

SHENANGO TOWNSHIP, MERCER, COUNTY, PENNSYLVANIA

ORDINANCE NO. 188 - 2023

AN ORDINANCE OF SHENANGO TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, TO AMEND THE ZONING ORDINANCE NO. 180-2020 ADOPTED NOVEMBER 19, 2020, TO RECLASSIFY THE ZONING DESIGNATION OF CERTAIN PARCELS SET FORTH IN EXHIBIT 'A' TO THE ORDINANCE CHANGING VARIOUS PROPERTIES FROM THEIR CURRENT ZONING CLASSIFICATION TO A DIFFERENT CLASSIFICATION, AMENDING THE DEFINITION OF NO-IMPACT HOME-BASED BUSINESSES IN SECTION 201 TO ADD ADDITIONAL CLARIFYING LANGUAGE, TO AMEND THE PERMITTED USE TABLE AT ARTICLE IV, TO ADD RESIDENTIAL, AGRICULTURAL AND SOLAR ENERGY SYSTEM USES TO THE LIST OF PERMITTED USES IN COMMERCIAL ZONED DISTRICTS, TO ADD ADDITIONAL AGRICULTURAL USES TO THE LIST OF PERMITTED USES IN COMMERCIAL ZONED DISTRICTS, TO CORRECT REFERENCES TO OTHER PORTIONS OF THE ORDINANCE AT SECTION 601.04, 604.01, MAXIMUM HEIGHT, NOISE, AMEND SECTION 808.02, 809.02, 908.04 AND TO REMOVE THE 75 ACRE MINIMUM AREA REQUIREMENT FOR PLANNED RESIDENTIAL DEVELOPMENTS UNDER SECTION 600.01 A AND TO ADD SECTION 8.07 TO PROVIDE FOR NON-CONFORMING USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Shenango, County of Mercer, and Commonwealth of Pennsylvania, pursuant to the authority of the Pennsylvania Second Class Township Code, Shenango Township hereby enacts and ordains by authority of the same as follows:

WHEREAS, the Board of Supervisors received various requests to rezone certain parcels together with a review of potential rezoning areas conducted by the Planning Commission and have prepared an attachment consisting of twenty-one (21) properties which is marked as Exhibit 'A' indicating the parcel number, current owner, current zoning classification and the new zoning classification;

WHEREAS, certain typographical and administrative errors occurred in the passage of the Zoning Ordinance that need corrected so that references to other portions of the Zoning Ordinance are proper and the definition of no-impact home-based business shall be clarified with additional language, and the seventy-five (75) acre minimum for a planned residential development at Section 600.01 A shall be reduced to require a ten (10) acre minimum;

WHEREAS, certain changes to Permitted Uses at Article 4 are appropriate;

WHEREAS, Shenango Township previously adopted a comprehensive Zoning Ordinance on November 19, 2020, at Ordinance 180-2020, which the Board of Supervisors propose to amend herein;

WHEREAS, the Township held a public hearing on the 8th day of March, 2023, to consider comments and testimony and other evidence regarding the amendment as required by the Municipalities Planning Code as amended;

WHEREAS, proper public notice has been advertised pursuant to the Municipalities Planning Code for the enactment of this Ordinance together with proper posting of all subject properties and notice letters to all property owners to be rezoned were properly sent; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Shenango Township adopts the following amendments to the existing Shenango Township Zoning Ordinance and that the official Zoning Map be amended to be consistent with this Amendment.

1. A listing of all properties to be rezoned is attached hereto, marked as Exhibit "A" and incorporated herein and shall be the properties that are rezoned by virtue of this Ordinance, and, therefore, are hereby amended to a new zoning classification referred as "New Zoning" in Exhibit "A".
2. The corrections to citations in the existing Ordinance are set forth herein as Exhibit "B" and incorporated herein, and therefore are hereby amended to reflect the noted changes.
3. Section 201 definition of no-impact home based business is hereby amended to add the following language: "No-impact home-based businesses are a permitted use by right in all residential districts except that such use shall not supersede any deed restriction, covenant or agreement restricting the use of the land, nor any master deed by law or other document applicable to a common interest ownership community".
4. Section 908.4 is amended to change Section 600.01 A to modify the seventy-five (75) acre minimum for a planned residential development under said Section to a ten (10) acre minimum requirement.
5. Article 4: Permitted Use Table is hereby amended to add residential agricultural and solar energy system uses to the list of permitted uses in commercially zoned districts and agricultural uses is added to the list of permitted uses in industrial zoned district (see list at Exhibit "C").
6. The official Zoning Map of Shenango Township shall be amended to reflect the above changes.
7. **REPEALER.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.
8. **AFFIRMATION.** All other provisions of the Zoning Ordinance adopted on November 19, 2020, as amended, except as modified herein are affirmed

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9. **SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clause, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

10. **EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days after its adoption.

