CITY OF HERMITAGE
MERCER COUNTY, PENNSYLVANIA

ZONING ORDINANCE

ORDINANCE NO. 20-91

As amended through July 24, 2019

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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 December 30, 1991.

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.

(i) Provide adequate areas for new subdivision activity.

(ii) Provide for a full range of housing types.

(iii) Allow for increased building heights in certain multifamily areas.

(iv) Provide a buffer strip between newly created industrial and commercial areas and residential areas.

(v) Prevent the adverse scattering of high-density residential areas.

(vi) Create land use controls which will protect existing residential areas while allowing for a wider range of compatible use, especially in locations which abut major traffic corridors.

(vii) Encourage the construction and maintenance of clean aesthetically pleasing buildings and development.

(viii) Update land use controls to accommodate the objective.

(2) Objective - Protection of Hermitage's Environment: Encourage development which is

environmentally sound.

(i) Provide controls which protect environmentally sensitive areas.

(ii) Provide controls which limit the impact on existing infrastructure through proper phrasing of improvements.

(iii) Provide protection and security between differing land uses.

(iv) Provide controls which encourage quality developments.

(3) Objective - Recreation: Provide adequate recreation and passive green space use opportunities for the residents of the City of Hermitage.

(i) Support regional recreation opportunities and facilities.

(ii) Require green space preservation for new development.

(4) Objective - Farmland Preservation: Protect existing farmland and agricultural activities.

(i) Limit infrastructure improvement and extension which encourages encroachment upon agricultural activities.

(ii) Provide land use controls which protect farmland and encourage diversity of agricultural activities.

(5) Objective – Commercial: Encourage appropriate commercial development (including retail and office) while concentrating the commercial area and discouraging indiscriminate sprawl.

(i) Provide for more innovative commercial and professional uses.

(ii) Allow more intense, higher development within the City commercial core.

(iii) Limit development to the corridors of Route 18 and Route 62 and concentrate expansion to adjacent areas.

(iv) Provide for better control of signage.

(v) Develop land use controls to implement the objectives.

(6) Objective – Industrial: Provide for an industrial climate which will encourage job creation and retention while protecting adjacent land uses.

(i) Provide adequate land north of the existing industrial area, on Victor Posner Boulevard, for new industrial development.

(ii) Encourage activities which have job creation and/or retention potential.

(iii) Create land use controls which will provide for protection of adjacent land uses.

(7) Objective – Special: Provide for special land use concerns.

(i) Provide adequate space for a variety of needed public and semi-public uses and afford sensitive ones, such as schools, with special protection.

(ii) Create areas that are specifically structured for contemporary business opportunities in the field of advanced technology and do so with an office-campus atmosphere.

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.

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 2
DEFINITIONS

201. INTERPRETATION

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 "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "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. 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.

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.

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

Adult Bookstore - any commercial establishment in which is offered for sale and/or lease as a substantial or significant portion of its stock in trade video cassettes, movies, books, magazines or other periodicals or other media which are distinguished or characterized by their emphases on nudity or sexual conduct or on activities which if presented in live presentation would constitute adult entertainment.

Adult Business - an adult bookstore, commercial movie theater or other adult entertainment as defined herein. In the event that an activity or business which might fall under a use category other than adult business is combined with and/or includes activities which constitute an adult bookstore, adult movie theater or adult entertainment as defined herein, then such activity or business shall constitute an adult business and shall be governed by those provisions in this Ordinance applicable to adult business uses and not by provisions applicable to any other use category.

Adult Entertainment - a commercial establishment providing, either as a sole use or in connection with or in addition to other uses, entertainment consisting of the use of nudity or of live dancing, posing, displaying, acting or other live presentation or use of persons whose actions are distinguished or characterized by emphasis on use of the human body in a manner intended to or resulting in arousal of sexual excitation or sexual titillation or a prurient interest or intended to or resulting in producing lustful emotions.

Agricultural Use - the raising or boarding of livestock, including horses, cattle, pigs, chickens and similar animals, and/or the raising of food or feed crops. Agricultural use does not include kennels, or the raising or boarding of exotic animals or pets.

Aisle - vehicular travel lane.

Aisle Main - the most frequently traveled vehicular land 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 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.

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 - an owner-occupied residence type facility offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Billboard - a sign indicating a business conducted, a commodity sold, or a service rendered, somewhere other than on the premises, on which advertising matter of any character is printed, posted or lettered by any means and is designed for such purposes. A billboard may be either free standing or attached to a surface of a building or other structure.

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."

Buffer Yard - a buffer or screen created with the use of landscape materials in order to minimize negative impacts of incompatible uses.

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.

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 and Corporate Office – a building, or portion of a building, where the professional, clerical, financial, sales & marketing, recordkeeping, human resources and similar functions of a business or corporation take place.

Call Center – a centralized office used for the purpose of receiving and transmitting a large volume of requests by telephone, administering incoming product support or information inquiries from consumers and/or placing outgoing calls for telemarketing, clientele and product services.

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 – a burial ground for humans.

City - City of Hermitage.

Clubs and Lodges - buildings and/or facilities of an organization of persons for the promulgation of sports, arts, literature, public service, politics or similar purpose, which is not operated for profit.

