planning Code and as hereafter provided, the Board shall have no power to pass upon the validity or any provision of the Zoning Ordinance and adopted by the Borough.

**602 – FUNCTIONS:** The Zoning Hearing Board shall conduct hearings and make determinations on matters as provided in this Ordinance in accordance with the provisions of Sections 909 through 913 of the Planning Code including the following functions:

**602.1 – 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 this Ordinance or Map or any valid rule or regulation governing the action of the Zoning Officer. Such appeals shall be filed within thirty (30) days as provided in Section 915 of the Planning Code.

**602.2 – Special Exceptions:** The Board shall hear and decide requests for special exceptions in accordance with the standards and criteria of this Ordinance. As a minimum the following standards and criteria must be met:

- A The use is compatible with adjacent uses and structures.
- B The use is suited to the topography and other physical characteristics of the site.
- C The use complies with all off-street parking and other provisions of this Ordinance.

**602.3 – Variance:** The Boards shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant:

- A There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally

created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

- B 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 they authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C Such unnecessary hardship has not been created by the appellant.
- D The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
- E 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.

**602.4 - Challenge to the Validity of the Zoning Ordinance or Map:** The Board shall hear challenges to the validity of the Zoning Ordinance or Map in accordance with Sections 910, 1003 and 1004 of the Planning Code. In all such challenges, the Board shall take evidence and make a record thereon as provided in Section 908 of the Planning Code. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

**602.5 - Unified Appeals:** Where the Board has jurisdiction over a zoning matter it shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 908 of the Planning Code. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

**602.6 - Non-Conforming Uses and Structures:** The Board shall make determinations on Non-Conforming Uses and Structures as provided in Section 401 of this Ordinance.

**602.7 - Home Occupations:** The Board shall make determinations on Home Occupations as provided in Section 419 of this Ordinance.

**602.8 - Reasonable Conditions and Safeguards:** In authorizing any special exception, variance, change of a non-conforming use or structure, or home occupation the Board may require, in addition to those specifically provided in this Ordinance, reasonable conditions and safeguards as it determines is necessary to meet the intent of this Ordinance, to protect adjacent property and to promote the public interest. This may include securing the services of expert consultants to advise the Board and requiring submission of a plan of the proposed land or structure in sufficient detail for the Board to make an informed decision. In interpreting and applying to provisions of this Ordinance, they shall be held to be the minimum requirements for the health, safety and general welfare of the Borough.

**602.9 - Request and Application Procedure:** All requests, applications or appeals made to the Board shall be in writing on forms prescribed by the Rules of Procedure of the Board. Every appeal or application shall refer to the specific provision of the Ordinance involved and shall set

forth exactly the interpretation that is claimed, the use which is sought or the details of the variance that is applied for and the grounds on which it is claimed a request should be granted. At least ten (10) days before the date of the hearing, on a request, application or appeal in order that the Planning Commission may have an opportunity to submit a report or opinion to the Board.

**603 - HEARINGS:** The Board shall conduct hearings and make decisions in accordance with the following provisions:

**603.1 - Notice of Hearing:** Notice shall be given to the public, the applicant, the Zoning Officer, Borough Council, the Sugarcreek Borough and Venango County Planning Commissions and such other persons who have been designated by Council or have made timely request for the same. Notice shall also be conspicuously posted on the affected tract of land.

**603.2 - Conduct of Hearing:** The hearing shall be conducted in accordance with the Rules of Procedure of the Board and a stenographic record of the proceedings shall be kept. The Chairman, acting chairman or hearing officer presiding shall assure that all interested parties have an opportunity to be heard or represented and may administer oaths, issue subpoenas, require testimony and relevant documents and exclude irrelevant immaterial or unduly repetitious evidence.

**603.3 - Notification of Decision:** The Board shall render a written decision or make written findings within forty-five (45) days after the last hearing date. A copy of the final decision shall be delivered to the applicant in person or mailed within one (1) day of the date of the decision or findings. Notification of the decision shall also be provided to those persons or organizations receiving notice of the hearing and any other persons requesting notification who have filed their names and address with the Board not later than the last day of the hearing.

