

CITY OF HERMITAGE **ZONING ORDINANCE**

As adopted by the
Hermitage Board of Commissioners
January 2, 2024*

*Amended May 22, 2024, Ordinance 9-2024

*Amended December 18, 2024, Ordinance 16-2024

* Amended October 22, 2025, Ordinance 7-2025

**CITY OF HERMITAGE
MERCER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 - 2024

AN ORDINANCE OF THE CITY OF HERMITAGE, MERCER COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE ("MPC"), REPEALING CHAPTER 27 OF THE HERMITAGE CODE OF ORDINANCES, RELATED TO ZONING, ALSO KNOWN AS THE "HERMITAGE ZONING ORDINANCE" AND REPLACING CHAPTER 27 IN ITS ENTIRETY FOR THE PURPOSE OF ADOPTING THE ORDINANCE AND NEW ZONING MAP TO INCLUDE THE FORMER BOROUGH OF WHEATLAND PROPERTY THAT WILL MERGE INTO THE CITY, EFFECTIVE JANUARY 1, 2024; PROVIDING CHANGES TO THE DEFINITION OF PRIVATE CLUB AND THE ZONING DISTRICTS IN WHICH ADULT ENTERTAINMENT USES ARE PERMITTED, ALONG WITH A FEW TYPOGRAPHICAL CHANGES, BUT OTHERWISE REENACTING THE HERMITAGE ZONING ORDINANCE IN FULL; AND FURTHER PROVIDING A NEW ZONING DISTRICT MAP, WHICH PLACES THE CURRENT BOROUGH OF WHEATLAND INTO NEW ZONING DISTRICTS AS OF THE EFFECTIVE DATE, WHILE LEAVING THE MAP OTHERWISE UNCHANGED.

WHEREAS, the City of Hermitage ("City") 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 a new zoning ordinance on February 24, 2021; and

WHEREAS, the electors of the City and Borough of Wheatland ("Wheatland") authorized the merger of Wheatland into the City in the 2022 general election, to be effective January 1, 2024; and

WHEREAS, a provision of the Joint Agreement applies all City ordinances to Wheatland effective January 1, 2024; and

WHEREAS, it will be necessary to provide adequate zoning regulations, including the placement of property that is currently in Wheatland into appropriate zoning districts as of the effective date of the merger; and

WHEREAS, the City and Wheatland have formed focus groups and held public meetings to elicit opinions as to how best to zone Wheatland into the current City zoning districts; and

WHEREAS, the City also desires to update a few provisions of the zoning ordinance text to better define private clubs, provide for adult entertainment uses, and correct a few minor typographical errors by reenacting the entire zoning ordinance; and

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. REPEAL AND REPLACEMENT OF HERMITAGE ZONING ORDINANCE. Chapter 27, of the Hermitage Code of Ordinances, related to Zoning, consisting of Ordinance No. 2-2021, as amended, is hereby repealed in its entirety and in its place, the entirety of the attached new zoning ordinance and map are hereby adopted.

The basis for reenacting the entire zoning ordinance is to provide a new zoning map to include the land that currently consists of the Borough of Wheatland, which requires total reenactment to practically comply with the terms of the Pennsylvania Municipalities Code. The ordinance will also provide changes to the private club definition, further provide for the appropriate zoning districts for the adult entertainment use, and to correct minor typographical errors in the zoning ordinance.

SECTION 2. AUTHORIZATION OF CITY OFFICIALS. The appropriate City officials are hereby authorized to take all necessary actions to affect the proper implementation of this Ordinance.

SECTION 3. 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 4. 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 5. EFFECTIVE DATE. The provisions of this ordinance shall become effective on January 1, 2024. The previous ordinance and map, as amended, shall remain in effect until that date.

HERMITAGE ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED FINALLY INTO LAW BY THE BOARD OF COMMISSIONERS OF THE CITY OF HERMITAGE THIS 2nd DAY OF JANUARY, 2024.

ATTEST:



Gary Hinkson, Secretary

**CITY OF HERMITAGE
BOARD OF COMMISSIONERS**

By: 

Duane Piccirilli, President

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PART 1: GENERAL PROVISIONS

PART 1

GENERAL PROVISIONS

101. TITLE

The official title of this Ordinance shall be the "Zoning Ordinance of the City of Hermitage".

102. EFFECTIVE DATE

This Ordinance shall take effect on seven (7) days following adoption of the Board of Commissioners.

103. PURPOSE AND AUTHORITY

This Ordinance is adopted by virtue of the authority granted to the City under Article VI of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. The provisions of this Zoning Ordinance are designed:

- a) To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well as,
- b) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- c) To be in accordance with an overall program and with consideration for the character of the City, its various parts and suitability of the various parts for particular uses and structures.

104. COMMUNITY DEVELOPMENT OBJECTIVES

The zoning regulations and districts set forth in this Ordinance are made in accordance with a comprehensive plan for the general welfare of the City and are intended to achieve, among others, the following purposes:

- a) To develop a pleasant, attractive, healthy, safe, and convenient environment for living, working, shopping and relaxing in the City of Hermitage.
- b) Land Use Objectives:
 - 1) Objective – Residential: Protect the residential character of both high and low density areas and encourage fair housing choices for all residents.
 - a. Preserve traditional single-family neighborhoods.
 - b. Encourage a variety of housing types, including high density multifamily residential, in areas that are served by public infrastructure and close to commercial and services.
 - c. Allow residents to age in place by permitting nontraditional housing, including accessory dwelling units.
 - d. Provide a buffer between industrial and commercial areas and residential areas.
 - e. Prevent the adverse scattering of higher-density residential areas into existing rural and agricultural areas.
 - 2) Objective - Protection of Hermitage's Environment: Encourage development which is environmentally sound.
 - a. Protect environmentally sensitive areas.
 - b. Limit the impact on existing infrastructure through proper phrasing of improvements.

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- c. Provide adequate landscaped buffer protection and security between differing land uses.
 - d. Encourage planned residential developments to provide for higher density residential development, limiting infrastructure expansion to protect open space and the environment.
 - e. Preserve green space through limiting lot coverage.
- 3) Objective - Farmland Preservation: Protect existing farmland and agricultural activities.
- a. Limit infrastructure improvement and extension which encourages encroachment upon agricultural activities.
 - b. Preserve farmland by permitting agritourism and other supporting uses and the diversity of agricultural activities.
- 4) Objective – Commercial: Encourage appropriate commercial development (including retail and office) while concentrating the commercial area and discouraging indiscriminate sprawl.
- a. Encourage the development of a vibrant, walkable City Center district that allows for a mixture of high-density land uses.
 - b. Provide for more innovative commercial and professional uses.
 - c. Limit development to the corridors of Route 18 and Route 62 and concentrate expansion to adjacent areas.
 - d. Provide for better control of signage.
- 5) Objective – Economic Development & Industrial: Provide for an economic climate which will encourage job creation and retention while protecting adjacent land uses.
- a. Provide protection for existing industrial areas and encourage light, non-invasive industry in additional areas that can support it.
 - b. Encourage activities which have job creation and/or retention potential.
- 6) Objective – Special: Provide for special land use concerns.
- a. Provide adequate space for a variety of needed institutional uses and afford sensitive ones with special protection.
 - b. Provide land to accommodate small business incubation and advanced technology innovation within a campus setting.

These are made with reasonable consideration of, among other things, the existing character of the various areas within the City and their respective suitability for particular uses.

105. COMPLIANCE

No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, nor shall any interior alteration be performed to any nonresidential building for the purpose of accomplishing a change in the principal use of said building, nor shall any building be converted from one nonconforming use to another nonconforming use, except in full compliance with all the provisions of this Ordinance, and after the lawful issuance of all permits and certifications required by this Ordinance.

The City of Hermitage will be exempt from the provisions of this Ordinance in the exercise of its municipal functions. Any use not specifically permitted is prohibited.

PART 1: GENERAL PROVISIONS

106. INTERPRETATION OF REGULATIONS

Whenever the provisions of this Ordinance are at variance with any other lawfully adopted rules, regulations or ordinances, the more restrictive requirements shall govern.

107. SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole nor the validity of any other section or provision of the Ordinance than the one so declared.

PART 1: GENERAL PROVISIONS

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PART 2
DEFINITIONS

201. INTERPRETATION

All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein.

Throughout the document, certain words shall have the meaning assigned to them as follows:

- For the purpose of this Part, words used in the present tense shall include the future.
- The singular number shall include the plural and the plural shall include the singular.
- The masculine shall include the feminine and the neuter.
- The word "shall" is always mandatory.
- The word "may" is permissive.
- The word "should" means strongly recommended or so far as possible.
- The word "lot" shall include the words "tract" and "parcel."
- The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof."
- The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- The word "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity.
- The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.
- All measured distances shall be to the nearest integral foot.
- Parenthetical words or statements are integral parts of the definitions in which they are located.
- Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

202. SPECIFIC TERMS

The following words and phrases shall have the meaning given in this Section.

Abandonment - To stop the use of property intentionally when the use of property has ceased and the property has been vacant for twelve (12) months. Abandonment of use will be presumed unless owner can show that a diligent effort has been made to sell, rent or use the property for a legally permissible use.

Abandoned Vehicles - Any vehicle that does not have both a current Pennsylvania license plate and a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land.

Access Drives - A thoroughfare used by the public that affords a means of access to nonresidential uses located between the traveled portion of an arterial, collector or local street or a parking lot for access to and from the parking lot but does not include the parking aisle.

Accessory Building - A building or buildings subordinate and incidental to a principal building or buildings and located on the same lot therewith. An accessory building may not be constructed on a lot without the existence of a principal building. Accessory building includes play structures 120 square feet or larger or having a height of 10 feet or more.

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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.

Accessory Dwelling Unit (ADU) - A smaller, independent residential dwelling unit located on the same lot as a detached single-family dwelling. ADUs may be either attached to the primary dwelling or a detached unit.

Accessory Use - A use clearly incidental, and subordinate to, and located on the same lot occupied as the principal use.

Adult Entertainment - The definition for this term and for all uses included under this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statutes are hereby included by reference, including but not limited to, the definitions for “Adult Bookstore,” “Adult Entertainment,” “Adult Mini-Motion Picture Theater,” “Adult Motion Picture Theater,” “Sexual Activities,” “Specified Anatomical Areas,” and “Specified Sexual Activities.”

Agricultural Building – A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term shall not include habitable space, or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

Agriculture - The growing of crops and/or raising of livestock and domestic small farm animals for domestic and commercial uses.

Agritourism – Activities conducted on and accessory to a working farm and offered to the public or invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be directly related to agricultural or natural resources and incidental to the primary operation of the farm. This term does not include “Farm Winery.”

Aisle - Vehicular travel lane within a parking lot.

Aisle Main - The most frequently traveled vehicular lane located internally within the parking lot.

Alley - A minor way used primarily for vehicular service access to the rear or side of properties fronting on another street.

Animal Daycare and Boarding Facility- Any premises where domestic animals are dropped off and picked up daily for temporary care on site and where they may be groomed, trained, exercised and socialized, but are not, bred, sold or let for hire.

Animal Grooming and Retail Operation - Any establishment, or mobile unit, public or private, where pet animals are bathed, clipped or combed for the purpose of enhancing their aesthetic value or health, or both, and for which a fee is charged. This use includes any self-service pet washing business and may be accessory to a retail use. It does not include incidental bathing or combing of pets as part of regular animal care performed at an animal kennel, animal daycare or grooming performed on an infrequent

PART 2: DEFINITIONS

nonprofit basis for hobby or recreational purposes. Animal grooming service does not include the overnight boarding of any animals.

Animal Kennel - Any premises where, except as accessory to an agricultural or veterinary use, dogs and/or cats over three months of age are temporarily boarded overnight.

Animal Shelter – An establishment, licensed by the Commonwealth of Pennsylvania, which provides rescue services and a temporary home for dogs, cats and other animals that are eventually offered for adoption or euthanized when necessary.

Attached Use – A secondary independent use which is permitted when attached to or located within the same building as a permitted principal use or uses, and when the total floor area of the attached use or uses does not exceed 25% of the total building floor area.

Automobile Gas Station - An establishment used for the sale of motor fuel and lubricants. May also offer maintenance services such as oil changes; and/or the sale, installation or minor repairs of tires, batteries, mufflers or other automotive accessories. May or may not include a convenience store and/or a car wash as accessory uses.

Automobile Repair Garage - Any building in which a business or service involves the maintenance, servicing, auto body repairs or painting of vehicles.

Automobile Service Station - An establishment used for automobile services such as lubrication and hand washing or reconditioning of vehicles and/or the sale, installation or minor repairs of tires, batteries, mufflers or other automotive accessories.

Bar/Night Club - An establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use. The establishment may also include entertainment activities, either live or recorded.

Basement - A story or portion of a story entirely below an upper story, and wholly or partly below the average grade of the surrounding ground with at least one-half (1/2) of its height (measured from floor to ceiling) below the average grade level of the surrounding ground.

Bed and Breakfast - A single-family detached dwelling unit and operated by the dwelling's owner in which a maximum of five (5) rooms provide overnight guests sleeping quarters. A bed and breakfast shall not include a boarding house, group living facility or hotel.

Berm (landscape) - An earthen mound designed to provide visual interest on a site, screen and reduce noise, or buffer abutting properties.

Billboard - A permanent sign structure in a fixed location which meets any one or more of the following criteria: (1) it is used for the display of off-site commercial messages; (2) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration; (3) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

Board - The Zoning Hearing Board of the City of Hermitage.

Board of Commissioners - The Board of Commissioners of the City of Hermitage, which is its governing body.

Boarding House - See "rooming house."

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Bottling Plant - An establishment that bottles and distributes beverages.

Brewery - An industrial use which brews ales, beers, meads and/or similar beverages and does not serve the beverages on site in a tavern or restaurant, but which may include a public tasting room. Breweries are classified as a use which manufactures more than 15,000 barrels of beverage (all beverages combined) annually. In addition, uses which manufacture 15,000 barrels of beverage or less, but which do not meet any requirement specific to brewpubs. For purposes of this ordinance, the term “brewery” shall include distilleries, cideries, meaderies and other producers of alcoholic beverages for sale and distribution. This term does not include “farm winery.”

Brewpub - A commercial use which brews a maximum combined total of 15,000 barrels per year of ales, beers, meads and/or similar alcoholic beverages and which sells 25% or more of its beer on-site. A brewpub may include the shipping of beverages for consumption at other sites. A brewpub may or may not provide food services.

Buffer Area - A maintained landscape area of a certain depth designed to set apart one use from the other that may include sidewalks, walking paths or other pedestrian features when located along a street or driveway and is planted with a mix of plant types and sizes including trees, grass, shrubs or other natural landscaping material in accordance with the requirements of this Chapter.

Buildable Area/Building Envelope - The area of a lot remaining after the minimum setbacks and open space requirements of the zoning ordinance have been met.

Building - A roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Building Line - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include walks, steps or terraces.

Building, Principal - A building in which the principal use of the lot is conducted.

Business Incubator – A facility established to nurture young and start-up firms during their early months or years, generally providing affordable space and services, management training, marketing support and other forms of business development assistance.

Business Services - Establishments engaged in rendering services to businesses and offices on a fee or contract basis including, but not limited to, advertising; mailing; data processing; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; and other similar business services.

Caliper - A standard tree trunk diameter measurement used in the grading of nursery stock. The caliper is taken six inches above the ground for trees up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

Call Support Center – Any building or facility or part thereof where the majority of employees are engaged in receiving and transmitting technical and customer support by telephone.

Campground / RV Park- A lot or tract of ground on which may be placed tents, campers, recreational vehicles, motor homes, travel trailers or manufactured homes which do not exceed 320 square feet in floor area, where persons or families may live on a temporary basis for a time period which shall not exceed 181 days in any one calendar year.

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Canopy/Shade Tree - Large shade tree with deciduous foliage (leaves lasting only one growing season, bare in winter) and a canopy at least 25 feet in diameter at maturity.

Car Wash - An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

Career and Technical Training Centers – A facility which primarily provides educational, vocational or professional training and which is licensed by the Pennsylvania Department of Education to provide said service.

Cemetery – Land used or intended to be used for the burial of the dead and dedicated to cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Chemical Storage, Sales and Distribution - The commercial sale, wholesale, storage, and/or distribution of chemicals and hazardous substances.

Colleges and Post-Secondary Educational Institution – A privately-owned or publicly-owned post-secondary school, including community colleges, four year college/university, and institutions providing occupational or job skills in a variety of technical subjects.

Commercial Laundry Facility - A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities but do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment (see “Personal Services”).

City - City of Hermitage.

Clear Sight Triangle - A triangular area of unobstructed vision at the intersection of two (2) streets or of a driveway and a street defined by line of sight a given distance from the intersection of the centerlines of two (2) streets or the centerlines of the driveway and the street.

Clinic - An establishment that administers or dispenses controlled substances, according to the direction of a physician in a rehabilitative context in order to alleviate, suppress or eliminate adverse psychological or physiological symptoms of medical conditions or the continuous or sustained use of a narcotic drug. Includes dispensaries that hold a permit issued by the Pennsylvania Department of Health to dispense medical marijuana as well as clinics, institutions and other entities designed and operated to manage opioid addiction, to administer opioid addiction treatment programs and to provide detox treatment to individuals attempting to overcome an addiction to or dependence on heroin or other opioids.

Community Center - A clubhouse or similar structure owned by a homeowners' association for use by residents of a PRD, or specific subdivision, including recreational facilities and social rooms.

Complete Streets - Streets and roadways that are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities

Composting - A controlled process of degrading organic matter by microorganisms, including but not limited to the following methods: (1) mechanical; (2) ventilated cell; and (3) windrow. The process may be anaerobic or aerobic.

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Composting Facility - A facility in which composting takes place, but not including composting by a single-family lot owner for personal use.

Compressor Station - See Natural Gas Compressor Station.

Conditional Use - An authorized use that may be granted only by the Board of Commissioners pursuant to express standards and criteria prescribed in this Ordinance, after review and recommendations by the City Planning Commission and a public hearing conducted by the Board of Commissioners pursuant to public notice.

Condominium - A method of ownership applicable mainly to multi-family dwellings. Under this system, a person obtains title to his individual unit and in addition becomes a member of a non-profit condominium association and, as such, part owner of all land, buildings and amenities within his condominium project.

Concrete and Asphalt Batch Plant - The manufacturing asphalt-type roofing materials, asphalt and tar paving mixtures, paving block made of asphalt and various compositions of asphalt or tar with other materials, the recycling of old asphalt into asphalt-type material and/or the production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement, and/or other components. This use also includes the stockpiling of bulk materials required for the process and the storage of the required equipment use in the operation.

Conference and Training Center - A facility used for corporate or professional meetings, seminars and/or employee training but which may include supporting dining and lodging facilities and related recreational facilities as accessory uses.

Connectivity Index (Street) - The number of street links (lengths of streets between intersections) divided by the number of nodes/intersections and link ends (including cul-de-sacs and sharp curves with 15 mph design speed or lower). Street Connectivity Index: $\text{Links/Nodes} = \text{Street Connectivity Index}$ (Higher is more desirable.)

Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

Contractors Yard - An establishment which may or may not include administrative offices for a business that provides landscaping, construction, excavating, remodeling, home improvement, land development and related services on a contractual basis, but which involves the outdoor storage of all or part of the materials, equipment or vehicles used in the business.

Convenience Store - A retail establishment offering for-sale food products, household items and other goods commonly associated with the same and generally having a gross floor area of less than ten thousand (10,000) square feet.

Conventional Gas Drilling - The drilling, or redrilling, of any conventional gas well or the deepening of any existing conventional gas well.

Conventional Gas Well - A vertical well bore that is drilled above the base of the Elk Sandstone shale formation or its equivalent stratigraphic interval.

Crematory - An establishment containing a furnace where a corpse can be burned and reduced/cremated to ashes as permitted by the Pennsylvania Department of Environmental Protection (PADEP).

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Curbing – Non-mountable, reinforced concrete curbing or curbing of comparable durability. Extruded or precast surface-mounted types shall be prohibited.

Dairy - An establishment for the primary production and subsequent sale or distribution of milk or milk products.

Data Center – A centralized repository, either physical or virtual, for the storage, management and dissemination of data and information organized around a particular body of knowledge or pertaining to a particular business.

Day Care Facility - A facility that provides care, protection and supervision for more than 12 children at any one time, including those under the supervision or custody of the child care provider and those under the supervision or custody of employees.

Decision Final - Adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies. (See MPC §107(a).)

Detached Dwelling or Building - A dwelling or building that has yard areas on each and all sides.

Detention Pond Perimeter - The total linear length at the point where the elevation of a detention facility meets overall site grade.

Determination - The final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- The governing body.
- The zoning hearing board.
- The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.
- Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal. (See MPC §107(a).)

Distribution Center - Use as a distribution and warehouse facility for packages, cargo, and goods, together with uses incidental to the facility, including an office; retail counter/customer operations; and the loading and unloading, parking, washing and storage of vehicles.

Drive-Through - A building opening, including windows, doors or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

Dwelling - A building arranged, intended, designed or used as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include "hotel," "motel," "rooming house" or "tourist home."

Single-Family Detached - A detached residential building which is the only principal structure on the lot, designed exclusively for occupancy by one (1) family, as defined herein, and containing one (1) dwelling unit.

Multi-Family – A residential building designed exclusively for occupancy by two or more families living independently of each other and containing two or more dwelling units that may have

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common corridors and shared exit and entrance facilities. This definition includes duplexes, townhomes, condominiums and apartments.

Dwelling Unit - One or more rooms for living purposes together with individual cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one family.

Entrance - A thoroughfare used by the public that affords a means of access to nonresidential uses located between the traveled portion of an arterial, collector, access drive or local street or a parking lot for access to and from the parking lot that does not exceed 20 feet in length.

Emergency Services, Private - An area utilized for the maintenance, fueling, storage, dispatching or parking of privately-owned vehicles and/or equipment providing rescue or ambulatory services.

Emergency Services, Public - An area utilized for the maintenance, fueling, storage, dispatching or parking of publicly-owned vehicles and/or equipment providing rescue or ambulatory services, excepting rescue services offered from a fire station, and where the area may or may not include buildings utilized in connection therewith.

Equestrian Facility - A commercial horse, donkey, and / or mule facility, which includes horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to such uses.

Equipment Storage - A lot or portion of a lot where a business stores large equipment or heavy machinery that is necessary for outdoor business operations.

Essential Services - The provision of distribution systems by municipal or other government agencies regulated by the Public Utilities Commission (PUC) or other governmental agencies of underground or overhead gas, electrical steam or water pipes, sewers, conduit, fire alarm boxes, traffic signals, fire hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal or governmental agencies or for the public health and safety or general welfare. Essential services also include municipal and community sewage disposal systems. For the purpose of this definition, commercial wireless telecommunication service facilities shall not be considered essential services and are defined separately.

Facilities and Workshops Providing Services or Employment For Mentally And Physically Handicapped Persons - A facility which provides services, education, training and/or employment for people with mental or physical handicaps. Activities at such facilities would include administration, job training, social services, employment, residential living, educational services and all related or ancillary activities.

Family - An individual; two or more persons related by blood, marriage or adoption; or not more than four unrelated persons living as a single housekeeping unit; or any living arrangement provided for by the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*

Family/Group Day Care Home - An accessory use to a residence that is licensed by the Commonwealth of Pennsylvania and provides care, protection and supervision for up to 12 children at any one time, including those under the supervision or custody of the child care provider and those under the supervision or custody of employees.

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Farm Winery – A winery owned or operated by the owner of a farm and producing table, sparkling, or sacramental wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced on-site.

Farmer's Market - An occasional or temporary market held in an open area or in a structure where fresh agricultural products are sold directly to the consumer generally by vendors who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Financial Institutions - Federal or state-chartered banks, savings and loan associations or credit unions which offer federally insured savings accounts and other financial services to their members or customers.

Flat - A dwelling unit located above a non-residential use.

Flex Space - A non-residential use, primarily for office and industrial type uses, where building space can be easily or repeatedly arranged or transformed into multiple rooms for multiple tenants.

Floor Area - The sum of the gross area of the several floors of a building or buildings, excluding basement areas used for storage only, measured from the face of the exterior walls, or from center line of the walls separating two (2) buildings.

Food Processing and Packing Plant - An operation that manufactures, packages, labels or stores food for consumption, and provides food for sale or distribution to other business entities.

Forestry - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Fueling Station – A facility that is accessory to a principal store or building and is primarily engaged in the retail sale of gasoline, diesel fuel, and/or other motor vehicle fuels, and which also includes a convenience retail component.

Funeral Home - A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles.

Future Right-of-Way - The future right-of-way of a street designated on the official street map of the City of Hermitage, established by Ordinance No. 14-55 and its subsequent amendments.

Gallery – A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.

Garage/Storage Structure - An accessory structure or accessory portion of the principal structure which is used by a resident of the property to store motor vehicles, major recreational equipment, or other personal property.

Greenhouse - A structure typically with glass or other transparent materials in which temperature and humidity can be controlled for the cultivation or protection of plants utilized for residential or commercial purposes and which exceeds two-hundred fifty (250) square feet in size.

Greenway - An area of specified width between the curb or edge of pavement of a public or private street and the building or buildings of a non-residential development. A greenway is preserved for pedestrian

facilities, patios and outdoor dining areas, street trees and landscaping, but does not permit vehicle parking areas.

Group Home – A dwelling that is occupied by unrelated persons with disabilities who are living as a family.

Group Living Facility - A residential facility designed, operated and maintained for adults which may include skilled nursing, intermediate care, or personal care facilities, as well as independent living facilities. This use shall not include a home for persons who are currently addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs (See Transitional Facility).

Health and Fitness Center - A building which is used for health and fitness uses by the general public that may offer classes for yoga, weight training, exercise and other similar uses.

Height of Building - The vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Height of Communications Tower - The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Home Occupation - Any use customarily carried on a residential property by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof.

Home-Based Business (No Impact) - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. Must satisfy the following requirements:

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

8. The business may not involve any illegal activity.

Horses and Ponies, Boarding of - The boarding and care of horses and/or ponies used for recreational purposes for one's family.

Hospital - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel/Motel - One or more buildings providing temporary lodging primarily to persons who have residences elsewhere. The term includes, but is not limited to, hotels, extended stay, motels, auto courts, motor courts, motor inns, motor lodges or roadside hotels.

Landscaped - Area organically planted, organic area.

Landscape Divider Strip - Area organically planted and bounded by curbing.

Landscape Materials - Required types and sizes of plants and other materials as outlined in Section 413.

Landscaping, Building Perimeter - A landscaped area which is directly adjacent to a building wall.

Lot - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Coverage - The size of the footprint(s) of a building(s) and/or structure(s) on a lot divided by the size of the parcel, expressed as a percentage. Lot coverage is basically the total square footage of all structures covering a lot from a bird's eye view. The following areas are to be included for the purpose of computing Lot Coverage:

- All buildings including single, two or multifamily dwellings.
- All buildings of a nonconforming use.
- Accessory structures including sheds, garages, carports, roof over hangs exceeding 20", and similar structures.

Lot of Record - A lot established by a recorded plat or deed.

Lot, Area - The area of a lot, site, parcel, etc., which is situated within the property lines of said lot, parcel, etc.; provided, that the area shall be measured only to the right-of-way line of a street, road or alley.

Lot, Corner - A lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 115 degrees at the intersection of two street lines.

Lot Line - Any line dividing a lot from another lot or from an abutting street or other right-of-way.

Manufacturing, Heavy - Manufacturing, including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products, for which, due to the nature of the materials, equipment or process utilized, the manufacturing operation is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

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Manufacturing, Light - Manufacturing conducted within an enclosed building predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, research, testing and packaging of such products, and associated services, storage, sales (retail and wholesale) and distribution of such products, which minimizes noise, odors, vibration, hazardous waste materials, or particulates that could be considered a nuisance to neighboring properties.

Massage Parlor - An enclosed building or enclosed area within a building in which the only service offered or provided to patrons of said enclosed building or enclosed area within a building, consists of body massages, body rubs or other physical manipulation of the patron's body, but shall not be construed to include the chiropractic or osteopathic professional practice.

Medical Marijuana Processing Facility - A facility used to convert marijuana to usable marijuana and marijuana-infused products, owned by a person (including a natural person, corporation, partnership, association, trust or other entity or combination thereof) that holds a permit from the Pennsylvania Department of Health to grow and process marijuana.

Medical Office and Clinic – An establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an out-patient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and clinics and out-patient medical laboratories.

Mineral Extraction - The removal of any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracitic and bituminous coal, coal refuse, peat and crude oil. This term does not include the removal of natural gas.

Mobile Home - A transportable, single-family dwelling intended for permanent occupancy contained in one unit, or in two or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The term does not include recreational vehicles or travel trailers.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Natural Gas Compressor Station - A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection for such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks, and other equipment.

Natural Gas Processing Plant - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

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Natural Gas Resources Development Site - A site that consists of the area occupied by the facilities, structures, materials, and equipment, whether temporary or permanent, necessary for or incidental to the drilling, production, or operation of a gas well, including both conventional or unconventional.

Nonconforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Office - An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, government, design, engineering, accounting and similar offices.

Outdoor Living Area - An unenclosed outdoor space, such as a patio, balcony, deck or porch, constructed with an improved surface such as concrete, flagstone, brick or concrete pavers, or wood flooring which is designed to be used as living space for relaxation and recreation by residents of dwelling(s) on the same property.

Outdoor Storage - The keeping of any discarded goods, junk, material, merchandise, or junked or abandoned vehicles outside of a structure in the same place for more than one (1) week; or the stockpiling of materials, merchandise, supplies on an on-going basis except during construction. The storage of any material, merchandise, supplies, equipment, etc. not in an enclosed building.

Outdoor Storage Facilities - A secure enclosure which the primary use is for storage of goods and materials for retail sale, storage or use by a nonresidential use.

