

ORDINANCE NO. 22 OF 1969
Borough of Sugarcreek
Venango County, Pennsylvania

Includes the following Zoning Ordinance Amendments:

<u>Amendment Number</u>	<u>Ordinance Number</u>	<u>Date of Adoption</u>
1	22A	1970
2	42	1972
3	69	1977
4	73	1978
5	78	1979
6	86	1980
7	96	1982
8		1986

Attached are the following Zoning Ordinance Amendments:

<u>Ordinance Number</u>	<u>Date of Adoption</u>
120	1987
123	1989
175	1997
184	1998
186	1999
190	1999
195	2000
214	2002
234	2004
236	2004
253	2007

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ORDINANCE NO. 22 OF 1969
as amended
Borough of Sugarcreek
Venango County, Pennsylvania

AN ORDINANCE DIVIDING THE BOROUGH INTO VARIOUS ZONING DISTRICTS AND REGULATING THE CONSTRUCTION, ALTERATION 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, morals 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 provision of this Ordinance and after the lawful issuance of all permits and certificates require by this Ordinance.

106 SEVERABILITY: If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of this Ordinance or the application 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or ordinance or any part of any resolution or ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.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, proper density or 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, panic or other dangers. More specifically, these broad purposes are designed to clearly achieve the 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 include the following:

1. 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.
2. To encourage future land development to complement a logical, harmonious and efficient pattern of future growth.
3. To encourage future residential use to occur in a harmonious arrangement within compact neighborhood units and to discourage strip development.
4. To preserve strategic properties suitable for industrial development for the establishment of diversified industry throughout the Borough.

5. 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.
6. To protect property values to insure a suitable, attractive, and efficient community environment.
7. To encourage integrated and cohesive urban development.
8. To encourage developers to incorporate adequate public facilities and open spaces in neighborhood design.
9. To increase and diversity and vitality of neighborhoods and prevent isolation of income groups by encouraging dispersal of low and moderate income 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 plural 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 construed to include the words "intended, arranged or designed to be used or occupied".

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

Areal: 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.

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 roofed structure enclosed by walls for the shelter, housing or enclosure of persons, goods, 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 of 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.

Clinical: 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 members 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 approval 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.

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 housed on a lot or group of lots divided by the area in acres of the lot or group of lots computed exclusive of any portion of the right-of-way or any road.

Dwelling, Single Family: A detached dwelling arranged or used for occupancy by one family.

Dwelling Units: One 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 governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrant, 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 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.

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

Golf Course: Land for playing the sport of golf, consisting of a minimum of nine holes, but excluding miniature golf, par-three golf, pitch and putt, driving ranges and similar golf-associated activities except as accessory uses on a golf course.

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 proper container for the purpose of prompt disposal. Under this Ordinance two (2) or more scrapped, abandoned, or junked motor vehicles or one 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 or fabrication 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 interesting 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 a 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 unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly 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 nontransient use, consisting of two (2) or more mobile home lots.

Nonconforming Structures: A structure of part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or prior to the enactment of such ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

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

Permitting Use: 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 service, watch repairing, barber shops, beauty parlors, and related activities.

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

Professional Offices: The use of offices and related spaces for such professional services as are provided by doctors, lawyers,

architects, engineers and similar professions.

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

Screening: Screening relative to this Ordinance shall mean a fence, evergreen hedge, or wall at least eight (8) feet high, 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.

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

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 is 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 from the strict letter of the Zoning Ordinance as it applies to specific properties as authorized by the Zoning Hearing Board in accordance with the provisions of this Ordinance.

Yard: Any open space located on the same lot with a building, unoccupied and 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 the nearest side 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
I-Z	Institutional Zone
C-1	Commercial
C-2	Highway Commercial
LI-C	Light Industrial/Commercial
I-1	Light Industrial
I-2	Heavy Industrial

303 DISTRICT BOUNDARIES: The boundaries between districts are centerlines of streets, alleys, railroads rights-of-way, streams, or such lines 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 of the Borough Council after recommendation by the Planning Commission, whereas permitted uses require only normal application 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

<u>Permitted Uses</u>	<u>Special Exceptions</u>
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 or Boosting Stations
8. Camps and Campgrounds	8. Nurseries and Green houses
9. Essential Services	9. Sawmills and Lumber Storage
	10. Commercial Indoor and Outdoor Amusements
	11. Transient Trailer Camps
	12. Hospitals and Clinics for Humans
	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
	20. Community or Social Buildings and Uses

Conditional Uses

1. Mobile Parks
2. Junk Yards
3. Solid Waste Processing & 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

R-1 SUBURBAN RESIDENTIAL

<u>Permitted Uses</u>	<u>Special Exceptions</u>
1. Single-Family Detached Dwellings	1. Home Occupations
2. Individual Mobile homes	2. Water Recreation and Storage
3. Churches	3. Parks and Playgrounds

- 4. Libraries
- 5. Essential Services

- 4. Golf Courses
- 5. Fire Stations
- 6. Public Utility Buildings
- 7. Multiple-Family Dwellings
- 8. Municipal Buildings
- 9. Nursing and Convalescent Homes
- 10. Cemeteries
- 11. Community or Social Buildings and Uses

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

Permitted Uses

- 1. Single-Family Detached Dwellings
- 2. Individual Mobile homes
- 3. Churches
- 4. Libraries

Special Exceptions

- 1. Home Occupations
- 2. Multiple-Family Dwellings
- 3. Water Recreation and Storage
- 4. Parks and Playgrounds
- 5. Golf Courses
- 6. Nursing and Convalescent Homes
- 7. Nursery Schools
- 8. Fire Stations
- 9. Public Utility Buildings
- 10. Municipal Buildings
- 11. Community or 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

IZ – INSTITUTIONAL ZONE

Permitted Uses

- 1. Single-Family Dwellings
- 2. Hospitals and Clinic for
- 3. Medical and Medically Related Personal and Professional Offices
- 4. Library Buildings
- 5. Commercial Medical Schools
- 6. Eating and Drinking Establishments (except those

Special Exceptions

- 1. Home Occupations
- 2. Multiple-Family
- 3. Fire Stations
- 4. Churches
- 5. Residential Occupancy of Commercial Establishments
- 6. Motels and Hotels
- 7. Funeral Homes

serving alcoholic beverages and drive-in types)

7. Beauty Shops and Barber 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

Conditional Uses

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

C-1 COMMERCIAL

Permitted Uses

1. Retail Business
2. Eating and Drinking Establishments (but NOT including drive-in types)
3. Food Stores
4. Offices
5. Personal and Professional Services
6. Municipal Buildings
7. Public Utility Buildings
8. Commercial Schools
9. Commercial Indoor and Outdoor Amusements
10. Clubs
11. Funeral Homes
12. Essential Services
13. Community or Social Buildings and Uses

Special Exceptions

1. Drive-in type eating and drinking establishments
2. Motels
3. Water Recreation and Storage
4. Auto Sales, Service and Repair
5. Churches
6. Animal Clinics
7. Hospitals and Clinics for Humans
8. Fire Stations
9. Libraries
10. Residential Occupancy of Commercial Establishments