Commercial Recreation (Indoor) - a facility which offers various indoor recreational opportunities for its patrons including such games as pool, billiards, bowling, video games and similar pursuits.

Communications Antenna – any device used for Radio Communication in the "Personal Wireless Services" as defined under 47 U.S.C. § 332 (c) (7) (C).

Communications Equipment Building – an unmanned building or cabinet containing communications equipment required for the operation of communications antennas as herein defined.

Communications Tower – a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas as herein defined.

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

Corporate Office - a building or portion of a building devoted primarily to the management and administrative functions of a business corporation.

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

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.

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

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."

(a) Single-Family Dwelling - a building containing only one dwelling unit on a single lot or parcel of land.

(b) Multi-Family Dwelling - a building or buildings containing two or more dwelling units, including apartment houses, townhouses, condominiums and garden apartments.

(c) Detached Dwelling - a dwelling with yards on all four (4) sides.

Dwelling Unit - a building or portion thereof containing one or more rooms for living purposes together with separate and exclusive 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.

Efficiency Dwelling - a dwelling which does not contain a separate bedroom but which is still an independent living unit, including full kitchen and bathroom facilities.

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.

Essential Services - the erection, construction, alteration or maintenance by public utilities or municipal departments, authorities, or commissions of: underground gas, underground or above ground electrical, telephone, and cable television transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith; for the furnishing of adequate services for public health, safety and general welfare. Essential Services does not include office buildings, the outside storage of equipment, maintenance depots, communications towers, communication equipment buildings or communications antennas.

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.

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.

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.

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.

Garage, Private - an accessory building used for the storage of automobiles and personal belongings, either attached to the principal building or separate.

Garden Apartment - a building containing separate dwelling units, each predominately on one level. Buildings shall not exceed three stories and shall have substantial landscaped open space adjacent to the dwelling units. Access may be provided from a common hall or by individual entrances, thereby providing direct access to the garden or open space area.

Gasoline Service Station - an area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and hand washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

General Office - the office of a business, corporation, nonprofit organization or other entity.

Greenway - a pedestrian area planted with grass and trees along a street or main access drive.

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 Lot Occupation - the primary use of a building on a property (where there is also located a principal building used as a dwelling, mobile home or modular home) for gainful employment involving the manufacture, provision or sale of goods and/or services.

Home Occupation - any use customarily carried on entirely within a dwelling 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.

Kennel – a building or facility used to provide overnight boarding of dogs and other pets, other than pets belonging to the property owner or resident.

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.

Life Care Complex - a development consisting of residential living units exclusively for persons who are 55 years of age or older. Such developments shall provide nursing facilities if required by applicable statutes or regulations, living units, health care services and meals for residents (with or without

common dining facilities). Such developments may also provide the following facilities and services for the exclusive use of the residents: physical therapy facilities, auditoriums; recreation facilities; on-site service shops and other appropriate ancillary services.

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, 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, Light - the assembly, fabrication, manufacture, production, processing, storage and/or wholesale distribution of goods or products where no process involved will produce noise, light, vibration, air pollution, fire hazard or emissions, noxious or dangerous to neighboring properties within 400 feet.

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 Office and Clinic – a building or portion of a building where physicians, dentists and/or other health-care professionals examine and treat patients, and conduct related business and administrative tasks.

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.

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.

Motel - a building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a parking space, and offered principally for rental and use by motor vehicle travelers. The term "motel" includes, but is not limited to, auto courts, motor courts, motor inns, motor lodges or roadside hotels.

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 it location by reason of annexation.

Nursing Home - an institution licensed to provide nursing home services to residents. A nursing home may be for profit, nonprofit, hospital-based or operated by a county.

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 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.

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.

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 Care Home - a licensed facility that provides meals, shelter and personal assistance or supervision for more than 24 consecutive hours for more than four but not more than eight persons who do not require nursing home care.

Personal Services - any commercial establishment providing services pertaining to the person, his apparel or personal effects commonly carried on or about the person and including automatic teller machines (excluding drive-in facilities), shoe repair, tailoring and clothes cleaning on the premises of wearing apparel brought to the establishment by the customer.

Personal Storage Units - a building or group of buildings containing storage units or spaces intended to be rented or leased individually to persons and/or businesses for storage of their belongings and/or vehicles.

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.

Pet Cemetery - a burial ground for pets.

Pet Day Care Facility – a building or group of buildings used to provide day care services for domestic pets on a non-overnight basis.

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.

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

Professional Office - the office or studio of physician, surgeon, dentist, lawyer, architect, artist,

engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher or similar occupation.

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.

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 are side by side to form a continuous line.

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.

Senior Assisted Living Residence - a residence for persons age 55 and over, regulated by the Commonwealth as a personal care home as defined in the Pennsylvania Code, which consists of private dwelling units and accessory uses, provides supportive social residential services which may include meals, housekeeping, medication management, dressing and grooming assistance, in-house 24 hour registered nurse, security and 24 hour monitoring, an emergency call system, wellness promotion, exercise programs, local transportation, laundry services and social and recreational programs, together with accessory uses customarily incidental to senior assisted living residences. A senior assisted living residence does not provide in-house skilled nursing home services or hospital services.