Park - Land designated for the purpose(s) of recreation and leisure and maintained by a private or public entity as such.

Parking, Double Loaded - The area when two vehicles are parked end to end.

Parking Lot or Garage, Commercial - A lot or structure whose principal use is the parking or storage of motor vehicles for specified time periods or on a rental basis, but not for commercial or public utility vehicles or the dead storage of motor vehicles.

Parking, Single Loaded - The area when vehicles are parked side to side.

Parking Space - An open space with a dustless all-weather surface, or space in a private garage or other structure with an effective length of at least 18 feet and a uniform width of at least nine feet for the storage of one automobile and accessible from a public way.

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Paved Surface - A parking, loading or other vehicular driving or storage surface area constructed of asphalt, concrete, brick, paving block or other similar hard surface material. Gravel and other loose aggregate shall not be considered a paved surface.

Personal Services - Commercial enterprises that provide consumer services to individuals and shall include enterprises such as: barber and beauty shops; dry cleaning; shoe repair; tailors; self-service laundry or dry cleaning; optometrists; catering; rental supplies; travel agencies. This use does not include services related to pets.

Pet - An animal that has been adapted or tamed to live in intimate association with or for the pleasure or advantage of people and includes but is not limited to dogs, cats, birds, rabbits, turtles and hamsters.

Pharmacy - A retail store which primarily sells prescription drugs, patent medicines and surgical and sick room supplies.

Place of Worship/Assembly - A public or private lot of land, building or structure that is designed for the assembly or collection of persons, for civic, political, religious, educational, social purposes and where recreation, amusement or dining occur as accessory activities.

Planned Residential Development - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Zoning Ordinance.

Planning Agency - A planning commission, planning department, or a planning committee of the governing body.

Planning Commission – The members officially appointed by the City of Hermitage Board of Commissioners to administer planning and land use regulations and provide recommendations on a wide array of land use policy issues.

Post Office - A facility owned and operated by the United States Postal Service.

Poultry Bird – For purposes of this ordinance, poultry birds shall only include chickens (but not roosters) and ducks.

Poultry, Backyard – The raising of poultry birds for domestic and/or commercial uses as an accessory use to a residence. For purposes of this ordinance, poultry birds shall be defined to include domestic chickens and ducks only; no geese, turkeys or other fowl shall be permitted unless as part of a farm permitted under Agriculture.

Principal Building - The building or buildings which contain(s) the principal use or uses on a property.

Principal Use - The primary use to which the property is devoted and to which all other uses on the premises are accessory.

Private Club - Any facility or establishment that provides facilities to members, or other persons specifically invited or permitted, for social or recreational purposes, and that is owned by a nonprofit corporation or entity that is exempt from taxation under Section 501(c) of the Internal Revenue Code.

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Public Utility Transmission Tower – A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Public Works Facility - A City-owned and operated facility used to conduct business and store machines, vehicles, tools and materials as related to the construction, maintenance and repair of City structures, utilities and roads.

Recreation Facility:

Commercial/Private - An indoor and/or outdoor facility used for swimming, tennis club, rink, track, alley, cage, course, field, range, or other similar types of uses in which the patrons pay a fee and/or are members to participate in or view a recreational or entertainment physical activity, including activities which include the use of firearms or motorized vehicles.

Public - A facility owned by a public or quasi-public body designed for the preservation of historic or scenic property or recreational use by the general public.

Related Equipment - Any piece of equipment related to, incidental to, or necessary for, the operation of a communication tower or commercial wireless telecommunications antenna. By way of illustration, not limitation, related equipment includes generators and base stations.

Renewable Energy Resource - Any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy, and excluding those sources of energy used in the fission and fusion processes.

Research and Development - Any establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products.

Restaurant - Any establishment, however designated, at which food is prepared and sold for consumption on or off the premises. However, a concession stand at a public or a community playground, playfield, park or swimming pool, operated by the same agency operating the recreational facilities, and solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

Retail Store – A business whose primary activities involve the display and sales of goods and products to the general public. This term shall not include adult related uses as defined herein.

Rooming House - A dwelling having four or more sleeping rooms for rent to persons not related to its other occupants. The term "rooming house" includes the term "boarding house."

Row - When vehicles are parked side by side to form a continuous line.

Salvage Yard - Any enclosed or unenclosed surface area of more than two hundred square feet within any parcel, lot or contiguous lots which is used for the storage, keeping, dismantling, processing, baling, or wrecking of inoperable vehicles or portions thereof, inoperable machines, scrap metal, discarded tire casings, used lumber yards or yards for storage of salvaged buildings, wrecking and structural steel materials and equipment and similar materials. This definition includes auto wrecking yards and junk yards; however, it does not include any noncommercial use of the land which is accessory or incidental to an agricultural operation on such land including use, storage, and repair of farm equipment.

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School - A publicly- or privately-funded facility that provides a curriculum of elementary and secondary academic instruction including kindergarten, elementary school, junior-high school and high school.

Screen Planting - Screen planting for this Ordinance shall mean an evergreen hedge at least six feet high, planted in such a way that it will block a line of sight. The screening may consist of either one, or multiple rows of bushes or trees with a minimum width of 6 feet.

Screening - Screening shall mean a fence, screen planting or wall at least 6 feet high, provided in such a way that it will block a line of sight.

Self-Storage Facility - A structure containing separate storage spaces of varying sizes leased or rented on an individual basis for the purpose of dead storage (i.e. goods not in use and not associated with office, retail, or other business use on the premises).

Shooting Range – A property that complies with the requirements and regulations of this Chapter, in addition to Chapter 6, Part 2 of the Code of Ordinances, that is created to provide for the safe discharge of firearms for sighting, target practice, and related uses.

Shopping Center – A group of retail and other commercial establishments that are planned, developed and managed as a cohesive entity, generally with shared parking, lighting, access, signage and other infrastructure.

Sidewalk - A paved surface, adjacent to a public or private street or access drive, which is intended for use by pedestrians.

Sign – Any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement, or identification. Banners and freestanding signs are included in this Ordinance and controlled by its provision. The word “sign” includes the word “billboard” (see “Billboard” for definition), but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, nor traffic or directional signs where said signs are placed and under the control of a state or local government.

Sign, Abandoned – A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days.

Sign Area – The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See Section 406.50 for standards for measuring sign area.

Sign, Height – The vertical distance measured from the top of the sign structure to the mean finished grade of the street closest to the sign, or in the case of a sign located greater than 100 feet from a public street, the distance from the mean grade at the base of the sign, provided that the ground level is not deliberately elevated to increase the height of the sign.

Sign, Banner - A sign constructed of lightweight plastic, vinyl, cloth or similar material, which is designed to be tied or attached to structural supports.

Sign, Changeable Copy - A sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged, either manually or electronically, without altering the face or the surface of the sign.

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Sign, On-Premises – A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Sign, Personal Expression – A sign that expresses an opinion, interest, position, or other non-commercial message.

Sign, Permanent Freestanding - A sign constructed in a permanent location, supported by structures or poles which are installed in an underground foundation

Sign, Portable - A sign which is designed to be movable, and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Sign, Sandwich Board – A type of freestanding, on-premises, portable sign consisting of two faces connected and hinged at the top and whose message is target to pedestrians

Sign, Projecting – A building-mounted sign, double sided sign with the two faces generally perpendicular to the building wall

Sign, Roof - A sign which is attached to a building and extends in whole or in part more than 2 feet above the highest point of the roof of the building, or extends more than 2 feet beyond any portion of the roof in a two dimensional elevation view of the side of the building which faces the same direction as the sign.

Sign, Wall - A sign which is attached to or painted on the wall or sloping roof of a building, and which does not extend more than 2 feet beyond any portion of the roof in a two dimensional elevation view of the side of the building which faces the same direction as the sign, and which does not extend more than 2 feet horizontally from the building wall.

Solar Access - The access of a Solar Energy System to direct sunlight.

Solar Easement – A legal agreement that protects access to sunlight on a property.

Solar Energy System - An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the onsite user, or which is to be sold to a utility company to be used by others, or sold directly to other users.

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).

Large Solar Energy System - Solar energy systems installed on large parcels of land for the purpose of generating revenue or utility-scale systems installed to benefit the community or an entire institution.

Solid Waste Landfill - Any land used for the purpose of permitting any person to deposit or make disposal thereon of any combustible waste or refuse, or any combination thereof, whether the land is used in such manner for profit or not; provided, however, "dump or landfill site" shall not include land upon which is deposited only rock, dirt, sand or any combination thereof.

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Special Exception - A use permitted with special permission granted by the Zoning Hearing Board to occupy or use land and/or a building for specific purposes in accordance with the criteria set forth in this Ordinance when such use is not permitted by right.

Specialty Retail - Retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, antique shop, gift shop, bakery, candy store, art and framing shop, music store, clothing/apparel store, small food establishments (pizza shop, ice cream shop, food/grocery markets), stationary stores, hair salon and similar establishments. Such stores provide goods directly to the consumer where such goods are available for immediate purchase and removal from the premises by the purchaser.

Stall - The area in which one vehicle is to be parked.

Steep Slope - Those slopes identified on a topographic survey prepared by a land surveyor registered in the Commonwealth of Pennsylvania as any area over a one hundred (100) foot horizontal distance, the slope exceeds twenty-five percent (25%) from the top to bottom of a break in grade. Said break in grade must be at least a change in grade of five percent (5%) before consideration. All areas over twenty-five percent (25%) shall be outlined on the topographic plan.

Storage Container, Portable – A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wears, building materials or merchandise. The term shall not include yard waste containers provided by the City, roll-off containers, or containers having a storage capacity of less than one hundred fifty (150) cubic feet.

Story - That portion of a building located between the surface of any floor and the next floor above; if there is not more than one floor the space between any floor and the ceiling next above it shall be considered a story.

Street - A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line - A line defining the right-of-way boundaries of a street.

Structure - Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Studio – A building or portion of a building used as a place of work by an artist, photographer or artisan of similar profession.

Telemarketing Facility – Any building or facility or part thereof where the majority of employees are engaged in the business of providing the marketing of goods and services by telephone.

Textured Surface - Area distinguished from driving surfaces through the use of special pavers, bricks or moldings.

Theater/Auditorium - An establishment, other than an adult movie theater or movie house, inside a completely enclosed building devoted to showing motion pictures and/or live dramatic or musical performances.

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Townhouse - A dwelling unit in a building containing three or more dwelling units sharing two vertical party walls, except that the end units have a single party wall. Each unit contains private entrance and a totally exposed front and rear wall to be used for access, light and ventilation.

Trail - A paved or improved surface designed and constructed for use by pedestrians and/or bicyclists and other recreational users, which may or may not be located adjacent to a public street or other vehicular way.

Transitional Facility - A temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. Transitional living facilities help residents re-enter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, rerelease, work release or probationary programs. Such facilities typically place a limit, measured in months, on how long a person may stay.

Trucking Terminal - A use involving a large variety of materials, including materials owned by numerous corporations, being transported to a site to be unloaded primarily from tractor-trailer trucks and reloaded onto tractor-trailer trucks.

Unconventional Gas Drilling - The drilling or redrilling of any unconventional gas well or the deepening of any existing unconventional gas well.

Unconventional Gas Well - A bore hole drilled or being drilled for the purpose of or to be used to produce natural gas from an unconventional formation or that is deviated from the vertical.

Use - Any purpose for which a building or other structure or a lot of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business, or operation carried on in a building or other structure on a lot of land.

Vehicle Charging Station – A public or private parking space that is served by battery charging station equipment or the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

Veterinary Services – An establishment owned and operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals but excluding the boarding and grooming of animals not subjected to medical or surgical treatment.

Warehouse - A building used primarily for the storage of goods and materials excluding truck terminals and truck maintenance facilities. (Also see self-service storage facility).

Wholesale Landscaping - A business primarily engaged in processing, selling and distributing indoor or outdoor grown plants and landscaping materials to industrial, commercial, institutional or professional users or to other wholesalers.

Wireless – Transmission of electromagnetic waves through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wind Energy System - All equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power.

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Wind Energy System, Large - All equipment, machinery and structures part of a wind energy system with a rated output of electrical power production equipment of equal to or greater than 100kW/0.1MW

Wind Facility, Small - All equipment, machinery and structures part of a wind energy system with a rated output of electrical power production equipment of less than 100kW/0.1MW

Wireless Communications Facility (WCF) - The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services

Collocation – The mounting or installation of an antenna on an existing tower, building, or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure

Communications Antenna - Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (dish) or any other wireless antenna. Communications antennas shall not include support structures for antennas or any related equipment that is mounted to the ground or at ground level

Communications Tower – Any structure that is constructed for the primary purpose of supporting one or more communications antennas, including, but not limited to, self-supporting lattice towers, guyed towers, monopoles, utility poles, and light poles. DAS hub facilities are considered to be communications towers

Distributed Antenna System (DAS) – A network of spatially separated antenna nodes (at various sites) connected to a common source that provides wireless service within a geographic space or structure

Emergency – A condition that: (a) constitutes a clear and immediate danger to the health, welfare, or safety of the public; or (b) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided

FCC – Federal Communications Commission

Height of a Communications Tower - The vertical distance measured from the ground level, including any base pad, to the highest point on a communications tower, including antennas mounted on the tower and any other appurtenances

Related Equipment – Any piece of equipment related to, incidental to, or necessary for, the operation of a communications tower or communications antenna. By way of illustration, not limitation, related equipment includes generators and base stations.

Small Wireless Communications Facility – A wireless communications facility that meets the following criteria:

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- (1) The structure on which antenna facilities are mounted (i) is 50 feet or less in height, or (ii) is no more than 10 percent taller than other adjacent structures, or (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
- (2) Each antenna associated with the deployment (excluding associated equipment) is no more than three cubic feet in volume; and
- (3) Each antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume

Stealth Technology - Camouflaging methods applied to wireless communications facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles

Substantially Change or Substantial Change - A modification that substantially changes the physical dimensions of a wireless support structure if it meets any of the following criteria:

- (1) for wireless support structures outside the public rights-of-way, it increases the height of the facility by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for communication towers in the rights-of-way, it increases the height of the facility by more than 10% or 10 feet, whichever is greater;
- (2) for wireless support structures outside the public rights-of-way, it protrudes from the edge of the tower by more than 20 feet, or more than the width of the tower structures at the level of the appurtenance, whichever is greater; for those communication towers in the public rights-of-way, it protrudes from the edge of the structure by more than 6 feet;
- (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets;
- (4) it entails any excavation of deployment outside the current site of the wireless support structure; or
- (5) it does not comply with conditions associated with prior approval of construction or modification of the wireless support structure unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

WBCA - Pennsylvania Wireless Broadband Collocation Act (53 P.S. § 11702.1 et seq.)

Wireless Communications Facility Applicant (WCF Applicant) - Any person that applies for a wireless communication facility building permit, zoning approval, and/or permission to use the public right-of-way or other City-owned land or property

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Wireless Support Structure – A freestanding structure, such as a communications tower or any other support structure that could support the placement or installation of a wireless communications facility if approved by the City

Yard - That portion of a lot which is unoccupied and open to the sky and extends from the lot line to the yard line.

Yard Line - A line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

Yard, Front - A yard between an adjacent right-of-way and the building line and extending for the full width of the lot. Where a future right-of-way has been established by City ordinance, the measurement of the front yard shall be to the future right-of-way.

Yard, Rear - A yard between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard, Side - An open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line. Where the lot is a corner lot, the side yard on the street side shall be measured to the future right-of-way of the street, if such future right-of-way has been established by City ordinance.

Zoning Amendment - A change to the text of this Ordinance or to the Zoning District Map proposed for adoption by the City pursuant to the procedures specified in this Ordinance.

Zoning District - A finite area of land, as designated by its boundaries on the Official Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

Zoning Map - The official plan delineating the official Zoning Districts of the City of Hermitage, Mercer County, Pennsylvania, together with all amendments subsequently adopted.

Zoning Officer - The Zoning Officer of the City of Hermitage, or his authorized representative.

Zoning Ordinance - Currently Chapter 27 of the Hermitage Code of Ordinances.

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PART 3

DISTRICT REGULATIONS

301. ZONING MAP & DISTRICTS

301.10 Zoning Map.

A map entitled the City of Hermitage Zoning Map is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file and be available for examination at the Municipal Building.

301.20. Zoning Districts.

The City is divided into the districts set forth by this Ordinance and as shown by the district boundaries on the Zoning Map.

Residential Districts are designated for residential use are for dwellings and uses normally associated with residential neighborhoods. Such uses may include agriculture, churches, recreation, schools and related activities.

Mixed Use Districts are designed to accommodate a healthy mixture of residential and commercial uses along corridors that serve as a transitional area between residential neighborhoods and commercial districts.

Business and Institutional Districts are intended to permit a variety of institutional, office, technical and business and related activities within the City of Hermitage. These districts are intended to provide space for a variety of operations but to do so in a manner which minimizes adverse effects on nearby property.

The Commercial Districts are designed to provide for needed commercial, entertainment and service-related activities within the City.

The Industrial Districts are designed to allow space for existing and new development to support the City's economic life. Development within these zones is expected to be of a quality that will be compatible with surrounding land use.

The zoning districts are as follows:

Section 302: RR Rural Residential District

Section 303: SR1 Suburban Residential District 1

Section 304: SR2 Suburban Residential District 2

Section 305: MHP Mobile Home Park District

Section 306: NMU Neighborhood Mixed Use

Section 307: IN Institutional

Section 308: CC City Center District

Section 309: Business 1

Section 310: Business 2

Section 311: NC 1 Neighborhood Commercial 1

Section 312: NC 2 Neighborhood Commercial 2

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Section 313: HC Highway Commercial

Section 314: LI Light Industrial

Section 315: HI Heavy Industrial

301.30. Annexed Areas.

Any territory hereafter annexed by the City of Hermitage will be automatically zoned RR Rural Residential, until otherwise classified by the City.

In addition, any area that is not shown on the official City of Hermitage Zoning Map but is deemed to be located within the City's borders shall be automatically zoned RR Rural Residential, until otherwise classified by the City.

301.40. District Boundaries & Split Lot Zoning.

301.40.10. District Boundaries.

Where possible, district boundaries follow property lines or streets. When district boundaries are shown between the lines of streets, streams and transportation rights-of-way, they shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. The Zoning Officer shall make a best, good faith effort to determine the location of a district boundary by utilizing centerlines, the scale of dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line. Any person aggrieved by the Zoning Officer's determination as to the location of the district boundary shall be permitted to file an appeal to the Zoning Hearing Board, which shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purpose set forth in all relevant provisions of this Ordinance.

301.40.20. Split Lot Zoning.

Where a zoning district boundary splits a lot, resulting in differing and nonuniform requirements for the lot, the following provisions shall apply:

- A. Where the lot is large enough to be subdivided into two or more lots, each within a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require subdivision.
- B. Where a lot cannot be subdivided in compliance with this chapter and the Subdivision and Land Development Ordinance [Chapter 22], the authorized use permitted on the lot is limited to those authorized uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the provisions of this chapter where the largest portion of the lot is located. If this section creates an undue hardship, the Board has jurisdiction to grant such relief as the Board deems necessary.

301.50. Zoning District Changes.

All approved changes to zoning districts shall be promptly recorded on the Zoning Map by the Zoning Officer.

301.60. General District Regulations.

- 301.60.1 The permitted uses, conditional uses and special exceptions, principal and accessory uses, for each district are listed in Sections 302-315.
- 301.60.2 Conditional uses may be granted or denied by the Board of Commissioners in accordance with the express standards and criteria of this Ordinance and after the review and recommendations of the Hermitage Planning Commission. In granting a conditional use, the Board of Commissioners may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.
- 301.60.3. Special exceptions may be granted or denied by the Zoning Hearing Board in accordance with the express standards and criteria of this Ordinance. In granting a special exception, the Board may attach reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance and the Pennsylvania Municipalities Planning Code, and to protect the neighborhood.
- 301.60.4. Uses in all categories shall be according to the common meaning of the term or according to definitions set forth in Part 2.
- 301.60.5. In the RR, SR1, SR2 and MHP Districts, any use not specifically listed as an authorized use in the zoning district shall not be permitted in that district.
- 301.60.6. In the NMU, CC, NC1, NC2, HC, B1, B2, L1 and H1 Districts, any use not specifically listed in the authorized uses for the zoning district shall not be permitted in that zoning district, unless such use is not permitted in any zoning district and is authorized by the Zoning Hearing Board as a use by special exception based on the proposed use being comparable to other permitted uses within the zoning district and compatible with the neighborhood of its proposed location, in addition to all other criteria and conditions generally applicable to special exceptions.
- 301.60.7. In all zoning districts where single-family dwellings are an authorized use or are a legally nonconforming use, the single-family dwelling shall be the only principal structure on the lot.
- 301.60.8. In all zoning districts where authorized by this chapter, two or more multifamily dwellings may occupy the same lot, two or more nonresidential buildings may occupy the same lot, and two or more nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each of the structures or uses can be met on the lot.

301.60.9. Accessory Structures and Uses and Accessory Buildings.

- A. In all zoning districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory. Any accessory structure shall not be built unless or until the principal structure it serves exists on the lot.
- B. All accessory uses and structures shall meet the following criteria:
1. Such use is on the same lot as the principal use or structure and is customarily incidental and subordinate to the principal use or structure, unless otherwise specified this Ordinance.

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2. Such use is not intended to expand a use otherwise limited in that area.
 3. Such use is consistent with the normal requirements of the principal use and is not excessive for such use or for that district.
 4. Such use is not detrimental to the surrounding area or properties.
 5. Adequate area is available without reducing the area requirements set forth for the use in the district in which it lies.
- C. All accessory structures and/or uses shall require a permit, except as follows:
1. Outdoor dog pens/runs
 2. Pool houses 120 SF or less
 3. Carports and shed 120 SF or less
 4. Greenhouses 120 SF or less, and gazebos 120 SF or less
 5. Play structures/play houses 120 SF or less and less than 10 feet high
 6. Trampolines, basketball hoops (stand alone only – sports courts require a permit)
 7. Flagpoles
- D. All accessory buildings or structures regardless of size shall conform to the setback requirements for accessory structures.
- 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.
- F. No use that is to be carried on in an accessory structure shall violate the permitted uses in the district in which the principal structure is located.
- 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.
- H. Accessory structures other than the garage/storage structures cannot be used for the storage of motor vehicles or major recreational equipment.
- I. The architectural style, color, and facing material of a garage must be compatible with the principal structure.
- J. The number of detached garage/storage structures and other accessory structures cannot exceed 3 per dwelling.
- K. Accessory structures in all residential districts must be located behind the front line of the principal uses. In no event can the size of all structures on a lot exceed the allowable lot coverage as set forth by this Ordinance.
- L. Maximum building height for accessory buildings may be modified as follows:
1. Lots of 5 acres or more is 30 feet; provided, the building is located at least 50 feet from any adjoining property line.
 2. Barns and other agricultural buildings is 45 feet; provided, the building is located at least 100 feet from any adjoining property line, and at least 75 feet from the future right-of-way of any adjacent street.

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M. In the SR-1 and SR-2 districts, the area of all accessory uses and structures shall be limited as follows:

1. On lots with an area of one half acre or less, no accessory use or structure shall exceed 1,000 square feet in area.
2. On lots with an area of greater than one half acre but not more than one (1) acre, no accessory use or structure shall exceed 2,000 square feet in area.

301.70. Lot, Yard and Height Requirements.

The minimum lot area, minimum lot area per family, maximum lot coverage by buildings and structures, minimum depth of front yard, minimum depth of rear yard, side yard requirements, maximum height of structures and number of stories for each district shall be as specified in each district.

301.70.10. Application of Yard Regulations.

All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into any minimum front, side or rear yards except as follows:

- A. Typical architectural features on buildings, including but not limited to bay windows, windowsills, cornices and eaves, are permitted to project into required yards no more than two feet.
- B. Patios, decks, and unenclosed porches are permitted to project into required front yard no more than six feet.
- C. Steps above grade, open fire escapes, wheelchair ramps and other similar features are permitted to project into required yards no more than three feet.

The following areas are to be excluded for the purpose of computing Lot Coverage

- Uncovered decks and patios.
- At-grade walkways and driveways.
- Retaining walls and fences.
- Swimming pools.

301.70.20. Height Limitations.

The following structures are exempt from height regulations provided they do not constitute a hazard: communication towers, church spires, chimneys, elevator bulk heads, smokestacks, conveyors, flag poles, agricultural silos, standpipes, elevated water tanks, derricks and similar structures.

However, for the above structures, all yard and set-back requirements must be met; in addition, any structure with a height in excess of 50 feet will be first referred to the City of Hermitage Department of Fire/Rescue for a review relative to public safety considerations.

301.70.30. Minimum Floor Area.

The minimum floor area for residential dwelling units in all zoning districts shall be as follows:

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Single-family dwellings and multi-family dwelling units of 3 bedrooms or more	750 square feet
Multi-family dwelling units of 2 bedrooms	650 square feet
Multi-family dwelling units of 1 bedroom	540 square feet
Efficiency or studio apartment or dwelling units	450 square feet

Minimum floor area shall be the gross floor area of the dwelling unit as measured to the exterior walls of the building or to the center of walls which divide separate dwelling units in the same building.

301.70.40. Zero Lot Line Option for Shopping Centers.

For shopping centers developed or redeveloped under a comprehensive land development plan, zero lot line parcels may be created with property lines located where stores or tenant spaces share a common wall or abutting walls. Each lot or parcel must contain at least the minimum lot area for the zoning district in which the shopping center is located, and the integrity of the shopping center as a whole must be preserved by mutual access and utility easements recorded as deed covenants running with the ownership of each lot. Existing or proposed common walls must comply with the requirements of the current applicable building code.

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SECTION 302. RR – RURAL RESIDENTIAL DISTRICT

302.10. Intent.

The Rural Residential District is designed to accommodate large lot single family dwellings in a rural atmosphere alongside traditional agricultural uses.

302.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Single-Family Detached Dwelling	-
Planned Residential Development	§320
Agriculture	§321.30
Animal Kennel	§321.70
Cemetery	§321.190
Equestrian Facility	-
Essential Services	-
Forestry/Woodlot	-
Greenhouse	-
Public Works Facility	§321.370
Recreation Facility: Public / Private	§321.380
SPECIAL EXCEPTIONS	
Agritourism	§321.40
Bed and Breakfast	§321.130
Emergency Services: Public/Private	§321.230
Farm Winery	§321.250
Place of Worship / Assembly	§321.360
Recreational Facility: Commercial/Private	§321.380
School	§321.360
Solar Energy System: Large	§321.410
Wind Energy System: Large	§321.450
CONDITIONAL USES	
Campground / RV Park	§321.170
Mineral Extraction	§321.310
Natural Gas Resources Development Site	§321.350
ACCESSORY USES	
Accessory Dwelling Unit (ADU)	§321.10
Family Day Care Home / Group Day Care Home	§321.240
Home Occupation	§321.270
Home-Based Business (no impact)	-
Horses and Ponies, Boarding of	§321.280
Solar Energy System: Small	§321.420
Poultry, Backyard	§321.120
Wind Facility: Small	§321.460

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Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470
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302.30. Lot, Yard And Height Requirements for RR.

Minimum Dwelling Size	750 sq. ft.
Minimum Lot Area	20,000 sq. ft.
Minimum Lot Width	
Corner Lot	120 ft.
Interior Lot.	100 ft
Minimum Front Yard	
Major Road	50 ft.
Secondary Road	35 ft.
Minimum Rear Yard	
Principal Building	50 ft.
Accessory Building	10 ft.
Minimum Side Yard	
Interior Lot Line	
Principal Bldg.	12 ft.
Accessory Bldg.	10 ft.
Street Side Corner Lot	
Principal / Accessory Bldg.	35 ft.
Maximum Structure Height	
Principal Bldg.	45 ft.
Accessory Bldg.	25 ft.
Maximum Lot Coverage	20%

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SECTION 303. SR-1 – SUBURBAN RESIDENTIAL DISTRICT

303.10. Intent.

SR1 Suburban Residential District 1 is designed to accommodate single family dwellings in areas that are mostly developed as such and have existing infrastructure in place.

303.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Single-Family Detached Dwelling	-
Planned Residential Development	§320
Cemetery	§321.190
Essential Services	-
Forestry/Woodlot	-
Recreation Facility: Public	-
SPECIAL EXCEPTIONS	
Bed and Breakfast	§321.130
Emergency Services: Public/Private	§321.230
Place of Worship / Assembly	§321.360
School	§321.360
ACCESSORY USES	
Accessory Dwelling Unit (ADU)	§321.10
Family Day Care Home / Group Day Care Home	§321.240
Home Occupation	§321.270
Home-Based Business (no impact)	-
Solar Energy System: Small	§321.420
Poultry, Backyard	§321.120
Wind Facility: Small	§321.460
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

303.30. Lot, Yard And Height Requirements for SR-1.

Minimum Dwelling Size	750 sq. ft.
Minimum Lot Area	12,000 sq. ft.
Minimum Lot Width	
Corner Lot	100 ft.
Interior Lot.	80 ft
Minimum Front Yard	
Major Road	50 ft.
Secondary Road	35 ft.
Minimum Rear Yard	
Principal Building	40 ft.
Accessory Building	5 ft.
Minimum Side Yard	
Interior Lot Line	
Principal Bldg.	8 ft.
Accessory Bldg.	5 ft.
Street Side Corner Lot	
Principal / Accessory Bldg.	30 ft.
Maximum Structure Height	
Principal Bldg.	45 ft.
Accessory Bldg.	25 ft.
Maximum Lot Coverage	25%
Accessory structures on lot of one half acre or less (Section 301.60.9(M))	1,000 Sq. Ft. Maximum
Accessory structures on lots greater than one half acre but not more than one (1) acre (Section 301.60.9(M))	2,000 Sq. Ft. Maximum

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SECTION 304. SR-2 – SUBURBAN RESIDENTIAL DISTRICT

304.10. Intent.

SR2 Suburban Residential District 2 is designed to accommodate a higher density of single-family dwellings as well as multifamily dwellings in areas adjacent to existing neighborhoods that either have infrastructure in place or which can be extended in order to accommodate new residential growth.