Conditional Uses

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

C-2 HIGHWAY COMMERCIAL

Permitted Uses

1. Eating and Drinking Establishments (including drive-in type with outside service)
2. Retail Business
3. Food Storage
4. Motels
5. Auto Sales, Service and Repair
6. Offices
7. Personal and Professional Services
8. Commercial Indoor and Outdoor Amusements
9. Mobile home Sales and Displays
10. Public Utility Buildings

Special Exceptions

1. Mobile home Parks
2. Research and Testing Laboratories
3. Water Recreation and Storage
4. Animal Clinics
5. Residential Occupancy of Commercial Establishment

11. Municipal Buildings
12. Fire Stations
13. Churches
14. Hospitals and Clinics for Humans
15. Essential Services
16. Community or Social Buildings and Uses

Conditional Uses

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

LI/C LIGHT INDUSTRIAL/COMMERCIAL

Permitted Uses

1. Eating and Drinking Establishments
2. Retail Businesses
3. Food Supermarkets
4. Motels
5. Automobile and Truck Sales (Excluding Body Work)
6. Offices and/or Office Buildings
7. Public Utility Buildings
8. Municipal and/or Government Buildings
9. Essential Services
10. Research and Testing Laboratories (except explosive testing)
11. Light Manufacturing (As defined by Article 2)
12. Warehouse
13. Truck Terminals
14. Fire Stations
15. Wholesale Businesses

Special Exceptions

1. Churches
2. Community Buildings
3. Auto Body Repair Shops

Conditional Uses

1. Sewage Treatment Facilities
2. Mineral Excavation and Processing
3. Heavy Manufacturing

I-1 LIGHT INDUSTRIAL

Permitted Uses

1. Research and Testing Laboratories
2. Office Buildings
3. Light Manufacturing (as defined by Article 2) including production of 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 nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; and food products, but not including animal slaughtering, curing nor rendering of fats.
4. Municipal Buildings
5. Warehousing
6. Essential Services

Special Exceptions

1. Water Recreation and Storage
2. Manufacturing meeting Performance Standards of Section 406
3. Truck Terminals
4. Bulk Fuel Storage
5. Public Utility Buildings
6. Fire Stations
7. Sawmills and Lumber Storage
8. Retail Business
9. Auto and Truck Sales and Service
10. Eating and Drinking Establishments
11. Community or Social Buildings and Uses

Conditional Uses

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

I-2 HEAVY INDUSTRIAL

Permitted Uses

1. Research and Testing Laboratories
2. Office Buildings
3. Warehousing
4. Light Manufacturing (as defined by Article 2)
including production of 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 nonferrous metal castings; light sheet metal products; plastic goods; pharmaceutical goods; and food products, but not including animal slaughtering, curing nor rendering of fats.
5. Essential Services
6. Truck Terminals

Special Exceptions

1. Oil Refineries
2. Water Recreation and Storage
3. Bulk Fuel Storage
4. Fire Stations
5. Heavy Manufacturing (provided said use is not objectionable to immediate neighbors because of noise, vibration or emission of noxious gases, fumes or dust)
6. Public Utility Buildings
7. Community or Social Buildings and Uses
8. Eating and Drinking Establishments
9. Auto and Truck Sales, Service, and Repairs

Conditional Uses

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

TABLE 304(B) LOT, YARD, & HEIGHT REQUIREMENTS

ZONING DISTRICT	Min. Area (Sq. Ft. or acres)	Min. Lot Width (Ft.)	Min. Front Yard (Ft.)	Min. Side Yard (Ft.)	Min. Rear Yard (Ft.)	Max. Bldg. Height (Ft.)	Max. Lot Coverage (%)
<u>A-1 Conservation</u>							
Residences	1 acre	150	50	30	50	35	5
All Other Uses	3 acres	200	50	30	50	35	5
<u>R-1 Suburban Residential</u>							
All Uses NOT Served by Public Sewerage System	1 acre	150	50	25	50	35	10
All Uses (Except Multiple-Family Dwellings with 5 or more units) Served by Public Sewerage System)	15,000 s.f.	100	35	15	40	35	20
Multiple-Family Dwellings with 5 or more units (must be served by Public Sewage System)	12,000 s.f. plus 3,000 s.f. per family	125	35	25	50	45	40
<u>R-2 Urban Residential</u>							
All Uses (Except Multiple-Family Dwellings with 5 or more units) NOT served by Public Sewerage system	1 acre	150	35	15	50	35	10
All Uses (Except Multiple-Family Dwellings with 5 or more units) Served by Public Sewerage System	12,000 s.f.	85	35	10	40	35	35
Multiple-Family Dwellings with five (5) or more units (must be served by Public Sewerage System)	10,000 s.f. plus 3,000 s.f. per family	125	35	25	50	45	40
<u>I-Z Institutional Zone</u>	5,000 s.f.	50	15	15	20	45	60
<u>C-1 Commercial</u>							
All Uses	5,000 s.f.	50	20	10	20	30	50
<u>C-2 Highway Commercial</u>							
All Uses	20,000 s.f.	100	35	20	40	30	40
<u>LT/C Light Industrial/Commercial</u>	30,000 s.f.	100	50	10	20	30	50**
<u>I-1 Light Industrial</u>	1 acre	150	50	20	30	0	0

Public Utilities	0	0	0	0	0	45	50
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I-2 Heavy Industrial	5 acres	300	50	50	150	75	50
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**Coverage over 50% shall require Zoning Hearing Board Approval

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 greater 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 if approved by the Board.
- 401.6 Nothing contained herein shall require any change in over all layout, plans, construction, size or designed use of any development, building, structure or part there of, 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 a 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 non-conforming.

402 EXISTING LOTS OF RECORD: Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for 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 that 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 replatting 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 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, and defined in this Ordinance, as of the date of this amendment.

403 APPLICATION OF YARD REGULATIONS:

403.1 Lots which abut or more than one street shall provide the required front yards along every street.

403.2 All structures, whether attached to the principal structure or not, and whether open 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 garage, tool houses, play houses, etc.) may project into rear yards. Such structures shall be located no less than five (5) feet from a side or rear lot line.

403.3 A wall or fence under six feet in height, or higher if a retaining wall, and paved terraced 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:

<u>Use</u>	<u>Minimum Side or Rear Yard</u>
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 residences, not more than one single family residence may occupy any 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 (½) 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 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 a district must observe the following performance requirements:

406.1 Fire Protection: Fire protection 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 Disturbance: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the neighboring area.

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 this 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 not apply to any form of fertilizer in districts where agriculture is a permitted use.

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

406.7 Glare: Lightning devices which produce objectionable direct or reflected glare on adjoining properties 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 consultations to testify as to whether a proposed use will conform to the performances requirements. The cost of such services shall be borne by the applicant.