Senior Independent Living Residence - a facility for persons age 55 and over which consists of private dwelling units and which provides supportive residential services, which may include housekeeping, security, 24 hour emergency call system, beauty salon, exercise programs, local transportation, laundry services and social and recreational programs, together with accessory uses customarily incidental to senior independent living.

Shopping Center – a group of retail and other commercial establishments that are planned, develoed 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," 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 Accessory - a small sign attached to a permanent freestanding sign, the area of which is not included in calculating the total sign area of the permanent freestanding sign.

Sign Area - the “area of a sign” shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered the smallest rectangle which can be drawn to encompass all of the letters and symbols. The area for a sign with more than one face shall be computed by adding together the area of all sign faces

visible from any one point, which are part of the same sign structure. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

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.

Sign, Permanent Freestanding - a sign constructed in a permanent location, supported by structures or poles which are installed in an underground foundation as per the construction standards contained in Section 409.3.

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, 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.

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.

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.

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

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.

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

PART 3
DISTRICT REGULATIONS

301. 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.

302. 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. The districts are:

302.10 Residential Districts

Districts designated for residential use are for dwellings and uses normally associated with residential neighborhoods. Such uses may include schools, churches and related activities. The specific purpose for each of the residential districts is as follows:

302.10(a) R-1 Single-Family Residential District. These zones are primarily intended for single-family dwellings and related uses. There are two "R-l" zones.

302.10(b) R-2 General Residential District. R-2 General Residential District is designed to accommodate single, two-family and multifamily residences where utilities, access and location warrant such development. There are three "R-2" zones.

302.10(c) R-3 Residential/Office District. R-3 Residential/Office District is designed to accommodate single, two-family and multifamily residences, with limited compatible nonresidential development also permitted, such as office buildings and day-care centers.

302.10(d) R-4 Residential High Density Development District. R-4 Residential High Density Development District is designed to accommodate single, two-family and multifamily residences, with limited nonresidential development also permitted, such as office buildings, low-volume retail and hotels and motels.

302.20 Commercial Districts

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

302.20(a) CC-1 Central Commercial. CC-1 Central Commercial is designed to accommodate a wide range of commercial and related uses.

302.20(b) CC-2 Central Commercial. The uses in this district are the same as CC-l, however more intense development is permitted.

302.20(c) HC Highway Commercial. The uses in this district are the some as CC-l, however larger lot areas and setbacks are required.

302.30 Industrial Districts

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.

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

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

302.40 MHP Mobile Home Park District

This Section 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.

302.60 Office Institutional Technical Districts

There are four districts under this heading. They are all intended to permit a variety of office, institutional and technical activities within the City of Hermitage. These districts are intended to provide space for a number of operations but to do so in a manner which minimizes any adverse affects on nearby property.

302.61 OB Office Building District. A district which permits various types of traditional office structures and related activities.

302.62 IN Institutional. This district is designed to furnish space for various offices and institutional uses along with compatible activities.

302.62(a) IN-2 Institutional-2. This district is designed to furnish space for various offices and institutional uses, as well as various forms of senior citizen housing and compatible activities.

302.62(b) IN-3 Institutional-3. This district is designed to furnish space for various offices and institutional uses along with other compatible uses.

302.63 PTP Planned Technical Park. In this district the City of Hermitage recognizes that significant changes are occurring within the area economy. This zone is designed to accommodate the traditional office uses as allowed in the OB district while also permitting very light "high tech" activities which can take place in an office park setting with minimal adverse affect upon surrounding parcels and land uses. Although this district may front upon major traffic routes, or have direct access to them, it will generally abut residential districts. It therefore is the intent of this zone to be compatible with such residential areas. To achieve this compatibility the campus/office setting has been determined as most appropriate.

302.63(a) Planned Technical Park-2 (PTP-2) Zoning District. This zone is designed to provide a location for the development of technology related businesses and similar development in a campus-like setting.

302.70 Route 18 South Overlay District

The purpose of this overlay district is to:

A. Encourage the development of a pedestrian oriented corridor that links a variety of uses through streetscape amenities.

B. Provide use options and alternatives for existing residential properties that front onto Route 18 South.

C. Coordinate signage, building setbacks and site design standards along the City's southern gateway corridor, leading into the City's central business district.

303. ANNEXED AREAS

Any territory hereafter annexed by the City of Hermitage will be automatically zoned R-1-100, until otherwise classified by the City.

304. DISTRICT BOUNDARIES

District boundaries that are shown between the lines of streets, streams and transportation right-of-ways shall be deemed to follow the centerline. The vacation of streets shall not affect the locations of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district

boundary by such centerlines, by the scale of dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, 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.

305. ZONING DISTRICT CHANGES

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

306. PERMITTED USES, CONDITIONAL USES AND SPECIAL EXCEPTIONS

The permitted uses, conditional uses and special exceptions for each district are shown in the following table (Table 306.10) and are considered principal uses unless clearly noted otherwise.

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.

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.

Uses in all categories shall be according to the common meaning of the term or according to definitions set forth in Part 2. Uses not specifically listed or defined shall not be permitted. Only one principal use per lot will be allowed in any R-l Single Family Residential Zoning District.