304.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Single-Family Detached Dwelling	-
Multi-Family Dwelling	§321.320
Planned Residential Development	§320
Rooming / Boarding House	-
Agriculture	§321.30
Cemetery	§321.190
Essential Services	-
Forestry/Woodlot	-
Private Club	-
Recreation Facility: Public / Private	§321.380
SPECIAL EXCEPTIONS	
Bed and Breakfast	§321.130
Emergency Services: Public/Private	§321.230
Group Living Facility	§321.260
National Guard Readiness Center & Armory	§321.330
Place of Worship / Assembly	§321.360
School	§321.360
CONDITIONAL USES	
Natural Gas Resources Development Site	§321.350
ACCESSORY USES	
Accessory Dwelling Unit (ADU)	§321.10
Family Day Care Home / Group Day Care Home	§321.240
Home Occupation	§321.270
Home-Based Business (no impact)	-
Horses and Ponies, Boarding of	§321.280
Poultry, Backyard	§321.120
Solar Energy System: Small	§321.420
Wind Facility: Small	§321.460
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

304.30. Lot, Yard And Height Requirements for SR-2.

Minimum Dwelling Size	750 sq. ft.
Minimum Lot Area	12,000 sq. ft.
Two Families	15,000 sq. ft.
Each Additional Family	5,000 sq. ft.
Minimum Lot Width	
Corner Lot	100 ft.
Interior Lot.	80 ft
Minimum Front Yard	
Major Road	50 ft.
Secondary Road	35 ft.
Minimum Rear Yard	
Principal Building	30 ft.
Accessory Building	5 ft.
Minimum Side Yard	
Interior Lot Line	
Principal Bldg.	8 ft.
Accessory Bldg.	5 ft.
Street Side Corner Lot	
Principal / Accessory Bldg.	30 ft.
Maximum Structure Height	
Principal Bldg.	45 ft.
Accessory Bldg.	25 ft.
Maximum Lot Coverage	25%
Accessory structures on lot of one half acre or less (Section 301.60.9(M))	1,000 Sq. Ft. Maximum
Accessory structures on lots greater than one half acre but not more than one (1) acre (Section 301.60.9(M))	2,000 Sq. Ft. Maximum

305. MHP – MOBILE HOME PARK DISTRICT**305.10. Intent.**

The Mobile Home Park District is intended to create an environment in which the growth and development of mobile home parks may be encouraged in relationship to surrounding areas and development of the City as a whole.

305.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Single-Family Detached Dwelling	-
Mobile Home Park	<u>Chapter 22, Part 11</u>
Essential Services	-
Forestry/Woodlot	-
Recreation Facility: Public	-
SPECIAL EXCEPTION	
Emergency Services: Public/Private	§321.230
ACCESSORY USES	
Home-Based Business (no impact)	-
Solar Energy System: Small	§321.420
Wind Facility: Small	§321.460
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

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305.30. Lot, Yard And Height Requirements for MHP.

Minimum Lot Area	5,000 sq. ft.
Minimum Lot Width	50 ft.
Minimum Front Yard	
Major Road	50 ft.
Secondary Road	35 ft.
Minimum Rear Yard	
Principal Building	30 ft.
Accessory Building	5 ft.
Minimum Side Yard	
Interior Lot Line	
Principal Bldg.	8 ft.
Accessory Bldg.	5 ft.
Street Side Corner Lot	
Principal / Accessory Bldg.	30 ft.
Maximum Structure Height	
Principal Bldg.	45 ft.
Accessory Bldg.	25 ft.
Maximum Lot Coverage	25%

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SECTION 306: NMU – NEIGHBORHOOD MIXED USE DISTRICT

306.10. Intent.

NMU - Neighborhood Mixed Use is designed to accommodate a mixture of residential and small-scale commercial uses in transitional areas between residential and nonresidential areas.

306.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Single-Family Detached Dwelling	-
Multi-Family Dwelling	§321.320
Flat (Mixed-Use)	
Rooming / Boarding House	
Planned Residential Development	§320
Cemetery	§321.190
Day Care Center	
Essential Services	
Facility /Workshop Providing Services or Employment for Persons with Disabilities	
Farmers' Market	
Forestry/Woodlot	
Greenhouse	
Health and Fitness Center	
Massage Parlor	
Medical Office and Clinic	
Office	
Personal Services	
Recreation Facility: Public	
Studio	
SPECIAL EXCEPTIONS	
Animal Daycare and Boarding Facility	§321.50
Bed and Breakfast	§321.130
Brewpub	§321.160
Contractor's Yard	§321.210
Emergency Services: Public/Private	§321.230
Group Living Facility	§321.260
Place of Worship/Assembly	§321.360
Private Club	
School	§321.360
Veterinary Services	§321.440
Wireless Communications Facility: New Tower in the Right-of-Way	§321.470
ACCESSORY USES	
Accessory Dwelling Unit	§321.10
Family Day Care Home / Group Day Care Home	§321.240

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Home Occupation	§321.270
Home-Based Business (no impact)	-
Solar Energy System: Small	§321.420
Poultry, Backyard	§321.120
Vehicle Charging Station	
Wind Facility, Small	§321.460
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

306.30. Lot, Yard and Height Requirements for NMU.

Minimum Lot Area	12,000 sq. ft.
Two Families	15,000 sq. ft.
Each additional family	5,000 sq. ft.
Minimum Lot Width	
Corner Lot	100 ft.
Interior Lot	80 ft.
Front Yard Setbacks	
Major Road	50 ft.
Secondary Road	35 ft.
Minimum Side Yard	
Interior Lot Line	
Principal Bldg.	8 ft.
Accessory Bldg.	5 ft.
Street Side Corner Lot	
Principal / Accessory Bldg.	30 ft.
Minimum Rear Yard	
Principal Bldg.	30 ft.
Accessory Bldg.	5 ft.
Maximum Structure Height	
Principal Bldg.	45 ft.
Accessory Bldg.	25 ft.
Maximum Lot Coverage	25%

306.40. Additional Requirements.

A. Site Design:

1. Align the building front façade with adjacent buildings to promote visual continuity from the public right-of-way, unless site or use constraints are prohibitive.
2. Buildings shall have a clearly defined primary pedestrian entrance at street level.
3. Buildings shall be limited to a footprint of 5,000 square feet or less.
4. Where multiple buildings are proposed on a single site the buildings shall be designed with varying heights.
5. Surface parking shall be located to the rear of the principal building or to the side (however, parking shall not be located between a building and the street).
6. Service and loading areas must be visually screened from street and pedestrian ways. For new construction, service and loading areas must be behind the building.

B. Pedestrian Design Standards:

1. Sidewalks are required along all street frontages.
2. Sidewalks are required to connect the street frontage to all front building entrances, parking areas, central open space, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points.
3. The sidewalk pattern shall continue across driveways and streets.

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SECTION 307: IN – INSTITUTIONAL DISTRICT

307.10. Intent.

The IN Institutional District is designed to furnish space for various offices and institutional uses along with compatible activities.

307.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Single Family Dwelling	
Multi-Family Dwelling	§321.320
Flat (Mixed-Use)	
Group Living Facility	§321.260
Rooming / Boarding House	
Transitional Facility	
Planned Residential Development	§320
Cemetery	§321.190
Crematory	
Emergency Services, Public	
Emergency Services, Private	
Essential Services	
Facility /Workshop Providing Services or Employment for Persons with Disabilities	
Farmers' Market	
Financial Institution	
Forestry/Woodlot	
Funeral Home	
Hospital	
Medical Office and Clinic	
National Guard and Readiness Center and Armory	
Office	
Place of Worship/Assembly	
Post Office	
Recreation Facility: Public	
School	
Veterinary Services	§321.440
ACCESSORY USES	
Family Day Care Home / Group Day Care Home	§321.240
Home-Based Business (no impact)	-
Solar Energy System: Small	§321.420
Vehicle Charging Station	
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

307.30. Lot, Yard and Height Requirements for IN.

Minimum Lot Area	12,000 sq. ft.
Two Families	15,000 sq. ft.
Each additional family	5,000 sq. ft.
Minimum Lot Width	
Corner Lot	100 ft.
Interior Lot	80 ft.
Front Yard Setbacks	
Major Road	50 ft.
Secondary Road	35 ft.
Minimum Side Yard	
Interior Lot Line	
Principal Bldg.	8 ft.
Accessory Bldg.	5 ft.
Street Side Corner Lot	
Principal / Accessory Bldg.	30 ft.
Minimum Rear Yard	
Principal Bldg.	30 ft.
Accessory Bldg.	5 ft.
Maximum Structure Height	
Principal Bldg.	45 ft.
Accessory Bldg.	25 ft.
Maximum Lot Coverage	25%

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SECTION 308: CC – CITY CENTER DISTRICT

308.10. Intent.

The CC City Center District is designed to encourage a vibrant, walkable City Center in the heart of Hermitage that provides a mixture of residential and nonresidential uses at a pedestrian-scale.

308.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Animal Grooming and Retail Operations	§321.60
Bar/Night Club	
Bed and Breakfast	§321.130
Brewpub	§321.160
Business Incubator	
Business Services	
Call Support Center	
Career & Technical Training Center	
Colleges & Post-Secondary Educational Institution	
Conference and Training Center	
Crematory	
Data Center	
Day Care Center	
Emergency Services, Private	
Emergency Services, Public	
Essential Services	
Farmers' Market	
Financial Institution	
Flat (Mixed-Use)	
Flex Space	
Forestry/Woodlot	
Funeral Home	
Gallery	
Health and Fitness Center	
Hospital	
Hotel / Motel	
Massage Parlor	
Medical Office and Clinic	
Multi-Family Dwelling	§321.320
Office	
Personal Services	
Pharmacy	
Place of Worship/Assembly	
Post Office	

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Private Club	
Recreation Facility: Commercial/Private	
Recreation Facility: Public	
Research and Development	
Restaurant	
Retail Store	
School	
Shopping Center	
Studio	
Theater/Auditorium	
Veterinary Services	
SPECIAL EXCEPTIONS	
Self-Storage Facility	§321.400
Wireless Communications Facility: New Tower in the Right-of-Way	§321.470
ACCESSORY USES	
Drive-Through	§321.220
Fueling Station	§321.500
Home Occupation	§321.270
Home-Based Business (no impact)	
Solar Energy System: Small	§321.420
Vehicle Charging Station	
Wind Facility, Small	§321.460
Wireless Communications Facility: New Tower on Existing Building/Structure	§321.470
Wireless Communications Facility: Co-Location on Existing Tower Located on Building/Structure (inside or outside the public ROW)	§321.470
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

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308.30. Lot, Yard and Height Requirements for CC.

Minimum Lot Area	10,000 sq. ft.
Minimum Lot Width	50 ft.
Setbacks	
Front Yard Setbacks	▪ 10' minimum from right-of-way – also 20' greenway from curb or edge of cartway of public streets per Section 408.
Side Yard	0' if buildings share a common wall 10' minimum
Rear Yard	Minimum 25'
Maximum Structure Height	90 ft.
Maximum Lot Coverage	90%

308.40. Commercial Retrofit.

- A. **Purpose:** This section encourages the redevelopment of existing shopping centers, big-box retail sites and other sites characterized by large expanses of surface parking into a development pattern that is pedestrian friendly, is compatible with surrounding development, provides a visually attractive site design, environmental enhancement and outdoor gathering or resting space consistent with the core values and future land use provisions of the Hermitage 2030 Comprehensive Plan.
- B. **Definition:** A commercial retrofit is defined as the development, or redevelopment of a site within the City Center District that is at least five (5) acres in size shall be required to comply with the requirements of this Section.
- C. **Submissions:** A commercial retrofit requires the submission of a site “sketch plan”. The “sketch plan” must show the entire site including existing development to be retained and proposed development and redevelopment. The sketch plan will specify the proposed phasing of development and consist of general layout of a proposed development. The sketch plan shall be submitted prior to the submission of the formal land development plan.
- D. **An applicant** must submit a sketch plan of the entire tract, including the total acreage of the proposed or future development, even when a present plan will develop only a portion of the property, including the existing and proposed uses of land throughout the entire parcel or parcels to be developed. The sketch plan shall consider the proposed development in the context of the

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unique characteristics of the site and its surrounding properties and developments. The sketch plan can be revised from time to time as necessary for the future development of the property.

All sketch plans must be consistent with the requirements of this Section and all other applicable requirements of the zoning ordinance, although in the event of a conflict between this section and any other section of the Zoning Ordinance, this section shall control.

- E. **Recommended Design Elements** – Each sketch plan design should take into consideration the following elements:
1. Any proposed system of public and/or private streets planned through the site should provide safe and convenient access for both vehicles and pedestrians, and connections to adjacent lots, streets or pedestrian facilities where appropriate. This section shall not obligate any applicant to dedicate any property, street, or driveway to the City, nor shall the City be obligated to accept any property, street, or driveway that is offered for dedication to the City.
 2. Landscape and site design, as required by Section 408 of this Ordinance.
 3. Direct ADA-compliant and prominent pedestrian access from parking areas, sidewalks or trail networks to building entrances.
 4. Open space, which may include such features as courtyards, mini-parks, plazas or similar spaces of a size and scale appropriate to the overall development. Such areas could include seating, tables, shade and suitable trash receptacles as well as water features, art installations, music and/or other enhancements to encourage relaxation, recreation opportunities and enjoyment of the space by business customers and other invitees.
 5. All other priorities of the Town Center concept adopted by the Hermitage Board of Commissioners in the Hermitage 2030 Comprehensive Plan.
- F. **Design Criteria** – Each Land Development Plan and Sketch Plan must include as many of the following Design Criteria as possible and commercially practicable:
1. **Building Design** – Exterior building material should present visual variety and sense of quality construction where visible from public streets and pedestrian walkways. Stone, brick and accents of contrasting materials and colors should be utilized to avoid expanse of “blank” walls. Windows shall be incorporated into the building design as much as feasible, especially along street frontages. Cornices and rooflines shall also be considered to add interest to the building composition, along with awnings, trellises and wall art are to add interest where windows are not possible. Rooftop mechanical equipment shall be screened from view by architecturally compatible building components.
Multi-story buildings are preferred, with more active uses such as retail and restaurants on the ground floor. Mixed-use development, including residential on upper floors, is also preferred.
 2. **Site Furnishings** – Benches, planters and attractive trash receptacles to add beauty to the site and convenience for business patrons and the general public.
 3. **Lighting** – Pedestrian scale lighting along walkways and at building entrances.
 4. **Building Location** – Buildings and building entrances located as close as possible to public and/or private streets and sidewalks to create a comfortable pedestrian space and prevent the need for pedestrians to cross large expanses of parking to reach buildings.
 5. **Parking** – As much parking as possible located to side and rear of buildings to promote buildings closer to streets and to break up large parking areas into smaller ones.
 6. **Outdoor dining** – Outdoor dining areas are encouraged at eating establishments. Sidewalk dining areas shall be designed to allow at least a 5 ft. path for through traffic of pedestrians.

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SECTION 309: BI – BUSINESS 1 DISTRICT

309.10. Intent.

The Business 1 District is designed to provide a location for the development of low-impact manufacturing and distribution businesses that have a low impact on the surrounding neighborhoods.

309.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Essential Services	
Flex Space	
Forestry/Woodlot	
Manufacturing, Light	§321.290
Office	
Research and Development	
Warehouse	
SPECIAL EXCEPTIONS	
Emergency Services: Public/Private	§321.230
Wireless Communications Facility: New Tower in the Right-of-Way	§321.470
ACCESSORY USES	
Solar Energy System: Small	§321.420
Vehicle Charging Station	
Wind Facility, Small	§321.460
Wireless Communications Facility: New Tower on Existing Building/Structure	§321.470
Wireless Communications Facility: Co-Location on Existing Tower Located on Building/Structure (inside or outside the public ROW)	§321.470
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

309.30. Lot, Yard and Height Requirements for B1.

Minimum Lot Area	40,000 sq. ft.
Minimum Lot Width	150 ft.
Front Yard Setbacks	50 ft.
Minimum Side Yard	25 ft.
Minimum Rear Yard	50 ft.
Maximum Structure Height	50 ft.
Maximum Lot Coverage	30%

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SECTION 310: B2 – BUSINESS 2 DISTRICT

310.10. Intent.

The Business 2 District is designed to provide a location for the development of technology related businesses and similar development in a campus-like setting.

310.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Multi-Family Dwelling	§321.320
Flat (Mixed-Use)	
Business Incubator	
Business Services	
Call Support Center	
Career & Technical Training Center	
Colleges and Post-Secondary Educational Institutions	
Conference and Training Center	
Data Center	
Day Care Center	
Essential Services	
Facility/Workshop Providing Services or Employment for Persons with Disabilities	
Farmers' Market	
Financial Institution	
Flex Space	
Forestry/Woodlot	
Health and Fitness Center	
High Technology Business Uses including, but not limited to the design, assembly, production, testing and/or repair of electronics; computer hardware/software; robotics; scientific, medical or chemical devices and equipment; telecommunications equipment; pharmaceuticals; aeronautical equipment or components	
Hospital	
Hotel/Motel	
Medical Office and Clinic	
Office	
Personal Services	
Recreation Facility: Public	
Research and Development	
Restaurant	
Retail Store	
School	§321.360
Studio	
SPECIAL EXCEPTIONS	

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Emergency Services: Public/Private	§321.230
Manufacturing, Light	§321.290
Wireless Communications Facility: New Tower in the Right-of-Way	§321.470
ACCESSORY USES	
Home-Based Business (no impact)	
Solar Energy System: Small	§321.420
Vehicle Charging Station	
Wind Facility, Small	§321.460
Wireless Communications Facility: New Tower on Existing Building/Structure	§321.470
Wireless Communications Facility: Co-Location on Existing Tower Located on Building/Structure (inside or outside the public ROW)	§321.470
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

310.30. Lot, Yard and Height Requirements for B2.

Minimum Lot Area	30,000 sq. ft.
Minimum Lot Width	150 ft.
Front Yard Setbacks	15 ft.
Minimum Side Yard	10 ft.
Minimum Rear Yard	40 ft.
Maximum Structure Height	50 ft.
Maximum Lot Coverage	40%

310.40. Additional Requirements.

A. Site Design:

1. Building façades should face the primary street.
2. Align the building front façade with adjacent buildings to promote visual continuity from the public right-of-way, unless site or use constraints are prohibitive.
3. Where multiple buildings are proposed on a single site the buildings shall be designed with varying heights.
4. All permitted uses, including the storage of materials and/or finished products, shall occur entirely within enclosed buildings.

B. Pedestrian Design Standards:

1. Sidewalks are required along all street frontages and to connect the street frontage to all front building entrances and parking areas.
2. The sidewalk pattern shall continue across driveways and streets.
3. Pedestrian pathways are required to connect to central open space and the existing trail network. The design of such pathways and materials shall be consistent with the existing network.

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SECTION 311: NC 1 – NEIGHBORHOOD COMMERCIAL 1 DISTRICT

311.10. Intent.

The Neighborhood Commercial 1 (NC 1) District is designed to accommodate neighborhood-level commercial uses along East State Street and serve as a transitional buffer between the City Center District and the surrounding residential neighborhoods.

311.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Multi-Family Dwelling	§321.320
Flat (Mixed-Use)	
Animal Daycare and Boarding Facility	§321.50
Animal Grooming and Retail Operations	§321.60
Automobile Gas Station	§321.90
Automobile Repair Garage	§321.110
Automobile Service Station	
Bed and Breakfast	§321.130
Brewpub	§321.160
Business Services	
Contractors Yard	§321.210
Day Care Center	
Emergency Services, Private	
Emergency Services, Public	
Essential Services	
Farmers' Market	
Financial Institution	
Flex Space	
Forestry/Woodlot	
Funeral Home	
Health and Fitness Center	
Hotel/Motel	
Massage Parlor	
Medical Office and Clinic	
Office	
Personal Services	
Pharmacy	
Place of Worship/Assembly	§321.360
Private Club	
Recreation Facility: Commercial/Private	§321.380
Restaurant	
Retail Store	
School	§321.360

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Shopping Center	
Studio	
Veterinary Services	
ACCESSORY USES	
Drive-Through	§321.220
Home-Based Business (no impact)	
Solar Energy System: Small	§321.420
Vehicle Charging Station	
Wind Facility, Small	§321.460
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

311.30. Lot, Yard and Height Requirements for NC1.

Minimum Lot Area	30,000 sq. ft.
Minimum Lot Width	
Corner Lot	150 ft.
Interior Lot	100 ft.
Front Yard Setbacks	10 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	50 ft.
Maximum Structure Height	60 ft.
Maximum Lot Coverage	40%

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SECTION 312: NC 2 – NEIGHBORHOOD COMMERCIAL 2 DISTRICT

312.10. Intent.

The Neighborhood Commercial 2 (NC 2) District is designed to accommodate neighborhood-level commercial uses at a higher intensity than NC1.

312.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Multi-Family Dwelling	§321.320
Flat (Mixed-Use)	
Animal Daycare and Boarding Facility	§321.50
Animal Grooming and Retail Operations	§321.60
Animal Kennel	§321.70
Automobile Gas Station	§321.90
Automobile Repair Garage	§321.110
Automobile Service Station	
Bed and Breakfast	§321.130
Brewpub	§321.160
Business Services	
Call Support Center	
Contractors Yard	§321.210
Crematory	
Day Care Center	
Emergency Services, Private	
Emergency Services, Public	
Essential Services	
Farmers' Market	
Financial Institution	
Forestry/Woodlot	
Funeral Home	
Greenhouse	
Health and Fitness Center	
Hotel/Motel	
Massage Parlor	
Medical Office and Clinic	
Office	
Personal Services	
Pharmacy	
Place of Worship/Assembly	§321.360
Private Club	
Recreation Facility: Commercial/Private	§321.380
Restaurant	

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Retail Store	
Self-Storage Facility	§321.400
Shopping Center	
Solar Energy Facility, Large	
Studio	
Veterinary Services	
Wholesale Landscaping	
ACCESSORY USES	
Drive-Through	§321.220
Home-Based Business (no impact)	
Solar Energy System: Small	§321.420
Vehicle Charging Station	
Wind Facility, Small	§321.460
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

312.30. Lot, Yard and Height Requirements for NC2.

Minimum Lot Area	30,000 sq. ft.
Minimum Lot Width	
Corner Lot	150 ft.
Interior Lot	100 ft.
Front Yard Setbacks	10 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	50 ft.
Maximum Structure Height	60 ft.
Maximum Lot Coverage	40%

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SECTION 313: HC – HIGHWAY COMMERCIAL DISTRICT

313.10. Intent.

The Highway Commercial (HC) District is designed to accommodate large-scale commercial uses along SR 18 designed to serve vehicular traffic.

313.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Animal Daycare and Boarding Facility	§321.50
Animal Grooming and Retail Operations	§321.60
Animal Kennel	§321.70
Automobile Gas Station	§321.90
Automobile/Equipment Sales	§321.100
Automobile Repair Garage	§321.110
Automobile Service Station	
Bar/Night Club	§321.130
Brewpub	§321.160
Business Services	
Call Center	
Car Wash	§321.180
Crematory	
Day Care Center	
Distribution Center	§321.490
Emergency Services, Private	
Emergency Services, Public	
Essential Services	
Financial Institution	
Forestry/Woodlot	
Funeral Home	
Gallery	
Greenhouse	
Health and Fitness Center	
Hospital	
Hotel/Motel	
Massage Parlor	
Medical Office and Clinic	
Office	
Personal Services	
Pharmacy	
Place of Worship/Assembly	§321.360
Private Club	
Recreation Facility: Commercial/Private	§321.380

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Recreation Facility: Public	
Restaurant	
Retail Store	
Shopping Center	
Studio	
Theater/Auditorium	
Veterinary Services	
Wholesale Landscaping	
SPECIAL EXCEPTIONS	
Brewery	§321.150
Wireless Communications Facility: New Tower in the Right-of-Way	§321.470
ACCESSORY USES	
Drive-Through	§321.220
Home-Based Business (no impact)	
Solar Energy System: Small	§321.420
Vehicle Charging Station	
Wind Facility, Small	§321.460
Wireless Communications Facility: New Tower on Existing Building/Structure	§321.470
Wireless Communications Facility: Co-Location on Existing Tower Located on Building/Structure (inside or outside the public ROW)	§321.470
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470

313.30. Lot, Yard and Height Requirements for HC.

Minimum Lot Area	40,000 sq. ft.
Minimum Lot Width	
Corner Lot	180 ft.
Interior Lot	150 ft.
Front Yard Setbacks	10 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	50 ft.
Maximum Structure Height	60 ft.
Maximum Lot Coverage	40%

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SECTION 314: LI – LIGHT INDUSTRIAL DISTRICT

314.10. Intent.

The Light Industrial (LI) District is designated to accommodate light manufacturing, office, distribution and similar kinds of industrial activity.

314.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Animal Daycare and Boarding Facility	§321.50
Animal Grooming and Retail Operations	§321.60
Animal Kennel	§321.70
Animal Shelter	§321.80
Automobile Gas Station	§321.90
Automobile Repair Garage	§321.110
Bottling Plant	
Brewery	
Business Services	
Call Center	
Car Wash	§321.180
Career & Technical Training Center	
Chemical Storage, Sales & Distribution	
Commercial Dry Cleaning & Laundry Facility	
Composting Facility	
Conference and Training Center	
Contractors Yard	§321.210
Dairy Plant	
Day Care Center	
Distribution Center	§321.490
Emergency Services, Private	
Emergency Services, Public	
Essential Services	
Flex Space	
Food Processing & Packing Plant	
Forestry/Woodlot	
Greenhouse	
Health and Fitness Center	
Manufacturing, Light	§321.290
Medical Marijuana Processing Facility	
Mineral Extraction	§321.310
Natural Gas Resources Development Site	§321.350
Office	
Restaurant	

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Public Works Facility	
Retail Store	
Research and Development	
Self-Storage Facility	§321.400
Solar Energy Facility, Large	§321.410
Studio	
Trucking Terminal	
Warehouse	
Wholesale Landscaping	
Wind Energy System, Large	§321.450
SPECIAL EXCEPTIONS	
School	§321.360
Wireless Communications Facility: New Tower on a Lot	§321.470
Wireless Communications Facility: New Tower in the Right-of-Way	§321.470
CONDITIONAL USES	
Billboard	§321.140
Natural Gas Compressor Station	§321.340
Natural Gas Processing Plant	§321.350
ACCESSORY USES	
Home-Based Business (no impact)	
Solar Energy System: Small	§321.420
Vehicle Charging Station	
Wind Facility, Small	§321.460
Wireless Communications Facility: Co-Location on Existing Tower Located on Building/Structure (inside or outside the public ROW)	§321.470
Wireless Communications Facility: Co-Location on Existing Communication Tower	§321.470
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470
Wireless Communications Facility: New Tower on Existing Building/Structure	§321.470

314.30. Lot, Yard and Height Requirements for LI.

Minimum Lot Area	40,000 sq. ft.
Minimum Lot Width	150 ft.
Front Yard Setbacks	40 ft.
Minimum Side Yard	25 ft.
Minimum Rear Yard	40 ft.
Maximum Structure Height	60 ft.
Maximum Lot Coverage	50%

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SECTION 315: HI - HEAVY INDUSTRIAL DISTRICT

315.10. Intent.

The Heavy Industrial (HI) District is designed to accommodate all types of manufacturing and industrial uses, including those classified as heavy industry.

315.20. Permitted Uses.

The following is a list of uses that are permitted by right, special exception, conditional use or as an accessory use:

<u>Use</u>	<u>Subject to Additional Regulations §</u>
PERMITTED USES BY RIGHT	
Animal Shelter	§321.80
Bottling Plant	
Brewery	
Chemical Storage, Sales & Distribution	
Commercial Dry Cleaning & Laundry Facility	
Composting Facility	
Concrete or Asphalt Batch Plant	
Contractors Yard	§321.210
Dairy Plant	
Emergency Services, Private	
Emergency Services, Public	
Essential Services	
Flex Space	
Food Processing & Packing Plant	
Forestry/Woodlot	
Manufacturing, Heavy	
Manufacturing, Light	§321.290
Medical Marijuana Processing Facility	
Mineral Extraction	§321.310
Natural Gas Resources Development Site	§321.350
Office	
Public Works Facility	
Recreation Facility: Public	
Research and Development	
Self-Storage Facility	§321.400
Shooting Range	§321.480
Solar Energy Facility, Large	§321.410
Telemarketing Facility	
Trucking Terminal	
Warehouse	
Wholesale Landscaping	

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Wind Energy System, Large	§321.450
SPECIAL EXCEPTIONS	
Recreation Facility: Commercial/Private	§321.380
Salvage Yard	§321.390
Solid Waste Landfill	§321.430
Wireless Communications Facility: New Tower on a Lot	§321.470
Wireless Communications Facility: New Tower in the Right-of-Way	§321.470
CONDITIONAL USES	
Adult Entertainment	§321.20
Billboard	§321.140
Natural Gas Compressor Station	§321.340
Natural Gas Processing Plant	§321.350
ACCESSORY USES	
Home-Based Business (no impact)	
Solar Energy System: Small	§321.420
Vehicle Charging Station	
Wind Facility, Small	§321.460
Wireless Communications Facility: Co-Location on Existing Tower Located on Building/Structure (inside or outside the public ROW)	§321.470
Wireless Communications Facility: Co-Location on Existing Communication Tower	§321.470
Wireless Communications Facility: Antenna Mounted on Existing Building or Tower	§321.470
Wireless Communications Facility: New Tower on Existing Building/Structure	§321.470

315.30. Lot, Yard And Height Requirements for HI.

Minimum Lot Area	40,000 sq. ft.
Minimum Lot Width	150 ft.
Front Yard Setbacks	40 ft.
Minimum Side Yard	25 ft.
Minimum Rear Yard	40 ft.
Maximum Structure Height	60 ft.
Maximum Lot Coverage	50%

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SECTION 316	(RESERVED FOR FUTURE DISTRICT)
SECTION 317	(RESERVED FOR FUTURE DISTRICT)
SECTION 318	(RESERVED FOR FUTURE DISTRICT)
SECTION 319	(RESERVED FOR FUTURE DISTRICT)

SECTION 320: PLANNED RESIDENTIAL DEVELOPMENT

320.10. Purpose.

The purpose of the planned residential development regulations is to encourage the flexibility in the design and development of land in order to promote its most appropriate use; to encourage grouping of housing and a mixture of housing types in alternative patterns and in a variety of ways; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic qualities of open areas. Planned residential developments are permitted in the RR, SR1, SR2 and NMU Districts.

