

PUBLIC NOTICE

Notice is hereby given that on WEDNESDAY, OCTOBER 26, 2022 the Hermitage Board of Commissioners intends to consider and enact a Zoning Ordinance amendment during their Regular Meeting in the Commissioner's Meeting Room at the Hermitage Municipal Building, 800 North Hermitage Road, Hermitage, Pennsylvania. The meeting will begin immediately following the 6:00 p.m. Work Session.

**AN ORDINANCE OF THE CITY OF HERMITAGE,
MERCER COUNTY, PENNSYLVANIA, IN ACCORDANCE
WITH THE PENNSYLVANIA MUNICIPALITIES
PLANNING CODE (“MPC”), AMENDING PORTIONS OF
CHAPTER 27 OF THE HERMITAGE CODE OF
ORDINANCES, RELATED TO ZONING, ALSO KNOWN
AS THE “HERMITAGE ZONING ORDINANCE”;
AMENDING CERTAIN SECTIONS OF PART 4 TO
CORRECT THE ORDER OF PROVISIONS AND TO
OTHERWISE MAKE CORRECTIONS TO NUMBERING
ERRORS; PROVIDE CLARIFICATIONS AND
MODIFICATIONS FOR CERTAIN PROVISIONS; AND TO
PROVIDE FURTHER REGULATIONS FOR SOLAR
ENERGY SYSTEM USES.**

WHEREAS, the City of Hermitage 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 City adopted a new Comprehensive Plan on June 26, 2019; and

WHEREAS, upon substantial consideration, the City adopted Ordinance 2-2021, which repealed the previous Zoning Ordinance and replaced, along with the Zoning District map, in its entirety; and

WHEREAS, during the process, substantial input was obtained from the members of the community; local and county planning agencies; and City staff and officials; and

WHEREAS, the Board of Commissioners desires to enact certain provisions to correct or modify the provisions of the new Zoning Ordinance;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF
COMMISSIONERS OF THE CITY OF HERMITAGE, MERCER COUNTY,
PENNSYLVANIA, AND THE CITY OF HERMITAGE HEREBY ORDAINS AND
ENACTS BY THE AUTHORITY OF THE SAME AS FOLLOWS:**

SECTION 1. AMENDMENT OF CHAPTER 27, PART 2, DEFINITIONS. Chapter 27, Part 2, Section 202, related to Specific Terms is hereby amended to change the definition of “Accessory Structure” to read as follows:

Accessory Structure – A detached structure customarily incidental and subordinate to the principal structure or use of the lot. This use shall include Accessory Buildings, but shall also include additional structures, including, but not limited to, play structures of any size, pools, and hot tubs.

SECTION 2. AMENDMENT OF CHAPTER 27, PART 3, DISTRICT REGULATIONS. Chapter 27, Part 3, is hereby amended as follows:

A. The use tables provided for in Sections 304.20 (SR-2), 306.20 (NMU), 311.20 (NC1) and 312.20 (NC2), shall be amended so that the Permitted Use of Multi-Family Dwelling and the corresponding column titled “Subject to Additional Regulations” shall delete “§ 321.310” and be amended to read “§ 321.320”.

B. The first sentence of Section 320.40 shall be amended to change the reference to Section 321.310 to read as follows:

“Planned residential developments may be approved in all the RR, SR1, SR2 and NMU Districts and may include the following additional uses: multi-family dwellings in accordance with the requirements of Section 321.310 321.320, community clubs and related uses.”

C. The use table provided for in Section 307.20 (IN) shall be amended to delete the use “Emergency Services, Private” from the “Accessory Uses” classification. Further, “Emergency Services, Private” shall be added to the “Permitted Uses by Right” classification.

D. The use table provided for in Section 312.20 (NC2), shall be amended so that the Permitted Use of Self-Storage Facility and the corresponding column titled “Subject to Additional Regulations” shall add “§ 321.400”.