TABLE 306.10

ZONING DISTRICTS

Permitted Uses, Conditional Uses and Special Exceptions

R-1 Single-family Residential District

Permitted Uses	Special Exceptions	Conditional Uses
Single-family Dwellings	Public and Private Schools (308.10)	Cemeteries (308.12)
Agriculture (417)	Churches (308.10)	
Public Recreational Buildings	Golf Courses (308.25)	
Public Parks	Public Utility Substations (308.11)	
Planned Residential Development (309)	Pennsylvania National Guard Readiness Centers and Armory Facilities (308.43)	
Home Occupations (308.19)		
Communications Antennas (308.44)		
Accessory Uses		
Accessory Buildings		
Essential Services		

R-2 General Residential District

Permitted Uses	Special Exceptions	Conditional Uses
Single-family Dwellings	Public and Private Schools (308.10)	Cemeteries (308.12)
Multifamily Dwellings (308.42)	Churches (308.10)	Pet Day Care Facility (308.47)
Conversion Dwellings	Funeral Homes (308.18)	
Public Recreational Buildings	Personal Care, Group Care Homes (308.21)	
Public Parks	Bed and Breakfast (308.23)	
Planned Residential Development (309)	Public Utility Substations (308.11)	
Home Occupations (308.19)		
Communications Antennas (308.44)		
Accessory Uses		
Accessory Buildings		
Essential Services		

R-3 General Residential / Office

Permitted Uses	Special Exceptions	Conditional Uses
Single-family Dwellings	Public and Private Schools (308.10)	Cemeteries (308.12)
Multifamily Dwellings (308.42)	Churches (308.10)	Pet Day Care Facility (308.47)
Conversion Dwellings	Funeral Homes (308.18)	
Public Recreational Buildings	Personal Care, Group Care Homes (308.21)	
Public Parks	Bed and Breakfast (308.23)	
Planned Residential Development (309)	Public Utility Substations (308.11)	
Home Occupations (308.19)	Personal and Professional Offices (308.13)	
Communications Antennas (308.44)	Medical and Dental Clinics (308.13)	
Accessory Uses	Day Care Centers (308.22)	
Accessory Buildings		
Essential Services		

R-4 Residential High Density Development District

Permitted Uses	Special Exceptions	Conditional Uses
Single-family Dwellings	Funeral Homes (308.18)	Cemeteries (308.12)
Multifamily Dwellings (308.42)	Nursing Homes (308.10)	Senior Assisted Living Residence (308.37)
Governmental Buildings	Public Utility Substations (308.11)	Senior Independent Living Residence (308.37)
Clubs and Lodges (308.32)	Contractors' Office and Shop (308.16)	Life Care Complex (308.36)
Conversion Dwellings (308.19)	Veterinary Offices and Kennel (308.24)	Pet Day Care Facility (308.47)
Public (non-profit) Recreational Buildings and Uses	Golf Courses (308.25)	
Public Parks	Hotels & Motels[4]	
Planned Residential Development (309)		
Home Occupations (308.19)		
Personal and Professional Offices (308.13)[2]		
Public and Private Schools (308.10)		
Churches (308.10)		
Medical and Dental Clinics (308.13)[2]		
Personal Care, Group Care Homes (308.21)		
Day Care Centers (308.22)[3]		
Nursery and Garden Centers		
Retail and Service Business as follows:[2]		
Antique Shop		
Gift Shop		
Bakery or Candy Shop		
Art & Framing Shop		
Music Store		
Clothing Shop		
Communications Antennas (308.44)		
Accessory Uses		
Accessory Buildings		
Essential Services		

[2] Not to exceed 12,000 square feet and two stories.
[3] Not to exceed 4,000 square feet and two stories.
[4] On a lot of not less than ten acres.

MHP Mobile Home Park District

Permitted Uses	Special Exceptions	Conditional Uses
Single-family Dwellings	Public and Private Schools (308.10)	Cemeteries (308.12)
Public Parks	Churches (308.10)	
Public Recreational Buildings	Public Utility Substations (308.11)	
Mobile Home Parks		
Mobile Homes		
Home Occupations (308.19)		
Communications Antennas (308.44)		
Accessory Uses		
Essential Services		
Accessory Buildings		

CC-1 Central Commercial District

Permitted Uses	Special Exceptions	Conditional Uses
Retail Businesses	Public Utility Substations (308.11)	Adult Businesses (308.41)
Personal Services	Veterinary Clinics (308.24)	
Laundromats	Service Stations (308.20)	
Professional Services	Used Car Sales (308.20)	
Theaters	New Car Sales and Service (308.20)	
Frozen Food Lockers with Retail Offices	Builders' Supplies (308.16)	
Professional Offices	Auto-Truck Repair (308.20)	
Financial Institutions	Boat and Trailer Sales/Storage and Repairs (308.31)	
Governmental Buildings		
Parking Garages		
Bowling Alleys		
Skating Rinks		
Restaurants		
Commercial Amusement		
Funeral Homes		
Drive-In Restaurants (308.26)		
Computer Assembly		
Computer Software Development		
Motels		
Day Care Centers (308.22)		
Multi-Family Dwellings (308.42)		
Communications Antennas (308.44)		
Accessory Uses		
Essential Services		
Accessory Buildings		

CC-2 Central Commercial District

Note: All permitted uses, special exceptions and conditional uses in the CC-2 Commercial District are identical to the CC-1 District. Please see Table 307.10 relative to yard and height requirements.