320.20 Minimum Development Size.

No planned residential development may include less than ten acres of contiguous land.

320.30. General Standards.

The planned residential development must meet all of the following general standards:

- A. The planned residential development is consistent with the Comprehensive Plan and this Ordinance's Statement of Community Development Objectives.
- B. The planned residential development is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for the preservation of streams and stream banks, wooded cover, rough terrain, and similar areas.
- C. The planned residential development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
- D. Performance bond for all improvements in the development must be posted as required in the Hermitage Subdivision Ordinance.
- E. Connection to Hermitage sanitary sewer system shall be required.
- F. Connection to public water supplies will be required.
- G. Create a pedestrian-oriented network that provides pedestrian connections (trails and sidewalks) to all adjacent properties that have pedestrian connection potential and connect trails and sidewalks to existing adjacent trails and sidewalks to create complete pedestrian circulation.

320.40. Applicable Districts and Uses Permitted.

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 321.320, community clubs and related uses. Such uses shall be allowed only to the extent that the City finds them to be

- A. Designed to serve primarily the residents of the planned residential development, and
- B. Compatibly and harmoniously incorporated into the design of the planned development. (Mobile homes and mobile home parks are excluded from the planned residential development district. Please see the Mobile Home Park [MHP] District for details relative to that use).

320.50 Calculation of Project Densities.

The number of dwelling units which may be constructed within the planned residential development shall be determined by dividing the gross project area by the required lot area per dwelling unit which is required in the district in which the planned residential development is located.

320.60 Increase in Density.

It is recognized that the expense of complying with the approval process contained in the planned residential development regulations may discourage developers from seeking approval of a planned residential development project. At the time the outline or preliminary development plan is filed, the applicant may apply for an increase in the densities permitted by the zone in which the planned residential development is to be constructed. If it gives its approval to the planned residential development, the Board of Commissioners may authorize the developer to increase permitted densities by an amount up to 10%. Additional increase in density may be granted up to 27% providing:

- A. If common open space is developed to more intense usable open space providing facilities for active outdoor recreation, such as playgrounds, playground equipment, picnic facilities, ball fields and equipment, or other similar improvements to the open space, an additional 10% increase in density may be permitted.
- B. If subsection (A), above, is developed and unique indoor-outdoor buildings, to be used for recreation or other similar activities of the residents of the development, such as swimming pools, club houses, or other similar buildings are provided, then an additional 17% increase in density may be permitted.

320.70 Lot Size and Spacing of Buildings.

The location of all structures shall be as shown on final plans. The proposed location and arrangement shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. There shall be no minimum lot size, no minimum or maximum percentage of lot coverage and no minimum lot width in the planned residential development. However, every single-family dwelling shall have access to a public street, court, walkway, or other area dedicated to public use. The minimum space between two multi-family buildings or between a multi-family building and any other building on the same property shall be 16 feet for 1 story or 1.5 story buildings, 24 feet for 2 story buildings and 32 feet for 3 story buildings. Minimum distance between two buildings of 52 different heights shall be determined by the taller building. Minimum setbacks for single-family dwellings on individual lots shall be as follows:

Minimum Front Yard	25 ft.
Minimum Side Yard	
Interior Lot Line	
Principal Bldg.	8 ft.
Accessory Bldg.	5 ft.
Street Side Corner Lot	
Principal / Accessory Bldg.	25 ft.

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Minimum Rear Yard	
Principal Bldg.	30 ft.
Accessory Bldg.	5 ft.

Vehicular access to dwellings by means of adequate service drives and/or emergency entrances shall be provided in all cases where dwellings do not front on a public street, or where the City deems necessary for public safety.

320.80. Perimeter Requirements.

The requirements of this Section apply only to structures located within 200 feet of the perimeter of a planned residential development. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned residential development, the Planning Commission may require either or both of the following:

- A. Structures located on the perimeter of the planned residential development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, in no case less than the height of the buildings.
- B. Structures located on the perimeter of the planned residential development must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.

320.90. Common Open Space Required.

The development plan will contain areas to be allocated for common open space which satisfy the standards governing the usability and quality of common open space that is contained in this Ordinance. No open area may be accepted as common open space under the provisions of this Ordinance unless it meets the following standards:

- A. A minimum of three acres of common open space shall be provided including usable and scenic green space for the first ten acres plus one acre for each additional five acres or fraction thereof of gross project area.
- B. The location, shape, size, and character of the common open space must be suitable for the planned residential development.
- C. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
- D. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The building, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition. Lakes, swamps and other water bodies may not be used in computing common open space.
- E. The development schedule which is part of the development plan must coordinate the improvement of the common open space, the construction of buildings, structures and improvements in the common open space, and the construction of residential dwellings in the planned residential development.

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- F. If the final development plan provides for buildings, structures, and improvements in the common open space of a value in excess of \$1,000, the developer must provide a bond in the estimated amount of the improvements assuring that the buildings, structures and improvements will be completed. The Commissioners shall release the bond or other assurance when the buildings, structures or improvements have been completed according to the development plan.

320.100. Conveyance and Maintenance of Common Space.

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- A. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures or improvements which have been placed on it, in which case the general public must have use of the open space.
- B. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned residential development. The common open space must be conveyed to the trustees subject to covenants to be approved by the City which restricts the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its containing use for its intended purpose.
- C. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use authorized under Section 320 may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- D. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
- E. The legal right to develop the common open space for the uses not specified in the final development plan must be approved by the City.
- F. The restrictions governing the use, improvement and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
- G. If the common open space is not conveyed to the City, or a public agency approved by the City, the covenants governing the use, improvement and maintenance of the common open space shall then be enforceable by the City, and the instrument of conveyance shall so provide.

320.110 Application for Tentative Approval of Planned Residential Development.

In order to provide an expeditious method for processing a development plan for a planned residential development under the provisions of this Ordinance, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with a planned residential development and the continuing administration thereof shall utilize the following provisions:

- A. An application for tentative approval of the development plan for a planned residential development shall be filed by or on behalf of the landowner.
- B. The application for tentative approval shall be filed by the landowner in such form, upon the payment of such a reasonable fee as is specified by the City. The application shall be filed with the Zoning Officer.

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- C. All planning, zoning and subdivision matters relating to the platting, use and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the City, shall be determined and established by the Board of Commissioners with the advice of the Planning Commission.
- D. The provisions shall require only such information in the application as is reasonably necessary to disclose to the City of Hermitage:
 - 1. The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed.
 - 2. The density of land use to be allocated to parts of the site to be developed.
 - 3. The location and size of the common open space and the form of organization proposed to own and maintain the common open space.
 - 4. The use and the approximate height, bulk and location of buildings and other structures.
 - 5. The feasibility of proposals for water supply and the disposition of sanitary waste and stormwater.
 - 6. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
 - 7. The provisions for parking of vehicles and the location and width of proposed streets and public ways.
 - 8. The required modifications in the municipal land use regulations otherwise applicable to the subject property.
 - 9. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
 - 10. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- E. 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 residential development would be in the public interest and would be consistent with the comprehensive plan for the development of the City.
- F. The application for tentative approval shall be forwarded to the Hermitage Planning Commission for their review and comments. The Planning Commission shall have 35 days, from the date of filing, to complete their review and make their recommendations to the City's Board of Commissioners.

320.120. Public Hearings.

- A. Within 60 days after the filing of an application for tentative approval of a planned residential development pursuant to this Ordinance, a public hearing pursuant to public notice of said application shall be held by the City of Hermitage in the manner prescribed in the Pennsylvania Municipalities Planning Code.
- B. The Board of Commissioners may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for additional review; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

320.130. The Findings.

- A. The Board of Commissioners, within 60 days following the conclusion of the public hearing provided for in this Part, shall, by official written communication to the landowner, either:
1. Grant tentative approval of the development plan as submitted;
 2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or,
 3. Deny tentative approval to the development plan. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the City, notify such Board of Commissioners of his refusal to accept all said conditions, in which case, the City shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Board of Commissioners of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- B. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
1. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the City of Hermitage;
 2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 3. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the 56 common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation, and visual enjoyment;
 5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and,
 6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- C. In the event a development plan is granted tentative approval, with or without conditions, the City may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the

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time so established between grant of tentative approval and an application for final approval shall not be less than 12 months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

320.140. Status of Plan After Tentative Approval.

- A. The official written communication provided for in this Part shall be certified by the municipal secretary of the City Commissioners and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval, and shall be noted on the Zoning Map.
- B. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the City pending an application or applications for final approval, without the consent of the landowner, provided an application or applications for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the period of time specified in the official written communication granting tentative approval.
- C. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Board of Commissioners in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the municipal secretary of the City.

320.150. Application for Final Approval.

- A. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer of the City designated by this Ordinance within one year of the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified by this Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required provided the development plan, or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the Zoning Officer and the Planning Commission for compliance prior to being forwarded to the Board of Commissioners. This review is to take place in 35 days.
- B. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Ordinance and the official written communication of tentative approval, the City shall, within 45 days of such filing, grant such development plan final approval.

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- C. In the event the development plan as submitted contains variations from the development plan given tentative approval, the City may refuse to grant final approval and shall, within 45 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
1. Refile his application for final approval without the variations objected; or
 2. File a written request with the approving body that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Part for public hearings on applications for tentative approval. Within thirty 30 days after the conclusion of the hearing, the City shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.
- D. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the City and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code (MPC), of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) and post financial security in accordance with Section 509 of the MPC
- E. In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the City in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in Section 508 of the MPC after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to this Ordinance in the manner prescribed for such amendments in Part 7.

321. CRITERIA FOR SPECIFIC USES

The criteria for permitted uses, conditional uses and special exceptions are listed below. In addition to these, the Board of Commissioners in granting conditional uses and the Zoning Hearing Board, in granting special exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a conditional use or a special exception, the Board of Commissioners or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Part, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

321.10. ACCESSORY DWELLING UNIT (ADU)

- A. At least one owner of the property must reside in the principal dwelling or the ADU at all times.
- B. An ADU must comply with applicable building and fire safety codes.
- C. The floor area of an ADU may be no more than 50% of the floor area of the principal dwelling.
- D. No additional parking is required for an ADU. Existing required parking for the principal dwelling must be maintained or replaced on-site.
- E. The applicant must provide proof that the ADU is connected to the public sewage system or a letter from the Sewage Enforcement Officer that on-lot system (i.e. septic system) can accommodate the additional capacity.
- F. An attached ADU must meet the following additional requirements:
 - 1. Location of entrances. Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - 2. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.
- G. A detached ADU must meet the following additional requirements:
 - 1. The structure housing the ADU shall be on a permanent foundation.
 - 2. The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.
 - 3. A detached ADU must be located at least six feet behind the primary dwelling, unless the ADU is in an existing detached structure that does not meet this standard.
 - 4. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
 - 5. No portion of an existing building that encroaches within a required yard setback may be converted to or used as a detached ADU.
- H. Design Compatibility.
 - 1. Exterior finish materials. Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
 - 2. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
 - 3. Windows. If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.
 - 4. Eaves. If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.
 - 5. Exemptions. Detached ADU's are eligible for either of the following exemptions:

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- a. Design compatibility. Exceptions are granted for detached ADU's that are under 500 square feet and under 18' average height.
- b. Alteration. If an ADU is proposed for an existing detached accessory structure that does not meet one or more of the standards of Section 301.60.9, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the standards of Section 301.60.9.

321.20. ADULT ENTERTAINMENT

- A. The location of any adult business must comply with the following setback distances, as measured to the property line of the parcel containing the adult entertainment business:
 1. 800 feet from the zoning district boundary line of any residential zoning district, whether located in the City of Hermitage or in an adjacent community;
 2. 800 feet from the property line of any parcel containing a residential use, church, public or private school, or public park or recreation area, whether located in the City of Hermitage or in an adjacent community; and
 3. 1,000 feet from any other adult business, whether located in the City of Hermitage or in an adjacent community.
- B. The exterior of the building housing an adult business shall be designed and maintained so that the activities and/or products of the adult business are not visible in any manner from the exterior of the building.
- C. The content of all signs used by the adult business shall be limited to the name of the business only and shall not contain any pictures or graphics or the letters X, XX, XXX, etc. Adult businesses shall not be permitted to utilize changeable copy signs (freestanding or wall signs).

321.30. AGRICULTURE

Unless otherwise controlled within this Chapter, operations involving the use of buildings and land for farming, gardening, nurseries, greenhouses, equestrian facilities, riding academies, livery or boarding stables, stock raising, dairying and poultry shall be permitted only on a farm in the RR District, subject to the following regulations:

- A. The minimum size of a farm shall be ten (10) acres.
- B. All agricultural buildings, including barns, shall be used for agricultural-related purposes only, except as provided for under Agritourism and the owner obtains a permit.
- C. Storage of manure and/or odor or dust producing substances shall not be permitted within two hundred (200) feet of any property line.
- D. All grazing or pasture area utilized for farming/agriculture purposes shall be fenced.
- E. A greenhouse shall not be operated within one hundred (100) feet of any property line.
- F. Buildings or kennels in which animals or poultry are kept shall not hereafter, be erected within two hundred (200) feet of any lot line; provided that this shall apply to buildings housing more than two (2) dogs or other household pets.
- G. Additional farm buildings other than the principal dwelling unit shall not be constructed closer than fifty (50) feet to any property line.
- H. Normal agricultural operations, as defined and regulated by the Pennsylvania Right to Farm Act - Act 133 as amended, shall be permitted as part of all farm and agricultural activities within the City.

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- I. The display and sale of farm products shall be permitted provided that signs conform to the requirements of Section 406 of this Chapter. If conducted from a portable stand, the stand shall be located at least twenty-five (25) feet from the road right-of-way and removed at the end of the growing season. If business is conducted from a permanent stand, the stand shall be located at least fifty (50) feet from the road right-of-way.
- J. Agricultural activities shall be required to provide for the safe management of stormwater runoff in accordance with the applicable standards and criteria of the City's Stormwater Management Ordinance. The submission and approval of a stormwater management plan, as required by the Subdivision and Land Development Ordinance, shall be waived for agricultural activities (including nurseries and forest management operations) that have an erosion and sedimentation control plan approved by the Mercer County Conservation District.

321.40. AGRITOURISM

Agritourism shall be permitted by special exception as accessory use to Agriculture within the RR District provided that the following requirements are met:

- A. The minimum lot size shall be 10 acres.
- B. The parking area shall be designed in accordance with Section 408 of this Ordinance.
- C. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street. Agritourism enterprises must be incidental to and directly supportive of the agricultural use of the property and will not have significant impacts on the agricultural viability or rural character of neighboring properties.
- D. There shall be no outside display, sales, or storage permitted, unless this activity is fully screened with a combination of opaque wood fencing, and dense landscaping. This activity shall be prohibited within 100 feet along all public rights-of-way. This shall not be interpreted to prohibit that outside sales or display of products during a permitted special event, fair or festival.
- E. An agritourism enterprise shall be conducted by a resident or owner of the property and/or his/her immediate relatives. Up to four unrelated full-time employees may be employed by the owner or immediate relatives. Additional part time employees or volunteers may be permitted for special events, fairs or festivals.
- F. Special events, fairs and festivals shall comply with the following regulations:
 1. Tents or other temporary structures shall comply with all setback regulations for accessory buildings in the RR District.
 2. All waste, trash and rubbish, tents and temporary structures, and any other displays or exhibits that resulted from the special event shall be removed from the property within 24 hours after the special event has ended.
 3. Overflow parking areas may be on grass surface areas of the lot. The grass surface area which is to be used for overflow parking shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition. In the event any portion of the overflow parking area is disturbed, the areas shall be reseeded or planted with sod to ensure the area remains grass surface. Such planting shall occur within one week after the special event has ended. Overflow parking areas shall be enclosed by a temporary barrier fence to prevent the flow of traffic across property lines, all such fences shall be removed within one week of a special event ending.
 4. In no case, shall parking be permitted on an adjoining lot, or in a location that would require visitors to have to cross a public road.
 5. All driveway locations must be permitted under applicable state or local regulations.

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- G. The applicant shall identify the anticipated hours of operation for the agritourism enterprise. In no case shall the agritourism enterprise generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Agritourism enterprises shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 10:00 p.m. and 6:00 a.m.
- H. Applicant shall provide evidence that all other applicable state and federal permits for operation of an agritourism enterprise have been obtained.
- I. The following activities, and activities that the applicant proves are closely similar, shall be permitted as an agritourism enterprise:
 - 1. Farmers Markets, providing all vendors and sales are located in an enclosed building;
 - 2. U-pick operations;
 - 3. Dairy, ice cream and bakery retail facilities;
 - 4. Local farm products retail operations (including crafts, food products, garden and nursery products, and clothing products made from the wool of animals raised on the farm use, etc.);
 - 5. Corn mazes (with educational/interpretation components);
 - 6. Farm-related interpretive facilities and exhibits;
 - 7. Agriculturally related educational and learning experiences;
 - 8. Agriculturally related special events, fairs and festivals;
 - 9. On-site farm, garden, greenhouse and nursery tours;
 - 10. Walking and bicycle tours and trails;
 - 11. Farm stays;
 - 12. Horseback/pony rides, petting zoos and other animal exhibits;
- J. The following activities shall be prohibited:
 - 1. Restaurants, taverns, brewpubs and/or breweries;
 - 2. Flea markets;
 - 3. Wedding barns;
 - 4. Any other use that is not agriculturally related, or is not related to the natural resources that are present on the property, or is deemed not to be incidental to the agricultural operation on the property, or is otherwise deemed to be too intense for the Rural Residential Zoning District whereby the intent of the RR District will not be preserved.
- K. At least 50% of the products for display and sale shall be grown, prepared, or produced on the subject property. All food and/or beverages sold for consumption on site shall comply with federal, state and local regulations. Food and/or beverages should be limited to only those value-added products that are produced from or grown on the farm, unless they are secondary and incidental to the primary agricultural use on the property. In all cases the use of locally grown or produced food and/or beverages is encouraged.
- L. All signage advertising the agritourism enterprise shall comply with Section 406 of this Ordinance.
- M. Applicant must provide evidence that sufficient sanitary sewer facilities will be provided in accordance with all applicable DEP regulations.

321.50. ANIMAL DAYCARE AND BOARDING FACILITY

- A. Must be located in a building on a lot having a minimum size of one acre.
- B. All pet day care buildings and fenced exercise areas must be at least 50 feet from any neighboring property line.
- C. Buffer Yard B (§408.60) is required where this use adjoins a residential use or district.
- D. Adequate screening shall be required when abutting any residential use.

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- E. General care of pets must be confined to inside of building and under supervision.
- F. Pets are permitted to be walked or exercised outside of building only under supervision and in accordance with all other applicable ordinances and laws.
- G. The exterior appearance of the building must be compatible with the appearance of neighboring properties.
- H. The design of the structure shall include features that acoustically shield any animal noises from being heard outside the property line.
- I. Overnight boarding is permitted only if the animals are kept indoors overnight (between the hours of 10pm and 6am).

321.60. ANIMAL GROOMING AND RETAIL OPERATIONS

- A. No overnight accommodations.
- B. All activities must take place inside an enclosed building.
- C. The design of the structure shall include features that acoustically shield any animal noises from being heard outside the property line.

321.70 ANIMAL KENNEL

- A. The minimum lot size shall be two (2) acres.
- B. All kennel buildings and fenced exercise areas or runs must be at least 50 feet from any neighboring property line.
- C. Outdoor runs and facilities for animal keeping and care shall be constructed for easy cleaning and shall be adequately screened from neighboring properties.
- D. Noises must be in compliance with the City's noise ordinance between the hours of 10pm and 6am.

321.80. ANIMAL SHELTER

- A. The design of the structure shall include features that acoustically shield any animal noises from being heard outside the property line.
- B. Must be located on a lot having a minimum size of one acre.

321.90. AUTOMOBILE GAS STATION

- A. Any fuel pumps shall be at least 30 feet from the front lot line and at least 30 feet from a side lot line.
- B. No vehicles will be parked or stored along the front property lines.
- C. Buffer Yard B (§408.60) is required where this use adjoins a residential use or district.
- D. Any lot line abutting a residential district or residential use shall be screened using screen plantings.
- E. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the storage of DEP/EPA approved trash containers shall be permitted.
- F. A maximum of two (2) curb cuts shall be provided, and shall be a minimum of sixty (60) feet apart.
- G. All canopy lighting must be fully recessed within the canopy.

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321.100. AUTOMOBILE / EQUIPMENT SALES

- A. All areas used for maintenance and/or repairs shall be located within a completely enclosed structure.
- B. The building housing such use shall be located at least thirty (30) feet from any property line.
- C. Buffer Yard B (§408.60) is required where this use adjoins a residential use or district.
- D. Any lot line abutting a residential district or residential use shall be screened using screen plantings.
- E. There shall be no outdoor storage of new or used parts, scrap parts, unusable equipment, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the storage of DEP/EPA approved trash containers shall be permitted.
- F. For auto sales (new or used), the lot shall be at least 30,000 square feet in size with a road frontage of at least 200 feet.
- G. The storage of autos for display and sale shall be contained within lot boundaries and in no event in the road right-of-way nor within 30 feet of the nearest edge of the cartway.

321.110. AUTOMOBILE REPAIR GARAGE

- A. The use shall be located within a completely enclosed structure.
- B. The building housing such use shall be located at least thirty (30) feet from any property line.
- C. No vehicles will be parked or stored in the required front yard.
- D. Buffer Yard B (§408.60) is required where this use adjoins a residential use or district.
- E. Any lot line abutting a residential district or residential use shall be screened using screen plantings.
- F. There shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, tires, vehicles which lack current Pennsylvania inspection stickers or parts of vehicles. The overnight parking of customer vehicles and the storage of DEP/EPA approved trash containers shall be permitted.

321.120. POULTRY, BACKYARD

- A. A site plan shall be required prior to the issuance of a zoning permit for Backyard Poultry. The site plan shall show all existing and proposed structures (coops, runs, etc.) and lot lines.
- B. Backyard Poultry shall be permitted as an accessory use to a single-family dwelling only.
- C. The number of poultry birds permitted on any one lot is as follows:
 - 1. Lots up to 0.5 acres = 4 birds
 - 2. One bird for each additional 0.25 acres
 - 3. A maximum 12 birds shall be permitted on any one lot.
- D. All buildings, coops and enclosures for birds must be in the rear yard with a minimum of 30 feet setback from all property lines.
- E. No mature roosters shall be permitted.
- F. Killing or dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building and disposed of properly.
- G. The keeping of poultry birds shall be permitted within a securely fenced and enclosed area. Only chickens and ducks may be permitted on the property; all other livestock and small farm animals are prohibited.
- H. All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor.

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- I. All animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

321.130. BED AND BREAKFAST

- A. The owner shall be available on the premises on a twenty-four-hour basis while guests are on the premises;
- B. Food and beverage service shall be limited to breakfast for registered, paying overnight guests except in the case of limited social and business functions held on premises;
- C. Guests shall be limited to a maximum length of stay of fifteen (15) consecutive days in any thirty-day period;
- D. An identification sign, non-illuminated and no larger than two (2) square feet in size, shall be permitted only on the wall of the structure;
- E. Wherein limited retail sales limited to incidental, occupant convenience items, and marketing and promotional items may be sold to guests and visitors on the premises provided that there is no indication of items for sale by way of exterior signs or window displays;
- F. Off-street parking shall be provided having a minimum of one (1) space for every room rented.
- G. Strict compliance with the local noise ordinance is maintained.
- H. Occupancy shall not exceed the number of persons listed on the Certificate of Occupancy.

321.140. BILLBOARD

- A. Such signs shall not be placed within 150 feet of another.
- B. Such signs shall not be placed within 250 feet of any residence, church or similar edifice.
- C. Such signs shall not be placed within 250 feet of any road intersection or at a curve or at any place where vehicular line of sight could be partially or completely obstructed.
- D. A setback of 50 feet from the centerline of all adjacent streets is required.
- E. Such signs shall not exceed 150 square feet in area when viewed from its widest silhouette.
- F. Such signs shall not exceed a total height of 20 feet, as measured from the ground to the top of the sign.

321.150. BREWERY

- A. All operations shall be conducted within a completely enclosed building, except for an outdoor seating area associated with a tap room. An outdoor seating area associated with a tap room shall be:
 - 1. Integral with the principal building.
 - 2. No larger than 10% of the entire brewery and tap room.
 - 3. Accessible only through the inside of the facility.
 - 4. Entirely enclosed by fencing or landscaping and shall comply with all standards as required by the Pennsylvania Liquor Control Board.
 - 5. In compliance with all setback regulations required for the principal building.
- B. No equipment or storage related to the operation of the preparation of malt or brewed beverages (specifically excluding chillers) may be located outside the principal structure.
- C. Owners must provide proof that all shipping traffic must have adequate access to an arterial or collector street and cannot be required to travel through a residential neighborhood on local streets.

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321.160. BREWPUB

- A. Outdoor seating areas shall be screened from view of adjacent properties.
- B. No equipment or storage related to the operation of the preparation of malt or brewed beverages (specifically excluding chillers) may be located outside the principal structure.
- C. Brewpubs may not exceed 5,000 square feet of gross floor area.
- D. Owners must provide proof that all shipping traffic must have adequate access to an arterial or collector street and cannot be required to travel through a residential neighborhood on local streets.

321.170. CAMPGROUND / RV PARK

- A. The minimum lot size for any campground or RV park shall be 10 acres.
- B. The property shall be surrounded by a 50-foot wide vegetative buffer. Special conditions, such as the provision of fencing and/or planting or other landscaping, additional setback from property lines, provisions for lighting, and other reasonable requirements deemed necessary to safeguard the general community interest and welfare, may be invoked by the Board of Commissioners
- C. The minimum side-to-side spacing between recreational vehicles and/or other permitted buildings or structures and any subsequent additions thereto shall not be less than ten feet.
- D. Each designated vehicle space shall have a minimum width of 25 feet, and a minimum area of 1,500 square feet.
- E. Direct access to individual camping spaces from public streets shall not be permitted. Interior roads shall have a minimum dust free surface of 20 feet, except that one-way roads may have a minimum dust-free surface of 12 feet.
- F. All camps and campgrounds shall comply with all applicable regulations of the Commonwealth and City, including, but not limited to, regulations covering food service, water supply, sewage disposal, bathing places, vector control, toilet facilities, sanitary stations, and garbage disposal.
- G. All campgrounds shall provide restroom facilities
- H. Vacation cottages, rental cabins and other dwellings with permanent foundations shall comply with the minimum net lot area and dimensional standards of the zoning district in which they are located.
- I. The Board of Commissioners may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and other such matters as they deem necessary to insure that there is no adverse impact on the functioning of the zoning district or adjacent parcels.

321.180. CAR WASH

- A. Automatic car wash facilities provide sufficient on-site stacking lanes to accommodate a minimum of ten (10) automobiles for the first washing bay on site and two (2) automobiles for each additional washing bay on the site.
- B. Self-service car wash facilities provide sufficient on-site stacking lanes to accommodate a minimum of four (4) automobiles for the first washing bay on the site and one (1) automobile for each additional washing bay on the site.
- C. All automated washing and drying facilities are located entirely within an enclosed and roofed building.
- D. Car wash facilities contain on-site drainage systems designed to prevent water runoff and freezing on streets and adjoining properties. All such facilities shall present a drainage plan to the City for approval.
- E. Buffer Yard B (§408.60) is required where this use adjoins a residential use or district.

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F. Noise.

1. Car washes shall comply with current Occupational Health and Safety Administration (OSHA) regulations regarding noise exposure levels.
2. The applicant shall provide the City with a plan to reduce noise impact to surrounding properties, which may include the use of drying systems that are engineered for sound control; using variable frequency drives (VFDs) with blowers to help reduce noise; using electric motors instead of hydraulic power packs; soundproof the building; and landscaping using a combination of hedges and evergreens.
3. Car washes located within 500 feet of a residential dwelling shall not operate between the hours of 10pm and 6am.

321.190. CEMETERY

- A. The purpose of cemeteries is to provide a proper burial ground for persons. All uses and activities must be clearly and customarily incidental to this use. Prior to the establishment or expansion of an existing cemetery, the owner shall:
1. File a site plan with the Board of Commissioners to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrating: the proposed drainage plan, the internal circulation plan and the location of accessory building(s).
 2. Connections to existing City streets will be no closer than fifty (50) feet to a street intersection, fifteen (15) feet to a fire hydrant, thirty (30) feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress.
 3. Shall demonstrate compliance with applicable state laws.
 4. All accessory uses must be clearly incidental and subordinate to the function of the cemetery.
- B. Pet Cemeteries shall be allowed only as an accessory use to, and on the same property as, a legally established (existing or new) human cemetery, and following the same requirements contained in Pennsylvania State Law governing human cemeteries in regard to burial standards, ground water protections, etc. All Pet Cemeteries shall adhere to the following design standards:
1. Pet Cemeteries must be perpetually maintained in good condition. Grass must be mowed to a height of no more than 6" at all times in the area(s) designated for gravesites.
 2. Separation from human portion of cemetery: The site plan for a Pet Cemetery must include a planted buffer area delineating the separation between the human-only cemetery area and the pet-only cemetery area. If a mixed human and pet area is proposed, it shall also be delineated by fencing, plantings or similar buffers, which shall be detailed on the Land Development Plan and approved by the Hermitage Planning Commission and Hermitage Board of Commissioners.
 3. The site plan for a Pet Cemetery shall include the location of all private water wells, springs and streams within 200 feet of the area designated as the pet burial area, and the pet burial area shall be required to be no closer than 100 feet to any private water well, spring or stream.
 4. The minimum size of the pet burial portion of a cemetery shall be 1 acre.
 5. The pet burial area shall be set back no less than 20 feet from any adjoining property line.
 6. Crematories for pets shall be permitted as an accessory use to an established cemetery."

