

ORDINANCE 2024 - 6

An Ordinance of the Township of Millcreek, Erie, County Pennsylvania Amending Various Sections of Chapter 145, Zoning, of the Millcreek Township Code.

WHEREAS, on April 28, 2022, by Ordinance No. 2022-4, the Township of Millcreek (the "Township") amended and restated Chapter 145, Zoning of the Millcreek Township Code;

WHEREAS, on February 13, 2024, the Board of Supervisors authorized the submission of the proposed Zoning Ordinance Amendment Recommendations to the Millcreek Township Planning Commission and Erie County Planning for review; and

WHEREAS, on April 2, 2024 and May 7, 2024, the Township Planning Commission held a public meetings, advertised according to law and open to the public, at which it accepted comments from the public, considered those comments and considered the proposed Zoning Ordinance Amendment and at the May 7, 2024 meeting, recommended that the Zoning Ordinance Amendment be approved by the Board of Supervisors; and

WHEREAS, June 25, 2024, the Board of Supervisors held a public hearing, advertised according to law and open to the public, to consider the adoption and enactment of an Ordinance amending the existing Zoning Ordinance, and to adopt the proposed comprehensive Zoning Ordinance Amendment; and

WHEREAS, the Board of Supervisors has determined that the amendment of the Township's existing Zoning Ordinance, and adoption of the Zoning Ordinance Amendment is in the best interests of Millcreek Township to implement the Comprehensive Plan, Embrace Millcreek; and

WHEREAS, the Board of Supervisors finds that the Township has complied with all procedural requirements for amending the existing Zoning Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania and it is hereby enacted and ordained as follows:

SECTION 1. The caption of and recitals to this Ordinance as set forth above are incorporated herein by reference.

SECTION 2. All deletions are shown as struck through; all additions are underlined.

SECTION 3. **Amendment.** Chapter 145, Zoning, of the Millcreek Township Code is hereby amended, as follows:

§ 145-11 Definitions.

Family Child Care Home – A home other than the child’s own home, operated for profit or not-for profit, and licensed by the Commonwealth of Pennsylvania, in which child care is provided at any one time to four (4), five (5), or six (6) unrelated to the operator. The Use shall be considered an Accessory Use in a residence and comply with all applicable regulations of the underlying zoning district.

Group Child Care Home – A premises licensed by the Commonwealth of Pennsylvania in which care is provided at one time for more than six (6) but fewer than sixteen (16) older school-aged level children or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. The term includes a facility located in a residence or other premises. When located in a residence, the Use shall be considered an Accessory Use to the residence and comply with all applicable regulations of the underlying zoning district.

Sign ...

- E. Directional/Information Sign – Any On-Premises Sign generally informational, that has a purpose secondary to the Use of the Lot or site on which it is located, such as “No Parking”, “Entrance”, “Exit”, “One-Way”, “Loading Only”, “Telephone” and other similar directives, and provided that such Sign does not exceed five (5) ~~four (4)~~ square feet unless otherwise stated. Directional/Information Signs shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

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- J. High-Rise Sign – A Freestanding Sign having a maximum height of ~~eight~~ eighty (80) feet.

Naming Rights – The right to name a piece of property, either tangible property or event, usually granted in exchange for financial considerations.

§ 145-14 CR Conservation Residential District.

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- E. Accessory Uses permitted by right. ...
 - 1. Agritourism.
 - 2. Beekeeping.
 - 3. Family Child Care Home.

- ~~34.~~ Garage, Private or Accessory Structure, separate from a Dwelling, subject to the regulations in Sections 145-26 and 145-27 of this Chapter.
- ~~54.~~ Group Child Care Home.
- ~~56.~~ No-Impact Home-Based Business.
- ~~57.~~ Noncommercial Keeping of Chickens/Ducks (accessory to Dwelling, Single-Family Detached).
- ~~68.~~ Noncommercial Keeping of Livestock (accessory to Dwelling, Single-Family Detached).
- ~~987~~ Solar Energy System, Private.
- ~~810.~~ Small Wireless Facility.
- ~~911.~~ Wind Turbine System, Small.
- ~~1012.~~ Yard Sale.

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G. Accessory Uses permitted by Conditional Use. ...