**604 - APPEAL FROM BOARD'S DECISION:** Any person aggrieved by any decision of the Board, or any taxpayer or member of Borough Council, within thirty (30) days after such decision of the Board, appeal there from in accordance with Article X, Section 1007 of the Pennsylvania Municipalities Planning Code.

## **ARTICLE 7 - CONDITIONAL USES AND SPECIAL EXCEPTIONS**

**701 - GENERAL:** Conditional uses may be permitted or denied by the Borough Council after recommendations by the Planning Commission in accordance with the following criteria and provisions:

**702 - APPLICATION:** Applications for Conditional Uses and Special Exceptions will be filed with the Zoning Officer and shall be accompanied by:

**702.1 - Fee:** An application fee in an amount equal to that established annually by the Borough Council.

**702.2 - Plans:** Five (5) copies of a site plan and supporting data which shows the size, location and topography of the site, the use of adjacent land, the proposed size, bulk, use and location of buildings; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities, the provisions for parking, moving or loading of vehicles and the timing of construction proposed.

**703 - REVIEW:** The Zoning Officer shall forward copies of the Conditional Use Application to the Borough Council and to the Planning Commission and applications for Special Exceptions to the Zoning Hearing Board for the review and approval.

**703.1 - Time:** For Conditional Uses, the Planning Commission shall forward its recommendation within forty (40) days unless the petitioner agrees in writing to a time extension and failure to act within the allotted time shall be deemed to be a favorable recommendation.

**703.2 - Conditions:** For Conditional Uses, the Borough Council may, in addition to those specifically provided in this Ordinance, attach such reasonable conditions and safeguards as it determines is necessary to meet the intent of this Ordinance, to protect adjacent property and to further the public interest. All development, construction and use shall be in accordance with the approved plan and all attached conditions, unless a revised plan is submitted and approved. Any development contrary to the approved plan shall constitute a violation of this Ordinance.

**704 - CRITERIA FOR APPROVAL:** A Conditional Use or a Special Exception shall be approved only if it meets the following criteria:

**704.1 - Use:** The proposed use conforms to the district and Conditional Use or Special Exceptions provisions and all general regulations of this Ordinance.

**704.2:** The effect on traffic, as to creating danger and hazards which would be adverse to the public safety but not the mere fact that the use would increase traffic.

**704.3:** Whether the use will create a nuisance or hazard to the neighboring property owners.

**704.4:** Will the use result in high probability of a substantial effect on the community of pollution, drainage and/or flooding problems.

**704.5 - Special Standards:** The proposed use meets all special standards which may apply to its class of Conditional Use or Special Exceptions as set forth in this Article:

A Churches, hospitals and nursing homes:

- 1 Shall provide all parking and loading/unloading requirements as required by this Ordinance.
- 2 Shall be so located as to be readily accessible from streets that are adequate to handle anticipated traffic.
- 3 The design and landscaping shall be compatible with, and preserve the character of adjoining residential uses.
- 4 All parking and recreation/play areas which abut residential uses shall be screened.
- 5 Any outdoor lighting shall be designed to prevent glare to adjoining properties.

B Public Utilities:

- 1 Shall be landscaped to preserve the residential character of the neighborhood.
- 2 Shall be enclosed by a security fence; notwithstanding any other section of this chapter, the height of this fence shall be adequate to provide proper security for the installation.
- 3 No outdoor storage shall be permitted.

C Medical Clinics:

- 1 Such facilities shall exclude the treatment of the insane, nor shall they include penal or correctional institutions.
- 2 Access shall from a street with a pavement width of at least twenty-four (24) feet.
- 3 All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street.
- 4 All lighting shall be so arranged to prevent glare to adjoining properties.
- 5 Any parking area next to a residential use shall be screened.

**704.6 - Performance Standards:** The proposed use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons and shall comply with the Performance Standards of Section 406.

**704.7 - Relationship:** The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship or buildings and grounds to adjacent buildings and properties.

**704.8 - Environment:** The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

**704.9 - Screening:** A non-residential use proposed in a residential district shall be adequately screened from residential areas as deemed appropriate by the Borough Council.

