

**ORDINANCE 2024 - 7**

**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 (the "Zoning Ordinance");

**WHEREAS**, on June 25, 2024, by Ordinance No. 2024-6, the Township amended the Zoning Ordinance;

**WHEREAS** on July 23, 2024, the Board of Supervisors authorized the submission of proposed Zoning Ordinance Amendments Recommendation to the Millcreek Township Planning Commission and Erie County Planning for review; and

**WHEREAS**, on August 6, 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 their August 6, 2024 meeting, recommended that the proposed Zoning Ordinance Amendment be approved by the Board of Supervisors; and

**WHEREAS**, September 10, 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 Zoning Ordinance, as amended, and to adopt the proposed amendments to the Zoning Ordinance; and

**WHEREAS**, the Board of Supervisors has determined that the amendment of the Township's Zoning Ordinance, as amended, 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 Zoning Ordinance, as amended.

**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.**

**CLUBHOUSE** — The Principal Structure of a Golf Course, which may only include the following uses: Eating & Drinking Establishment, golf related Retail Business Establishment, golf training/teaching facility, maintenance facility, office area, locker room facility, and banquet facility.

**GOLF COURSE** — A publicly or privately owned and operated outdoor athletic field established and maintained for the primary purpose of playing the sport of golf, whether open to the public or reserved for use by members of the organization operating the facility, which shall include a Clubhouse. Golf is a game in which clubs with wooden or metal heads are used to hit a small ball into a number of holes, usually 6, 9 or 18 in succession, situated at various distances over a course having natural or artificial obstacles, the object being to get the ball into each hole in as few strokes as possible.

**RECREATION FACILITY, COMMERCIAL** — An indoor or outdoor establishment operated by a for-profit entity for the pursuit of sports and recreational activities available to the general public for a fee, including but not limited to arcade, miniature golf, golf driving range, golf or batting practice facilities, ice or roller rinks, playing fields, racquet clubs, swimming pools, indoor trampoline parks and similar facilities.

**RECREATION FACILITY, PRIVATE** — Developed or undeveloped open spaces and/or Structures and facilities which are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation. Such facilities include but are not limited to country clubs, ~~golf courses~~, sportsmen's clubs, ~~golf practice facilities~~, ~~playing sporting~~ fields, tennis or racquet clubs, swimming pools and similar facilities. Such facilities do not include recreational uses, such as private swimming pools, accessory to a Dwelling, Single-Family Detached Use.

**RECREATION FACILITY, PUBLIC** — Developed or undeveloped open spaces and/or Structures and facilities that are provided by a governmental or non-profit body for public use for the purposes of play, amusement relaxation or education. Such Uses may include sports facilities, parks, playgrounds, swimming pools, assembly ~~b~~Buildings, passive areas, gardens, nature preserves, nature centers and related amenities.

**§ 145-14 CR Conservation Residential District.**

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D. Uses permitted by Conditional Use. ...

1. Golf Course.

~~21.~~ Solar Energy Utility System.

~~32.~~ Wind Energy Utility Systems.

E. Accessory Uses permitted by right. ...

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5. Golf Course Accessory Uses - Permitted Uses, as set forth in Section 145-56.1B(1) of this Chapter.

~~65.~~ Group Child Care Home.

~~76.~~ No-Impact Home-Based Business.

~~87.~~ Noncommercial Keeping of Chickens/Ducks (accessory to Dwelling, Single-Family Detached).

~~98.~~ Noncommercial Keeping of Livestock (accessory to Dwelling, Single-Family Detached).

~~109.~~ Solar Energy System, Private.

~~110.~~ Small Wireless Facility.

~~121.~~ Wind Turbine System, Small.

~~132.~~ Yard Sale.

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

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2. Golf Course Accessory Uses - Conditional Uses, as set forth in Section 145-56.1B(2) of this Chapter.

~~23.~~ Naming Rights.

**§ 145-15 R1 Single-Family Residential District.**

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D. Accessory Uses permitted by right. ...

1. Beekeeping.
2. Family Child Care Home.
23. Garage, Private or Accessory Structure, separate from a Dwelling, subject to the regulations in Sections 145-26 and 145-27 of this Chapter.
4. Group Child Care Home.
35. No-Impact Home-Based Business.
46. Small Wireless Facility.
57. Solar Energy System, Private.
68. Yard Sale.

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

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

**§ 145-16 R2 Low-Density Residential District.**

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D. Accessory Uses permitted by right. ...