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 an 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

<u>Uses</u>	<u>Square Feet of Floor Area</u>	<u>Required Off-Street Loading Berths</u>
1. Schools	15,000 or more	1
2. Hospitals (in addition to space for ambulance)	10,000 – 300,000 For each additional 300,000 or major fraction thereof	1 1 additional
3. Undertaker and Funeral Parlors	5,000 For each additional 5,000 or major fraction thereof	1 1 additional
4. Hotels and Offices	10,000 or more	1
5. Commercial	10,000 – 40,000	1
6. Wholesale Manufacturing and Storage	40,000 – 60,000 60,000 – 80,000 80,000 – 100,000 (1 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 usable shape and condition. Except in the case of dwellings, no parking area shall contain egress to all parking spaces. Parking areas shall be designed to provide sufficient turn-around area so that vehicles area 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 locations, 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 fourth 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

<u>Uses</u>	<u>Required Parking Spaces</u>
1. Automobile Sales and Service Garage	1 for each 400 sq. ft. of floor area
2. Banks	1 for each 100 sq. ft. or 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 or dwelling unit including space in garage
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 (2)
13. Hospitals, Nursing or Convalescent Homes High Rise for Elderly	1 for each 2 beds and 1 for each 1.5 per employee (including staff) based upon peak shift 1/3 space for unit
14. Hotels and Motels	5 plus 1 for each living or sleeping unit*
15. Manufacturing Plants, Research, or Testing Laboratories, Bottling Plants	1 and ½ parking spaces for each employee
16. Medical or Dental Offices	5 for each doctor, plus 1 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 one 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 House 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.

*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 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, 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. (See definition of Screening)

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 grade and drained to properly dispose of all surface water, and shall 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 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: Individuals 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 five (5) acres.

409.2 Each mobile home lot within the park shall have an area of at least 5,000 square feet.

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 appropriately 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 used 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, if 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 purposed 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 distraction, confusion, or hazard to vehicular traffic.

412.1 (b) They shall not project over public rights-of-way.

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 square feet in area will be permitted on a property being sold, leased, or developed. Such sign 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 announces 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 signs 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 residents 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:

412.2 (a) One bulletin board not exceeding forty 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 is said commercial use or structure faces more than one road, one sign shall be allowed on each road frontage.

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

412.3 (c) Signs shall have an aggregated area not greater than one and one-half 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: Agricultural 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 agricultural 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 Sugar creek Borough Flood Plain Ordinance (Ordinance #104 of January 17, 1985) and as it may, from time to time, be amended:

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

414.2 Other uses, including agricultural and recreational uses, requiring buildings or other structures shall comply with the Flood Zone Construction Standards of the Sugar creek 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 Maps 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 neighborhood 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 registration and bonding requirements of the Pennsylvania Department of Environmental Resources. 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 Sugar creek Borough Junkyard Ordinance No. 11 of January 17, 1972, 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 junkyard established after the effective date of this Ordinance shall be located closer than 1,000 feet to an existing State or Federal road, nor closer than 300 feet to a Borough road.

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: Plans for solid waste processing and disposal facilities and areas shall be in harmony with existing surrounding uses and the opinion of the State Department of Environmental Resources concerning proper drainage, cover, and the operation as a whole. Plans shall be provided by the applicant to the Borough Council in accordance with the Pennsylvania Solid Waste Management Act (Act 97 of 1980) as the same may be amended.

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.

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

419.3 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 412.1 (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 hie occupation and related items.

419.7 The occupation occupies no more than 30 percent of 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 or physicians, dentists, lawyers, engineers, architects, or accountants; real estate offices, insurance offices, barber shops 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- District 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 additional floors as an accessory use, provided they meet all the requirements governed by the State Department of Labor and Industry Fire and Panic Regulations.

421 TRANSIENT TRAILER CAMPS: Transient trailer camps shall, in addition to the rules and regulations of the Pennsylvania Department of Environmental Resources for campgrounds, the Venango County Subdivision 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 areas for visitors shall be provided in the ratio of one half (½) 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 residence meeting the density requirements of the zoning district in which the project is proposed.

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 Certificates, Building Permits, and Inspection: The Zoning Officer may examine or 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. cause to
and may
- 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. which
time
- 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 the use of a structure or land to a different use;

503.1 (d) 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 Applications and Fees: Each applicant for a Zoning Certificate shall present with the application a plat of the property showing clearly and completely the locations, dimensions and nature of any structure involved in 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 nor 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 a 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: Any person who violates the provisions of this Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine or not more than five hundred (\$500.00) dollars. In default of payment of the fine, sixty (60) days in accordance with Section 616 of the Pennsylvania Planning Code. Any person continuing any such violation beyond one (1) calendar day shall be deemed to have committed a separate offense for each calendar day such violation continues.

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 Board shall hold meetings, keep minutes, and, pursuant to notice, conduct hearings, compel the attendance or witnesses takes testimony under oath, and render decisions or findings. For the filing of any appeal or proceeding with the Board, 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 of 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:

- (1) The use is compatible with adjacent uses and structures.
- (2) The use is suited to the topography and other physical characteristics of the site.
- (3) The use complies with all off-street parking and other provisions of this Ordinance.

602.3 Variances: The Board 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:

- (1) 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.
- (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable to reasonable use of the property.
- (3) Such unnecessary hardship has not been created by the appellant.
- (4) The variance, if authorized will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

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 the 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 10 days before the date of the hearing, on a request, application, or appeal in order that the Planning Commissions 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 requests 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 or findings shall be delivered to the applicant in person or mailed within one 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 name 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, may 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

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 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 Application to the Borough Council and to the Planning Commission for review and approval.

703.1 Time: 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: 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 shall be approved only if it meets the following criteria:

704.1 Use: The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.

704.2 Special Standards: The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this Article.

704.3 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.

704.4 Relationship: The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

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

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

704.7 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.

704.8 Access: The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. Access to off-street parking area 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.

704.9 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 the Borough Council will consider a request for a 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 amendments 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 Commission 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 reference to the place where copies of the same may be examined, shall be published once each week for two 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 any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be 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

ORDINANCE NO. 120 OF 1987

AN ORDINANCE AMENDING ORDINANCE #22 OF 1969, BEING THE ZONING ORDINANCE OF THE BOROUGH OF SUGARCREEK, VENANGO COUNTY, PENNSYLVANIA, AND THE ZONING MAP OF THE BOROUGH OF SUGARCREEK INCORPORATED IN SAID ORDINANCE AND EXISTING AMENDMENTS AND SUPPLEMENTS THERETO BY AMENDING ORDINANCE #22 FROM THE CODE OF THE BOROUGH OF SUGARCREEK REGARDING "SOLID WASTE PROCESSING AND DISPOSAL". ARTICLE 4. SECTION 417.

WHEREAS, the Council of the Borough of Sugarcreek, Venango County, Pennsylvania, deem it to be in the best interest of the Borough, to adopt regulations dealing with the location of sanitary landfills; and

WHEREAS, such regulations are intended to promote protect and facilitate the public health, safety and general welfare of the Borough of Sugarcreek; and

WHEREAS, in accordance with Article 4, Section 417, from Ordinance #22 of the Borough of Sugarcreek and Section 609 of the aforesaid Pennsylvania Municipalities Planning Code, a public hearing was held by the Council of the Borough of Sugarcreek after proper public notice.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the authority of the Council of Sugarcreek Borough, that the aforesaid Borough of Sugarcreek Zoning Ordinance #22, be amended as follows:

Add the following definitions:

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 human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

RADIOACTIVE WASTE: Any material solid, liquid, or gas of which one or more constituents exhibit radioactivity or is capable of emitting ionizing radiation.

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.

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 used 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.