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321.200. CHEMICAL STORAGE, SALES & DISTRIBUTION

- A. Present evidence that all required Federal and State permits, licenses, etc. have been secured, or are in the process of being secured. Specifically, the regulations of the Pennsylvania State Fire Marshal shall be followed. This includes approval of underground tank installation. The applicable standard(s) of the National Fire Protection Association Code shall also apply as determined by the Hermitage Fire Marshal. A certificate of occupancy will not be issued until all such permits are finalized.*
- B. Copies of plans showing any underground piping, storage facilities and related appurtenances as they involve chemical or petroleum products must be presented. ""As built"" corrections must be made before a certificate of occupancy is issued.*
- C. No structure involving the use, storage, or handling of chemical or petroleum products shall be within 400 feet of a residential use or district. In addition, all such uses shall conform to the regulations of the UCC International Fire Code and the City's Fire Control Measures and Regulations.
- D. For chemical operations, a list of substances to be handled at the development will be furnished.*
*This information will be shared with public safety organizations.

321.210. CONTRACTORS YARD

- A. All storage of materials and vehicles shall be completely screened from public view.
- B. Sufficient space shall be provided to park and store all construction vehicles off the public rights-of-way.

321.220. DRIVE-THROUGH

- A. Drive-up windows shall be set back from the street with stacking room for at least ten vehicles.
- B. There shall be a clear delineation between the drive-through facilities and parking/access facilities for onsite. Street access and traffic restrictions (i.e., ""NO LEFT TURN"") shall be clearly marked using approved signage.
- C. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through, must be located to the side or rear of the building
- D. Buffer Yard B (§408.60) is required where this use adjoins a residential use or district.
- E. These regulations do not apply to restaurants with pickup windows only.

321.230. EMERGENCY SERVICES, PRIVATE/PUBLIC

- A. As a part of a special exception, a need for emergency services must be demonstrated prior to approval.
- B. Emergency services in the RR district must be in a location that reduces overall noise disturbance to residential housing in the district .
- C. Emergency Services must be located on a roadway that is adequate for rapid response vehicles including ambulance and fire apparatus and must be greatly improved localized emergency response times.
- D. Emergency services are subject to a minimum lot size and setbacks that are sufficient for the neighborhood that the emergency services are located in.

321.240. FAMILY DAY CARE HOME / GROUP DAY CARE HOME

- A. Such use is permitted as an accessory use within any lawfully-existing detached single-family dwelling unit, including non-residential zoning districts where single-family dwellings are not permitted.
- B. The owner shall obtain all of the necessary licenses from the Commonwealth of Pennsylvania and comply with all regulations as such.
- C. Outdoor play areas shall be sufficiently enclosed and screened from the street such that children are protected from vehicular traffic, and that neighboring properties are screened in order to minimize external impacts of the play areas;
- D. The proposed use shall not include any signage; and
- E. Parking and access shall be provided in such a way as to protect users from any external impacts of traffic in the vicinity.

321.250. FARM WINERY

- A. Retail sales of nonagricultural commodities shall be limited to wine-related items, including, but not limited to, corkscrews, wine glasses, wine carriers, wine gift baskets, and similar items; clothing items including the name of the winery; books relating to agricultural activities or wine.
- B. Tastings shall be limited to wine and cider produced in the winery which are offered for sale in accordance with the requirements of this section.
- C. Not more than one building in which both retail sales and tastings are conducted shall be permitted on any lot. Any building erected after the effective date of this Section for retail sales and tasting shall not be located on prime agricultural soils.
- D. The maximum floor area of a building which may be devoted to serving the customers shall be three thousand (3,000) square feet. Floor area devoted to serving the customer shall include any area for customer access and circulation, for the display of products including floor area devoted to counters, tables, display cases, preparing products for customers and similar purposes. Floor area not included in the area devoted to serving the customer would include display areas outside the building or structure as well as inside floor area for storage and processing of wine where customer access is restricted, except for instructional tours related to the wine making process.
- E. Off-street parking meeting the requirements of Section 405 shall be provided for any retail use accessory to a winery. Off-street parking areas shall not be located on more than one-half (½) acre of prime agricultural soils.
- F. A separate zoning permit shall be required for a retail use accessory to a winery.
- G. Guided tours of the winery and vineyard may be conducted. Off-street parking for tours of the winery and vineyard shall be in addition to the off-street parking for retail sales accessory to a winery.

321.260. GROUP LIVING FACILITY

- A. Any Group Living Facility shall be spaced no closer than eight hundred (800) feet from any other authorized Group Living Facility. This distance shall be measured imposing a circular area on an accurate plan by locating a point on the center of the subject building and by extending a radius of eight hundred (800) feet. Any other building occupied as an authorized Group Living Facility that is located totally within this circular space shall be cause for rejection the application;
- B. Supervision shall be provided in accord with the regulations of the certifying agency(ies) and by at least one (1) responsible non-client adult available on the premises on a twenty-four-hour-a-day basis while any of the clients are on the premises. Failure to abide by the certifying body's supervision regulations may result in revocation of an Occupancy Permit;

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- C. Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;
- D. New buildings shall be situated within the buildable area of the lots as determined by the zoning district regulations; however, the minimum interior side yard setback in residential districts shall be not less than ten (10) feet; and
- E. Off-street parking facilities shall be provided at a ratio of one (1) space for every two (2) full-time staff members and an additional space for every three (3) non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle.

321.270. HOME OCCUPATION

- A. The owner shall be required to obtain a zoning permit prior to operation and shall provide to the City proof of compliance with the Uniform Construction Code standards for any and all structures used to house the home occupation.
- B. In addition to providing the required parking spaces for residents of the dwelling units, off-street parking must be provided for employees and customers in accordance with the criteria set forth by this Ordinance.
- C. No more than 1 outside employee, other than a family member, shall participate or work in the home occupation.
- D. No home occupation which would cause undue noise, traffic or other intrusion upon the neighborhood shall be allowed. Among the activities excluded shall be kennels, veterinary offices, restaurants, small motor repair, automotive repair, automotive body work and similar undertakings.
- E. Home occupations may include, but are not limited to, art studios, music studios (limited to one student at a time), professional services, dressmakers, barber shops and beauty shops.
- F. The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.
- G. No more than 30%, in aggregate, of the home and accessory buildings may be used for a home occupation.
- H. One sign no larger than 2 square feet may be used to announce the name or purpose of the home occupation.
- I. Home occupations shall not operate before 8:00 A.M. nor after 9:00 P.M.
- J. Any retail sales shall consist primarily of items made on the premises. No more than 25% of on-premises sales shall be from items not made on the premises.
- K. No more than one home occupation per dwelling shall be permitted.

321.280. HORSES AND PONIES, BOARDING OF

- A. The minimum lot size shall be two (2) acres.
- B. Stables and other structures shall be set back 100 feet from all property lines and 200 feet from residential dwellings.

321.290. MANUFACTURING, LIGHT

- A. In the B-2 District:
 - 1. The use shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factor; and
 - 2. There shall be no outdoor storage permitted;
 - 3. These uses shall meet all performance standards set forth in Section 404.
 - 4. The Zoning Hearing Board shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic

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generation, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light.

B. In all other districts:

1. Outside storage yards shall be screened.
2. These uses shall meet all performance standards set forth in Section 404.

C. Buffer Yard B (§408.60) is required where this use adjoins a residential use or district.

321.300. MEDICAL MARIJUANA GROWER/PROCESSOR

- A. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- B. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
- C. There shall be no emission of dust, fumes, vapor, odors, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs.
- D. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within an unsecure exterior refuse containers.
- E. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processing facilities.
- F. Grower/processor may not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.
- G. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining property.
- H. Parking requirements will follow the requirements of Section 405.
- I. Buffer Yard B (§408.60) is required where this use adjoins a residential use or district.
- J. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.
- K. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

321.310. MINERAL EXTRACTION

The following conditions are intended to provide for the reasonable development of minerals while providing reasonable protection to the City and to the area in which the operation will occur. Where however, the requirements of this Section conflict with any state or for federal law or regulation, such state or federal law shall take precedence.

- A. Mining and quarrying sites shall be located and buffered in such a manner as to minimize the noise-related impacts associated with the operation. The buffer requirement shall consist of a landscaped soil berm, including:
 1. The required berm shall have a total height of not less than six feet.
 2. Where there is a difference in elevation on opposite sides of the berm, the height shall be measured from the highest elevation.

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3. To accommodate landscaping, the berm shall be constructed of earthen materials, shall be a minimum of 25 feet in width and shall be stabilized with topsoil and grass and/or other suitable vegetative groundcover.
4. The top of the berm shall be landscaped to provide additional noise attenuation. The landscaping shall consist of the following:
 - a. A minimum of one row of coniferous trees shall be planted. The required trees shall be spaced no less than 10 feet and no more than 15 feet apart on center. The trees shall be a minimum of six feet in height at the time of planting. Due to varying tree spread patterns and hardiness in the local environment, the required trees shall be a variety of spruce or fir to ensure that the noise attenuation effects are maximized.
 - b. One row of evergreen shrubs shall be planted and shall be spaced at an interval of not more than five feet, though not evenly spaced across as screen width. The shrubs shall be at least three feet tall at the time of planting.
5. The berm requirements may be modified or waived by the City for that portion of the site which has natural geologic conditions, features and resources which would serve the same objectives as the soil berm and which, in the opinion of the City Engineer, should not be disturbed by the berm construction.
6. In combination with the above berming requirements, the following setback distance requirements shall apply:
 - a. Mining or quarrying activities shall not occur within 100 feet of a public road right-of-way.
 - b. Mining or quarrying activities shall not occur within 500 feet of any residential dwelling unit unless the applicant obtains written permission of the property owner(s) consenting to the operation.
 - c. Mining or quarrying activities shall not occur within 500 feet of any public building, public park, or other public institution unless the Board of Commissioners having jurisdiction over the site has consented to the operation.
 - d. Mining or quarrying activities shall not occur within 500 feet of any structure listed on the National Register of Historic Places.
 - e. Mixing plants, crushers and other processing mechanisms on the site shall not be located within 1,000 feet of any residential dwelling unit unless the applicant obtains written permission of the property owner(s) consenting to operation. In order to minimize noise and traffic impacts, processing mechanisms shall, if practicable, be located on the site. All processing mechanisms shall be located at the lowest practicable site elevation.
7. Installation and maintenance along perimeter.
 - a. At a minimum, the operator shall install and/or maintain the required buffer along the perimeter of the visible portion of the area to be operated. This portion shall be defined as any part of the site visible from any adjacent parcel or any adjacent public right-of-way. An exception to this requirement may, at the request of the applicant, be granted by the Board of Commissioners when the following apply:
 - i. The adjacent parcel is presently in use as a mining or quarrying operation.
 - ii. The proposed use is an expansion of the existing use.
 - b. In order to maintain the integrity of the buffer, if such a request is approved, the buffering requirements shall extend to the entirety of the existing site.

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8. In order to maximize noise attenuation, the buffer shall, to the greatest extent practicable, be located within a fifty (50) foot zone nearest to the adjacent property or public right-of-way from which the specified distance requirements have been measured.
 9. Prior to planting of any required landscaping, the applicant shall provide evidence of a soils test to determine soil suitability to sustain the required landscaping and to determine any necessary soil supplements or remedies.
 10. Alternative designs for buffering may be approved if the applicant can show, through the submission of a comprehensive noise study, that the alternative designs are at least as effective in controlling noise-related impacts.
 11. All required buffering shall be installed prior to commencement of operations.
 12. Adequacy of the buffer shall be determined by the Zoning Officer and the City Engineer.
 13. Site specific exceptions to the buffering requirement shall be available for vehicular access, public and other infrastructure improvements (including drainage systems), maintenance requirements and safety considerations. The nature and location of such exceptions shall be approved by the Zoning Officer and the City Engineer.
 14. The operator shall provide a bond or other acceptable security in the amount of 100 percent of the cost of improvements for approved buffering, which will be returned after the improvements have been satisfactorily installed and have been in place for one year. Acceptability shall be determined on advice of the City Solicitor. Adequacy as to amount shall be determined by the City Engineer.
- B. All proposed, pending and/or approved reclamation plans required by any governing body or regulatory agency shall be submitted to the City for review and consideration prior to issuance of a conditional use permit.
1. The operator will provide a bond or other acceptable security to ensure that land will be reclaimed in accordance with the approved reclamation plan.
 2. In order to minimize additional adverse impacts to adjacent properties, when any mining or quarrying operation (including legally nonconforming operations) expands into an area governed by the provisions set forth in this chapter, efforts should be made by the operator, to the greatest extent practicable, to commence reclamation activities on the existing mined or quarried portion of the site. Completed areas should be resurfaced and restored in accordance with approved reclamation plans prior to or concurrent with the commencement of extraction activities in an undisturbed area.
 3. The applicant shall provide a bond or other acceptable surety, in an amount determined to be acceptable by the City Engineer, to cover the costs of repairs to any City roads to be used by the applicant or by other haulers to and from the site. The amount of said bond or surety shall be reviewed annually and any unused portion shall be returned to the applicant within one year after the site is no longer in use.
- C. Unless the uses and conditions prescribed in a conditional use permit are implemented within a maximum period of two years of the issuance of all permits required by any federal or state agency having regulatory authority over the conduct of such uses, the conditional use permit shall expire. Evidence of receipt of all necessary permits shall be provided to the City. The Board of Commissioners may grant a maximum extension of one year under exceptional circumstances.
- D. Discontinuation of any nonconforming operation for a period of more than one year shall result in the loss of vested status for that operation. "Discontinuation" is defined as the cessation of excavation or processing of material.
- E. The City shall conduct an annual inspection to ensure compliance with all approved conditions. An inspection fee may be set by the Board of Commissioners by resolution.

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1. Blast notification. The applicant shall maintain a blast notification list for anyone who requests notification and who owns, resides on or has a business interest in property located within, at a minimum, a radius of one mile around the site. Notification shall be provided at least 24 hours prior to blasting. The applicant shall provide an up-to-date blast notification list for City review at the time of annual inspection.
 2. Pre-blast survey. Prior to the issuance of a conditional use permit, the applicant shall provide documentation of the condition of buildings, structures, wells, infrastructure, protected and unique natural resources and historic sites located within 1,500 feet of the proposed site. Adequacy of the survey shall be determined by the City Engineer. Any pre-blast surveys required by any federal or state agency subsequent to the issuance of a conditional use permit shall be provided to the City.
 3. Explosives storage. No explosive materials may be produced or stored on site in any manner that is potentially endangering to surrounding properties.
 4. Landscaping. The City shall require that the applicant submit an annual survey of the health of all required landscaping. This survey shall be required in each of the first two years after planting. The applicant shall replace any trees not surviving as of the date of each survey.
 5. Modification of conditions. No approved conditional use shall be modified or expanded in ground area unless the plan is amended and approved in accordance with procedures applicable to initial approval of the conditional use permit.
- F. To further protect the health, safety and welfare of adjacent property owners, the following conditions shall also apply:
1. The hours of operation at any site may be limited as the Board of Commissioners deems advisable.
 2. A dust mitigation plan shall be provided. Dust and debris from any mining and quarrying operation shall not be permitted to accumulate within the right-of-way of any public road. Adequate applicable technology shall be employed on the site to prevent any dust and/or materials from being washed and/or blown from the site. Adequacy of the dust mitigation plan shall be determined by the City Engineer.
 3. The applicant shall provide an environmental impact analysis to address the following: watershed impacts, surface and/or groundwater resource impacts, air quality impacts and erosion, sedimentation and stormwater impacts. Adequacy of the analysis shall be determined by the City Engineer. The applicant shall provide any environmental impact reports, statements or analyses that are required by any federal, state or county governing body or regulatory agency having jurisdiction over the conduct of mining and quarrying operations. The applicant will be required to demonstrate that the proposed project will not substantially injure or detract from the lawful existing or permitted uses of neighboring properties, will not injure any water supply sources, and will not adversely affect any fragile environmental system of particular significance.
 4. No material stockpiles shall be located within one hundred (100) feet of the property line. Any materials or wastes deposited on any stockpile shall be prevented from washing, blowing, or otherwise transferring off the premises. Such stockpiles shall contain extracted material from the on-site mining operation only.
- G. The Board of Commissioners may impose other conditions not listed above as are shown to be necessary and appropriate to protect the public health, safety and welfare, provided that those conditions do not preclude the reasonable development of minerals within the City. Such conditions may include, but are not limited to:

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1. Development phasing schedule. The Board of Commissioners may impose conditions related to the phasing of mining and quarrying activities as it deems necessary to protect public health safety and welfare.
2. Fencing and screening. The applicant shall provide details showing any fencing and/or screening proposed to be located on the site. The Board of Commissioners may impose fencing and/or screening conditions as it deems necessary to protect public health, safety and welfare. At a minimum, the applicant shall provide a fence at least six feet in height around the perimeter of the mining operation.
3. Lighting. The applicant shall provide details showing the height, number, types and location of any fixtures proposed to be located on the site. All lighting shall be directed away from adjacent properties and/or adjacent streets.

321.320. MULTI-FAMILY DWELLING

- A. In any zoning district where multi-family dwellings are permitted and no residential density is specified, the density (number of dwelling units per lot area measurement) shall be as required in the SR-2 zoning district.
- B. Each multi-family dwelling unit shall be provided with a minimum of 200 square feet of improved outdoor living area. Outdoor living area may consist of individual, private space such as porches, patios, decks or balconies, or it may be shared space such as courtyards, communal patio areas or walking trails. Shared outdoor living area must be located within 300 feet of a dwelling unit to be used as the outdoor living space for that unit. Outdoor living areas may not be enclosed by walls, but they may have a roof.
 1. Outdoor living areas with railings such as balconies, porches or raised decks must have a minimum dimension of seven (7) feet in any direction.
 2. Outdoor living areas without railings must have a minimum dimension of ten (10) feet in any direction.
 3. Outdoor living areas must be constructed of an improved surface, such as brick, concrete or wood decking, intended to provide an appropriate area for outdoor seating, gathering and relaxation. All improved outdoor living areas must be designed to be pedestrian and handicapped accessible by means of sidewalks, paved trails or similar means. Shared outdoor living areas must include landscaping, shade and seating facilities for the comfort of users.
 4. Walking trails may be used to meet the outdoor living area requirement, on the condition that the trails must provide a loop route through the site and/or access to a communal destination such as a garden or gazebo. Walking trails must be paved and must be a minimum of five (5) feet wide and must include seating areas and appropriate landscaping. Walking trails which are to be used to meet the requirement for minimum improved outdoor living area must be designed and located to be usable by all of the residents of the development and, as such, cannot include walkways which serve primarily as access to individual dwelling units.
- C. The minimum space between two multi-family buildings or between a multi-family building and any other building on the same property shall be 16 feet for one (1) story or 1.5 story buildings, 24 feet for two (2) story buildings and 32 feet for three (3) story buildings. Minimum distance between two buildings of different heights shall be determined by the taller building.
- D. Multi-family developments in all zoning districts shall be required to meet the greenway and curbing requirements of a minor land development plan (Sections 408.20 and 408.30).
- E. Multi-family developments in all zoning districts shall be required to provide the following:

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1. Adequate pedestrian facilities in the form of sidewalks or paved trails to allow safe and convenient access for residents between dwelling units, entrances and parking areas as well as other important destinations, such as mailboxes, recreation facilities or compatible neighboring uses such as retail centers, recreation areas or community facilities.
2. Sufficient planting or preservation of existing canopy trees to provide shade and environmental benefit to development residents. Completed planting shall include a minimum of one canopy tree (new or preserved) per 8,000 square feet of lot area.
3. Buffer plantings or other site improvement such as fencing as necessary to protect the privacy and integrity of residential uses abutting new multi-family developments, as well as to provide privacy and protection for residents of the multi-family development from negative impacts of adjacent land uses. Buffers do not need to be continuous or solid but shall be designed to provide visual and physical separation at appropriate locations along the property line. Buffers provided along all property lines except those abutting a public street, and must have a minimum width of 6 feet. Buffers may consist of a solid wood or vinyl fence of 6 feet in height, a solid evergreen hedge of at least 6 feet in height or a combination of mixed plantings; provided, that a minimum cumulative total of three buffer credits is provided for every 100 feet of property line, with one buffer credit being equal to any of the following:
 - a. Three evergreen shrubs
 - b. Eight shrubs which will achieve a mature height of at least 5 feet
 - c. Three ornamental trees
4. For the addition of units to existing multi-family developments, the provisions of Paragraphs (1), (2) and (3) above shall apply only to the additional units or only to the portion of the property within 100 feet of the new unit or units.

321.330. NATIONAL GUARD READINESS CENTER & ARMORY

- A. Pennsylvania National Guard Readiness Centers and Armory Facilities shall be located along US Route 62 or PA Route 18 only.
- B. Pennsylvania National Guard Readiness Centers and Armory Facilities shall be located on a minimum lot size of ten acres.
- C. A 50 foot Buffer Yard planting in accordance with Section 408.60 shall be provided where parking, vehicle storage or other outdoor storage abuts residential uses.

321.340. NATURAL GAS COMPRESSOR STATION / PROCESSING PLANT

- A. Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.
- B. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency or other public facilities.

321.350. NATURAL GAS RESOURCES DEVELOPMENT SITE

- C. Where gas resources development constitutes a land development pursuant to City ordinances, all provisions of the applicable City ordinances shall apply, except as preempted by state or federal law.
- D. The applicant shall provide a description of plans for the transportation of materials and equipment to construct and maintain the gas resources development facility. Such description

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shall include a map showing the planned vehicular access route to the gas resources development site, indicating all state, county, and local roads and transportation infrastructure that may be used. The proposed routes must be designed to minimize the impact on streets within the City.

- E. Prior to the commencement of any activity on the development site, the applicant shall enter into a City roadway maintenance and repair agreement with the City, in a form acceptable to the City, regarding maintenance and repair of City roads that are to be used by vehicles for development activities. The applicant shall conduct an inventory, analysis, and evaluation of existing road conditions on City roads along the proposed transportation route identified by the applicant, including photography, video and core boring as determined to be necessary by the City Engineer. The City roadway maintenance and repair agreement will identify the responsibilities of the applicant to prepare, maintain, and repair City roads before, during and immediately after drilling operations associated with the gas resources development. The applicant shall take all necessary corrective action and measures as directed by the City pursuant to the agreement to ensure the roadways are repaired and maintained during and immediately after drilling operations associated with the gas resources development.
- F. The applicant shall take the necessary safeguards to ensure that the City roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur. Beginning with its intersection with a public street, any access road for the development shall be paved for the first 50 feet and improved with limestone or other material for 100 feet in a manner that no water, sediment, or debris will be carried onto any public street.
- G. An off-street area within the development site for vehicles to stand while gaining access to the gas well site shall be provided so that the normal flow of traffic on the public street is undisturbed.
- H. The applicant shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways. During periods of anticipated heavy or frequent truck traffic associated with the development, the applicant will provide flagmen to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.
- I. The applicant shall have obtained permits from the appropriate regulatory agencies or authorities issued in accordance with all applicable laws and regulations for the proposed use. The applicant shall provide the City with copies of each such permit application, with copies of all supporting documentation.
- J. Prior to development, the applicant shall provide to the City a preparedness, prevention and contingency (PPC) plan that clearly outlines and describes all emergency planning associated with the gas resources development.
- K. Upon request of the City Public Safety Director, the applicant will, prior to drilling its first gas well in the City, make available with at least 30 days' notice, at the applicant's sole cost and expense, one appropriate group training program for emergency responders. Such training shall be made available at least annually during any year that drilling activities take place at the gas development site.
- L. Any material stored outside an enclosed structure being used as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls, or evergreen plant material in order to minimize visibility from any adjacent property.
- M. The applicant shall provide certification that a bond is held by the Pennsylvania Department of Environmental Protection (DEP) to ensure proper plugging when the well is classified as inactive by the DEP.

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- N. The operator shall take the necessary safeguards to ensure that appropriate dust control measures are in place.
- O. All man-made water storage features associated with the development shall be secured with a six-foot-high fence. During the drilling process, the gas resources development site shall be secured with a temporary fence and a secured gate.

321.360. PLACE OF WORSHIP/ASSEMBLY & SCHOOLS

- A. The minimum lot size shall be two (2) acres.
- B. The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.
- C. Shall provide all parking and loading/unloading requirements as required by this Ordinance. The design of parking and the ingress and egress to same shall be submitted for review. In this review, the Board shall consult with the City Police and the City Engineer for their recommendations. The purpose of such a review shall be to ensure that traffic entering and leaving facilities shall do so in a safe and efficient manner. In its review of parking lot design and street access, standard references, as produced by the American Planning Association and the Institute of Traffic Engineers, will be used.
- D. All parking and recreation/play areas which abut residential uses shall be screened.
- E. Any outdoor lighting shall be designed to prevent glare to adjoining properties.
- F. Shall be located on a paved street with a minimum cartway width of 20 feet.
- G. All required permits from Federal or State agencies must be secured before a certificate of occupancy is granted.
- H. Any place of worship which provides a day care center shall also meet the express standards and criteria for a day care center.

321.370. PUBLIC WORKS FACILITY

- A. Shall be landscaped to present a minimum intrusion upon the neighborhood.
- B. Shall be enclosed by a security fence. Notwithstanding any other Section of this Ordinance, the height of this fence shall be adequate to provide proper security for the installation (8 feet to 10 feet).
- C. No outdoor storage shall be permitted.
- D. Shall not interfere with the future street plan of the City.

321.380. RECREATION FACILITY: COMMERCIAL/PRIVATE

- A. A full plan of the proposed use must be presented.
- B. Off-street parking shall be provided in conformance with Section 405 Off-Street Parking Requirements and shall be screened from surrounding uses, and the edge of all parking areas at least 20 feet from any property line.
- C. All ingress and egress to and from the site shall be so situated as not to interfere with through traffic movements on adjacent streets.
- D. All outdoor lighting shall be designed so as to eliminate glare from surrounding properties.
- E. Uses that feature outdoor entertainment and/or recreational activities and are located on a site adjacent to a residential zoning district shall provide Buffer Yard B (§ 408.60), and no activity shall occur within the said buffer area. Additional screening may be required as determined appropriate by the Board in order to reasonably contain noise, light, fumes, objects, or other materials to the site of proposed use.

321.390. SALVAGE YARD

Salvage yards deal with scrap material, junk cars and similar material. As such, they serve a valuable role in recycling. However, the potential for environmental problems does exist. Therefore, such uses:

- A. Shall be screened on all sides by an opaque fence at least eight feet high. The fence and all storage of scrap shall be required to be setback from the public ROW at least 50’.
- B. Shall provide proof of compliance with DEP/EPA regulations concerning used oil and auto batteries.
- C. Shall not allow used tires to accumulate. Any accumulation beyond 200 tires shall be considered a violation of this Ordinance.

321.400. SELF-STORAGE FACILITY

- A. All vehicular circulation areas, including driveways and parking areas shall be paved.
- B. Planting of deciduous trees shall be required along all sides of the proposed development, at a minimum depth of six (6) feet, with the trees to be spaced no more than 30 feet on center. Trees shall be a minimum of 8 feet in height and two inches (2") caliber at time of planting, and shall be a species which reaches a minimum height at maturity of not less than 25 feet. These plantings are in addition to any other buffer and/or screening requirements of this Ordinance which may be applicable to the development site.
- C. Any storage areas outside of enclosed buildings, including vehicle storage, shall be screened on all sides by an opaque fence or wall six (6) feet in height.
- D. Adequate lighting shall be provided for security and safety on the development site. Such lighting shall be positioned and designed in such a manner that it will not cause glare onto adjacent properties or public street rights-of-way.
- E. Self-Storage Facilities within the CC district must be set back from the public street behind another principal use and must not be prominently visible from public streets.

321.410. SOLAR ENERGY SYSTEM: LARGE

- A. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's visual impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- B. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- C. To the extent applicable, all facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- D. All electrical components of facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- E. Facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- F. Transmission and power lines shall be placed underground or out of sight.
- G. Preliminary and final land development approval is required for the construction of any solar-energy facility when it is the principal use on a site or lot.
- H. The following project information shall be submitted to the City for every proposed solar-energy facility.
 - 1. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of facilities to be constructed, including their generating capacity, dimensions, and

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- respective manufacturers, and description of any ancillary facilities to the solar-energy system.
2. An affidavit or similar evidence of agreement between the property owner and the solar-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a solar-energy facility.
 3. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 4. A site plan showing the planned location of each proposed solar-energy facility, property lines, setback lines, access roads and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 5. A viewshed impact analysis illustrating views of the proposed facility from multiple angles.
 6. A design certification by a certified engineer consisting of the proposed foundation design and analysis of soil conditions.
- I. Solar-energy facilities shall not exceed a maximum height of 15 feet, measured from ground level to the tallest point on the facility.
 - J. All solar-energy facilities and any associated accessory equipment shall comply with all area, dimensional, and yard setbacks for the zoning district in which the facility is located, as well as any other zoning provisions that apply, including buffering and landscaping. Required landscape buffering may be modified so that tall tree species may be replaced with lower-growing tree species where the required tree species may interfere with the functioning of the solar energy facility, only where the required landscape buffer is adjacent to property where nonresidential uses are permitted.
 - K. Secure perimeter fencing shall be installed around the solar-energy facility. The fencing shall not be constructed within any required landscape buffer or setback. The fencing shall be chain link construction with rubberized coating in neutral earth tone colors such as black or brown.
 - L. Vacation, abandonment and/or decommissioning. Unless otherwise stipulated, the applicant/owner shall provide written notice to the City Planning Department at least thirty (30) days in advance of the cessation or abandonment of this use. Within one hundred and eighty (180) days of the cessation or abandonment of this use, or other time period mandated by the City, the applicant/owner shall remove all photovoltaic systems (including but not limited to inverters, modules/solar panels, and solar trackers), all other structural elements related to the photovoltaic system use, and restore the property to its pre-use grade.
 - 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.