HC Highway Commercial District

Note: All permitted uses, special exceptions and conditional uses in the HC Highway Commercial District are identical to the CC-1 District with the exception of Adult Businesses, which are not permitted in this district. Also permitted as a Special Exception is Communications Towers (308.45). Please see Table 307.10 relative to lot and setback requirements.

OB Office Building District

Permitted Uses	Special Exceptions	Conditional Uses
Office Buildings	Public Utility Substations (308.11)	
General and Professional Offices	Communications Towers (308.45)	
Medical Clinics		
Dental Clinics		
Communications Antennas (308.44)		
Essential Services		
Accessory Uses		
Accessory Buildings		

IN Institutional District

Permitted Uses	Special Exceptions	Conditional Uses
Churches	Public Utility Substations (308.11)	Senior Assisted Living Residence (308.37)
General Offices	Communications Towers (308.45)	Senior Independent Living Residence (308.37)
Professional Offices		Life Care Complex (308.36)
Funeral Homes		
Medical Clinics		
Dental Clinics		
Governmental Buildings		
Offices for Governmental Schools and Not-for-Profit Organizations		
Public Utility Buildings		
Nursing Homes (308.10)		
Hospitals (308.10)		
Public and Private Schools (308.10)		
Clubs and Lodges		
Public, Nonprofit Recreational Buildings and Uses		
Facilities or workshops providing services or employment for mentally or physically handicapped persons		
Financial Institutions		
Multi-Family Dwellings (308.42)		
Communications Antennas (308.44)		
Essential Services		
Accessory Uses		
Accessory Buildings		

IN-2 Institutional-2 District

Note: All permitted uses, special exceptions and conditional uses in the Institutional-2 District are identical to the Institutional District.

IN-3 Institutional-3 District

Permitted Uses

All as permitted in IN Institutional District

Special Exceptions

All as permitted in IN Institutional District

Conditional Uses

All as permitted in IN Institutional District
Dine-in Restaurants without drive-through service (308.46)
Beauty Salons, Barber Shops, Fitness Centers and similar personal service uses (308.46)
Day Care Center for children or adults (308.46)

Planned Technical Park

Permitted Principal Uses

Biomedical businesses and/or research facilities

Business incubators concentrating on STEM (Science, Technology, Engineering & Math) enterprises

Business and corporate offices

Businesses which are engaged in the production, design, assembly, testing and/or repair of electronics, micro-electronics, computer hardware and/or software, robotics, scientific, medical or chemical instruments or similar enterprises

Call centers

Child day care centers

Colleges and other post-secondary education facilities

Data centers

Design offices of engineers, cartographers, architects, landscape architects, planners, surveyors and similar professionals engaged in the practice of designing, drafting, graphics or planning

Financial institution

Government offices

Health and fitness center

Medical offices and clinics

Production, assembly and packaging of pharmaceuticals

Professional offices, such as those of financial planners, accountants, real estate agents and persons engaged in similar licensed professions

Offices and research facilities of businesses or organizations engaged in the sectors of energy, environmental science or sustainability

Scientific research offices and laboratories

Permitted Attached Uses

Restaurant, cafe or cafeteria offering snacks, light meals and beverages, without drive-through service

Newspaper & magazine sales

Communication Antennas (308.44)

Dry cleaning pickup and drop off facility where the cleaning process is performed at a remote location

Accessory Uses

Any other use, which is secondary and customary to the principal use and contained in the same building therewith, and does not negatively affect the other tenants or the professional atmosphere of the Planned Technical Park

Special Exceptions

Communication Towers (308.45)

Conditional Uses

Hotel with conference facilities located adjacent to or in close proximity to a major highway, where the architectural design, site design and location of the hotel complements the Planned Technical Park, and where the hotel and related facilities will enhance and provide value to the businesses within the park in addition to the general public. There shall be no more than one hotel in a Planned Technical Park development of 200 acres or less.

Restaurant constructed as a separate building or attached to a hotel or motel - located adjacent to or in close proximity to a major highway, and where the architectural design, site design and location of the restaurant complements the Planned Technical Park, and where the restaurant will enhance and provide value to the businesses within the park in addition to the general public.

PTP-2 Planned Technical Park-2

Permitted Principal Uses

Biomedical businesses and/or research facilities

Business incubators concentrating on STEM (Science, Technology, Engineering & Math) enterprises

Business and corporate offices of 15,000 sq. ft. or larger

Businesses which are engaged in the production, design, assembly, testing and/or repair of electronics, micro-electronics, computer hardware and/or software, robotics, scientific, medical or chemical instruments or similar enterprises

Colleges and other post-secondary education facilities

Data centers

Production, assembly and packaging of pharmaceuticals

Offices and research facilities of businesses or organizations engaged in the sectors of energy, environmental science or sustainability

Scientific research offices and laboratories

Permitted Attached Uses

Child day care centers

Health and fitness center

Restaurant, cafe or cafeteria offering snacks, light meals and beverages, without drive-through service

Newspaper & magazine sales

Communication Antennas (308.44)

Dry cleaning pickup and drop off facility where the cleaning process is performed at a remote location.