1. Family Child Care Home.
12. Garage, Private or Accessory Structure, separate from a Dwelling, subject to the regulations in Sections 145-26 and 145-27 of this Chapter.
3. Group Child Care Home.
24. No-Impact Home-Based Business.

35. Personal Support Services for Continuing Care Facility.

46. Recreation Facility, Private.

57. Small Wireless Facility.

68. Solar Energy System, Private.

79. Yard Sale.

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

~~1. Family Child Care Home.~~

~~2. Group Child Care Home.~~

13. Home Occupation.

24. In-Law Apartment.

#### **§ 145-29 Buffer Yards, Landscaping and Screening.**

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E. Parking lot landscaping standards.

6. Except for Lots located in the Presque Isle District, All nonresidential parking and loading areas and parallel circulation and service lanes shall be separated from the Right-of-Way line of a public Street or state highway by a planting strip at least ten (10) feet in depth.

#### **§ 145-56.1 GOLF COURSE.**

A. General requirements.

1. A Golf Course shall consist of a single parcel or may consist of multiple contiguous parcels to the extent separated by a legal right-of-way, easement, or natural feature.
2. In no case shall the design of a Golf Course permit or encourage a golf ball to be driven across any property owned by a third-party or public street right-of-way.
3. No Accessory Structure may be located closer than forty (40) feet to any Golf Course Property Line.
4. Golf paths. Any golf paths shall be constructed to allow passage of stormwater flows and to direct stormwater flows off of the golf path in

accordance with Millcreek Township Code, Chapter 116, Stormwater Management.

- a. The Golf Course design shall minimize any golf path crossings of streets, access drives, and driveways. Easily identifiable golf paths must be provided for crossing streets, access drives, or driveways. The Golf Course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives, and driveways;
  - b. Each crossing shall be perpendicular to the traffic movements;
  - c. Only one street, access drive or driveway may be crossed at each location;
  - d. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive, or driveway center line and the golf path center line, to a location on the center line of the golf path; and
  - e. The golf course owner shall obtain any required permits for any golf path crossing a public street.
5. A Golf Course shall meet the parking requirements of Article VII, Off-Street Parking Standards, of this Chapter.

B. Golf Course Accessory Uses.

1. Permitted Accessory Uses. The following Accessory Uses are permitted by right only for a Golf Course:
  - a. Standalone maintenance/equipment facilities.
  - b. Standalone restroom facilities.
  - c. Outdoor pavilions.
  - d. Concession stands.
2. Conditional Accessory Uses. The following Accessory Uses are permitted only as Conditional Uses to a Golf Course:
  - a. Health Club.
  - b. Non-golf recreational facilities:
    - i. Swimming facility;
    - ii. Multi-sport courts, such as tennis, pickleball, bocce, shuffleboard, basketball, etc.

- c. Lodging.
- d. Standalone Eating & Drinking Establishment, including banquet facilities.
- e. Golf driving range/practice facilities.

**§ 145-92 Minimum Required Parking.**

- A. The minimum required number of parking spaces required is determined according to Table VII-1: Minimum Parking Requirements.

| <b>TABLE VII-1: MINIMUM PARKING REQUIREMENTS</b> |  |
|--|--|
| <b>Use</b>                                       | <b>Requirements</b>  |
| ...  | ...  |
| <u>Golf Course</u>                               | <u>Per results of an approved parking needs analysis study</u> |
| ...  | ...  |

**§ 145-102 Nonconforming Structures.**

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- B. Damage or Destruction. In the event that a Nonconforming Structure is partially damaged or entirely destroyed by any means, it may be rebuilt or repaired in accordance with the following:

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- 5. Work is completed before the Building Permit expires. and

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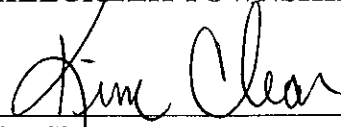
SECTION 4. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person(s) or circumstances is for any reason held to be invalid or unconstitutional by any court, such holding(s) shall not be construed to affect the validity of any 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 September 15, 2024.

**BE IT ENACTED** this 10th day of September, 2024.

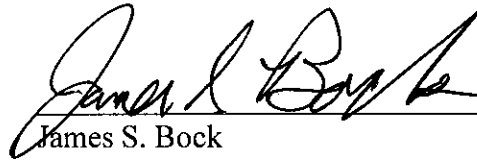
**MILLCREEK TOWNSHIP SUPERVISORS**



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