321.420. SOLAR ENERGY SYSTEM: SMALL

Definition: - An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the onsite user, or which is to be sold to a utility company to be used by others, or sold directly to other users. Small solar energy systems are 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).

Requirements:

- A. Small solar energy systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon issuance of the proper permit pursuant to and upon compliance with all requirements of this article and as elsewhere specified in this chapter.
- B. The solar PV 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.
- C. All wiring must comply with applicable electrical codes and specifications.
- D. The solar PV system must be constructed to comply with any applicable fire safety codes.
- E. 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-PV-related equipment or parts.
- F. 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.
- G. 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.
- H. 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 PV system is not visible from the public right-of-way within a fifty-foot radius at a level of five feet from the ground.

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3. If a building-mounted system is to be installed on any building or structure that is nonconforming because it violates the height or setback restrictions of the zoning district in which it is located, the building-mounted system may be granted a special exception so long as the building-mounted system does not extend above the peak or highest point of the roof to which it is mounted.
- I. Vacation, abandonment and/or decommissioning. The owner shall remove all solar energy systems, solar panels and support structures, buildings, cabling, electrical components, roads and any other associated equipment within ninety (90) days of cessation or abandonment of the use.

321.430. SOLID WASTE LANDFILL

- A. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (PA DEP), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of sanitary landfills shall file with the Board written proof that they have met all permit requirements of the State and/or Federal government as they may apply to a specific development.
- B. A buffer yard of 250 feet from all public rights-of-way and 400 feet from all dwellings, schools, churches, hospitals and similar residential uses.
- C. An eight foot high solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter.
- D. Required barriers shall be at a minimum distance of 75 feet from all operations, and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil.
- E. The landfill shall have no more than two access routes, unless the landfill property borders three or more public rights-of-way. In such an event, approval by the Board of Commissioners will be necessary to secure an additional access route.
- F. A bond will be filed with the Board of Commissioners, at an amount deemed necessary by the Board of Commissioners, to provide for protection of City roads which may be used for access to this landfill.
- G. The operator shall submit to the Board for approval a plan for the restoration of the landfill area which shall include anticipated future use of the restored land.
- H. All such proposed uses shall be on a lot of no less than 100 acres.

321.440. VETERINARY SERVICES

- A. Overnight boarding is limited only to animals receiving medical treatment.
- B. All kennel buildings and fenced exercise areas must be at least 50 feet from any neighboring property line.
- C. The design of the structure shall include features that acoustically shield any animal noises from being heard outside the property line.
- D. Outdoor runs and facilities for animal keeping and care shall be constructed for easy cleaning and shall be adequately screened from neighboring properties.
- E. Pet crematories shall be permitted as an accessory use to a veterinarian office.

321.450. WIND ENERGY SYSTEM: LARGE

- A. The minimum lot size shall be five (5) acres.
- B. The applicant shall demonstrate through project planning and proposed mitigation that a proposed facility's visual impacts will be minimized for surrounding properties and the community. This may include, but not be limited to, information regarding site selection, facility design or appearance, buffering, and screening of ground-mounted electrical and control equipment.
- C. Where the installation of the facility constitutes a land development, all provisions of applicable ordinances shall be met.
- D. Noise from any facility shall not exceed 50 decibels at the lot line adjacent to any lot in a nonresidential zoning district and 15 decibels at the lot line adjacent to any lot in a residential zoning district, unless the adjacent property owner shall have executed a nondisturbance easement, covenant, or consent which has been recorded in the office of the Recorder of Deeds of Mercer County. The decibel measurement shall be taken at the exterior of any occupied structure on any property other than that occupied by the facility. Methods for measuring and reporting acoustic emissions from the facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 — 1989, titled ""Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.""
- E. To the extent applicable, all facilities shall comply with the Pennsylvania Uniform Construction Code and the regulations adopted by the Pennsylvania Department of Labor and Industry.
- F. All electrical components of facilities shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- G. Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
- H. Facilities shall not display advertising, except for reasonable identification of the facility manufacturer.
- I. Transmission and power lines shall be placed underground or out of sight.
- J. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
- K. Setbacks.
 - 1. All setbacks are to be measured from the center of any wind-energy facility base to the nearest point on the foundation of a building or property line.
 - 2. From off-premise buildings: 1.5 times the height of the wind-energy facility at its tallest point.
 - 3. From property lines: 1.1 times the height of the wind-energy facility at its tallest point.
 - 4. From public roads: 1.1 times the height of the wind-energy facility at its tallest point.
- L. The maximum height of any wind-energy facility shall not exceed 120 feet, measured from ground level to the tallest point of the facility, measured to the tip of a blade fully extended perpendicular to the ground plane.
- M. Any individual wind-energy facility shall be separated from any other wind-energy facility by a minimum of 1.1 times the height of the facility, measured from the tips of the blades when the blades are parallel to the ground level.
- N. No moving parts of the wind-energy facility shall extend over parking areas, driveways, roads, or sidewalks, except accessways necessary to service the facility.
- O. The color shall be a neutral tone, such as white, off-white, or gray. The facility coloring shall be solid and any alphabetical or numeric characters shall be representative of the facility manufacturer only and shall comprise no more than five square feet.

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- P. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- Q. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground. All warning devices, labels, and similar safety devices shall be kept in good repair and legible during the useful life of the facility.
- R. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
- S. The following project information shall be submitted to the City for every proposed wind-energy facility.
 - 1. Project narrative including the following: an overview of the project, project location, the approximate generating capacity, the number, representative types and heights of wind facilities to be constructed, including their generating capacity, dimensions, and respective manufacturers, and description of any ancillary facilities to the wind-energy system.
 - 2. An affidavit or similar evidence of agreement between the property owner and the wind-energy facility owner or operator demonstrating permission to apply for necessary permits for construction and operation of a wind-energy facility.
 - 3. Identification of the properties on which the proposed facility will be located and the properties adjacent to the proposed location.
 - 4. A site plan showing the planned location of each proposed wind-energy facility, property lines, setback lines, access roads and the location of any ancillary structures, including equipment, cabling, buildings, structures, transmission lines, and substations.
 - 5. A viewshed impact analysis illustrating views of the proposed facility from multiple angles.
 - 6. A design certification by a certified engineer consisting of the proposed foundation design and analysis of soil conditions.
- T. Decommissioning.
 - 1. The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within (12) twelve months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
 - 2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
 - 3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - 4. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the City after the first year of operation and every fifth year thereafter.

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5. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided, that at no point shall decommissioning funds be less than twenty-five percent (25%) of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the City.
6. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the City.
7. If the facility owner or operator fails to complete decommissioning within the aforementioned 12 months, then the landowner shall have six (6) months to complete decommissioning.
8. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed above, then the City may take such measures as necessary to complete decommissioning, utilizing all or any of the decommissioning funds. The entry into and submission of evidence of a participating landowner agreement to the City shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the City may take such action as necessary to implement the decommissioning plan.
9. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the City in order to implement the decommissioning plan.

321.460. WIND FACILITY: SMALL

- A. Small wind energy systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use or accessory use on the same lot or parcel upon issuance of the proper permit pursuant to and upon compliance with all requirements of this article and as elsewhere specified in this chapter.
- B. In order to ensure safety to adjoining properties, all small wind energy systems shall require a zoning permit issued by the Zoning Officer after a review of proposed construction plans and operational data relative to the proposed small wind energy system.
- C. The applicant shall submit the following information to secure a zoning permit:
 1. Construction plans prepared by a registered engineer showing the location of the proposed tower and related equipment for the wind energy system, the type of materials used to construct the tower or pole on which the small wind energy system will be mounted, and all manufacturer's data relative to the complete operational characteristics of the small wind energy system, including but not limited to safety and performance standards and/or characteristics, noise characteristics, and supplemental information as requested by the Zoning Officer.
 2. A recorded plat demonstrating that the parcel on which a ground-mounted wind energy system is proposed is a minimum of one acre in area (43,560 square feet) and a minimum of 1/2 acre (21,780 square feet) for a small wind energy system proposed to be mounted on an existing principal or accessory structure.

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3. Dimensions to scale demonstrating that a WECS proposed to be mounted on an existing principal or accessory structure shall not exceed the maximum height, when combined, of a structure permitted in the zoning district.
- D. All small wind energy system towers, poles, or supporting structures shall be set back from all property lines a minimum distance of 1.25 times the total height of the tower or pole and all equipment mounted thereon from all adjacent property lines. The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level.
- E. All small wind energy system towers or poles shall be enclosed by a six-foot fence with a lockable entry. The climbing apparatus for the tower or pole shall stop 12 feet above the ground level.
- F. Small wind energy system operations shall not cause interference to television or radio reception on neighboring properties. The City reserves the right to suspend and/or rescind the zoning permit if such interference becomes evident and is a nuisance to neighboring property owners.
- G. Small wind energy system operations shall not exceed the City's noise requirements. The City reserves the right to suspend and/or rescind the zoning permit if it is determined by the Zoning Officer that the noise characteristics and/or levels generated by a particular small wind energy system exceed the standard enumerated herein.
- H. Small wind energy system operations shall not constitute an undue safety hazard to neighboring properties due to repeated failure and/or breakage of the rotor blade(s). If, in the opinion of the City Engineer, such a safety hazard and/or nuisance exists, the City reserves the right to suspend and/or rescind the zoning permit until the safety hazard(s) have been corrected to the satisfaction of the City.
- I. Unless otherwise stipulated, the applicant/owner shall provide written notice to the City Planning Department at least thirty (30) days in advance of the cessation or abandonment of this use. Within one hundred and eighty (180) days of the cessation or abandonment of this use, or other time period mandated by the City, the applicant/owner shall remove all parts of the wind energy system, including all structural elements related to the system use, and restore the property to its pre-use state.

321.470. WIRELESS COMMUNICATIONS FACILITIES (WCF)

- A. following regulations shall apply to all **communications antennas**, except those operated by a federally licensed amateur radio operator:
 1. Standard of care. All communications antennas shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including the Pennsylvania Uniform Construction Code. Any communications antennas shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
 2. Permitted by right. Communications antennas are permitted by right in all zoning districts, so long as they comply with all of the terms and conditions of this section. In order to gain permission to site and/or construct a communications antenna in the City, the wireless communications facilities (WCF) applicant must apply for a zoning permit from the City.
 3. Wind. All communications antennas shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as

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prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/TIA-222), as amended.

4. Aviation safety. Communications antennas shall comply with all federal and state laws and regulations concerning aviation safety.
5. Public safety communications and other communications services. Communications antennas shall not interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
6. Radio frequency emissions. A communications antenna shall not, by itself or in conjunction with other communications antennas and/or communications towers, generate radio frequency emissions in the excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
7. Removal. In the event that use of a communications antenna is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned communications antennas or portions of communications antennas shall be removed as follows:
 - a. All abandoned or unused communications antennas and related equipment shall be removed within two months of the cessation of operations at the site unless a time extension is approved by the City.
 - b. If the communications antenna or related equipment is not removed within two months of the cessation of operations at a site, or within any longer period approved by the City, the communications antenna and/or related equipment may be removed by the City and the cost of removal assessed against the owner of the antenna.
8. Insurance and removal bonding.
 - a. Each person that owns or operates a communications antenna shall provide the City with a certificate of insurance, naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications antenna.
 - b. In order to guarantee removal as provided for in this section, the applicant for a building permit for placement of Wireless Communication Facilities must post and maintain as a condition of the permit an irrevocable letter of credit, performance bond or other security as approved by the City Solicitor, in an amount equal to 115% of the estimated cost of removal.
10. Indemnification. Each person that owns or operates a communications antenna shall, at its sole cost and expense, indemnify, defend, and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the communications antenna. Each person that owns or operates a communications antenna shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a communications antenna. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities,

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damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.

11. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - a. The communications antenna shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.
 12. Replacement, and modification
 - a. The replacement of communications antennas and/or related equipment for the purpose of upgrading or repairing the communications antenna is permitted, so long as such repair or upgrade does not substantially change the overall size of the wireless support structure or the numbers of communications antennas.
 - b. Any material modification to a communications antenna shall require notice to be provided to the City, and possible supplemental permit approval to the original permit or authorization.
 13. Timing of approval
 - a. The City shall act on an application for a communications antenna within 90 calendar days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.
 - b. The City shall act on an application for a communications antenna that meets the definition of a small wireless communications facility within 60 days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.
- B. The following regulations shall apply to **collocated communications antennas** that fall under the Pennsylvania Wireless Broadband Collocation Act (WBCA):
1. Permit required. Communications antenna applicants proposing the modification of an existing communications tower shall obtain a building permit from the City. In order to be considered for such permit, the applicant must submit a permit application to the city in accordance with applicable permit policies and procedures.
 2. Timing of approval for applications that fall under the WBCA. The City shall act on an application for a communications antenna that falls under the WBCA within 60 days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.
 3. Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a communications antenna, as well as related inspection, monitoring, and related costs.

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- C. In addition to the regulations applicable to all **communications antennas**, the following regulations shall apply to **communications antennas that are outside the public rights-of-way**, except those operated by a federally licensed amateur radio operator:
1. Prohibited on certain structures. No communications antenna shall be located on any residential dwellings.
 2. Retention of experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the communications antenna and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these communications antenna provisions. The applicant and/or owner of the communications antenna shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
 3. Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a communications antenna, as well as related inspection, monitoring, and related costs.
 4. Location. All new communications antennas shall conform to, and be reviewed in connection with, the following City siting preference criteria. The landowner and/or developer shall demonstrate to the satisfaction of the approving authority that these preferences have been evaluated and followed in their proposed site selection.
 - a. All communication antennas shall be collocated on an existing WCF structure whenever practical and feasible to do so.
 - b. Should collocation on an existing WCF structure not be possible, the proposed communications antenna shall be located on a non-WCF existing structure, such as, but not necessarily limited to, a utility pole or building.
 - c. Should collocation on a non-WCF existing structure not be possible, the proposed communications antenna shall be located on a separate communications tower and abide by the applicable City regulations regarding communications towers.
 5. Height

No communications antenna, including its support structure shall exceed 35 feet in height from the top of the building or communication tower upon which it is located
 6. Noncommercial usage exemption. City residents utilizing satellite dishes and antennas for the purpose of maintaining television, phone, radio, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section of the Zoning Ordinance.
 7. Inspection. The City reserves the right to inspect any communications antenna to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a communications antenna is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- D. Regulations applicable to all **communications antennas located in the public rights-of-way**. In addition to the regulations applicable to all communications antennas, the following regulations shall apply to communications antennas located in the public rights-of-way:
1. Location. Communications antennas in the right-of-way shall be collocated on existing poles, such as existing utility poles or light poles. If collocation is not technologically feasible, the applicant, with the City's approval, shall locate its antenna on existing poles or freestanding structures that do not already act as wireless support structures.

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2. Design requirements:
 - a. Communications antenna installations and related equipment located above the surface grade in the public right-of-way, including, but not limited to, those on streetlights and utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - b. Communications antennas and related equipment shall be treated by the communications antenna owner or applicant to match the wireless support structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
 3. Time, place, and manner. The City shall determine the time, place and manner of construction, maintenance, repair, and/or removal of all communications antennas in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code, 66 Pa.C.S.A. § 501, et seq.
 4. Equipment location. Communications antennas and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the City.
 5. Relocation or removal of facilities. Within two months following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a communications antenna in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any antenna when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance, or installation of any City or other public improvement in the right-of-way;
 - b. The operations of the City or other governmental entity in the right-of-way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the City.
 6. Reimbursement for right-of-way use. In addition to permit fees as described in this section, every communications antenna in the right-of-way is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the City's actual right-of-way management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right-of-way management activities by the City. The owner of each communications antenna shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above.
- E. The following regulations shall apply to all **communications towers**:
1. Exemptions. Communications towers erected and operated by amateur radio operators are exempt from all regulations in this ordinance except the following:
 - a. Towers erected on any property shall be setback at a distance equal to 2/3 the height of the tower from all property lines.

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- b. Towers erected on any property shall have a maximum height of 70 feet.
2. Standard of care. All communications towers shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including the Pennsylvania Uniform Construction Code. Any communications towers shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.
3. Special Exception authorization required. Communications towers are permitted by special exception in certain districts for communications towers outside the right-of-way and along certain streets for communications towers inside the right-of-way.
4. The special exception application shall be accompanied by documentation demonstrating that the proposed communications tower complies with all state and federal laws and regulations concerning aviation safety.
5. Engineer inspection. Prior to the City's issuance of a permit authorizing construction and erection of a communications tower, a structural engineer registered in Pennsylvania shall issue to the City a written certification of the proposed tower's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association, and certify the proper construction of the foundation and the erection of the structure.
6. Visual appearance. All communication towers and related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like façade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
7. Permit required for modifications. Any WCF applicant proposing the modification of an existing communications tower which increases the overall height of such wireless support structure, shall obtain a building permit from the City. Nonroutine modifications shall be prohibited without such permit.
8. Gap in coverage. An applicant for a communications tower must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of communications tower being proposed is the least intrusive means by which to fill that gap in wireless coverage.
9. Additional antennas. The owner of a communications tower shall obtain all required approvals under this section before installing additional communications antennas on any communications tower.
10. Wind. All communications towers shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/TIA-222), as amended.
11. Public safety communications and other communications services. No communications tower shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
12. Maintenance. The following maintenance requirements shall apply:
 - a. Any communications tower shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - b. Such maintenance shall be performed to ensure the upkeep of the communications tower in order to promote the safety and security of the City's

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residents and utilize the best available technology for preventing failures and accidents.

13. Radio frequency emissions. A communications tower shall not, by itself or in conjunction with other communications towers and/or communications antennas, generate radio frequency emissions in the excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
14. Signs. The use of any portion of a communications tower for signs, other than warning or equipment information signs, is prohibited.
15. Noise. Communication towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code of Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
16. Aviation safety. Communications towers shall comply with all federal and state laws and regulations concerning aviation safety.
17. Retention of experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the communications tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The applicant and/or owner of the communications antenna shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.
18. Timing of approval
 - a. The City shall act on an application for a communications tower within 30 calendar days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.
 - b. The City shall act on an application for a communications tower that meets the definition of a small wireless communications facility within 30 days of receiving an application. The City shall notify the WCF applicant, in writing, of its decision. The timeframe can be paused, however, if the City notifies the applicant within 30 days that the application is incomplete. The City may pause the timeframe again if it provides written notice within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.
19. Removal. In the event that use of a communications tower is to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned communications towers and related equipment shall be removed as follows:
 - a. All unused or abandoned communications towers and related equipment shall be removed within two months of the cessation of operations at a site unless a time extension is approved by the City.
 - b. If the communications tower and/or related equipment is not removed within two months of the cessation of operations at a site, or within any longer period

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approved by the City, the communications tower and/or related equipment may be removed by the City and the cost of removal assessed against the owner of the antenna.

20. Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application for approval of a communications tower, as well as related inspection, monitoring, and related costs.
 21. FCC license. Each person that operates a communications tower over 40 feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
 22. Insurance.
 - a. Each person that owns or operates a communications tower greater than 40 feet in height shall provide the City with a certificate of insurance, naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the communications tower.
 - b. Each person that owns or operates a communications tower 40 feet or less in height shall provide the City with a certificate of insurance, naming the City as an additional insured, and evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower.
 - c. In order to guarantee removal as provided for in this section, the applicant for a building permit for placement of Wireless Communication Facilities must post and maintain as a condition of the permit an irrevocable letter of credit, performance bond or other security as approved by the City Solicitor, in an amount equal to 115% of the estimated cost of removal.
 23. Indemnification. Each person that owns or operates a communications tower shall, at its sole cost and expense, indemnify, defend, and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the communications tower. Each person that owns or operates a communications tower shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a communications tower. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.
 24. Engineer signature. All plans and drawings for a communications tower shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- F. In addition to the regulations applicable to all communications towers, the following regulations shall apply to **communications towers located outside the public rights-of-way, except for those constructed solely for the purpose of supporting amateur radio infrastructure, and only for so long as they support amateur radio infrastructure:**
1. Development Regulations.

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- a. New communication towers on lots are permitted only as a Special Exception in the LI Light Industrial and HI Heavy Industrial Districts.
 - b. Communications towers outside the right-of-way shall not exceed 200 feet in height.
 - c. Communications towers shall not be located within 250 lineal feet of any adjoining property within a residential zoning district or any existing, adjacent residential use.
 - d. Minimum setbacks. The minimum distance between the base of a communications tower and any adjoining property line or street right-of-way line shall be equal to 100% of the height of the communications tower.
 2. Design Regulations. The communications tower shall appropriately blend into the surrounding environment and minimize the aesthetic impact.
 3. Related Equipment
 - a. Ground-mounted related equipment associated to, or connected with, a communications tower shall be placed underground or screened from public view using stealth technologies, as described herein.
 - b. All related equipment shall be architecturally designed to blend into the environment in which it is situated and shall meet the minimum setback requirements of the underlying zoning district.
 4. Inspection. The City reserves the right to inspect any communications tower to ensure compliance with the zoning ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a communications tower is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- G. In addition to the regulations applicable to all communications towers, the following regulations shall apply to **communications towers located inside the public rights-of-way**:
1. Location and Development Standards
 - a. Communications towers are permitted inside the public rights-of-way as a Special Exception in the CC B1, B2, HC, LI and HI Districts, along any state road.:
 - b. Communications towers in the right-of-way shall not exceed 35 feet in height.
 - c. Communications towers are prohibited within 75 feet of areas in which all utilities are located underground.
 - d. Communications towers shall not be located in the front façade of any residential structure.
 - e. Communications towers in the right-of-way shall be separated by a distance of 1,500 feet from any other existing or proposed communications tower, unless the WCF applicant shows to the satisfaction of the City that such separation will materially inhibit the WCF applicant's ability to provide wireless service in the City.
 2. Time, place, and manner. The City shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all communications towers in the right-of-way based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with police powers of the City and the requirements of the Public Utility Code.

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3. Equipment location. Communications towers and related equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the right-of-way as determined by the city.
4. Relocation or removal of facilities. Within 60 days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a communications tower in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any communications tower when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
 - a. The construction, repair, maintenance, or installation of any City or other public improvement in the right-of-way;
 - b. The operations of the City or other governmental entity in the right-of-way;
 - c. Vacation of a street or road or the release of a utility easement; or
 - d. An emergency as determined by the City.
5. Reimbursement for right-of-way use. In addition to permit fees as described in this section, every communications tower in the right-of-way is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such compensation for right-of-way use shall be directly related to the City's actual right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other right-of-way management activities by the City. The owner of each communications tower shall pay an annual fee to the City to compensate the City for the City's costs incurred in connection with the activities described above.

321.480. SHOOTING RANGE

- A. A Shooting Range shall be permitted only as provided for in Chapter 6, Part 2 of the Code of Ordinances. In the event of any conflict between this Section and Chapter 6, Part 2, the regulations of Chapter 6, Part 2 shall control.
- B. Any portion of a Shooting Range shall be located no less than 500 feet from any occupied building that is not related to the use of the Shooting Range.
- C. A Shooting Range shall only operate at such hours so as not to be a nuisance to neighboring property owners or the community.
- D. A Shooting Range shall take all applicable safeguards to prevent any projectile from being discharged onto any other property. Any applicant for a Shooting Range shall provide a plan to the Zoning Officer outlining how the applicant intends to ensure compliance with this section.

321.490: DISTRIBUTION CENTER

- A. The lot size must be at least 15 acres.
- B. The property must provide Buffer Yard Option B, as provided in Section 408.60, where it adjoins a parcel which contains a residential use.
- C. Outdoor lighting must be shielded from adjoining property.
- D. All materials and equipment shall be stored within a completely enclosed structure or shall be limited to storage in the rear or side yard if screened from view from the street or adjacent properties.
- E. No shipping or receiving shall be permitted within 200 feet of an existing residence.
- F. An interior circulation plan shall be designed and approved so that no truck or truck and trailer combination must maneuver off site in order to park, load or unload.
- G. Upon request of the Zoning Officer, the property owner shall submit a traffic study to determine the appropriate routes of ingress and egress from the property to provide appropriate traffic flow to and from the property.
- H. All structures shall be subject to a minimum front yard setback of fifty (50) feet from the right of way.

321.500: FUELING STATION

- A. The use is permitted only on lots where a principal structure of over 75,000 square feet is located.
- B. The convenience retail component's building footprint shall not exceed 5% of the size of the principal structure.
- C. The footprint for all canopies shall not, in the aggregate, exceed 5% of the size of the principal structure.
- D. The use may have a maximum of 6 fuel dispensers and 12 fueling positions.

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PART 4
SUPPLEMENTARY REGULATIONS

401. NONCONFORMING USES AND STRUCTURES

401.10 Continuation and Sale.

Where, at the effective date of adoption or amendment of this chapter, a lawful use of a lot exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued as long as it remains otherwise lawful, in accordance with the provisions of this Part.

401.20 Change of Use.

- A. A nonconforming use shall be permitted to change, due to a change in ownership or business name, without additional approval if it continues as the same use.
- B. A nonconforming use shall not be changed to any use other than a conforming use, unless approved by the Zoning Hearing Board as a special exception, in accordance with the following standards:
 - 1. The new use will be not be more intense than the existing use and will more closely correspond to the uses authorized in the Zoning District.
 - 2. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing nonconforming use.
 - 3. Any change from one nonconforming use to another shall comply with the parking requirements in Section 405 for the new use and shall be subject to the area, bulk and buffer area regulations for such use in the Zoning District where such use is authorized as a permitted use, conditional use or use by special exception.
- C. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.

401.30 Damage or Destruction.

Should a nonconforming structure or a structure housing a nonconforming use be destroyed by any means, repairs or reconstruction may be undertaken, provided that such restoration is started within 12 months of the date of damage. The restored building may exceed its original lot coverage so long as it does not create any new nonconformities.

401.40 Abandonment.

In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this Ordinance.

401.50 Enlargement or Expansion.

- A. Expansion of Nonconforming Use. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. A nonconforming use may, with the approval of the Board, be

PART 4: SUPPLEMENTARY REGULATIONS

extended, enlarged or replaced, including upon adjacent vacant lands, if such expansion does not occupy an area greater than twenty-five (25%) percent more than the structure was approved to occupy prior to the effective date of this Ordinance. Furthermore, such activities must meet the minimum yard regulations and height restrictions of the district in which the structure is located, and must meet all off-street parking and loading requirements of this Ordinance.

1. In determining whether such expansion, enlargement shall be approved, the Board shall consider the impact on the surrounding neighborhood, including traffic impacts, noise, light, privacy and visual appearance, and in the event of expansion onto adjacent vacant land, the Board shall also consider whether the owner has exhausted the alternatives for expansion on the existing property.
 2. Expansion of nonconforming uses in any zoning district shall provide a Buffer Yard in compliance with Section 408.60.C. of the Hermitage Zoning Ordinance.
- B. Expansion of Nonconforming Structure. Any nonconforming structure may be expanded or extended provided such expansion does not result in a lesser setback than that of the existing building or structure, and provided that the length of the expansion does not exceed the length of the portion of the existing building which is nonconforming.

401.60 Prior Approval.

Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance and where construction is complete within 6 months from the date of issuance of the building permit.

401.70 Change in District Boundaries.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, this Part shall also apply to any uses which thereby become nonconforming.

401.80 Repair or Maintenance.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the safety of the populace.

402. NONCONFORMING LOTS

- A. Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the district in which it is located even though its lot area and width are less than the minimum required by this Ordinance, however, such lot must comply with the yard, height and coverage standards of the zoning district wherein it is located.
- B. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard shall be the average depth of the front yards on the adjacent nonconforming lots.
- C. All nonconforming residential dwellings, in any zoning district, shall be permitted to have all of the same accessory uses as permitted dwellings, subject to any requirements for that specific use.
- D. Where two or more adjacent lots of record with less than the required area and width are held by one owner, on or before the date of enactment of this Ordinance, the lots shall be legally combined through the subdivision and land development process to comply with the minimum requirements of this Ordinance.

403. TEMPORARY STRUCTURES & STORAGE FACILITIES

403.10 Temporary Storage for Construction.

- A. Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress.
- B. The use of trucks, truck trailers or similar devices for storage purposes shall only be permitted temporarily on construction sites during the actual building of a development.

403.20 Portable Storage Units.

- A. In the RR Rural Residential, SR 1 Suburban Residential 1 and SR 2 Suburban Residential 2 Districts, the following shall apply:
 - 1. Portable storage units shall not be located in any required front, side or rear yard setback.
 - 2. There shall be no more than one (1) portable storage unit per lot.
 - 3. A portable storage unit shall be no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high.
 - 4. No portable storage unit shall be placed on a lot in a residential zoning district in excess of thirty (30) days in any calendar year.
 - 5. A portable storage unit may be located on a lot during an emergency situation as declared by the appropriate federal, state, county or city agency pursuant to a temporary permit issued by the zoning officer. The portable storage unit shall be removed from the lot within seven (7) days after the end of the emergency declaration.
- B. In the NMU Neighborhood Mixed Use, CC City Center, B1 Business 1 and B2 Business 2 Districts, the following shall apply:
 - 1. Portable storage units shall not be located in any required front, side or rear yard setback.
 - 2. Portable storage units shall be located to the rear of the building.
 - 3. Portable storage units shall not create a safety hazard or interfere with emergency vehicle access or traffic patterns.
- C. In the LI Light Industrial and HI Heavy Industrial Districts, the following shall apply:
 - 1. Portable storage units shall not be located in any required front, side or rear yard setback.
 - 2. Portable storage units shall not create a safety hazard or interfere with emergency vehicle access or traffic patterns.