Amend Article 7 to read: Section 701, Solid Waste Processing and Disposal Operations may be permitted only in the A-1 Conservation District as a Conditional 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.

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, Act 241 of 1969, as the same may be amended. In addition, all solid waste processing and disposal operations shall comply with the following minimum requirements:

A. No operation shall be conducted closer than 7,000 feet to an existing dwelling, school, hospital or

ORDINANCE NO. 120 OF 1987 CONTINUED

similar residential use or water source for those uses.

B. There shall be one access road serving 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 residential use. similar

C. No solid waste processing and disposal operation shall be located closer than one thousand (1,000) feet to an existing state, federal or township road.

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 residential use or water supply for those uses. similar

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

BE IT FURTHER ORDAINED AND ENACTED that the above described zone changes shall become effective October 7, 1987.

APPROVED THIS 7th DAY OF OCTOBER, 1987.

ORDINANCE NO. 123 OF MARCH 15, 1989

MOTION TO ADOPT A ZONING ORDINANCE AMENDMENT, AMENDMENT #9 TO ORDINANCE #22 OF 1969 FOR SUGARCREEK BOROUGH, VENANGO COUNTY, PENNSYLVANIA

WHEREAS; The Sugarcreek Borough Council appointed a 1967, and

WHEREAS; Said Planning Commission entered upon its duties and after proper study and due reference to the comprehensive plan, prepared a Zoning Ordinance and a Zoning Map, and held at least one public meeting, as required by law, on said proposed Zoning Ordinance Amendment on December 19, 1988, at 10:00 A.M. at Sugarcreek Borough Municipal Building, and

WHEREAS; The said Planning Commission submitted its proposed Zoning Ordinance Amendment and Zoning Map which was annexed thereto the governing body or Municipal Officers of Sugarcreek Borough on January 4, 1989 and

WHEREAS; The governing body or Municipal Officers of Sugarcreek Borough being the Sugarcreek Council, held a public meeting on Wednesday, March 1, 1989, in the Sugarcreek Borough Municipal building, after public notice of its intention to consider the proposed Zoning Ordinance Amendment, and

WHEREAS; After said public hearing announcement was made by the governing body or Municipal Officers of Sugarcreek Borough, being the Sugarcreek Borough Council, that it would consider the adoption of the Zoning Ordinance Amendment proposed by the Sugarcreek Planning Commission together with the changes that they, the said Council, might make pursuant to the recommendations received at their public hearing, at the next meeting of the said Council to to be held March 15, 1989, at 7:00 P.M., at the Municipal Building of Sugarcreek Borough, on 212 Fox Street, Rocky Grove, and

WHEREAS; I hereby attach to this Motion the Ordinance which I propose to have adopted and which proposed Ordinance Amendment has attached to it the Sugarcreek Borough Zoning Map as part of this Ordinance Amendment, and

WHEREAS; It is now my intention to have the said Council consider the adoption of said Sugarcreek Borough Zoning Ordinance Amendment.

I, therefore, move for the adoption of the proposed Sugarcreek Borough Zoning Ordinance Amendment as prepared by the Sugarcreek Planning Commission, and amended after its public hearing, and as amended after the public hearing of the Sugarcreek Borough Council, and

I, further move that said Ordinance shall be incorporated into the official ordinance books of the Borough of Sugarcreek, by reference and with the same force and effect as if the adopted Zoning Ordinance Amendment and Map were duly recorded therein.

ORDINANCE NO. 123 OF MARCH 15, 1989
 AMENDMENT #9 TO ORDINANCE #22 OF 1969

NON-COMPLIANCE WITH SETBACK REQUIREMENTS FOR UTILITIES

304(A) Permitted use in all Zoning Districts

304(B) *Public Utilities Pedestals and Buildings (Not Storage)

Lot Width	Min Front Yard	Min Rear Yard	Max Bldg Height	Max Lot Coverage
0	0	0	12 ft.	Not to exceed 100 sq. ft (10 ft. by 10 ft. at base)

* Note Put * after each Zoning District

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

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.

407.7 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.

ORDINANCE NO. 175 OF 1997

Introduced and Passed:

AN ORDINANCE AMENDING THE SUGARCREEK BOROUGH ZONING ORDINANCE TO PROVIDE A DEFINITION FOR "CONTINUING CARE RETIREMENT COMMUNITY", TO ESTABLISH NURSING AND CONVALESCENT HOMES AND CONTINUING CARE RETIREMENT COMMUNITIES AS PERMITTED USES IN THE R-1 SUBURBAN RESIDENTIAL ZONING DISTRICT AND TO SPECIFY THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED FOR A CONTINUING CARE RETIREMENT COMMUNITY.

WHEREAS, the Sugarcreek Borough Zoning Ordinance does not provide for a Continuing Care Retirement Community as a permitted use, special exception or condition use in any zoning district; and

WHEREAS, the Council of the Borough of Sugarcreek deems it desirable for the welfare of the present and future residents of the Borough of Sugarcreek and in order to further the development objectives as set forth in the Sugarcreek Borough Zoning Ordinance to provide for Continuing Care Retirement Communities and nursing and convalescent homes as permitted uses in R-1 Suburban Residential districts and to specify the number and size of off-street parking spaces required for a Continuing Care Retirement Community.

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Sugarcreek, and it is hereby enacted and ordained by authority of the same:

Section One: ARTICLE 2- DEFINITIONS of the Sugarcreek Borough Zoning Ordinance be, and is hereby, amended to add the definition of "Continuing Care Retirement Community" thereto, which shall read as follows:

"Continuing Care Retirement Community: An integrated housing and care development 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 limitation, in-home visitation services, rehabilitation services and on-site physician and specialty clinics. Social, educational, therapeutic and recreational activities and areas, as well as centers for inter-generational programs, to promote the well-being of the residents of the Continuing 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)."

Section Two: The portion of TABLE 304(A) of ARTICLE 3-DISTRICT REGULATIONS of the Sugarcreek Borough Zoning Ordinance pertaining to the R-1 Suburban Residential District be, and is hereby, amended to read as follows:

"Permitted Uses

Special Exceptions

1. Single-Family Detached Dwellings
2. Individual Mobile Homes
3. Churches
4. Libraries
5. Essential Services
6. Nursing and Convalescent Homes
7. Continuing Care Retirement Communities

1. Home Occupations
2. Water and Recreation and Storage
3. Parks and Playgrounds
4. Golf Courses
5. Fire Stations
6. Public Utility Buildings
7. Multiple-Family Dwellings
8. Municipal Buildings
9. Cemeteries

10. Community or Social Buildings and Uses

ORDINANCE NO. 175 OF 1997 CONTINUED 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"

Section Three: Section 407.2(b) of the Sugarcreek Borough Zoning Ordinance be, and is hereby, amended to add a number 26 to the OFF-STREET PARKING SPACE REQUIREMENTS table, which shall read as follows:

"26. Continuing Care Retirement Community 1 for each living unit and 1 for each 1.5 employees based upon peak shift"

Section Four: All other parts of the Sugarcreek Borough Zoning Ordinance are hereby confirmed and re-enacted, and any and all parts of ordinances enacted prior hereto are repealed insofar as they are inconsistent with this Ordinance.