Accessory Uses

Any other use, which is secondary and customary to the principal use and contained in the same building therewith, and does not negatively affect the other tenants or the professional atmosphere of the Planned Technical Park

Special Exceptions

Communication Towers (308.45)

LI Light Industrial District

Permitted Uses	Special Exceptions	Conditional Uses
Trucking Terminals	Petroleum Products Wholesale Distribution (308.35)	Billboards (308.27)
Wholesaling and Warehousing	Contractor Yards (308.16)	Chemical Storage, Sales and Distribution (308.35)
Light Manufacturing (subject to performance standards)	Supply Yards (308.16)	
Commercial Laundries	Communications Towers (308.45)	
Dry Cleaning Plants		
Auto Service and Repair		
Cold Storage Plants		
Dairies		
Commercial Bakery		
Bottling Plants		
Personal Storage Units (308.39)		
Communications Antennas (308.44)		
Accessory Uses		
Essential Services		
Accessory Buildings		
Animal Shelters		
Career and Technical Training Centers		

HI Heavy Industrial District

Permitted Uses	Special Exception	Conditional Uses
Trucking Terminals	Petroleum Products Wholesale Distribution (308.35)	Billboards (308.27)
Wholesaling and Warehousing	Contractor Yards (308.16)	Sanitary Landfills (308.28)
Commercial Laundries	Supply Yards (308.16)	Chemical Storage, Sales and Distribution (308.35)
Dry Cleaning Plants	Salvage (Junk) Yards (308.14)	
Auto Service and Repair	Communications Towers (308.45)	
Cold Storage Plants		
Dairies		
Commercial Bakery		
Bottling Plants		
Accessory Uses		
Essential Services		
Accessory Buildings		
Pipe Storage Yards		
Light Manufacturing (subject to performance standards)		
Asphalt Paving Plants		
Heavy Manufacturing (308.17)		
Personal Storage Units (308.39)		
Communications Antennas (308.44)		

307. 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 Table 307.10.

TABLE 307.10

LOT YARD AND HEIGHT REQUIREMENT TABLE

Zoning Districts R-1-100 and R-1-75

	R-1-100	R-1-75
Minimum Lot Area	20,000[1] sq. ft.	11,250[1] sq. ft.
Minimum Lot Width		
Corner Lot	120 ft.	100 ft.
Interior Lot	100 ft.	75 ft.
Minimum Front Yard		
Major Highway	50 ft.	50 ft.
Secondary Highway	35 ft.	35 ft.
Minimum Rear Yard		
Principal Building	50 ft.	35 ft.
Accessory Building	10 ft.	5 ft.
Minimum Side Yard Total of Both Sides	30 ft.	22 ft.
One Side		
Principal Use		
Interior Lot Line	12 ft.	8 ft.
Street Side on Corner Lot	35 ft.	30 ft.
Accessory Use		
Interior Lot Line	10 ft.	5 ft.
Street Side on Corner Lot	35 ft.	30 ft.
Maximum Structure Height		
Principal Building	45 ft.[2]	45 ft.[2]
Accessory Building	20 ft.[3]	20 ft.
Maximum Lot Coverage	15%	20%

[1] Also minimum lot area per family
[2] Not to exceed three stories.
[3] Except as provided in Section 415.

Zoning Districts R-2-100, R-2-75, R-2-60 and R-3 and R-4

	R-4 and R-2-100	R-3 and R-2-75	R-2-60
Minimum Lot Area	20,000 sq. ft.	11,250 sq. ft.	7,500 sq. ft.
Two Family	30,000 sq. ft.	15,000 sq. ft.	11,000 sq. ft.
For Each Additional Family	5,000 sq. ft.	2,500 sq. ft.	1,750 sq. ft.
Minimum Lot Width			
Corner Lot	120 ft.	95 ft.	80 ft.
Interior Lot	100 ft.	75 ft.	60 ft.
Minimum Front Yard			
Major Highway	50 ft.	50 ft.	50 ft.
Secondary Highway	35 ft.	35 ft.	30 ft.
Minimum Rear Yard			
Principal Building	50 ft.	35 ft.	30 ft.
Accessory Building	10 ft.	10 ft.	5 ft.
Minimum Side Yard Total of Both Sides	30 ft.	22 ft.	15 ft.
One Side			
Principal Use			
Interior Lot Line	12 ft.	8 ft.	6 ft.
Street Side on Corner Lot	35 ft.	30 ft.	25 ft.
Accessory Use			
Interior Lot Line	10 ft.	5 ft.	5 ft.
Street Side on Corner Lot	35 ft.	30 ft.	30 ft.
Maximum Structure Height			
Principal Building	45 ft.[1]	45 ft.[1]	45 ft.[1]
Accessory Building	20 ft.	20 ft.	20 ft.
Maximum Lot Coverage	25%	25%	25%

[1]Not to exceed three stories.