404. PERFORMANCE STANDARDS

Any use established after the effective date of this Chapter shall be so operated as to meet the performance standards established hereinafter. Any use already established on the effective date of this Chapter shall be permitted to continue, provided that no alteration, expansion, enlargement or modification shall be permitted which does not meet the performance standards herein or which effectively increases the degree of nonconformity which existed prior to any alteration, expansion, enlargement or modification. Points of measurement to determine compliance with the performance standards shall be the property line nearest the source which is the subject of measurement unless otherwise specified in this section.

404.10 Fire Protection.

Fire protection and firefighting equipment acceptable to the Hermitage Fire Department shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.

404.20 Electric Disturbance.

No use in any zoning district shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or otherwise cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

404.30 Odors.

In any district, except the HI Heavy Industrial District, no malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

404.40 Air Pollution.

- A. Any use that emits any air contaminant, as defined in state air pollution law(s), shall comply with applicable state standards concerning air pollution.
- B. No zoning permit, building permit or conditional use approval may be issued with respect to any development covered by 405.50(a) until applicant can demonstrate that the appropriate state permits have been received or that the applicant will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

404.50 Lighting and Glare.

- A. In any district, any operation or activity producing intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half of one (0.5) foot-candle above background when measured at any residence district boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.
- B. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above sixty (60) degrees from horizontal shall be utilized.
- C. All outside lighting, including sign lighting, shall be directed in such a way as not to create a nuisance to any adjacent use and roadway. All luminaries and fixtures shall be equipped with a glare shielding device, cutoff downward cast in the case of freestanding area lighting, approved

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by the City Engineer. The height of all luminaries must also be approved by the City Engineer. Intensity of outdoor lighting shall be limited within usable areas of a site (i.e., parking, walkways, etc.) to an average intensity at the ground of twenty-five (25) foot-candles with a maximum intensity at any given point on the ground of eighty (80) foot-candles, unless otherwise approved by the Zoning Officer.

D. The height of a luminary shall be limited as follows:

1. In any residential district, the maximum height permitted shall be twenty (20) feet.
2. In any other district, the maximum height shall be twenty-five (25) feet, except where otherwise specified.
3. Ball diamonds, playing fields and tennis courts having a unique requirement for nighttime visibility may be exempted from Subsections 1 and 2 if, in the judgment of the Zoning Officer, their limited hours of operation and the location of the luminaries will adequately protect neighboring residential uses.
4. The Zoning Officer may further limit the height of luminaries when it is determined that proposed lighting may have a detrimental impact upon nearby properties.

404.60 Water Pollution.

The discharge of all wastewater shall be in accordance with the standards of the Pennsylvania Department of Environmental Protection and/or the City of Hermitage, and comply with any and all applicable regulations of the United States. Surface water discharge shall be acceptable under the provisions of Pennsylvania Act 537, and other State and City regulations as the same may be amended from time to time.

404.70 Vibration.

No vibration shall be produced which is transmitted through the ground and is discernible, without the aid of instruments, at or at any point beyond the lot line.

404.80 Storage.

For all uses, the following regulations shall apply:

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above the ground; provided, however, that tanks or drums of fuel directly connecting energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel shall be exempt from this provision, after review and approval of location, size and contents by established fire authorities.
- B. No caustic materials or hazardous waste in any form shall be deposited upon a lot in such a manner that they may be transferred below the surface of the lot by natural causes or forces.
- C. There shall be no outdoor storage or accumulation for a period in excess of seven (7) days of any waste materials, materials which produce fumes detectable at the lot line, inflammable material, edible material, material which would be a harborage or breeding place for rodents or insects or abandoned, wrecked or junked vehicles.
- D. All storage shall be in a completely enclosed building or at a minimum where permitted shall be enclosed by a fence adequate to conceal the facilities from any adjacent property or screened from view by an effective screen. Portable storage or construction trailers shall not be used to meet these screening requirements.

405. OFF-STREET PARKING STANDARDS

405.10 General Regulations

- A. Off-street parking, loading and unloading facilities shall be provided in accordance with the specifications of this article in any district for uses that are established, enlarged or extended onto any lot after the effective date of this chapter.
- B. All parking areas established prior to the effective date of this chapter that are not in conformance with all provisions of this article shall be allowed to continue as previously laid out. When an expanded use results in an increase of more than ten (10) percent in the number of currently required spaces, additional parking must be provided in accordance with the standards of this article.
- C. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided.
- D. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.
- E. The following regulations shall govern the location of off-street parking spaces and areas:
 - a. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve. Each required off-street parking space shall have direct access to a public right-of-way.
 - b. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than 300 feet from the principal use.
 - c. No parking space shall be located in any manner on a public street right-of-way, except where specifically authorized.
 - d. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets.
- F. A parking space shall have minimum rectangular dimensions of not less than nine feet in width and 18 feet in length, exclusive of driveways, aisles, and other circulation areas.
- G. Single-lane driveways shall be at least 10 feet wide but shall not exceed 12 feet, double drives (for ingress and egress) may be up to 24 feet wide.

405.20 Minimum Required Parking

- A. The minimum required number of parking spaces required is determined according to "Table 405.20: Minimum Parking Requirements."
- B. The minimum parking requirement is calculated as the sum of parking required for each use on a site, including multiple uses within a single structure, as measured as follows:
 - 1. When computation results in a fractional number, fractions greater than or equal to 0.5 are rounded up and less than 0.5 are rounded down.
 - 2. Required parking is calculated according to the total floor area of each use except where specified otherwise.
 - 3. Where required parking specifies staff counts, the calculation shall be based on the maximum staff count during the busiest shift.
 - 4. Where required parking specifies seats, bench seats are counted as one seat for every three feet.
- C. Requirements for unlisted uses. Upon receiving an application for a use not specifically addressed in this article, the Zoning Officer is authorized to apply off-street parking standards specified for the use deemed most similar to the proposed use.
- D. Bicycle parking shall be provided within all parking lots in the City Center District.

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Table 405.20 Minimum Parking Requirements	
Use	Required Parking Spaces
Single Family Dwelling and all Multifamily Dwelling Units of 2 Bedrooms or More	2 per dwelling unit
Multifamily Dwelling Units of 1 Bedroom or Less	1.5 per dwelling unit
Mobile Home Parks	2.0 per each space
Group Residential Facility: includes Nursing Homes, personal care homes, etc.	1 per each 3 beds
Churches	1 per each 4 seats
Public Assembly: includes Sports Arenas, Stadiums, Theaters, Auditoriums, Assembly Halls	1 per each 3 seats
Community Buildings, Social Halls, Dance Halls, Clubs and Lodges area	1 space for each 60 sq. ft. of public floor
Educational institution – nursery schools, elementary schools, junior high and middle schools	3 per room used for administrative offices or class instruction, or 1 for each 4 seats in places of assembly or facilities available to the public, whichever is greater
Educational institutions - high school and post-secondary	3 per room used for administrative offices or class instruction, plus 1 for each 4 students, or 1 for each 4 seats in places of assembly available to the public, whichever is greater
Auto Sales and Service	1 for each 200 square foot of GFA
Service Stations	1 for each 200 square foot of GFA
Financial Institutions, including drive-through banks	1 per each 200 square feet of GFA, plus 5 reservoir spaces per drive-up teller window
Dental Offices	1 for each 250 square feet GFA
Funeral Homes and Mortuaries	25 for the first parlor 10 for each additional parlor
Furniture Stores	1 per each 800 square feet GFA
Food Supermarkets	1 per each 200 square feet GFA
Hospitals	1 per each bed**
Hotels and Motels	1 per guest room**

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Medical Offices and Clinics	1 for each 250 square feet GFA
Offices	1 for each 250 square feet GFA
Retail Stores	1 per each 333 square feet gross retail area
Bars, Brewpubs, Taverns and Nightclubs	1 space per 100 GFA
Drive-Through Restaurants	1 space per 75 GFA plus 1 space per two employees
Sit-Down Restaurants (no drive-through)	1 per 65 GFA
Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee on the largest shift, plus 1 space per each 10,000 square feet for visitors, up to 10 spaces
Trailer and Monument Sales	1 per each 2,500 square feet of lot area
Commercial Recreation (not otherwise covered)	1 space for every 3 persons permitted in maximum occupancy **
Miniature Golf	1 per 325 square feet of developed lot area 2 per hole
Roller Rinks	1 space for each 200 square feet GFA
Bowling Alleys	4 per alley

**Plus one space per employee and staff on major shift.

Note: GFA means gross floor area. Outdoor seating areas count towards GFA for purposes of determining required parking.

405.30 Maximum Parking

- A. The maximum amount of permitted parking shall be 110% of the minimum required parking.
- B. Applicants who anticipate a need for additional parking in excess of the maximum number authorized by this subsection should design their developments with suitable area for additional parking that may, in the future, be needed. The land banked parking spaces may be constructed by the applicant if and when authorized and approved by the Zoning Officer.

405.40 Parking Requirement Reductions

- A. Reserve Parking. If the number of spaces required in Table 405.20 is larger than the number of spaces the applicant anticipates will be needed, the Zoning Officer may approve holding up to fifty percent (50%) of required spaces as “reserve parking” to avoid unnecessary paving, subject to the following:
 - 1. The applicant shall document that suitable area exists on the site for one hundred percent (100%) of the parking required in Table 405.20. If constructed, the reserve parking shall meet all applicable provisions of this article as of the date the construction permit is sought.
 - 2. Regardless of the number of spaces initially paved, a parking area shall be designed to fully accommodate the aggregate number of required spaces, and the area held as reserve parking shall be clearly designated on the plan.
 - 3. All stormwater engineering shall be designed based on total parking requirements, including the reserved spaces.
 - 4. The reserve parking area shall be considered in calculating the impervious surface ratio.
 - 5. The Zoning Officer reserves the authority to require that reserved spaces be constructed in the future if the City determines that they are needed.
- B. Reduction by Variance. The Zoning Hearing Board may authorize the reduction of the number and size of required off-street parking spaces as a variance in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land. In such cases, reserve parking should be provided to the extent the Zoning Hearing Board deems appropriate.
- C. Shared parking. Common shared parking lots are preferred and encouraged. The required off-street parking spaces for two or more uses may be provided collectively on one lot subject to the following:
 - 1. The developer shall provide a reciprocal parking and access easement agreement between the owners and operators of the facilities generating the need for common shared parking lots.
 - 2. Shared parking reductions are available for multiple uses on single or multiple adjacent lots under single ownership, and for multiple contiguous sites sharing parking facilities by use of a Shared Use Parking Agreement.
 - a. The owner of the shared parking facility shall guarantee availability of all spaces needed to meet the minimum requirements of this Article.
 - b. The Shared Use Parking Agreement shall be filed with and approved by the Zoning Officer.
- D. The shared parking facility shall be located within 300 feet of the associated uses, measured from the lot line to the center of the parking facility.
- E. Any modification to the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating that the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such studies.

405.50 Off-Street Parking Layout and Design.

- A. Screening and Landscaping. Off-street parking areas for more than five vehicles, and off-street loading areas, shall be effectively screened on any side which adjoins a residential district (see definition of “screening”) or use. In addition, there shall be a planting strip of at least 5 feet between the front lot line and the parking lot. Such planting strip shall be suitably landscaped and maintained.
- B. Where there is conflict between this screening requirement, and the requirements of Section 408, the more restrictive requirement shall govern.
- C. Minimum Distance and Setbacks. No off-street loading or parking area for more than five vehicles shall be closer than 10 feet to any adjoining property containing a dwelling, residential district, school, hospital or similar institution.
- D. Surfacing. For major land developments, all parking and loading areas and access drives shall have a paved surface. For minor land developments and residential land developments, unpaved parking and loading areas existing at the time of adoption of this subsection may remain unpaved, but all new parking and loading areas and access drives shall have a paved surface. For industrial land developments, paving is required only for the entrance drives from the edge of the public or access roadway for a distance of 100 feet into the property.
- E. All parking areas shall be designed and approved in accordance with the City of Hermitage Stormwater Management Ordinance.
- F. Lighting. Any lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises of any residential district or use and away from roads or highways. Any lighting mounted on poles shall be at no greater height than 25 feet. All necessary lighting standards within parking areas must be located in terminal islands, landscape divider strips, landscaped areas or as determined by the City.
- G. Design. In addition to any other requirements of this Ordinance, all parking lots designed to accommodate 120 cars or more shall provide the following data:
 - 1. Site design relative to the location, number and orientation of parking spaces and parking modules.
 - 2. Circulation design showing access to parking areas, internal lot circulation, service vehicle parking, ingress and egress to the surrounding street system. Internal circulation dead ends are to be avoided in design. A smooth flowing loop circulation is preferred.
 - 3. Clearly marked pedestrian ways from parking areas to building.
- H. Identification of special features, bikeways, etc. In its review of the parking lot design for adequacy, the Board will use professional engineers and such design sources as provided by the Institute of Traffic Engineers and the American Planning Association.
- I. Required Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or exceeding the standards detailed in the state and federal building or accessibility requirements, including the quantity, size, location and accessibility of spaces.

405.60 Loading, Servicing and Circulation.

- A. Loading and servicing. Off street loading and unloading space(s) with proper and safe access from the street, service street or parking lot, shall be provided for all multifamily (buildings containing 3 or more dwelling units) and nonresidential uses. Areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of businesses by refuse collections, fuel and other service vehicles:
 - 1. Shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
 - 2. Shall be located at the side or rear of all buildings,
 - 3. Shall be adequate in size, and
 - 4. Shall not block or interfere with the use of vehicle and/or pedestrian accessways or vehicle parking facilities.
- B. Shared loading areas are permitted, provided that each building shall have direct access to the shared loading area without crossing streets or alleys, and that loading spaces within a shared loading area shall meet the minimum required spaces for each building served. No lot served shall be more than 500 feet from the central loading area.
- C. Loading docks must be of sufficient size to accommodate normal peak load requirements.
- D. Adequate area that is screened from public view shall be provided for dumpsters and the disposal of waste. Dumpster locations shall be in the rear of a parking lot out of view from public streets where feasible.
- E. Interior circulation. The interior circulation of traffic in commercial and industrial areas shall be designed and designated so that no driveway or access lane providing parking spaces would be used as a through street.
- F. Traffic control. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any traffic study adopted or approved by the City. Traffic control devices may include traffic signals, overhead flashing lights and delineators, such as medial barriers, and not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and land markings and signs. The plan for traffic control shall provide off-site traffic flow and safety. The developer shall be responsible for the construction of any such traffic control devices.
- G. Drive-through queuing. A minimum of at least 200 linear feet shall be provided as storage area for vehicles awaiting service for drive-in facilities and uses. The required 200 feet may be provided in one or more usable lanes and shall be measured from the right-of-way line of the street to the window or other place in the building where the vehicle must enter or pass for service.

406. SIGNS

406.10 Purpose and Intent.

- A. The purpose of this Section is to regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation to ensure that:
 - 1. Public safety and traffic safety hazards are prevented and mitigated;
 - 2. Standards exist by which conforming signs will enhance the aesthetic appearance of the City of Hermitage, creating an attractive environment that fosters local pride, protects property values, and entices economic development; and
 - 3. Signs may adequately and effectively communicate information while fitting appropriately into the visual landscape of the area in which they are located, avoiding conflicts, clutter, and confusion.
- B. This Section must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.
- C. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned, or leased by the Commonwealth of Pennsylvania, Mercer County, the federal government, or the City of Hermitage. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

406.20 Permits and Applications.

- A. It shall be unlawful for any person, firm, or corporation to erect, place, construct, or relocate any sign within the City without first obtaining a sign permit, unless the sign is specifically exempt from permit requirements as outlined in Section 406.60.
- B. Application for permit
 - 1. An application for a sign permit shall be filed with the Zoning Officer on forms furnished by the City.
 - 2. The zoning officer or designee shall process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application. Any application that complies with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
 - 3. If the application is rejected, the zoning officer shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of this ordinance, the building code or other applicable law, regulation, or ordinance.
- C. The City may revoke a sign permit under any of the following circumstances:
 - 1. The City determines that information in the application was materially false or misleading;
 - 2. The sign as installed does not conform to the sign permit application, or it otherwise fails to comply with the requirements of this code, any building code, or other applicable law, regulation, or ordinance;
 - 3. The sign is not being properly maintained or has been abandoned.

406.30 Nonconforming Signs.

Lawful nonconforming signs, for which a permit has been issued, shall be permitted to remain until they are removed, replaced, or the property on which the nonconforming sign is located submits a land development plan application requiring municipal review and approval, at which time they shall be required to conform with the requirements of this ordinance.

406.40 Sign Setbacks.

The following setbacks shall be applicable in all zoning districts; provided, however, that no sign shall be permitted which creates a hazard or visibility obstruction for motorists or pedestrians.

- A. Side Yard Setback: All signs shall be setback at least 5 feet from a side property line, except the street side on corner lots, which shall comply with the front yard setback requirements.
- B. Front Yard Setback: The following setbacks shall be required from all public streets, and from private streets which serve as primary access to properties within a development. If in any case the legal right-of-way of a public street is greater than the following setbacks, then the sign must be placed outside the legal right-of-way. Setbacks shall be measured to the edge of the sign nearest the street.
 - 1. Setback Category A – Signs setback = 50 feet to centerline:
 - a. East State Street from Sharon City line to Freeway
 - b. North and South Hermitage Road (entire length)
 - c. Freeway (U.S. Route 62) (entire length)
 - 2. Setback Category B – Sign setback = 40 feet to centerline:
 - a. East State Street from Freeway to Jefferson Township
 - b. Highland Road
 - c. North and South Buhl Farm Drive
 - d. Broadway Avenue
 - e. N. Kerrwood Drive
 - f. Glimcher Boulevard
 - g. Mercer Avenue
 - h. Council Avenue
 - i. Church Street
 - j. Ohio Street
 - 3. Setback Category C – Sign setback = 30 feet to centerline:
 - a. All other roads

406.50 General Regulations.

- A. Sign Location
 - 1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
 - 2. No sign shall be permitted which obstructs a sight triangle measured 30 feet along the edge of any roadway, and 30 feet along the edge of any intersecting roadway and/or driveway.
 - 3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communication lines or equipment.

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4. Sign Materials and Construction. Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected and installed in strict accordance with the PA Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
- B. Sign Area
1. For a wall sign which is framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
 2. For a wall sign comprised of individual letters, figures, or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building.
 3. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements.
 4. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
 5. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
 6. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
 7. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.
 8. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.
- C. Sign Height. Sign height shall be measured as the distance from the highest portion of the sign structure to the level of the street upon which the sign faces or to the level of the lot on which the sign is erected, whichever is higher. The height of a sign may not be artificially raised by raising the ground level under the sign.
- D. Sign Illumination
1. Signs may be illuminated, provided light sources to illuminate signs do not cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent property.
 2. During daylight hours between sunrise and sunset, luminance shall be no greater than 5,000 nits. At all other times, luminance shall be no greater than 750 nits.
 3. There shall be no appearance of flashing or sudden bursts of light and any illumination intensity or contrast of light level shall remain constant.
 4. The source of the light must be concealed by translucent covers, and external illumination shall be a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
 5. Internal illumination, including neon lighting, must be static in intensity and color.

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6. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.

406.60 Signs Permitted in All Districts Without Zoning Permit:

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, unless the sign falls within the requirements of the Pennsylvania Uniform Construction Code, in which case a zoning permit shall be required:

- A. No trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of such sign shall not exceed 4 square feet.
- B. Plaques not exceeding four (4) square feet in size, which identify the site or structure as being registered as a Federal or State historic place.
- C. Signs displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit, provided that not more than one such sign shall be erected for each permitted use, and provided that the area of such sign shall not exceed four (4) square feet.
- D. Traffic and/or pedestrian safety control signs, such as "Entrance," "Exit," "No Parking," etc., may be located as needed; provided, that they contain only information needed for traffic control and that each sign does not exceed (six) 6 square feet in area and 5 feet in height, and that such signs do not block visibility or create a traffic safety hazard. Interior property directional signs may not exceed 12 square feet in area and (six) 6 feet in height. Such signs shall not be constructed of a painted or printed or solid surface material and shall not be changeable copy signs or banner signs. Menu-board type signs for drive-thru businesses are also permitted with a maximum area of 50 square feet and a maximum height of 6 feet. When applicable, traffic control devices on private or public property must comply with PennDOT's Publication 236, Manual of Approved Signs.
- E. Sponsorships signs at athletic facilities, which are located in such a manner as to be viewed primarily by spectators at sporting or similar events, and not from roadway or other locations off the property.
- F. Permanent signs identifying a residential development of 5 lots or more, or an apartment or condominium development, on the property or at the entrance of such development, provided that such sign shall be not more than 32 square feet in area, and not more than 6 feet in height. For each development, there shall be no more than one such sign per entrance or street frontage.
- G. Temporary Signs: As defined in this article, temporary signs, located on private property, are exempt from standard permit requirements. All temporary signs must be installed such that they do not create a safety hazard. All temporary signs must be made of durable materials and shall be well-maintained. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed. Illumination of any temporary sign is prohibited, and no temporary sign shall be permitted to have changeable copy.
 1. Real Estate Signs: Signs advertising the sale, lease, rental, or development of the property or premises upon which the sign is located, or signs advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, materials, or labor to the premises is permitted.
 - a. Area:
 - i. Residential Districts (RR, SR1, and SR2): such signs shall not exceed six (6) square feet in area

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- ii. All other zoning districts: such signs shall not exceed thirty-two (32) square feet in area
 - b. Height:
 - i. Residential Districts (RR, SR1, and SR2): such signs shall not exceed 4 feet in height
 - ii. All other zoning districts: such signs shall not exceed 6 feet in height
 - c. Location: Such signs shall be permitted only on the property which the sign is referring to.
 - d. Setback: Signs shall follow the setbacks outlined in Section 406.40.
 - e. Number: There shall be one sign per property, unless a property abuts two or more streets, in this case, an additional sign oriented to each abutting street shall be allowed.
 - f. Duration: Such signs shall be removed within five (5) days of the sale or lease of the property.
- 2. Non-Commercial Event Signs: Temporary event signs for non-profits or charities, or signs announcing community events or other non-commercial events are permitted subject to the following:
 - a. Type: Freestanding
 - i. Area: No such sign shall exceed 6 square feet in area.
 - ii. Location: Signs may be located on any property with permission of the owner of the property.
 - iii. Number: There shall be only one sign per property.
 - iv. Duration: Such signs shall be erected no earlier than 30 days prior to the event and shall be removed within five (5) days of the end of the event.
 - b. Type: Banner Signs
 - c. Area: No such sign shall exceed 32 square feet.
 - i. Location: Signs may be located on the property where the event is occurring.
 - ii. Number: There shall be one sign per property.
 - iii. Duration: Such signs shall be erected no earlier than 30 days prior to the event and shall be removed within five (5) days of the end of the event.
 - iv. Unique Characteristics: Banner signs must be affixed flat to a building face and are not permitted on wire posts, tied to landscaping, light poles, roofs, under gasoline canopies, freestanding signs, or similar objects.
- 3. Commercial Event Signs: signs indicating a commercial related event or special sale are permitted subject to the following:
 - a. Type: Freestanding
 - i. Area: No such sign shall exceed six (6) square feet in area.
 - ii. Location: Such signs shall only be permitted on the premises of the business or the event the sign is referring to.
 - iii. Setback: Signs shall follow the setbacks outlined in Section 406.40.
 - iv. Number: There shall be one sign per property, unless a property abuts two or more streets, in this case, an additional sign oriented to each abutting street shall be allowed.
 - v. Duration: Such signs shall be erected no earlier than 30 days prior to the event and shall be removed within five (5) days of the end of the event.
 - b. Type: Banner

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- i. Area: No such sign shall exceed 32 square feet in area.
 - ii. Location: Such signs shall only be permitted on the premises of the business or the event the sign is referring to.
 - iii. There shall only be one sign per business.
 - iv. Duration: Such signs shall be erected no earlier than 30 days prior to the event and shall be removed within five (5) days of the end of the event.
 - v. Unique Characteristics: Banner signs must be affixed flat to a building face and are not permitted on wire posts, tied to landscaping, light poles, roofs, under gasoline canopies, freestanding signs, or similar objects.
- H. Personal Expression Signs: Personal expression signs are permitted, provided they are non-illuminated and non-commercial in nature and do not exceed four (4) square feet in area.
- I. Sandwich Board Signs: Sandwich Board Signs are permitted in all zoning districts subject to the following regulations and Sandwich Board Signs that comply with the requirements in this section shall not be included in the determination of the type, number, or area of signs allowed on a property:
 - 1. Illumination: Illumination of any sandwich sign is prohibited.
 - 2. Hours of Display: All sandwich signs must be taken in during hours of nonoperation of the business being advertised.
 - 3. Number: One sandwich board sign is permitted per establishment.
 - 4. Area: Each sign shall have a maximum area of eight (8) square feet per sign face.
 - 5. Height: Signs shall have a maximum height of four (4) feet.
 - 6. Sign Placement:
 - a. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
 - b. The sign must be located on the premises, and within ten feet of the primary public entrance, of the establishment it advertises.
 - c. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being moved by high winds.
 - d. Manual changeable copy.
 - i. Manual changeable copy signs are permitted when integrated into a sandwich board sign.
 - ii. Commercial messages must advertise only goods and services available on the premises.

406.70 Prohibited Signs.

The following signs shall be prohibited within the City limits:

- A. Signs with intermittent, flashing, or animated lights shall not be permitted. Intermittent, flashing, or animated lights shall mean any light or lights located on any portion of a sign, or illuminating any sign, which are programmed or otherwise controlled or configured to turn on and off, or to vary in brightness, more frequently than one time per day, except for electronic changeable copy signs.
- B. Signs which are posted, stapled or otherwise attached to public utility poles, trees or traffic control signs, except signs which have received written authorization from the controlling public utility or governmental agency.

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- C. Any sign or sign lighting which emulates or resembles traffic signals or regulatory highway signage (such as “stop,” “yield” and similar signs).
- D. Any sign which advertises a business, goods, or services not located on the same property as said sign, except as permitted in Section 406.9.
- E. Any sign located within any public highway or street right-of-way, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices.
- F. Abandoned Signs
- G. Roof Signs
- H. Portable signs except sandwich board signs as outlined in Section 406.60 (I).
- I. Signs which emit smoke, visible vapors, particular matter, sound, odor, or contain open flames.
- J. Any sign containing any material or device which has the effect of intensifying light, or any sign containing mirrors.
- K. Any electronic or animated sign that reacts to the behavior or electronic signals of motor vehicles.

406.80 Sign Maintenance.

All signs shall be constructed of a durable material and maintained in good condition. Any sign found to be in disrepair upon inspection shall be declared to be a public nuisance, and the Zoning Officer shall give notice to the owner in writing, in accordance with this chapter, to repair or remove the sign within 10 days. Upon failure of the owner to comply, the City shall remove the sign at the owner's expense.

406.90 Permitted Signs by Zoning District.

- A. Non-Residential Uses in the Rural Residential (RR), Suburban Residential 1 (SR1), Suburban Residential 2 (SR2), Neighborhood Mixed Use (NMU), Institutional (I), Business 1 (B1), Business 2 (B2) and Planned Residential District (PRD) Zoning Districts shall be permitted to erect the following signs:
 - 1. Permanent Freestanding Signs indicating the name of a church, office building, school, business, apartment complex, or other permitted use on the same lot therewith, subject to the following:
 - a. Number - One such sign for each lot, except on corner lots where a freestanding sign may be erected on each such street.
 - b. Height - Such signs shall not exceed a height of 10 feet.
 - c. Area - Maximum area is 50 square feet, of which not more than 50% of the total sign area may include changeable copy.
 - d. Setback - All signs shall be setback in accordance with the setbacks contained in Section 406.40.
 - 2. Wall Signs: The total area of all wall signs shall be limited to 2 square feet per foot of lineal wall length, with a total maximum area of 200 square feet of sign per building wall. For properties with multiple tenants, permitted wall sign area calculations will be based on the maximum width of each individual unit, up to a maximum of 200 square feet per unit.
- B. The following signs shall be permitted in the City Center, NC1, NC2 and Highway Commercial Zoning Districts:
 - 1. Permanent Freestanding Signs indicating the name and nature of a business on the same lot therewith, subject to the following:
 - a. Number - One such sign for each lot, except on (a) corner lots where a freestanding sign may be erected on each street frontage, and (b) on a lot having a frontage which exceeds the minimum requirement of that district,

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additional permanent freestanding signs for each 100 feet of excess frontage, but no single business shall be permitted more than one such sign on any one lot or contiguous lots.

- b. Height - Such signs shall not exceed a height of ten (10) feet.
 - c. Area - Maximum base area is 100 square feet, except on a lot having a frontage which exceeds the minimum requirement of that district where the area may be increased 1 square foot for each two (2) feet of excess frontage up to a maximum of 200 square feet. No more than 32 square feet of any sign may include changeable copy.
 - d. Setback - All signs shall be setback in accordance with the setbacks contained in Section 406.40.
2. Wall Signs: The total area of all wall signs shall be limited to two (2) square feet per foot of lineal wall length with a total maximum area of 200 square feet of sign area per building wall. For properties with multiple tenants, permitted wall sign area calculations will be based on the maximum width of each individual unit, up to a maximum of 200 square feet per unit.
 3. Projecting Signs: One (1) projecting sign shall be permitted for each establishment. The maximum surface area of such projecting sign shall not exceed 24 square feet. No projecting sign shall extend into any adjacent street right-of-way or be less than ten (10) feet above a pedestrian way. The projecting sign shall not interfere with pedestrian or vehicular traffic in any manner.
- C. The following signs shall be permitted in the Light Industrial (LI) and Heavy Industrial (HI) Zoning Districts:
1. Permanent Freestanding Signs indicating the name and nature or products of a business on the same lot therewith, subject to the following:
 - a. Number - One such sign for each lot, except on corner lots where a freestanding sign may be erected on each street frontage.
 - b. Height - Such signs shall not exceed a height of 20 feet.
 - c. Area - Maximum area is 60 square feet, of which not more than 32 square feet may include changeable copy.
 - d. Setback - All signs shall be setback in accordance with the setbacks contained in Section 409.4.
 2. Wall Signs: The total area of all wall signs shall be limited to two (2) square feet per foot of lineal wall length, with a total maximum area of 200 square feet of sign area per building wall. For properties with multiple tenants, permitted wall sign area calculations will be based on the maximum width of each individual unit, up to a maximum of 200 square feet per unit.