Section Five: This Ordinance shall be effective on the earliest date permitted by law.

APPROVED this 20th day of August, 1997.

Ordinance No. 184 or 1998

An Ordinance of the Borough of Sugarcreek amending Ordinance No. 22 of 1969 providing a zoning hearing fee of \$125 for each zoning hearing.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Sugarcreek, Venango County, Commonwealth of Pennsylvania:

That the zoning hearing fee of \$75 be increased to \$125 to help defer the cost affiliated with a zoning hearing. The \$125 fee will be charged for each advertised zoning hearing.

All Ordinances, or parts of Ordinances, inconsistent herewith are hereby repealed.

Adopted the thirtieth day of December 1998 and becomes effective January 1, 1999.

ORDINANCE NO. 186 OF 1999
BOROUGH OF SUGARCREEK
VENANGO COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF SUGARCREEK TO ADD PENNSYLVANIA RESTAURANT LIQUOR LICENSE AS A PERMITTED USE FOR AN EATING AND DRINKING ESTABLISHMENT IN THE COMMERCIAL (C-1), HIGHWAY COMMERCIAL (C-2), AND LIGHT INDUSTRIAL/COMMERCIAL (LI-C) ZONING DISTRICTS.

WHEREAS, the Council of the Borough of Sugarcreek has determined that if a Pennsylvania restaurant liquor license is granted in the Borough of Sugarcreek, that said license should be a permitted use only in the C-1, C-2, or LI-C Zoning Districts of the Borough of Sugarcreek.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Sugarcreek, and it is hereby enacted and ordained by the Authority of the same:

Section One:

The Sugarcreek Zoning Ordinance be, and is hereby, amended to provide that a Pennsylvania restaurant liquor license shall be a permitted use only in eating and drinking establishments in a C-1, C-2, or LI-C Zoning District of the Borough.

Section Two:

All of the parts of the Zoning Ordinance of the Borough of Sugarcreek and the Amendments and Supplements thereto as expressly changed by this Ordinance are hereby confirmed and re-enacted, and any part of said Ordinance inconsistent herewith is hereby repealed only to the extent of the inconsistency with this Ordinance.

Section Three:

This Ordinance shall be effective at the earliest date allowed by law.

APPROVED THIS 5th DAY OF MAY, 1999

ORDINANCE NO. 190 OF 1999
BOROUGH OF SUGARCREEK
VENANGO COUNTY, PENNSYLVANIA

An Ordinance of the Borough of Sugarcreek amending Ordinance No. 184 of 1998 providing a zoning hearing fee of \$200 for each zoning hearing.

BE IT ORDAINED AND ENACTED, by the Council of the Borough of Sugarcreek, Venango County, Commonwealth of Pennsylvania:

That the zoning hearing fee of \$125 be increased to \$200 to help defer the cost affiliated with a zoning hearing. The \$200 fee will be charged for each advertised zoning hearing.

All Ordinances, or parts of Ordinances, inconsistent herewith are hereby repealed.

Adopted the twenty-second day of December 1999 and becomes effective January 1, 2000

ORDINANCE NO. 195 OF 2000
BOROUGH OF SUGARCREEK
VENANGO COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF SUGARCREEK BY AMENDING THE ZONING MAP TO CHANGE THE AREA MARKED ON THE MAP ANNEXED HERETO TO THE I-Z INSTITUTIONAL ZONE DISTRICT CLASSIFICATION AND TO ESTABLISH NURSING AND CONVALESCENT HOMES AND CONTINUING CARE RETIREMENT COMMUNITIES AS PERMITTED USES IN AN I-Z INSTITUTIONAL ZONE DISTRICT

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

WHEREAS, the Council has found the expansion of I-Z Institutional Zone Districts within the Borough and the addition of certain permitted uses to I-Z Institutional Zone Districts will promote the economy and the health, safety and general welfare of the inhabitants of the Borough.

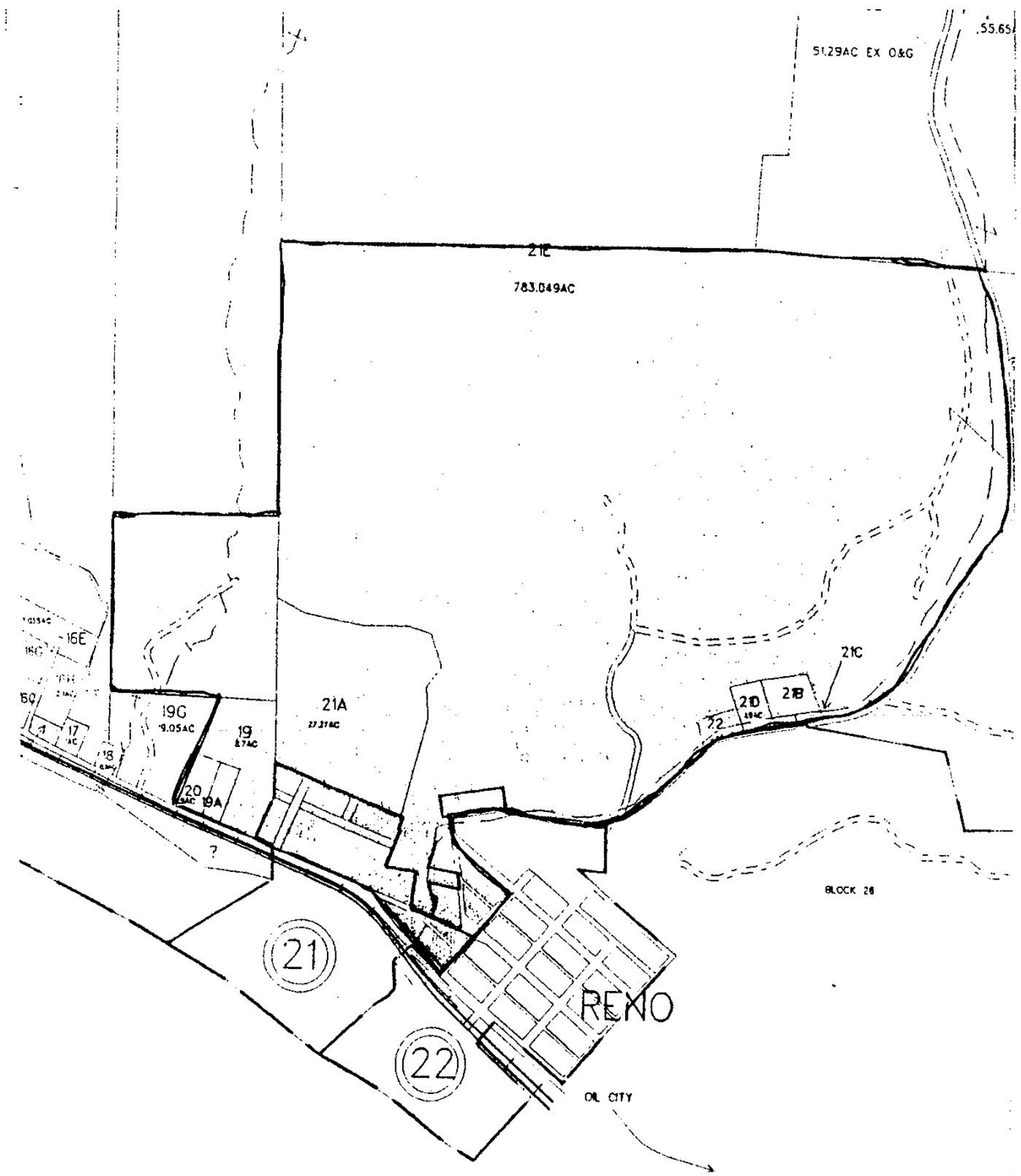
Section One: The zoning map of the Borough of Sugar creek be, and is hereby, amended by changing the area outlined in red on the annexed map to an I-Z Institutional Zone District Classification.