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- 2. Naming Rights.

§ 145-15 R1 Single-Family Residential District.

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E. Accessory Uses permitted by Special Exception. ...

- 1. Family Child Care Home.
- 2. Group Child Care Home.
- ~~13.~~ Home Occupation.
- ~~24.~~ In-Law Apartment.

F. Accessory Uses permitted by Conditional Use. ...

- 1. Electronic Message Centers, for nonresidential Uses and Nonconforming Uses, subject to regulations in Section 145-83 of this Chapter.
- 2. Naming Rights.

§ 145-16 R2 Low-Density Residential District.

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E. Accessory Uses permitted by Special Exception. ...

- 1. Family Child Care Home.
- 2. Group Child Care Home.
- ~~13.~~ Home Occupation.
- ~~24.~~ In-Law Apartment.

F. Accessory Uses permitted by Conditional Use. ...

1. Electronic Message Centers, for nonresidential Uses and Nonconforming Uses, subject to regulations in Section 145-83 of this Chapter.
2. Naming Rights.

§ 145-17 R3 Moderate-Density Residential District.

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F. Accessory Uses permitted by Conditional Use. ...

1. Electronic Message Centers, for nonresidential Uses and Nonconforming Uses, subject to regulations in Section 145-83 of this Chapter.
2. Naming Rights.

§ 145-21 MU-1 Neighborhood Mixed Use District.

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B. Permitted Uses.

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6. Dwelling, Duplex.
- ~~6~~7. Dwelling, Single-Family Attached.
- ~~7~~8. Eating and Drinking Establishment.
- ~~8~~9. Essential Services.
- ~~9~~10. Financial Institution.
- ~~10~~1. Forestry.
- ~~11~~2. Ghost Kitchen.
- ~~12~~3. Health Club.
- ~~13~~4. Medical Marijuana Dispensary.
- ~~14~~5. Mixed Use Occupancy (Residential/Commercial).
- ~~15~~6. Mixed Use Occupancy (Commercial).
- ~~16~~7. Multiple-Establishment Center.
- ~~17~~8. Personal Services.
- ~~18~~9. Pet Grooming Establishment.
- ~~19~~20. Place of Worship/Assembly.
- ~~20~~1. Professional Services.
- ~~21~~2. Public Buildings and Structures.
- ~~22~~3. Public or Private School.
- ~~23~~4. Recreation Facility, Public.

- 245. Retail Business Establishment.
- 256. Shopping Center, Neighborhood.
- 267. Studio, Dancing or Music.
- 278. Wireless Communications Facility, Non-Tower.

§ 145-27 Accessory Uses, Buildings and Structures.

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- D. An Open Porch may be erected in a Front Yard, extending for a distance of not more than ten (10) feet beyond the required Setback, provided that it is located no closer to an adjoining Lot's Property Line than the required width of the Side Yard. ~~At no time is an Open Porch permitted beyond the Building Line shown on the recorded plot for the property, if one exists.~~

§ 145-29 Buffer Yards, Landscaping and Screening.

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- C. Buffer Areas are defined as follows ...

- 3. Buffer Area C.

- b. No Structures or Uses, including but not limited to Buildings, Accessory Structures, parking spaces, and curbs, may be located any closer than five (5) feet to any side Lot Line, except that access drives directly to the Street or adjacent properties, underground Structures, retaining walls, earthen retention systems, natural landscape materials, sidewalks connected to public walks, Signs, and lighting devices may be located in the Buffer Area. The Buffer Area shall follow the entire length of the Lot Line. To the extent shared parking that crosses a side Lot Line is approved, the Side Yard buffer requirements shall not apply to the shared Lot Line.

§ 145-31 Fences and Hedges.

Subject to these standards, fences and hedges may be erected along boundaries of a Lot:

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- G. Fences located within the required Setback and associated with Recreation Facilities (Commercial, Private, or Public) may exceed the maximum height for a fence in the Zoning District. At no time shall a fence exceed the maximum Building Height limitation of the Zoning District in which the fence is located.

§ 145-37 Storage and Parking of Recreational Vehicles and Equipment.

