

**TOWNSHIP OF SOUTH SHENANGO
CRAWFORD COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 - 2024

AN ORDINANCE OF THE TOWNSHIP OF SOUTH SHENANGO CRAWFORD COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP'S ZONING ORDINANCE, ORDINANCE 2017-1, TO CLARIFY THE DEFINITION OF "HEAVY INDUSTRY", AS WELL AS TO PROVIDE ADDITIONAL SPECIFIC USE PROVISIONS FOR SAID USE; FURTHER PROVIDING FOR FENCE REQUIREMENTS; ALSO PROVIDING FOR A CATCH-ALL PROVISION IN THE EVENT A USE IS NOT PROVIDED FOR IN THE ZONING ORDINANCE; AND FINALLY PROVIDING FOR THE "EVENT VENUE" USE, ALONG WITH RELATED REQUIRED CRITERIA FOR SUCH USES.

WHEREAS, the Township of South Shenango ("Township") encourages the reasonable development of all legal uses of property for the benefit of City residents and guests; and

WHEREAS, in furtherance of its land use responsibilities, the Township adopted its Zoning Ordinance on or about September 21, 2017 through Ordinance 2017-1 ("Ordinance"); and

WHEREAS, among those uses provided for in the Ordinance are those for Heavy Industry, along with specific use provisions; and

WHEREAS, the definition of Heavy Industry requires clarification to ensure that certain uses are within that definition; and

WHEREAS, the specific use provisions applying to Heavy Industry should be amended to better protect neighboring properties and all properties throughout the Township; and

WHEREAS, the Board of Supervisors has further decided that provisions governing fences and uses not otherwise provided in the Zoning Ordinance should be addressed properly; and

WHEREAS, the term "Event Venue" has not been addressed adequately in the zoning ordinance, along with necessary criteria for its use, and the Board of Supervisors have determined that such use must be addressed through its addition into the Zoning Ordinance; and

WHEREAS, it is the judgment of the Board of Supervisors that the Ordinance should be amended to reflect its vision to better protect the health, safety, and welfare of the Township through the Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SOUTH SHENANGO, CRAWFORD COUNTY,

PENNSYLVANIA, AND THE TOWNSHIP OF SOUTH SHENANGO HEREBY ORDAINS AND ENACTS BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. AMENDMENT OF SECTION 202, SPECIFIC TERMS. Section 202 of the Ordinance, pertaining to Specific Terms (or definitions), is hereby amended so that the term “Heavy Industry” shall read as follows:

The manufacture, storage, processing, and treatment of materials which are potentially hazardous or processes which produce significant amounts of smoke, noise, glare, or dust or odor as a primary or secondary effect of the Principal Use of the land or buildings. Heavy Industry characteristically employs some of such equipment such as smokestacks, tanks, distillation or reaction columns, chemical processing equipment, scrubbing towers, pickling equipment and waste-treatment lagoons. Heavy Industry, although conceivably operable without polluting the environment, has the potential to pollute when equipment malfunctions or human error occurs. Examples of heavy industry are oil refineries, basic steel manufacturing plants (such as foundries, blast furnaces, and stamping mills), industries handling animal offal or hides, basic cellulose pulp-paper mills and similar fiberboard and plywood production, production of cement and asphalt, lime manufacturing, ore and metal smelting and refining, and chemical plants such as petrochemical complexes. An incinerator structure or facility ~~which, including the incinerator, contains five thousand (5,000) Square Feet or more, whether public or private,~~ is “heavy industry” for purpose of this Ordinance, as is any electric power production facility that generates electricity for use outside of the property on which it is located, or a small solar energy system that utilizes a footprint of more than 1,000 square feet. ~~plant which is a Principal Use, whether said power is generated by coal, natural gas, cogeneration or more than three (3) wind turbines (unless such turbines are clearly accessory and incidental to a dwelling or other business).~~

SECTION 2. AMENDMENT OF SECTION 436, HEAVY INDUSTRY, INCLUDING POWER GENERATION AND RESEARCH LABS. Section 436, providing Specific Use Provisions for the use “Heavy Industry, including Power Generation and Research Labs”, is hereby amended to read as follows:

The applicant shall provide a detailed description of the proposed use, addressing each of the following impacts:

- A. The nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with Commonwealth and Federal regulations;
- B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and overall needed site size;
- C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waster, etc.), and specific measures employed to mitigate or eliminate any negative

impacts. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to performance standards under this Ordinance;