Section Two: The part of TABLE 304(A) Of Article 3 - DISTRICT REGULATIONS of the Sugar creek Borough Zoning Ordinance pertaining to the I-Z Institutional Zone District be, and is hereby, amended to add nursing and convalescent homes and continuing care retirement communities as permitted uses.

Section Three: All provisions of the zoning ordinance of the Borough of Sugar creek inconsistent with the provisions of this ordinance are intended to be, and are hereby amended to the extent necessary to effect consistency with this ordinance; and all provisions of said zoning ordinance in direct conflict with the provisions of this ordinance are intended to be, and are, hereby repealed.

Section Four: This ordinance shall become effective on the earliest date permitted by law following final enactment.

APPROVED this 20th day of December 2000.



<p> UNIMETERED ACREAGE 20.3 A DIMENSIONED ACREAGE 20.3 A ROAD DIMENSION 150' ROAD DIMENSION 150' STATE TRAFFIC RT. NO. </p>	<p> STATE LEGISLATIVE RT. NO. LRS10 TOWNSHIP RT. NO. T-24 STATE TRAFFIC RT. NO. INTERSTATE RT. NO. </p>	<p> NOTES: THIS MAP PREPARED FOR PROPE ONLY AND NOT INTENDED FOR EI </p>
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ORDINANCE NO. 214 OF 2002
BOROUGH OF SUGARCREEK
VENANGO COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF SUGARCREEK, VENANGO COUNTY, PENNSYLVANIA, SETTING THE ZONING HEARING FEE AT \$200 FOR EACH ZONING HEARING PLUS THE COST OF ADVERTISING FOR EACH HEARING AND REPEALING ALL INCONSISTENT ORDINANCES.

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

Section 1:

The zoning hearing fee is hereby set as follows:

Fee for Zoning Hearing Board and staff services	\$200
Advertising costs for Zoning Hearing	<u>\$amount</u> charged by newspaper for advertisement
Total Zoning Hearing Fee	\$200+

Section 2:

All ordinances or parts of ordinances inconsistent hereto are repealed.

ORDAINED AND ENACTED into law by the Council of the Borough of Sugarcreek Venango County, Pennsylvania, assembled this 18th day of December, A.D., 2002 and becomes effective the 1st day of January, A.D., 2003.

ORDINANCE NO. 234 OF 2004
BOROUGH OF SUGARCREEK
VENANGO COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF SUGARCREEK, VENANGO COUNTY, PENNSYLVANIA, AMENDING THE ZONING HEARING ORDINANCE CHANGING THE AREA NEAR THE VILLAGE OF RENO MARKED ON THE MAP FROM AN I-Z INSTITUTIONAL ZONE DISTRICT CLASSIFICATION TO A LI/C LIGHT INDUSTRIAL/COMMERCIAL DISTRICT CLASSIFICATION.

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

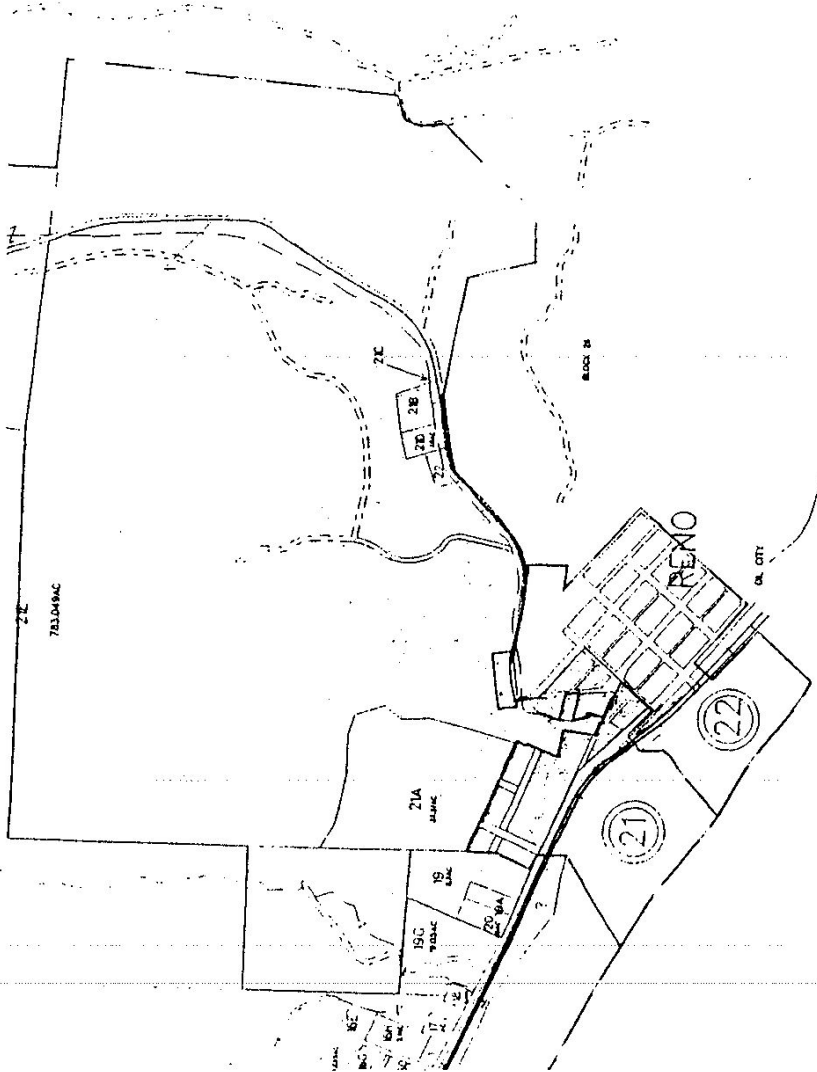
WHEREAS, the Council has found that the reassignment of the LI/C Light Industrial/Commercial Zone near the Village of Reno will better promote the economy and general welfare of the inhabitants of the Borough.

Section One: The zoning map of the Borough of Sugarcreek be, and is hereby amended by changing the area outlined in red on the annexed map (See Ordinance No. 195 of 2000) to a LI/C Light Industrial/Commercial Zone District Classification.

Section Two: All provisions of the zoning ordinance of the Borough of Sugarcreek inconsistent with the provisions of this Ordinance are intended to be, and are hereby amended to the extent necessary to effect consistency with this ordinance; and all provisions of said zoning ordinance in direct conflict with the provisions of this ordinance are intended to be, and are hereby repealed.

Section Three: This ordinance shall become effective on the earliest date permitted by law following final enactment.