ORDAINED AND ENACTED THIS 20 day of April,
2023, at a regular meeting of the Shenango Township Board of Supervisors.

ATTEST:

Gene M. Smith
Secretary

**SHENANGO TOWNSHIP, MERCER
COUNTY, PENNSYLVANIA**

BY: Jim Stover

BY: Scott Williams

BY: Tom Kiser

BY: Michael Weiss

BY: Dale Perry

EXHIBIT "A"

AREA BOUNDED BY PA-760, PA-18 AND TAM O'SHANTER GOLF COURSE
(3 PARCELS)

	PROPERTY OWNER NAME AND ADDRESS	CURRENT ZONING	NEW ZONING
27 184 031	Leali Brothers Excavating Inc., c/o Kalp, Adrienne R. 2608 Danielle Court. Hermitage. PA 16148	R-1	R-2
27 184 011	Leali Brothers Excavating Inc., c/o Kalp, Adrienne R. 2608 Danielle Court. Hermitage. PA 16148	R-1	R-2
27 184 032	Leali, Daniel J. & Samantha M. 3795 Longview Road. Hermitage. PA 16148	R-1	R-2

AREA WEST OF I-376 AND NORTH OF PA-318
(7 PARCELS)

PARCEL I.D.	PROPERTY OWNER NAME AND ADDRESS	CURRENT ZONING	NEW ZONING
27 184 068	Ross, Jasper c/o Swartz, Otis 810 N. Neshannock Road. Hermitage. PA 16148	Industrial	R-2
27 184 069	Thomson, Susan et al 1988 Spangler Road. Hermitage. PA 16148	Industrial	R-2
27 184 070	Mercer Livestock Auction, Inc. c/o Loomis Global, Inc. P.O. Box 371. Transfer. PA 16154	Industrial	Commercial
27 184 070 004	Panariello, Paula J. 533 E. Macewen Drive. Osprey. FL 34229	Industrial	Commercial
27 184 070 002	Panariello, Michael A. & Paula J. 533 E. Macewen Drive. Osprey. FL 34229	Industrial	Commercial
27 184 070 006	Veon, Brycen B. Trustee et al 61 Executive Court, West Middlesex, PA 16159	Industrial	Commercial
27 184 070 003	Sowers, Jess E. & Dyan M. 64 Executive Court, West Middlesex. PA 16159	Industrial	Commercial

EXHIBIT "B"
CITATION CORRECTIONS

The following typographical and/or clerical errors in the existing Ordinance are hereby changed, and the following changes are hereby adopted:

1. Section 604.04 C shall now state: It shall comply with all accessory yard use, height, and setback requirements including additional height provisions contained in other applicable provisions of this Ordinance.
2. Section 604.1 B is changed to read: For purpose of the requirements of this Ordinance, the SES structures or use may be permitted as a planned special exception that includes multiple structures as a single principal or accessory use. Such use may be under single lease area covering a single or multiple properties, under single or multiple ownership.
3. Section 604.01 I is modified at I 2 to read: Except as permitted elsewhere in this Ordinance, all equipment shall not exceed twenty (20) feet in height.
4. Section 604.01 K is hereby modified and changed to read: In addition to the applicable yard setback requirements of the Ordinance, substations and inverters shall be setback a minimum distance so the noise levels from such substations or inverter shall not exceed forty (40) DBA when measured at the exterior lot line. Subsections K (1) and (2) are not modified.
5. Section 808.2 is changed to read: No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment to this Ordinance except as specified by Section 811.
6. Section 809 is modified and shall read as follows: An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located may not be enlarged, extended, constructed, reconstructed or structurally altered except as specified in Section 811 and 812.
7. Section 908.4 Plot Diagram is hereby modified to provide as follows:
 - a. Additional application requirements for uses specified in Article VII - An application for a use specified in Article VII shall be accompanied by additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the conditions, criteria, and standards specified for that use in Section VII.
8. Section 809.07 is added to provide as follows: Current property owners in commercial and industrial districts are hereby permitted to make use of their properties for residential purposes that are otherwise permitted by the Ordinance without the necessity of obtaining a variance. This provision shall supersede and take priority over Section 808.2 and 809.