E. Section 320.110(E) shall be amended to remove the typographical error including the number “55”, to read as follows:

“The application for tentative approval of a planned residential development shall include a written statement by the landowner setting forth the reasons why, in his opinion, a planned 55 residential development would be in the public interest and would be consistent with the comprehensive plan for the development of the City.”

F. Section 301.60.9 shall be amended as follows:

1. Section 301.60.9(D) shall be repealed and replaced as follows:

D. Accessory buildings or structures covering an area of ground exceeding one hundred twenty (120) square feet and/or having a height of ten (10) feet or more shall conform to the setback requirements for accessory structures.

D. All accessory buildings or structures regardless of size shall conform to the setback requirements for accessory structures.

2. The title of Section 301.60.9 shall be changed to read, "Accessory Structures and Uses and Accessory Buildings."

3. Section 301.60.9(E) shall be repealed and replaced as follows:

E. All accessory buildings or structures shall be permanently attached to the ground or adequately secured to the ground to prevent the structure from causing property damage in high winds.

E. All accessory buildings or structures shall be permanently and adequately anchored to the ground in accordance with accepted engineering standards or practices to prevent personal or property damage due to high winds, floatation, collapse, or lateral movement.

4. Section 301.60.9(G) shall be repealed and replaced as follows:

G. Accessory structures larger than 200 square feet in floor area must have a permanent concrete slab under the entire structure.

G. Accessory structures larger than 200 square feet in floor area must have a permanent concrete slab under the entire structure of a depth of no less than four (4) inches.

G. Section 321.410, pertaining the Solar Energy System: Large use, shall be amended to add the following subsection M:

"M. A decommissioning plan shall be submitted as part of the land development plan and construction permit application for such system and shall include, but not be limited to, the following:

1. A schedule and methods for the removal of such system;

2. A plan for restoring the site to a condition similar to its condition that existed immediately prior to the development of such system, including grading and vegetative stabilization;

3. A performance bond, decommissioning trust or escrow account, or letter of credit or a financial guarantee in an amount to be based upon the estimated cost of the decommissioning to insure completion of the decommissioning.

Any obsolete or unused MSES and appurtenant structures shall be removed from the property within 12 months of abandonment or decommissioning."

H. Section 406.60, pertaining to Signs Permitted in All Districts Without Zoning Permit, shall be amended as follows:

The following signs shall be permitted in all districts with compliance to applicable setbacks found in Section 406.40, and no zoning permit shall be required to erect such signs, ~~but internally illuminated signs are subject to compliance with the Pennsylvania Uniform Construction Code unless the sign falls within the requirements of the Pennsylvania Uniform Construction Code, in which case a zoning permit shall be required:~~

SECTION 3. AMENDMENT OF CHAPTER 27, PART 4, SUPPLEMENTARY REGULATIONS. Chapter 27, Part 4, is hereby amended as follows:

A. The ordering of Section 405.10 shall be amended to change the subsection ordering from "J" through "P" to traditional headings of subsections "A" through "G".

B. Section 409(D), regarding fences, shall be amended to add language as follows:

D. No fence shall be constructed within the legal (either present or future) right-of-way of any public street.

SECTION 4. AMENDMENT OF TABLE OF CONTENTS. The Table of Contents shall be amended to properly reflect the changes in definitions, section headings, pagination, and all other terminology added, removed, or amended in this Ordinance.

SECTION 5. 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 6. EFFECTIVE DATE. The provisions of this ordinance shall become effective in seven (7) days.

The full text of the Ordinance is available for inspection at the office of the City Manager, 800 North Hermitage Road, Hermitage, Pennsylvania. The ordinance is available to review at the Municipal Building by calling (724) 981-0800. The ordinance is also on the City website at www.hermiteage.net. A copy of the full text of the ordinance has also been provided to the Herald. The full text is also available for inspection at the Mercer County Law Library located in the Mercer County Courthouse, Mercer, Pennsylvania.

PUBLISH:

Thursday, October 6, 2022