ORDAINED AND ENACTED this 7th day of April, A.D., 2004.



TAX ASSESSMENT MAP
 SUGARCREEK BOROUGH
 YERGENCO COUNTY, PENNSYLVANIA

NOTES: THIS MAP PREPARED FOR PROPERTY LOCATION
 ONLY AND NOT INTENDED FOR ENGINEERING USE.

SEE ZONING ORDINANCE FOR
 156-1 STATE LEGISLATIVE RT. NO. 1
 156-2 STATE LEGISLATIVE RT. NO. 2
 156-3 STATE LEGISLATIVE RT. NO. 3
 156-4 STATE LEGISLATIVE RT. NO. 4
 156-5 STATE LEGISLATIVE RT. NO. 5
 156-6 STATE LEGISLATIVE RT. NO. 6
 156-7 STATE LEGISLATIVE RT. NO. 7
 156-8 STATE LEGISLATIVE RT. NO. 8
 156-9 STATE LEGISLATIVE RT. NO. 9
 156-10 STATE LEGISLATIVE RT. NO. 10
 156-11 STATE LEGISLATIVE RT. NO. 11
 156-12 STATE LEGISLATIVE RT. NO. 12
 156-13 STATE LEGISLATIVE RT. NO. 13
 156-14 STATE LEGISLATIVE RT. NO. 14
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 156-16 STATE LEGISLATIVE RT. NO. 16
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 156-18 STATE LEGISLATIVE RT. NO. 18
 156-19 STATE LEGISLATIVE RT. NO. 19
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 156-99 STATE LEGISLATIVE RT. NO. 99
 156-100 STATE LEGISLATIVE RT. NO. 100

MAP DATE: 1969
 PREPARED BY: [Name]

ORDINANCE NO. 236 OF 2004
SUGARCREEK BOROUGH
VENANGO COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE SUGARCREEK BOROUGH ZONING ORDINANCE TO SPECIFY ZONES WHERE INTENSIVE FEEDING OF ANIMAL FEED OPERATIONS, COMMUNICATION TOWERS AND SEXUALLY ORIENTED BUSINESSES MAY BE LOCATED AS SPECIAL EXCEPTIONS OR CONDITIONAL USES; TO PROVIDE SPECIFIC CRITERIA FOR SPECIAL EXCEPTIONS AND CONDITIONAL USES; ADDING NO-IMPACT HOME-BASED BUSINESSES AS PERMITTED USES IN ALL RESIDENTIAL ZONES AND FORESTRY AS A PERMITTED USE IN ALL ZONES; AMENDING SECTION 403.1 TO REQUIRE ONLY ONE FRONT YARD FOR LOTS ABUTTING MORE THAN ONE STREET; AND AMENDING SECTION 505 TO PROVIDE FOR CIVIL ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

WHEREAS, the Planning and Zoning Commission of the Borough of Sugarcreek and the Council of the Borough of Sugarcreek deem it desirable for the welfare of the present and future residents of the Borough of Sugarcreek in order to further the development objectives set forth in the Sugarcreek Borough Zoning Ordinance to provide for certain new uses not originally contemplated, and to provide specific criteria for special exemptions and conditional uses and to provide for no impact home based businesses and to provide civil enforcement of the Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Sugarcreek, and it is hereby enacted and ordained by authority of the same:

Section One: TABLE 304(A), A-1 Conservation District of the Sugarcreek Borough Zoning Ordinance be, and is hereby, amended to add intensive animal feed operations, and communication towers as conditional uses in the district.

Section Two: TABLE 304(A) be, and is hereby amended, to provide that sexually oriented business shall be added as a conditional use in C-1 Commercial District, LI/C light industrial/commercial district and, I-1 light industrial district and in I-2 heavy industrial district.

Section Three: TITLE OF ARTICLE 7 shall be changed by adding "AND SPECIAL EXCEPTIONS."

Section Four: Section 704 CRITERIA FOR APPROVAL be, and is hereby amended to read:

"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.

ORDINANCE NO. 236 OF 2004 CONTINUED

704.4 Will the use result in a 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 uses 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 be 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 as follows."

ORDINANCE NO. 236 OF 2004 CONTINUED

Section Five: ARTICLE 2 - DEFINITIONS be, and is hereby, amended to add the definition of "no-impact home based business" thereto, which shall read as follows:

"No-Impact Home-Based Business": As 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:

1. The business activities shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, air, fumes, odors or electric coil or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
7. The business activities shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

Section Six: "No-Impact Home-Based Businesses shall be added as permitted uses in Table 304(A) of Article 3 - District Regulations. A-1 Conservation District, R-1 Suburban Residential District and R-2 Urban Residential District.

Section Seven: Forestry shall be added as permitted use in all Districts.

Section Eight: Section 403.1 be, and is hereby amended to nine. "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.

Section Nine: Section 505 of Article 5 is hereby deleted and in place thereof the Ordinance is hereby amended to read as follows:

ORDINANCE NO. 236 OF 2004 CONTINUED

"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 act or prior enabling laws has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

(b) The 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 any other persons 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 Causes of Action

ORDINANCE NO. 236 OF 2004 CONTINUED

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 judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment 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 judgment, the municipality may enforce the judgment 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 (5th) 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 judgments, costs and reasonable attorney fees collected for the violation of zoning ordinance shall be paid over to the municipality who ordinance has been violated.

(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 judgment.

(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."

Section 10: All other parts of the Sugarcreek Borough's Zoning Ordinance are hereby confirmed and re-enacted, and any and all parts of ordinances enacted prior hereto are repealed insofar as they are inconsistent with this Ordinance.

Section 11: This Ordinance shall be effective on the earliest date permitted by law.

Approved this 2nd day of June, 2004

ORDINANCE NO. 253 OF 2007
BOROUGH OF SUGARCREEK
VENANGO COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF SUGARCREEK AMENDING ORDINANCE NO. 111 OF 1986. THE ZONING ORDINANCE OF THE BOROUGH OF SUGARCREEK, AS AMENDED BY ORDINANCE NO. 123 OF 1989, IN ORDER TO AMEND THE ZONING MAP OF THE BOROUGH OF SUGARCREEK IN THE AREA OF FORMER UPMC NORTHWEST MEDICAL CENTER FROM AN IZ - INSTITUTIONAL ZONE TO A COMBINED C-1 COMMERCIAL ZONE AND R-2 URBAN RESIDENTIAL ZONE.