**704.10 - Parking:** Adequate off-street parking shall be provided in accordance with this Ordinance. No off-street parking area for a non-residential use shall be closer than 20 feet to any adjacent lot in a residential district.

**704.11 - Access:** The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. Access to off-street parking areas shall be limited to several well defined locations and in no case shall there be unrestricted access along the length of a street or alley.

**704.12 - Objectives:** The proposed use shall preserve the objectives of this Ordinance.

**705 - PUBLIC NOTICE:** Public notice shall be given of the time and place of the meeting at which Borough Council will consider a request for Conditional Use. The notice shall clearly describe the nature of the requested Conditional Use.

## **ARTICLE 8 - AMENDMENTS**

**801 - GENERAL:** The Borough Council may introduce and consider amendments to this Ordinance and to the Zoning Map as proposed by a member of the Borough Council, by the Planning Commission, or by a petition of a person residing or owning property within the Borough.

**802 - PETITIONS:** Petitions for amendment shall be filed with the Borough Council, and the petitioner, upon such filing shall pay an advertising deposit and a filing fee, in accordance with a schedule established annually by the Borough Council.

**803 - REFERRAL:** Any proposed amendment presented to the Borough Council shall be referred to the Sugarcreek Borough Planning Commission and Venango County Planning Commission for review prior to public hearing by the Borough Council. A forty-five (45) day review period by these Planning Commissions shall be allowed before the Borough Council may take final action on the amendment.

**804 - ACTION:** Before acting upon a proposed amendment, the Borough Council shall hold at least one public hearing thereon, notice of such public hearing, containing a brief summary of the proposed amendment and a reference to the place where copies of the same may be examined, shall be published once each week for two (2) successive weeks in a newspaper of general circulation within the Borough. The first publication shall be at least fourteen (14) days but not more than thirty (30) days prior to the date of the hearing.

**805 - CURATIVE AMENDMENTS:** A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or Map or an provision thereof, which prohibits or restricts the use or development of land in which he as an interest may submit a curative amendment to the Borough Council with a written letter request that his challenge and proposed amendment by heard and decided as provided in Sections 609.1 and 1004 of the Pennsylvania Municipalities Planning Code (Act 247) as amended. As with other proposed amendments, the curative amendment shall be referred to the Sugarcreek Borough Planning Commission and the Venango County Planning Commission at least forty-five (45) days before the hearing is conducted by the Borough Council.

**806 - AMENDING ORDINANCES:** This Zoning Ordinance includes the provisions of the Ordinance No. 22 of 1969 as amended by the following ordinances adopted by the Borough Council:

Amendment No. 1, Ordinance No. 22A of July 6, 1970  
Amendment No. 2, Ordinance No. 42 of December 19, 1972  
Amendment No. 3, Ordinance No. 69 of September 7, 1977  
Amendment No. 4, Ordinance No. 73 of October 18, 1978  
Amendment No. 5, Ordinance No. 78 of October 8, 1979  
Amendment No. 6, Ordinance No. 86 of December 3, 1980  
Amendment No. 7, Ordinance No. 96 of August 4, 1982  
Amendment No. 8, Ordinance No. 111 of November 5, 1986  
Amendment No. 9, Ordinance No. 123 of March 15, 1989  
Ordinance No. 120 of October 7, 1987  
Ordinance No. 175 of August 20, 1997  
Ordinance No. 195 of December 20, 2000  
Ordinance No. 236 of June 2, 2004  
Ordinance No. 274 of February 6, 2013  
Ordinance No. 275 of February 20, 2013  
Ordinance No. 304 of September 3, 2025

All other zoning ordinance amendments:  
Ordinance No. 42 of December 19, 1972  
Ordinance No. 69 of September 7, 1977  
Ordinance No. 73 of October 18, 1978  
Ordinance No. 78 of October 8, 1979  
Ordinance No. 86 of December 3, 1980  
Ordinance No. 96 of August 4, 1982  
Ordinance No. 186 of May 5, 1999  
Ordinance No. 234 of April 7, 2004  
Ordinance No. 253 of February 21, 2007  
Ordinance No. 272 of December 19, 2012  
Ordinance No. 273 of December 19, 2012