EXHIBIT 'C'

ARTICLE 4: PERMITTED USES

PERMITTED USES By ZONING DISTRICT	R-1	R-2	COMMERCIAL	INDUSTRIAL
Dwellings, Single-Family	X	X	X	
Dwelling, Duplex, 2 Family	X	X	X	
Dwelling, Multiple-Family or Apartment Building		X	X	
Accessory Apartments	X	X	X	
Agricultural Operations, Agribusiness Operations	X	X	X	X
Cemetery	X	X		
Church, Place Of Worship	X	X	X	
Day Care Facility, Child or Adult		X	X	
Golf Courses	X	X	X	
No-Impact Home-Based Business	X	X	X	
Mobile Home Parks		LDP*		
Planned Residential Development		LDP*		
Public Grounds Or Facilities	X	X		
COMMERCIAL & INDUSTRIAL USES			LDP*	
Administrative, Professional, Business Offices			X	X
Adult Business Uses				SE
Airport	SE			SE
Amusement Park or Zoo			X	
Automotive or Trailer Sales Establishment			X	X
Automotive Repair Services And Garages			X	X
Bulk Storage and Distribution Facility				X
Club, Lodges and Membership Organizations,			X	
Convenience Store			X	

Distribution and Warehousing				X
Drive-In Business			X	
Eating And Drinking Establishment			X	
Educational Facilities - Boarding or Dormitory Uses by Special Exception		X	X	X
Flammable Liquid Storage				X
Forestry	X	X	X	X
Funeral Home, Mortuary or Crematorium			X	
Garage, Commercial			X	X
Governmental Facility			X	X

PERMITTED USES By ZONING DISTRICT	R-1	R-2	COMMERCIAL	INDUSTRIAL
Health Care Facility			X	
Heavy Equipment Storage Area.				X
Hospital, Veterinary	X		X	X
Hotel, Motel			X	
Industrial Services				X
Junk Yard				X
Kennel, Commercial	X		X	
Laboratories for Research, Design, Experimentation, Processing And Fabrication				X
Lumber Mill Or Lumber Yard and Building Material Yard				X
Mining, Land Fill, Mineral Extraction	X			X
Motor Freight Or Trucking Terminal				X
Nursery, Plant For Commercial Sales			X	X
Parking Loading Facilities			X	X
Personal Service Establishment			X	
Race Track			X	X
Recreation Vehicle Parks			LDP*	
Recreation, Commercial			X	
Recreation, Non-Commercial	SE			
Retail Sales Facility			X	
Sanitary Landfills, Waste Transfer Station, Or Similar Facilities				CU
Sawmill, Temporary	X		X	X

Solar Energy Systems *	CU	CU	CU	CU
Storage Or Parking Of A Non-Agricultural Licensed Vehicle				X
Storage Units			X	X
Towers - Communications, Windmill	LDP*	LDP*	LDP*	LDP*
Transportation Facility				X
Accessory Uses				
Antennas For Private Use	X	X		
Bed & Breakfast	AC	AC		
Boarding Unit, Lodging Unit, Rooming Unit	AC	AC		
Essential Services	X	X	X	X
Event Barn Or Center Saldo?	AC	AC		
Farm Stand For Sale Of Agricultural Or Nursery Products, Temporary	AC	AC		
Incinerator - Private	AC*			
PERMITTED USES By ZONING DISTRICT				
	R-1	R-2	COMMERCIAL	INDUSTRIAL
Private Playhouse, Swimming Pool, Tennis Court, Tool Or Storage Shed, Shelter For Domestic Pets And Private Greenhouse	AC	AC		
Wall, Fence, Lamp Post, Satellite Dish, Antenna Or Similar Accessory	AC	AC		
Signs Ordinance #2020- _____	S	S	S	S
Key				
Conditional Uses - # Supervisors	CU			
Special Exception – Zoning Hearing Board	SE			
Accessory Use - May Not Be Primary Use	AC			
Any Non-Single Family Development Requires Site Plan Review Subject To Mercer County Subdivision & Land Development Ordinance	LDP		LDP* = SEE SALDO REGULATION	

* LDP – Indicates that additional Subdivision and Land Development Ordinance regulations also apply. See Section 600.