- D. A traffic study prepared by a professional traffic engineer and meeting any standards for such studies established by South Shenango Township, Crawford County may be required;
- E. The Township may employ a number of site specific reasonable additional conditions and safeguards, including, but not limited to screening, limits upon hours of operations, and maximizing distance of industrial activities from other zoning districts.
- F. Any such use shall be setback at least 100 feet from any property line.
- G. Notwithstanding the Township's right to employ screening techniques for the protection of neighboring property owners, the following priorities shall be imposed to properly screen the use from neighboring properties:
 - 1. Unless impractical due to unique characteristics of the property, earthen mounds shall be constructed to shield the use from all other properties.
 - 2. In addition, the planting of a row of trees and bushes in the setback area shall be made to provide a natural-appearing view of the property from all other properties, and said vegetation must be properly maintained so long as the use, or any improvements related thereto, are located on the property.
 - 3. Fencing shall be utilized only as a last resort when other such buffer techniques are not capable of being utilized due to unique characteristics of the property, as its use provides for the least natural and aesthetically pleasing appearance to other property owners. In the event security fences are constructed, they must be done so inside the natural buffers to avoid being easily observed from roadways or neighboring properties.
 - 4. In addition to those requirements elsewhere in Township ordinances, the Township may impose a reasonable bonding requirement for the protection of Township roads. In those instances where the use is likely to cause substantial continuing damage to a Township road, the Township may impose the condition that the road be reconstructed and/or paved to adequately accommodate the use and operation of particularly heavy machinery on Township roads.
 - 5. The use shall be adequately secured from all trespassers.
- H. Sufficient maintenance and decommissioning bonds, trust or escrow accounts, or letters of credit or financial guarantees, in an amount in the reasonable judgment of the Township, shall be required to ensure that the use is properly maintained and removed upon the termination of such use. For all facilities that engage in electric power production, such bond shall be at least \$1 million unless lowered for good cause by the Township. Said bond requirement may increased by the Township not more than once per year to meet the increased costs for maintenance and/or decommissioning.

- I. All such uses must be constructed only in accordance with all applicable laws, regulations, and ordinances applicable at the federal, state, and local level.
- J. Solar energy facilities shall not exceed a maximum height of 15 feet, measured from ground level to the tallest point on the facility.

SECTION 3. AMENDMENT OF SECTION 202, SPECIFIC TERMS. Section 202 of the Ordinance, pertaining to Specific Terms (or definitions), is hereby amended so that the term “Small Solar Energy System” shall read as follows:

Small Solar Energy System - Solar energy systems installed for personal use in residences, commercial properties and institutions. A small solar energy system may be ground-mounted (i.e., placed on top of the ground surface) or roof-mounted (i.e., placed on or as an integral part of a building). A solar energy system that utilizes more than 1,000 square feet of space, no matter where the system is placed, shall be considered to be an electric power production facility under the Heavy Industry definition.

SECTION 4. AMENDMENT OF SECTION 304B, PERMITTED ACCESSORY USES. Section 304B of the Ordinance, pertaining to Permitted Accessory Uses is hereby amended as follows:

- A. Under “All Uses” the term “Small Solar Energy System” shall be added under “Typical incidental and accessory uses.”
- B. A new Section 304B(1) shall be added, which shall read as follows:

SECTION 304 B(1) SMALL SOLAR ENERGY SYSTEM. Small Solar Energy System accessory uses shall be subject to the following performance requirements:

- A. The solar system must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as amended, and any regulations adopted by the Pennsylvania Department of Labor and Industry as they relate to the UCC, except where an applicable industry standard has been approved by the Pennsylvania Department of Labor and Industry under its regulatory authority.
- B. All wiring must comply with applicable electrical codes and specifications.
- C. The solar system must be constructed to comply with any applicable fire safety codes.
- D. The solar energy system shall not be placed in the established front yard and shall be subject to the same side and rear yard setbacks as other accessory structures. The required setbacks are measured from the lot line to the nearest part of the system. No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar equipment or parts.