406.100 Entrance Identification and/or Directory Signs for Certain Non-Residential Developments.

Entrance identification and/or directory signs are permitted as a special exception in any zoning district, subject to the following conditions:

- A. Where the location of the facilities is on a cul-de-sac, private road, dead-end road, or other similar site or sites which are removed from the main traffic routes of the City, and therefore not easily located by the traveling public.
- B. Where the Zoning Hearing Board determines that the public interest will be served by location of an identification/directory sign to assist the public in locating the public service facilities.

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- C. That the total sign area shall not exceed 50 sq. ft. and the total sign height shall not exceed 10 feet.
- D. That the sign shall meet all setback and construction requirements of the Hermitage Zoning Ordinance, and that the location of the sign will not create a traffic or safety hazard.
- E. That proper and appropriate written approval of the property owner of the parcel on which the sign is proposed to be located has been secured.
- F. That not more than ten (10) individual facilities, tenants, etc. shall be listed on a directory sign, and that the overall quantity of information and the size of lettering shall be such that the sign does not create a hazard due to a visual information overload.
- G. That there shall not be more than one identification/directory sign for each cul-de-sac, private street, dead-end road or other similar location.

407. STEEP SLOPE AREAS

Any development of slopes of more than 15% percent must be submitted on a plan prepared by a registered engineer or architect showing how the development will treat the slope problem. The Zoning Officer shall refer the plan to the City Engineer or a consulting engineer for review and advice before issuing any permit.

408. LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL USES

408.10 Administration

- A. Purpose. The purpose of this Section is to define the landscape requirements for nonresidential uses in order to:
 - 1. Provide a quality environment throughout the business and industrial areas, which includes requirements for plantings in new and reuse developments to provide shade, beauty and environmental benefits (air quality, absorption of stormwater, prevention of soil erosion, etc.) to the community.
 - 2. Improve the appearance and desirability of the business and industrial areas, to enhance property values and to promote economic development and reinvestment in the community.
 - 3. Better define and control traffic patterns within parking areas and along streets, thus increasing safety. Curbing, trees, plantings and similar measures serve to delineate travel lanes from parking area and to provide a traffic calming effect in slowing traffic both on and off public streets.
 - 4. Design improved and safer access within and between properties for pedestrians.
 - 5. Provide effective noise, pollution and visual privacy buffers for residential properties adjacent to business or industrial developments.
- B. Plan Submission and Approval.
 - 1. Any property subject to land development for a nonresidential development or use, except in the RR, SR1 and SR2 Zoning Districts, shall be required to comply with the landscaping requirements of Section 408, and to include a landscape plan as part of the land development plan for the subject property. Where any other section of this Ordinance or any other City ordinance is in conflict with the requirements of Section 408, the more stringent requirements shall apply.

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2. Such landscaping plans shall be drawn to a scale which permits proper legibility and sufficient detail, and shall clearly delineate all existing and proposed parking spaces or other vehicle areas, access drives, driveways and the location size and description of all landscaping materials and tree cover as required. Typical elevations of all walls pertaining to Sections 408.20.C “Building Perimeter Landscaping” and 408.50 “Buffer Yard and Screening” are required. Data tables must be shown for required building perimeter landscaping, detention pond perimeter landscaping and buffer landscaping in accordance with City standards. Title block must be shown with pertinent names and addresses; property owner; name, address and telephone number of person who completed the plan; scale, date and north arrow. In addition, existing natural features must be shown on the plan and should be incorporated into the overall site design, where practical.
- C. Certificate of Occupancy. Where landscaping is required, no certificate of occupancy shall be issued until the landscaping is completed as certified by inspection by the City of Hermitage, unless a performance bond in an amount acceptable to the City has been posted to guarantee the completion of all elements of the landscape plan.
- D. Completion of Landscape Improvements after Posting of Performance Bond. After a performance bond has been posted, all elements of the approved landscape plan shall be installed within 6 months after the date of posting of the bond. An extension of the time for completion may be granted by the City upon demonstration by the property owner or developer that such an extension is warranted due to such reasons as adverse weather conditions or unavailability of plants materials. Substitutions of similar plant material may be approved by the City.
- E. Maintenance and Installation. All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. Plant materials shall conform to the requirements described in the latest edition of American Standards for Nursery Stock, which is published by the American Association of Nurserymen. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within 1 year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within 3 months. Plants shall not be pruned or thinned in such a way as to minimize their effectiveness as a visual barrier, where that is their function as in a buffer yard. Landscaped areas shall not be used for storage of vehicles, equipment or materials or for any other use incompatible with their purpose as contemplated by this Section. Violation of these installation and maintenance provisions shall be grounds for the City to refuse a certificate of occupancy and/or institution of legal enforcement proceedings.

408.20 General Site Landscaping.

- A. Curbing. For major land developments, all new parking areas and access drives shall be curbed. For minor land developments, all access drives from the public street into the parking area shall be curbed, and any other location where curbing is necessary to protect pedestrians or plant materials. Curbing is not required on the perimeter of existing parking areas, or where not possible due to grade constraints. Curbing is not required for industrial land developments or those within the RR – Rural Residential or B1 – Business 1 zoning districts.
- B. Landscaped areas shall not be required in any location where it would interfere with the vehicle sight distance or safety as determined by the City.

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- C. **Building Perimeter Landscaping.** Where any building wall is transparent between the height of 3 feet and 8 feet above the walkway grade for 60% or more of the horizontal length of the structure, building perimeter landscaping may be provided at the discretion of the property owner, except that adequate walkways, separated from driveways and parking areas by curbing shall be required along the building perimeter where pedestrian traffic can be reasonably expected. Where a building wall or walls contain no such transparency or entrance doorway for a horizontal distance of more than 30 feet, building perimeter landscaping is required in the form of plant material which will cover no less than 50% of the wall face, of which 50% will reach a mature height of no less than 75% of the building wall height. No less than 50% of this plant material will be required to be of evergreen varieties in accordance with City standards. Where exceptional architectural articulation, such as recesses, projections or decorative detailing is provided, the City may reduce (but not eliminate) the building perimeter landscaping for those portions of the building exterior. Building perimeter landscaping is required for major land developments, but not for minor or industrial land developments.
- D. **Landscape Material Specifications.** All materials shall meet the following minimum standards:

<u>Plant Material Type</u>	<u>Minimum Size</u>
Canopy tree (35 feet minimum mature height)	1.5-2 inch caliper (at chest height)
Ornamental tree	1-1.5 inch caliper
Evergreen tree	6 feet height (not including leader)
Shrub (40 inch minimum mature height)	24 inch height
Perennial (includes ornamental grass)	1 gallon

1. All trees and shrubs shall be balled and burlapped or container grown. If plants are container grown and are root bound, the roots should be cut or slashed at the time of planting.
 2. Mulch shall be shredded hardwood bark mulch, unless an acceptable alternative is approved by the City.
- E. **Preservation of Existing Vegetation.** Preservation of existing trees is strongly encouraged. Existing trees that meet the minimum size and location requirements of this Section will be given double credit (one preserved tree = two new trees) toward the satisfaction of planting requirements, provided that the area within the dripline of the trees is protected by fencing during grading and construction. This credit can be applied to requirements in Sections 408.20, 408.40 and 408.50 as approved by the City.
- F. **Detention Pond Perimeter Landscape Requirements.** The perimeter of above ground stormwater detention or retention ponds shall be landscaped to enhance the appearance of the pond, with the minimum number of plants to be as follows:
1. One tree (canopy or ornamental) per 50 lineal feet of pond perimeter, plus one shrub for every 5 lineal feet of pond perimeter. For purposes of this subsection, a shrub can be one shrub, one ornamental grass and/or one group of three perennials.
 2. The plantings shall be grouped and clustered around the pond within 20 feet of the perimeter so as to provide maximum visual screening from public areas, and to permit access for maintenance purposes.
 3. Detention pond perimeter landscaping is required for all residential and nonresidential land developments, except industrial land developments.

408.30 Street Frontage, Greenways and Access Drives.

- A. Where a property abuts a public street, private street or access drives, a greenway shall be provided, except for entrances for pedestrians and vehicles. This greenway shall include a sidewalk of a minimum width of five (5) feet connecting to the lot line of adjacent parcels and constructed in accordance with City standards, except that in the LI Light and HI Heavy Industrial Zoning Districts an easement for future sidewalk may be substituted for sidewalk construction as determined to be appropriate by the City.
- B. The greenway shall also contain street trees planted no greater than forty (40) feet on center. The location of street trees and sidewalks relative to the street edge shall be in accordance with the City's recommended standards for each type of street, with exact locations to be as determined by the City, and PennDOT where applicable, based on the conditions of each site. The preferred location for street trees shall be between the sidewalk and roadway, but they may be behind the sidewalk where determined to be necessary due to traffic safety needs and/or utility locations. Canopy trees are preferred for street trees and location adjustments is the first alternative where canopy trees will interfere with overhead utility lines. Where no other alternative is possible, ornamental trees (based on the appropriate utility company recommendations) may be substituted for canopy trees.
- C. The minimum width of the greenway shall be twenty (20) feet on a public street and fifteen (15) feet on a private street, measured from the curb or edge of pavement of the public street(s) abutting the property. The greenway may contain landscaping, lawn, sidewalk, patios and outdoor dining areas and utilities only and shall not contain any vehicular or other use, with the exception of entrance drives crossing the greenway.
- D. Main access drives to and from public streets shall be separated from other portions of the parking lot by curbed landscaped areas of not less than ten (10) feet in width, provided along both sides of the entire access drive, except for entrances for pedestrians or vehicles. These landscaped areas must accommodate a five (5) foot sidewalk with a five (5) foot landscaped area bounded by and separated from the parking area by curbing, except where the sidewalk must cross vehicle travel lanes, where the layouts shall be such that the length of such crossing is made as small as possible, and such crosswalks shall be delineated with textured surfaces (excluding paint) which serve to call attention of motorists to their presence. The landscaped area shall contain canopy trees (or ornamental trees where there is a conflict with above ground utility lines) planted no less than thirty (30) feet on center.
- E. This subsection shall apply to all major and minor land developments. It shall not apply to industrial land developments.

408.40 Screening and Landscaping of Off-Street Parking Areas.

To the greatest extent possible, off-street parking areas shall be designed to reduce the negative visual effect of vast paved areas and shall contain landscaped planting islands and defined landscaped pedestrian walkways. This Section provides requirements for internal parking area landscaping, as well as landscaping along the perimeter of the parking area.

A. Parking Area Design.

1. Clearly defined and marked sidewalks shall be required within parking areas and be provided for the length of the parking area to the entrances of establishments. Such walkway areas shall be a minimum of 10 feet in width to accommodate a sidewalk with an unobstructed width of 5 feet and a 5 foot wide landscaped area bounded by and separated from the parking area by curbing. Where the sidewalk must cross vehicle travel lanes, the layout shall be such that the width of such crossing is made as small as possible, and such crosswalks shall be delineated with textured surfaces (excluding paint) which serve to call attention of motorists to their presence. The requirements of this Section may be met with the application of a main aisle upon approval of the City. This subsection shall apply to major land developments only.
2. In parking areas of greater than 400 spaces, main aisles to and from access drives shall be separated from other portions of the parking lot by curbed and landscaped walkway areas of not less than 10 feet in width, provided along the entire access drive. The main aisle shall be separated by 200 feet by vehicular travel lanes running perpendicular to the drive and bounded at the ends with terminal islands. Clearly defined and marked sidewalks shall be required on both sides for the length of the main aisle to the entrances of establishments. Such walkway areas shall contain a sidewalk with an unobstructed width of five (5) feet and a landscaped area with a minimum width of five (5) feet with canopy trees planted 30 feet on center. The sidewalk and landscaped area shall be separated from the parking area by curbing, except where the sidewalk must cross vehicle travel lanes, where the layout shall be such that the length of such crossing is made as small as possible, and such crosswalks shall be delineated with textured surfaces (excluding paint) which serve to call attention of motorists to their presence. This subsection shall apply to major land developments only.
3. Landscaped divider strips shall be a minimum six (6) feet in width for the length of the parking row and shall be placed a minimum of every third row for the total of adjoining parking to prevent traffic movement across parking aisles. One canopy tree shall be required for every 20 parking spaces and shall be located within the landscaped divider strips. These trees shall not be included in requirements for any other section of this Ordinance. This subsection shall apply to major land developments only.
4. Terminal islands shall be installed at both ends of each single unbroken row of parking. The maximum length of an unbroken row of parking shall be 20 parking spaces, separated by vehicular travel lanes running perpendicular. Vehicular travel lanes are not required for perimeter parking. Terminal islands shall be a minimum of 15 feet in length with one canopy tree (for single loaded parking) or 30 feet in length with two canopy trees (for double loaded parking) and shall have a minimum width of 10 feet. This subsection shall apply to major land developments only.

B. Perimeter Parking Lot Landscaping.

1. Where a parking area borders an abutting property line, a landscaped strip with a minimum width of six (6) feet shall be located between the parking area and the property

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line, except where driveways or other access points occur. At least one canopy tree shall be planted every 60 feet in the landscaped strip and a continuous hedgerow consisting of one shrub per every three (3) linear feet, with a maximum height of 3.5 feet at maturity shall be provided. This subsection shall apply to major land developments only.

2. Where perimeter landscaping required by this Section conflicts with the buffer yard requirements, the more stringent requirements shall apply.
3. Planting required in this Section cannot be substituted for any of the planting required in subsections 408.20, 408.30 or 408.60.

408.50 Vehicular Access Standards.

- A. Purpose. To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels through a rear or side yard access drive constructed parallel to the public street to which the use fronts or is located along. The intent is to provide a secondary point of access in a grid pattern.
- B. Applicability. This section shall apply to all nonresidential lots within the following Zoning Districts:
 1. NMU Neighborhood Mixed Use
 2. CC City Center District
 3. B2 Business 2 District
 4. HC Highway Commercial
 5. NC 1 Neighborhood Commercial 1
 6. NC 2 Neighborhood Commercial 2
- C. Parking areas on abutting nonresidential lots shall be interconnected by access driveways. Each nonresidential lot shall provide cross-access easements guaranteeing access to adjacent lots, and said interconnections shall be logically placed in a manner that ensures convenient traffic flow between parcels. All interconnections shall be constructed and provided for in any new land development plan, and a form signed by both affected property owners shall be placed on file with the City. This requirement shall be waived only upon a determination by the zoning officer that all possible interconnections between two adjoining lots would require crossing twenty (20) linear feet or more of wetlands, floodplain, or natural slopes of at least 15% grade. The applying landowner shall construct the interconnection to the property line and leave the connecting driveway open for future connection by the adjoining landowner.
- D. In the event that one property owner is required to construct an interconnection and the adjoining landowner is unwilling to agree to the appropriate location for the interconnection, the zoning officer shall determine the location of the interconnection, upon receiving input from both affected property owners.
- E. In determining the appropriate location for the interconnection, the following criteria shall be considered:
 - (i) It is preferred that the interconnection should be located toward the rear of property (a distance of greater than 100 feet from a fronting road) to promote buildings closer to the street and lessen vehicle traffic interference with pedestrian access to building entrances;
 - (ii) The topography of the affected lots;
 - (iii) The shape of the affected lots;
 - (iv) Current and proposed buildings on the affected lots; and

- (v) Any other factor unique to the properties that would affect the most effective location for providing access, while protecting the development rights of the affected property owners.

408.60 Buffer Yard and Screening Requirements.

The purpose of this Section is to set standards to buffer or screen incompatible uses in order to minimize negative impacts on neighboring properties.

- A. Buffer Yard Requirements. Where any major, minor or industrial nonresidential development borders a residential zoning district or use, or a public or private school or a church, buffer yard option A or B shall be required along the entire length of all abutting property lines. The buffer yard shall not be required within the future right-of-way of any street or in any location where it would interfere with the greenway and/or vehicle sight distance or safety.
- B. Buffer Yard A.
 - 1. Applicability. Buffer Yard A shall be required within the following zoning districts:
 - a. RR Rural Residential
 - b. SR 1 Suburban Residential 1
 - c. SR 2 Suburban Residential 2
 - d. NMU Neighborhood Mixed Use
 - e. CC City Center
 - f. NC1 Neighborhood Commercial 1
 - g. NC2 Neighborhood Commercial 2
 - h. B2 Business 2 District
 - i. HC Highway Commercial
 - 2. Specifications. A 20-foot-wide strip containing a solid fence or wall, of a minimum height of six (6) feet, plus seven (7) evergreen trees, two (2) canopy trees and three (3) ornamental trees per 100 linear feet.
- C. Buffer Yard Option B.
 - 1. Applicability. Buffer Yard B shall be required within the following zoning districts:
 - a. B1 Business 1
 - b. LI Light Industrial
 - c. HI Heavy Industrial
 - 2. Buffer Yard B shall also be required for any shopping center and/or retail use that is at least 80,000 square feet in size.
 - 3. Specifications. A 50-foot-wide strip containing eight (8) evergreen trees, three (3) canopy trees and three (3) ornamental trees per 100 linear feet plus a solid fence or wall, of a minimum height of six (6) feet, for any portion of the property that is within 200 feet of an existing residence.
- D. Screening Requirements.
 - 1. Loading Docks and Trash Collection Enclosures. Loading docks, trash collection area enclosures and similar facilities shall be incorporated into the overall design of buildings and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. These facilities shall be screened by a solid masonry, vinyl or wood wall at least six (6) feet in height and of adequate strength of construction to retain the original structural integrity. Such enclosures shall be maintained as necessary to remain in a state of proper repair and positive appearance. Failure to properly maintain or repair enclosures as needed shall

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constitute a violation of this Section of the zoning ordinance. These facilities must meet all requirements as per Section 408.20.C, “Building Perimeter Landscaping.”

2. **Building Mechanical Systems.** All building mechanical systems such as air condition units, exhaust systems, satellite dishes, fire escapes, elevator housing and other similar elements shall be incorporated into the overall design and character of the building and screened from view. Wherever feasible, the use of exterior mechanical systems should be minimized. Landscaping and other screening devices including decorative fencing shall be used to soften the view of these features from adjoining properties or public streets.
3. **Outdoor Storage Facilities.** Storage facilities for goods or materials that are kept on premises for retail sale, wholesale, storage or use shall be permitted as an accessory use and must be attached to a principal building. Storage facilities must be screened from view and constructed of a material which maintains 100% opacity and be no higher than the building to which they are attached. Storage facilities shall meet all requirements as per 408.20.C, “Building Perimeter Landscaping”, if directly abutting a public street, private street, access drive or greenway or as determined by the City.

409. FENCES

A wall or fence under 6 feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard. Retaining walls, buffer strips and fences required for screening under this Ordinance are not subject to the 6 feet high limitation. The following standards for fences also apply:

- A. Fences required for recreational facilities such as tennis courts and baseball fields may be higher than 6 feet; provided, that they are constructed of open type fencing material, such as chain link.
- B. No fence shall be permitted which obstructs a sight triangle measured 30 feet along the edge of any roadway and 30 feet along the edge of any intersecting roadway and/or driveway.
- C. The sight triangle must be free of obstruction by any fence higher than 3 feet.
- D. No fence shall be constructed within the legal (either present or future) right-of-way of any public street.
- E. Unless otherwise provided for herein, there is no required setback for fences constructed on the lot of any property owner.
- F. The finished side of a fence shall project outward to neighboring property owner(s).

410. REFUSE CONTAINERS

The following regulations shall apply to all uses in all districts except single family dwellings, two family dwellings, and multifamily dwellings where four or less dwelling units represent the total development.

- A. Refuse containers shall not be permitted between any building and any public street with the preferred location being directly adjacent to the main structure. If the property is adjacent to a residential district or a single family dwelling, the refuse container shall be required to be located as far from the adjacent dwelling as possible.
- B. Trash collection and similar facilities shall be completely enclosed by a solid wall at least six (6) feet in height.
- C. Enclosures shall be constructed of the same material or be architecturally compatible with the principal structure and shall maintain 100% opacity on all three sides with a self-closing gate on the fourth side.
- D. Trash collection areas shall be located on rigid pavement surfaces and designed to prevent accumulation of stormwater runoff.

PART 5: ADMINISTRATION, ENFORCEMENT AND APPEALS

PART 5

ADMINISTRATION, ENFORCEMENT AND APPEALS

501. ZONING OFFICER

The City of Hermitage shall appoint the Zoning Officer who shall administer and enforce the provisions of this Ordinance, and shall do so in accordance with the provisions of this Ordinance and of the Pennsylvania Municipalities Planning Code. The Zoning Officer shall not hold any elective office in the City.

502. DUTIES OF THE ZONING OFFICER

The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Officer shall be considered as qualified to perform his or her duties by meeting the qualifications established by the City. In addition, the Zoning Officer's duties, obligations and responsibilities include the following:

502.10 Application for Building Permits

The Zoning Officer shall receive applications for building permits. A building permit is an application filed prior to the start of construction/development by a developer to describe the proposed activity in sufficient detail to determine whether or not it meets the requirements of this and other applicable City ordinances. Applications conforming to such ordinances shall be approved, those not conforming to such ordinances shall be denied.

502.20 Inspections

The Zoning Officer or a duly appointed assistant may examine, or cause to be examined, all structures and/or land for which an application for a building permit or a zoning certificate has been requested. Such inspections may be made from time to time during construction and shall be made upon the termination of construction and prior to the issuance of an occupancy permit.

502.30 Permits, Applications, Appeals and Certificates

The Zoning Officer shall issue or deny such permits or certificates as required by this Ordinance where no other body is involved; shall receive all applications for special exceptions, conditional uses and variances and forward same to the appropriate body. The Zoning Officer shall make a determination within 30 days of the date that the application was received. In addition, the Zoning Officer shall receive all applications for appeals prior to forwarding same to the Zoning Hearing Board.

502.40 Enforcement

The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance to the greatest extent permitted under the Pennsylvania Municipalities Planning Code.

PART 5: ADMINISTRATION, ENFORCEMENT AND APPEALS

503. PERMITS AND CERTIFICATES

503.10 Building Permits

An application for a building permit will be to show compliance with this and other appropriate City ordinances. Compliance with other pertinent regulations including those of the Pennsylvania Department of Labor and Industry may also be required. Applications shall contain information relative to the proposed construction, site plan and use in sufficient detail to inform the Zoning Officer of the scope and extent of the proposed development. The exact details required, including sketches, plat plans as well as the number of copies, time limits and fees for such applications shall be determined by the City.

503.20 Occupancy Permit

An occupancy permit shall be required prior to the occupancy or use of any vacant land prior to the occupancy or use of any structure hereafter constructed, reconstructed, moved, altered or enlarged. The purpose of the occupancy permit is to confirm that the development described in the building permit application has been completed in compliance with the application and this Ordinance. Occupancy permits shall also be required for a change of use of a structure or land to a different use and changes to a nonconforming use or structure.

503.30 Zoning Certificate

The zoning certificate shall be issued upon request to confirm that the use of land or a building within the City is in compliance with this Ordinance. The exact form of the certificate and fees charged shall be determined by the City.

503.40 Sign Permit

A sign permit shall be required prior to the erection or alteration of any sign, except those signs specifically exempted from this requirement in Section 406 of this Ordinance.

- A. Application for a sign permit shall be made in writing to the Zoning Officer, and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.
- B. No sign permit shall be issued except in conformity with the regulations of this Ordinance, except after written order from the Zoning Hearing Board or the courts.
- C. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
 - 1. Exact dimensions of lot or building upon which the sign is proposed to be erected.
 - 2. The exact size, dimensions and location of the said sign on lot or building.
 - 3. Any other lawful information which may be required by the Zoning Officer.

504. CONDITIONAL USES, APPEALS, VARIANCES AND SPECIAL EXCEPTIONS

The Zoning Officer shall receive all requests for conditional uses, appeals, applications for variances and requests for special exceptions. Said applications shall be on forms as approved by the City or Board, as appropriate, and shall be accompanied by a fee as set by the City. It is the intent of the Ordinance that all appeal processes should follow the Pennsylvania Municipalities Planning Code or other appropriate State law. The filing of appeals, special exceptions and variances shall be within such time limits as shall be set by the Board.

PART 5: ADMINISTRATION, ENFORCEMENT AND APPEALS

505. VIOLATIONS

505.10 Enforcement Notice

When it appears to the City and/or the Zoning Officer that a violation has occurred, the Zoning Officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

- A. The name of the owner of record and any other person against whom the City intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

505.20 Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City, the Zoning Officer of the City, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the City at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Commissioners of the City of Hermitage. No such action may be maintained until such notice has been given.

505.30 Jurisdiction

Magisterial District Judges shall have initial jurisdiction over proceedings brought under this Section.

505.40 Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable there for in a civil enforcement proceeding commenced by the City, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until

PART 5: ADMINISTRATION, ENFORCEMENT AND APPEALS

the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the City. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the City and its Zoning Officer the right to commence any action for enforcement pursuant to this Section.

PART 6

ZONING HEARING BOARD

601. CREATION

There is hereby created a Zoning Hearing Board, herein referred to as the “Board,” consisting of three residents of the City appointed by the Board of Commissioners pursuant to the Pennsylvania Municipalities Planning Code, as amended. Said Board shall perform all the duties, and exercise all powers prescribed by said Code and as herein further provided.

602. APPOINTMENT

The terms of office of the Board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Board of Commissioners of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the City, nor be a member of the Planning Commission. The Board of Commissioners shall also appoint two alternate members to the Board. The appointment, rights and duties of the alternates shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code.

603. REMOVAL OF MEMBERS

Any Board member may be removed for misfeasance or nonfeasance in office, or for other just cause, by a majority vote of the Board, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

604. ORGANIZATION OF BOARD

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum shall be not less than the majority of all the members of the Board, but where two members are disqualified to act in a particular matter, the alternate member shall be seated. The Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the Planning Code. The Board may make, alter and rescind rules and forms for its procedure, consistent with City ordinances and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Commissioners as requested.

605. EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Board of Commissioners, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed from time to time by the Board of Commissioners, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Commissioners.

606. LEGAL COUNSEL

Where legal counsel is desired, an attorney, other than the City Solicitor, shall be used.

607. HEARINGS

The Board shall conduct hearings and make decisions in accordance with the following requirements.

- A. Notice shall be given to the public by notice published once each week for two successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than seven days from the date of the hearing. Written notice shall be given to the applicant, the Zoning Officer, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. The Board of Commissioners may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, or its expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the City, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- J. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, except that advice from the Board's Solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other

PART 6: ZONING HEARING BOARD

materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- K. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days in the same manner as provided in Subsection 607(1) of the Pennsylvania Municipalities Planning Code. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.
- L. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board nor later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

608. BOARD'S FUNCTIONS

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Commissioners pursuant to 609.1 and 916.1(a)(2) of the Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the City and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the City Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to 910.2 of the Planning Code and 608(8) of this Ordinance.
- F. Appeals from the Zoning Officer's determination under 916.2 of the Planning Code.

PART 6: ZONING HEARING BOARD

- G. Appeals from the determination of the Zoning Officer or City Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.
- H. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided that all of the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is there for necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the applicant;
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

609. PARTIES APPELLANT BEFORE BOARD

Appeals under 608 and proceedings to challenge this Ordinance under 608 may be filed with the Board in writing by the landowner affected, any officer or agency of the City, or any person aggrieved. Requests for a variance under 608 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

610. TIME LIMITATIONS; PERSONS AGGRIEVED

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate City officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also 914.1 of the Planning Code.

611. STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in 608 and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. See also Section 915.1 of the Planning Code

PART 7
AMENDMENTS

701. GENERAL

The Board of Commissioners may introduce and/or consider amendments to this Ordinance and to the Zoning Map, as proposed by a member of the Board of Commissioners, the Planning Commission, or by a petition of a person or persons residing or owning property within the City.

702. PETITIONS

Petitions for amendments shall be filed with the Planning Commission; and the petitioners, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a fee schedule affixed by the City.

703. REFERRAL

Any proposed amendment presented to the Board of Commissioners without written findings and recommendations from the Hermitage Planning Commission and the Mercer County Planning Commission, shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Commissioners. The Board of Commissioners shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of 30 days from the date that such proposed amendments were submitted to the City and County Planning Commission.

704. ACTION

Before acting upon a proposed amendment, the Board of Commissioners shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same be examined, shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the Zoning Map, notice of the public hearing shall be posted at the affected tract in accordance with Section 609 of the Planning Code at least one week prior to the date of the hearing.

705. CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (Act 247), as amended. The Board of Commissioners shall commence a hearing thereon within 60 days. As with other proposed amendments, the curative amendment shall be referred to the Hermitage Planning Commission and the Mercer County Planning Commission at least 30 days before the hearing is conducted by the Board of Commissioners. Public notice shall be given in accordance with applicable provision of the Planning Code. The hearings shall be conducted in accordance with instructions as set forth by Section 916.1 of the Planning Code. The

PART 7: AMENDMENTS

findings, actions and considerations of the Board of Commissioners shall be in accordance with Section 609.1 of the Planning Code.

The City may institute a municipal curative amendment in accordance with Section 609.2 of the Planning Code.