NOTE that all development must be submitted for review, except for single family homes.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Township of Shenango, Mercer County, Pennsylvania, intends to consider and adopt Ordinance No. 188-2023 which amends Zoning Ordinance No. 180-2020 at a meeting of its Board of Supervisors to be held on April 20, 2023, at 6:30 p.m. at the Shenango Township Municipal Building at 3439 Hubbard Middlesex Road, West Middlesex, Shenango Township, Pennsylvania.

The title of the Ordinance is:

AN ORDINANCE OF SHENANGO TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, TO AMEND THE ZONING ORDINANCE NO. 180-2020 ADOPTED NOVEMBER 19, 2020, TO RECLASSIFY THE ZONING DESIGNATION OF CERTAIN PARCELS SET FORTH IN EXHIBIT 'A' TO THE ORDINANCE CHANGING VARIOUS PROPERTIES FROM THEIR CURRENT ZONING CLASSIFICATION TO A DIFFERENT CLASSIFICATION, AMENDING THE DEFINITION OF NO-IMPACT HOME-BASED BUSINESSES IN SECTION 201 TO ADD ADDITIONAL CLARIFYING LANGUAGE, TO AMEND THE PERMITTED USE TABLE AT ARTICLE IV, TO ADD RESIDENTIAL, AGRICULTURAL AND SOLAR ENERGY SYSTEM USES TO THE LIST OF PERMITTED USES IN COMMERCIAL ZONED DISTRICTS, TO ADD ADDITIONAL AGRICULTURAL USES TO THE LIST OF PERMITTED USES IN COMMERCIAL ZONED DISTRICTS, TO CORRECT REFERENCES TO OTHER PORTIONS OF THE ORDINANCE AT SECTION 601.04, 604.01, MAXIMUM HEIGHT, NOISE, AMEND SECTION 808.02, 809.02, 908.04 AND TO REMOVE THE 75 ACRE MINIMUM AREA REQUIREMENT FOR PLANNED RESIDENTIAL DEVELOPMENTS UNDER SECTION 600.01 A AND TO ADD SECTION 8.07 TO PROVIDE FOR NON-CONFORMING USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

A summary of the Ordinance is as follows:

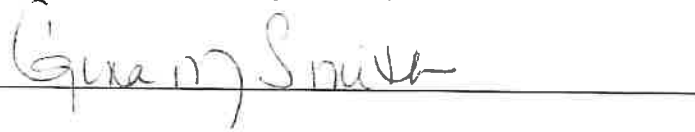
Paragraph 1 lists all properties to be rezoned which are attached to the Ordinance at Exhibit "A" changing the zoning classification of said properties; paragraph 2 sets forth various corrections to citations in the existing Ordinance No. 180-2020 and are set forth in Exhibit "B" attached to the Ordinance; paragraph 3 amends the definition of no-impact home-based businesses under existing Section 201 of the Zoning Ordinance; paragraph 4 amends Section 908.4 of the current Zoning Ordinance to change Section 600.01 relative to a modification of minimum acreage for a planned residential development from 75 acres minimum to 10 acres minimum; paragraph 5 amends Article 4 of the current Permitted Use Table to include residential agricultural and solar energy systems in commercially zoned districts and agricultural uses and additionally added to permitted uses in industrially zoned districts; paragraph 6 provides that the official Zoning Map for the Township shall be amended to reflect the above changes; paragraph 7 is repeals any Ordinances or part thereof that may be inconsistent with this Ordinance; paragraph 8 affirms all other provisions of the Zoning Ordinance adopted November 19, 2020; paragraph 11 severability provides for situations where any part of the Ordinance may be found to be unconstitutionally illegal or valid; and paragraph 10 provides for an effective date of 30 days after adoption.

The full text of the Ordinance is available for inspection at the office of the newspaper in which the Legal Notice is published, at the Mercer County Law Library or other designated Mercer County office located at the Mercer County Courthouse in Mercer, Pennsylvania, and at the Shenango Township Building during hours in which the office is open or by appointment with the Township Secretary. The Township Secretary can be reached at the address or phone number listed below. All persons are invited to attend and be heard.

SHENANGO TOWNSHIP
Gina Smith, Township Secretary
3439 Hubbard Middlesex Road
West Middlesex, PA 16159
724-528-9571

CERTIFICATION

I, Gina M. Smith, do hereby certify the following is a true copy of Ordinance #188-2023 adopted by the Board of Township Supervisors of Shenango Township, Mercer County, Pennsylvania, on April 20, 2023.

A handwritten signature in cursive script, reading "Gina M. Smith", is written over a solid horizontal line.

Township Secretary