WHEREAS, the Sugarcreek Borough Planning Commission entered upon its duties at the request of the Council of the Borough of Sugarcreek, and, after proper study and due reference to the Sugarcreek Borough Comprehensive Plan, at its public meeting held October 11, 2006, recommended an amendment to the Zoning Ordinance of the Borough of Sugarcreek and the zoning map; and

WHEREAS, the Sugarcreek Borough Planning Commission recommended that the area of the former UPMC Northwest Medical Center, which is currently designated as a IZ - Institutional Zone, be rezoned such that it is a combined C-1 Commercial Zone and R-2 Urban Residential Zone; and

WHEREAS, the Council of the Borough of Sugarcreek held a public hearing on the proposed amendment to the zoning map on February 7, 2007, after notice of said hearing was published once each week for two (2) consecutive weeks in the Franklin News-Herald with the first publication occurring at least fourteen (14) days, but not more than thirty (30) days, prior to the public hearing in accordance with Section 804 of the Zoning Ordinance of the Borough of Sugarcreek; and

WHEREAS, in accordance with Section 10609 of the Municipalities Planning Code, the Council of the Borough of Sugarcreek caused to be conspicuously posted notice of said public hearing at points deemed sufficient by the Council of the Borough of Sugarcreek along the tract to notify potentially interested citizens, and further caused to be mailed notice of said public hearing at least thirty (30) days before the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidence by the tax records within the possession of the Borough of Sugarcreek, said notice in both instances setting forth the location, date, and time of the public hearing; and

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

WHEREAS, after the public hearing, notice was published by the Council of the Borough of Sugarcreek in accordance with the Borough Code of its intention to enact this ordinance and proposed amendment to the zoning map at its regularly scheduled meeting on February 21, 2007; and

WHEREAS, the proposed amendment to the zoning map is more fully described below and further evidence on the zoning map annexed hereto as Exhibit "A"

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

ORDINANCE NO. 253 OF 2007 CONTINUED

Section One: Ordinance No. 111 of 1986, The Zoning Ordinance of the Borough of Sugarcreek, as amended by Ordinance No. 123 of 1989, is hereby amended such that that IZ - Institutional Zone in the area of the former UPMC Northwest Medical Center is rezoned into a combined C-1 Commercial District and R-2 Urban Residential District as follows:

(a) The following geographical area bounded and described as follows is hereby rezoned as C-1 Commercial: Beginning at a point at the intersection of the centerline of Meadville Pike and State Route 417, thence along the centerline of Meadville Pike in a northern and eastern direction to the intersection of the centerline of Meadville Pike and the centerline of an alleyway located between Lots No. 28-10-44 and 28-10-23 as identified on the Venango County Assessment Map, thence along the centerline of said alleyway in a southern and eastern direction to the intersection of the centerline of said alleyway and the centerline of Prospect Avenue, thence along the centerline of Prospect Avenue in a northern and eastern direction to the intersection of the centerline of Prospect Avenue and the arc of the centerline of Murdock Street, thence along the arc of the centerline of Murdock Street in an eastern and southern direction to the centerline of the boundary line between Lots No. 28-10-114 and 28-10-113 as identified on the Venango County Assessment Map, thence along the boundary line between the aforesaid lots in a southern direction to the intersection of said boundary line and the arc of the boundary line of Lot No. 28-10-164 as identified on the Venango County Assessment Map, also known as Miller Sibley Park, at the southeast corner of Lot No. 28-10-114, thence traveling the arc of the boundary line of Miller Sibley Park in an eastern and southern direction to the intersection of said boundary line and the centerline of Walnut Street, thence along the centerline of Walnut Street in an eastern direction to the intersection of the centerline of Walnut Street and the centerline of Palmer Avenue, thence along with centerline of Palmer Avenue in an eastern and southern direction to the intersection of the centerline of Palmer Avenue and the arc of the centerline of the Park Avenue, thence along the centerline of Park Avenue, which travels in an arc through various points, in a southern and western direction to the intersection of the centerline of Park Avenue and the centerline of Oak Street, then along the centerline of Oak Street in a western and northern direction to the intersection of the centerline of Oak Street and the arc of the centerline of Circle Alley, thence along the arc of the centerline of Circle Alley in a southern, western and northern direction to the point along the centerline of Circle Alley between Lots No. 28-10-133 and 28-10-131 as identified on the Venango County Assessment Map, thence from that point continuing along the centerline of Circle Alley in a southern and western direction to the intersection of the centerline of Circle Alley and the centerline of Prospect Avenue, thence along the centerline of Prospect Avenue in a southern direction through lands of the City of Franklin to a point is the place of beginning.

(b) The following geographical area bounded and described as follows is hereby rezoned as R-2 Urban Residential: Beginning at a point at the intersection of the centerline of Meadville Pike and State Route 417, thence along the centerline of Route 417 in an eastern and northern direction to a point that would be the intersection of the centerline of Route 417 and the western boundary line of the Franklin Cemetery, thence along the western boundary line of the Franklin Cemetery, thence along the boundary line of said Lot No. 28-10-228 as identified on the Venango County Assessment Map on the boundary line of The Franklin Cemetery, thence along the boundary line

ORDINANCE NO. 253 OF 2007 CONTINUED

of said Lot No. 10-28-228 in a western and southern direction to the centerline of Palmer Avenue, thence along the centerline of Palmer Avenue in a northern direction to the intersection of the centerline Palmer Avenue and the centerline of Kistler Street in a western and southern direction to the intersection of the centerline of Kistler Street and the centerline of Meadville Pike, thence along the line of Meadville Pike, which travels through an arc at various points, in a southern and western direction to the intersection of the centerline of Meadville Pike and the centerline of an alleyway located between Lots No. 28-10-44 and 28-10-23 as identified on the Venango County Assessment Map, thence along the centerline of said alleyway in a southern and eastern direction to the intersection of the centerline of said alleyway and the centerline of Prospect Avenue, thence along the centerline of Prospect Avenue in a northern and eastern direction to the intersection of the centerline of Prospect Avenue and the arc of the centerline of Murdock Street, thence along the arc of the centerline of Murdock Street in an eastern and southern direction to the centerline of the boundary line between Lots no. 28-10-114 and 28-10-113 as identified on the Venango County Assessment Map, thence along the boundary line between the aforesaid lots in a southern direction to the intersection of said boundary line and the arc of the boundary line of Lot No. 28-10-164 as identified on the Venango County Assessment Map, also known as Miller Sibley Park, at the southeast corner of Lot No. 28-10-114, thence traveling the arc of the boundary line of Miller Sibley Park in an eastern and southern direction to the intersection of said boundary line and the centerline of Walnut Street, thence along the centerline of Walnut Street in an eastern direction to the intersection of the centerline of Walnut Street and the centerline of Palmer Avenue, thence along the centerline of Palmer Avenue in an eastern and southern direction to the intersection of the centerline of Palmer Avenue and the arc of the centerline of the Park Avenue, thence along the centerline of Park Avenue, thence along the centerline of Park Avenue, which travels in an arc through various points, in a southern and western direction to the intersection of the centerline of Oak Street in a western and northern direction to the intersection of the centerline of Park Avenue and the centerline of Oak Street, then along the centerline of Oak Street in a western and northern direction to the intersection of the centerline of Oak Street and the arc of the centerline of Circle Alley in a southern, western and northern direction to the point along the centerline of Circle Alley between Lots No. 28-10-133 and 28-10-131 as identified on the Venango County Assessment Map, thence from that point continuing along the centerline of Circle Alley in a southern and western direction to the intersection of the centerline of Circle Alley and the centerline of Prospect Avenue, thence along the centerline of Prospect Avenue in a southern direction through lands of the City of Franklin to a point that is the place of beginning.

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

Section Three: In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Council of the Borough of Sugarcreek that the remainder of this Ordinance shall be and shall remain in full force and effect.

ORDINANCE NO. 253 OF 2007 CONTINUED

Section Four: This Ordinance shall become effective immediately.

APPROVED this 21st day of February, 2007