A. Recreational Vehicles, including but not limited to RV homes, travel trailers, camping Vehicles and trailers, pickup coaches, motorized homes, boats and boat trailers, and associated equipment may be stored and parked subject to the following requirements:

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3. At no time shall a Recreational Vehicle be permitted to be parked or stored on a Lot without a Principal Structure.

B. Mobile or manufactured homes may be parked, stored and/or occupied only in ~~M~~anufactured ~~H~~ome ~~P~~arks.

§ 145-38 Temporary Uses.

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B. An event authorized pursuant to a valid special event Permit issued by the Township in accordance with Chapter 40, Article VIII, Special Events Permitting of the Millcreek Township Code.

§ 145-41 Agricultural Activities.

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D. Noncommercial Keeping of Chickens/Ducks.

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2. The number of Chickens/ducks permitted on any one Lot is as follows:

c. A maximum of ~~twelve~~ twenty-four (24) birds shall be permitted on any one Lot.

§ 145-47 Car Wash, Accessory and Car Wash.

A. ~~Supplemental regulations within this Section do not apply to a Car Wash, Accessory.~~ General requirements. The following supplemental regulations shall apply to both Car Wash, Accessory and Car Wash:

1B. All automated washing facilities shall be in a completely enclosed Building. All other car washing facilities shall be under a roofed Structure that has at least two (2) walls.

2C. ~~Car Wash~~ Facilities permitted in Commercial Zoning Districts shall serve only automobiles and light trucks.

- ~~3D.~~ ~~Car wash f~~Facilities shall comply with all statutes and regulations of federal, state and local governmental units and agencies, and the operator must at all times hold such license(s) as are required by state and federal agencies.
- ~~4E.~~ The facility shall be serviced by the public sanitary sewer system and drainage water shall be controlled so it does not flow or drain onto berms, Streets or other property.
- ~~5F.~~ The facility shall be designed to provide additional parking or Vehicle stacking space to accommodate that number of Vehicles which can be washed during a fifteen-minute period and also those being detailed or cleaned on the Premises outside of washing bays or lines.
- ~~6G.~~ When a ~~Car Wash~~ facility abuts a Residential Zoning District, the operation of blowers and other power equipment aside from the wash operation shall be prohibited after 9:00 p.m. and prior to 8:00 a.m. on all days of every week.
- ~~7H.~~ Where a ~~Car Wash~~ facility abuts property in a Residential Zoning District, the Car Wash facility shall maintain such Buffer Yard and planting strip as is required for properties in the C3 District. If the Premises is located in a Commercial Zoning District or, if located in an Industrial Zoning District, shall maintain such Buffer Yard and planting strip as are required in that district.

B. Car Wash, Accessory. In addition to the requirements set forth in Section 145-47A, the following requirements shall also apply to Car Wash, Accessory:

- 1. Shall not exceed seven hundred fifty (750) square feet in Gross Floor Area.
- 2. Shall be limited to one (1) Car Wash, Accessory per Lot.
- 3. Shall be constructed on the same Lot as the Principal Structure and no further than one hundred (100) feet from the Principal Structure if not attached to the Principal Structure.

§ 145-83 Residential Zoning Districts.

B. ~~Multi-Family Dwellings.~~ The following applies to permanent Monument Signs on properties with Multi-Family Dwellings and multiple residential Buildings, at the entrances of residential subdivisions, legal Nonconforming Uses, and conforming nonresidential Uses:

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C. Wall Signs for Conforming Nonresidential Uses and Legal Nonconforming Uses. The following applies to permanent Wall Signs on properties with Conforming Nonresidential Uses and Legal Nonconforming Uses:

1. For Conforming Nonresidential Uses, maximum Wall Sign square footage shall be determined by the following:
 - i. Total Wall Sign area shall not exceed five (5) percent of the total wall area that the Wall Sign is attached to that directly faces a public street or parking lot.
 - ii. Naming Rights are permitted as a Conditional Use provided that:
 1. Naming Rights shall be included toward the maximum Wall Sign square footage established above.
 2. Naming Rights do not meet the definition of an Off-Premises Sign or Billboard/Commercial Outdoor Advertising Sign.
 3. The Board of Supervisors may, at their discretion, attach such reasonable conditions and safeguards at it may deem necessary to implement the purposes of this Chapter.
2. Legal Nonconforming Uses use Wall Sign regulations from Section 145-84 C1, MU-1, and MU-2 Districts.
3. Wall Signs shall be limited to identification. No Off-Premises Signs are permitted as Wall Signs.