Zoning Districts CC-1 and CC-2, HC and Institutional, Planned Technical Park, Office Building District, Light Industrial and Heavy Industrial

	CC-1 Central Commercial	CC-2 Central Commercial	HC Highway Commercial	Institutional, Institutional-2 & Institutional-3
Minimum Lot Area	30,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.	30,000 sq. ft.
Minimum Lot Width				
Corner Lot	150 ft.	150 ft.	180 ft.	150 ft.
Interior Lot	100 ft.	100 ft.	150 ft.	125 ft.
Minimum Front Yard	10 ft.	10 ft.	10 ft.	10 ft.
Minimum Side Yard	20 ft.[2]	20 ft.[2]	20 ft.[2]	20 ft.[2]
Minimum Rear Yard	50 ft.	50 ft.	50 ft.	50 ft.
Maximum Height Structure	60 ft.	90 ft.	60 ft.	45 ft.[1]
Maximum Lot Coverage	40%	40%	40%	25% in Institutional-2 30% in Institutional & Institutional-3

	Planned Technical Park and Planned Technical Park-2	Office Building District	Light Industrial	Heavy Industrial
Minimum Lot Area	40,000 sq. ft.	35,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width	150 ft.	200 ft.	160 ft.	160 ft.
Minimum Front Yard	15 ft.	50 ft.		50 ft.
Major Highway			50 ft.	
Secondary Highway			40 ft.	
Minimum Side Yard	10 ft.[2, 3]	25 ft.[2]	25 ft.[2]	50 ft.[2]
Minimum Rear Yard	50 ft.	50 ft.	35 ft.	35 ft.
Maximum Height Structure	45 ft.[1]	45 ft.[1]	60 ft.	60 ft.
Maximum Lot Coverage	25%	30%	50%	50%

[1] Not to exceed three stories.
[2] For corner lots, all yards fronting on a street shall be considered front yards.
[3] For 2 or more adjacent lots developed or redeveloped under a comprehensive land development plan, side yard setback may be zero where the development plan includes connected or abutting building walls at the property line. In this case, mutual access and utility easements as needed must be preserved as deed covenants running with the ownership of each lot, and common walls must comply with the requirements of the current applicable building code.

307.11 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.

308. ADDITIONAL CRITERIA

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.

308.10 Churches, Public and Private Schools, Hospitals and Nursing Homes

(a) 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 insure 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.

(b) Shall be located on a lot of at least four (4) acres.

(c) The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.

(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.

308.11 Public Utility Substations

(a) Shall be landscaped to present a minimum intrusion upon the neighborhood.

(b) Shall be enclosed by a security fence. Not withstanding 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.

308.12 Cemeteries

308.12(a) The purpose of cemeteries, under this Ordinance, 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.

308.12(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.

308.12(c) Crematories for pets shall be permitted as an accessory use to an established cemetery.

308.13 Personal and Professional Offices, Medical and Dental Clinics

(a) All required parking, loading and unloading shall be contained entirely on lot, including sufficient maneuvering room so that vehicles will not back onto a public street. There shall be no parking in the front yard area. Access drives and vehicular circulation shall be planned to minimize traffic impacts on residential neighborhoods to the greatest extent possible.

(b) All lighting shall be so arranged to prevent glare to adjoining properties.

(c) Any parking area next to a residential use shall be screened (see Screening).

(d) Such uses shall only front upon paved streets with a cartway of at least 20 feet.

(e) Building size shall be limited to 5000 square feet.

308.14 Salvage Yards

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 a fence at least eight feet high.

(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.

308.15 Car Washes

(a) Car Stacking. The entrance to the car wash shall be designed as to permit a waiting line of at least 12 cars. In no event shall cars be permitted to use the public right-of-way while waiting to use the wash facility.

(b) All such facilities shall present a drainage plan to the City for approval.

308.16 Supply and Contractor's Yards

Supply and contractor's yards shall effectively screen the yards facing surrounding properties. Such screening shall be via fencing or screen planting.

308.17 Heavy Manufacturing

Heavy manufacturing shall be located where the emission of objectionable gases, fumes, smoke or dust will not be objectionable to established permitted uses nearby or is controlled by the installation of special equipment. Outside storage yards abutting or
immediately across a street from any "R" District shall be screened. These uses shall meet all performance standards set forth in 406.

308.18 Funeral Homes

(a) There shall be no receiving vault, preparation room or display of merchandise visible from outside the principal building.

(b) There shall be a minimum of 5,000 square feet of off-street parking, but in no event less than required by Part 4 of this Ordinance.

308.19 Home Occupations

Home occupations are a potential intrusion upon residential areas and as such must meet all the requirements listed in this Section:

(a) Parking. 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.

(b) Employees. No more than 1 outside employee, other than a family member, shall participate or work in the home occupation.

(c) Restrictions. 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.

(d) 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.

(e) The nature of the home occupation shall not change the outward characteristics of the home as a residential unit.

(f) No more than 30%, in aggregate, of the home and accessory buildings may be used for a home occupation.

(g) One sign no larger than 2 square feet may be used to announce the name or purpose of the home occupation.

(h) Home occupations shall not operate before 8:00 A.M. nor after 9:00 P.M.

(i) 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.

(j) No more than one home occupation per dwelling shall be permitted.

308.20 Gasoline Service Stations, Automobile Sales and Service:

Shall be permitted subject to the following regulations:

(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) Any lot line abutting a residential district or residential use shall be screened using screen plantings.

(d) 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.

(e) 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.

(f) 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.

308.21 Personal Care Homes, Group Care Homes

The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. In addition, such uses shall meet the following conditions:

(a) At least one additional on-lot parking space shall be provided for each two guests.