- E. Notwithstanding the height limitations of the zoning district:
1. For a building-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance measured perpendicular to the roof of 18 inches between the roof and the highest edge of the system.
 2. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
 3. For a building-mounted system installed on a flat roof, the highest point of the system shall not exceed six feet above the roof to which it is attached.
 4. Ground-mounted systems may not exceed 10 feet in height, measured from the tallest part of the structure when installed.
- F. The footprint of the ground-mounted solar energy system shall not exceed twenty-five percent (25%) of the lot area of the property on which it is placed.
- G. Screening and visibility.
1. Building-mounted systems on a sloped roof shall not be required to be screened.
 2. Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a fifty-foot radius of the property, at a level of five feet from the ground, in a similar manner as to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar system is not visible from the public right-of-way within a fifty-foot radius at a level of five feet from the ground.
- H. In the Lake Residential Zoning District, due to the density of uses within the district, only rooftop installation of a small solar energy system shall be permitted.

SECTION 5. ADDITION OF SECTION 310, FENCES. A new Section 310 of the Ordinance, pertaining to Fences is hereby added to read as follows:

Section 310 Fences.

All fences shall be in sound condition and shall be constructed of wood, pickets, chain link, or other substantial materials. Fencing such as construction fencing made of mesh or similar materials, is prohibited from being used as a permanent fencing material.

SECTION 6. AMENDMENT OF SECTION 304A, PERMITTED PRINCIPAL USES, CONDITIONAL USES, AND SPECIAL EXCEPTIONS. Section 304A of the Ordinance, pertaining to Permitted Principal Uses, Conditional Uses, and Special Exceptions, is hereby amended to add the following at the end of the current text:

In interpreting the uses provided for in this ordinance, if any use is not provided for, it shall be permitted as a conditional use in the Agricultural district.

SECTION 7. AMENDMENT OF SECTION 202, SPECIFIC TERMS. Section 202 of the Ordinance, pertaining to Specific Terms (or definitions), is hereby amended to add the term “Event Venue”, which shall read as follows:

Event Venue – A facility that operates largely for the holding of special events, occasions, concerts, weddings, celebrations, or other similar activities in which parties of more than 10 people are invited to the site for the purpose of such event.

SECTION 8. AMENDMENT OF SECTION 304A, PERMITTED PRINCIPAL USES, CONDITIONAL USES, AND SPECIAL EXCEPTIONS. Section 304A of the Ordinance, pertaining to Permitted Principal Uses, Conditional Uses, and Special Exceptions, is hereby amended to add the following use to the table of uses, Table 304A:

Event Venue – Permitted as a conditional use in Agricultural District (AD)

Permitted as a conditional use in the Rural Opportunity District (ROD)

Not permitted in Lake Residential District (LRD)

SECTION 9. ADDITION OF SECTION 440, EVENT VENUES. A new Section 440 of the Ordinance, pertaining to Event Venue is hereby added to read as follows:

In addition to all other requirements pertaining to such uses, an event venue must meet the following conditions:

- A. Temporary structures for such use may not be erected or constructed more than one month before the event for which they have been erected or constructed, nor shall they be permitted to remain on the property more than one month after the event.
- B. Sufficient access for emergency vehicles shall be required.
- C. All parking and driving of motor vehicles shall be done on paved or gravel roads.
- D. All outdoor events shall comply with the Township noise ordinance and shall refrain from being heard on neighboring properties after 9 p.m., with all projected sound or music played inside a structure.
- E. All events shall conclude no later than 11 p.m., nor shall they operate before 7 a.m.
- F. Exterior lighting other than that essential for the safety of the users of the premises shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.
- G. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, noise or litter.
- H. Event structures shall be least 150 feet from any side or rear property line, or as required by the underlying zone, whichever is greater, and no outdoor loading or

service areas, including dumpsters, shall be located within the side or rear yard setback areas.

- I. Applicants must clearly demonstrate that the use will not adversely impact the surrounding neighborhood, particularly with regard to traffic circulation, parking, and character.

SECTION 10. SEVERABILITY. The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION 11. REPEALER. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 12. EFFECTIVE DATE. The provisions of this ordinance shall become effective in seven (7) days.

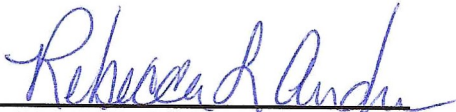
THE TOWNSHIP OF SOUTH SHENANGO ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED FINALLY INTO LAW BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SOUTH SHENANGO THIS 9 DAY OF April, 2024.

**BOARD OF SUPERVISORS OF
SOUTH SHENANGO TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA**

By 
Joseph Livingston, Chairman

By 
Michael Richter, Supervisor

By 
Nick Ceremuga, Supervisor

ATTEST: 
Rebecca Andrew, Secretary