€D. Temporary Signs.

1. Shall not exceed five (5) square feet in size per Sign.
2. Shall not exceed seven (7) feet in height.
3. Shall observe at least a ten (10) foot Setback from the Street Right-of-Way line.

ÐE. Prohibited Signs.

1. Animated/moving, portable, projecting, or Roof Signs.
2. Vehicular Signs.
3. Off-Premises Signs, including Billboard/Commercial Outdoor Advertising Sign.

ÆF. Electronic Message Centers are currently permitted as Conditional Uses for nonresidential Uses and Nonconforming Uses in Residential Zoning Districts and must comply with Section 145-88.

§ 145-85 C2 and C3 Commercial Districts.

A. The maximum square footage for all Building signage per tenant shall be determined by the gross square footage that the tenant occupies as follows:

1. 1 to 24,999 square feet of tenant space: ~~12~~ square foot of signage for every 1 foot of linear store frontage, not to exceed 200 square feet of signage per side;
2. 25,000 to 49,999 square feet of tenant space: ~~12~~ square foot of signage for every 1 foot of linear store frontage, not to exceed 350 square feet of signage per side;
3. 50,000 to 79,000 square feet of space: ~~12~~ square foot of signage for every 1 foot of linear store frontage, not to exceed 550 square feet of signage per side;

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B. Freestanding Signs:

1. Shall not exceed twenty (20) square feet in height.
2. Shall be not exceed forty (40) square feet in area.
3. For Principal Structures that contain one (1) or two (2) Uses, Freestanding Signs shall not exceed one (1) Freestanding Sign per road frontage, not to exceed two (2) Freestanding Signs for the Building.
- ~~34.~~ In the instance of shopping centers, detached primary Buildings may have one (1) Freestanding Sign per Building, not to exceed fifteen (15) square feet of signage per tenant of the Building up to a maximum square footage of three hundred (300) square feet of signage per freestanding Sign permitted.

§ 145-86 Industrial Districts.

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B. Building Signs:

1. Shall not exceed eighty percent (80%) of the length of the Building frontage.
2. Shall not exceed six (6) feet in height above the existing roof.
3. Shall not exceed one (1) Sign per ~~Building tenant~~ unless located on a corner, in which case, two (2) Signs are permitted, one (1) Sign per frontage.

C. In addition to Building Signs, one Freestanding Sign is permitted, provided:

1. The Sign shall not exceed forty (40) square feet in area, ~~and~~
2. The height ~~does shall~~ not exceed twenty (20) feet, with a minimum clearance of ten (10) feet.
3. In the case of a Monument Sign, the maximum height of the sign shall not exceed eight (8) feet in height and shall maintain a minimum setback from the Right-of-Way of ten (10) feet.

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F. Directional Signs:

1. Shall not exceed twenty-four (24) square feet in surface area.
2. Shall not exceed eight (8) feet in height.

§ 145-106 Zoning Hearing Board.

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B. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters pursuant to Section 909.1(a) of the MPC:

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4. Applications for variances from the terms of this Chapter, the flood plain or flood hazard ordinance or such provisions within the land use ordinance as authorized below:

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§ 145-107 Zoning Permits.

A. When Permit Required. ...

7. Construction of installation of swimming pools or spas holding over twenty four (24) inches of water in depth.

SECTION 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person(s) or circumstances is for any reason held to be invalid or unconstitutional by any court, such holding(s) shall not be construed to affect the validity of any of the remaining provisions of the Ordinance. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision or its application not be included herein.

SECTION 5. **Repealer.** Any other Ordinance or parts thereof inconsistent with this Ordinance shall be and are hereby expressly repealed.

SECTION 6. **Effective Date.** This Ordinance shall be effective on July 1, 2024.

BE IT ENACTED this 25th day of June, 2024.

MILLCREEK TOWNSHIP SUPERVISORS



Kim Clear



Daniel P. Ouellet



James S. Bock

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