(b) No home shall admit more than eight guests/clients at any one time.

(c) The type of home, along with any required local, County, State and/or Federal certifications shall be presented to the Board.

308.22 Day Care Centers

Day care centers shall be allowed as a special exception providing the following criteria are met:

(a) Any outdoor play area shall be effectively screened from abutting properties.

(b) For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children. These will be for the safety of the children and the protection of the neighborhood.

(c) One parking space for each employee shall be required.

308.23 Bed and Breakfast

Such uses are intended to provide overnight or short-term accommodations for transient guests in a home-like atmosphere. They must meet the following regulations:

(a) No signs in excess of two square feet shall be allowed. Only one such sign shall be permitted.

(b) No more than five guest rooms will be permitted.

(c) One off-street parking space for each guest room shall be required.

308.24 Veterinary Offices or Kennels

(a) All kennel buildings and fenced exercise areas or runs must be at least 50 feet from any neighboring property line.

(b) Outdoor runs and facilities for animal keeping and care shall be constructed for easy cleaning and shall be adequately screened from neighboring properties.

(c) Pet crematories shall be permitted as an accessory use to a veterinarian office.

(d) Must be located on a lot having a minimum size of one acre.

308.25 Golf Courses

Such uses fit well into low density residential settings, however can generate above normal traffic and related activity. To protect surroundings properties the following requirements must be met:

(a) A full plan of the proposed course must be presented.

(b) All parking areas must be screened from surrounding uses, and the edge of all parking areas at least 20 feet from any property line.

(c) All clubhouse facilities, or other buildings for the use of the public or the members of the golf club, must be at least 75 feet from any property line.

(d) All outdoor lighting shall be designed so as to eliminate glare from surrounding properties.

308.26 Drive-In Restaurants

This type of restaurant can be designed to serve both patrons who eat on site and those who pick up food/drinks for off-site consumption via a "drive-through" arrangement.

(a) All parking areas shall be designed for easy ingress and egress. In no event shall autos be required to back onto a public right-of-way.

(b) Drive-up windows shall be set back from the street with stacking room for at least ten vehicles.

(c) There shall be a clear delineation between the drive-through facilities and parking/access facilities for onsite eating. Street access and traffic restrictions (i.e., "NO LEFT TURN") shall be clearly marked using approved signage.

308.27 Billboards

Billboards shall be permitted as a conditional use in the Light Industrial and Heavy Industrial

Zoning Districts provided:

(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.

308.28 Sanitary Landfills

Sanitary landfills shall be permitted only in the HI District and as a conditional use. 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.

(a) Local requirements which must be met prior to permit approval by the Board include:

(1) 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.

(2) An eight foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind blown litter.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) All such proposed uses shall be on a lot of no less than 100 acres.

308.29 Conversion Dwellings

The purpose of conversion dwellings is to allow for the conversion of older, larger single family homes into multifamily units. To be allowed to convert from a single family into a multifamily unit, the following criteria must be met:

(a) All units must have separate kitchen and bathroom facilities as well as living/sleeping spaces.

(b) Each unit shall have a minimum size of 750 square feet exclusive of common spaces.

(c) All required parking shall be accommodated on lot and no parking in the front yard area,

between the street and the structure shall be permitted.

(d) Conversion shall not be limited to four dwelling units or less.

308.31 Boat and Trailer Sales

(a) All repair services must be inside.

(b) No exterior storage of salvage parts or unusable equipment (except those awaiting prompt repair) is allowed.

(c) Lots must be at least 30,000 square feet in size with lot width of 200 feet.

308.32 Clubs and Lodges

(a) Shall be located on a lot of not less than 10 acres in size.

(b) All lighting shall be arranged so as to prevent glare to adjoining properties.

(c) All buildings, parking areas and recreational facilities shall be located no less than 50 feet from adjoining properties.

(d) Screening shall be provided where buildings, parking areas or recreational facilities are located within 100 feet of any adjacent property containing a residence or residences.

308.33 Planned Technical Park and Planned Technical Park-2: It is the intent of these use designations to provide a campus–type setting in a visually attractive environment to accommodate employment–generating entities in office, scientific, technical, engineering and math areas. All references within this section to "Planned Technical Park" shall apply to development within both the Planned Technical Park and Planned Technical Park-2 Districts.

A Planned Technical Park is to be an effective and unified treatment of the development possibilities on the project site, and the development plan should contain appropriate provision for the preservation of streams and stream banks, wooded cover, rough terrain, and similar areas.

A Planned Technical Park shall also be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site, with particular attention to protecting the privacy and integrity of any neighboring residential neighborhoods or properties.

The minimum area of a parcel or combined parcels to be developed as a Planned Technical Park shall be 25 acres. A Planned Technical Park shall abut on or have direct access to a major highway thoroughfare capable of handling the traffic generated by the proposed development. Local residential streets shall not be used as the primary access to a Planned Technical Park development.

308.33(a) Application for a Planned Technical Park

(1) Outline Development Plan - The Outline Development Plan is a conceptual guide for the development of the Planned Technical Park, and must illustrate the developer's intent as to proposed street system layout and circulation patterns, sewage and drainage facilities, landscaping and architectural character of proposed buildings, and relationship of the Planned Technical Park to surrounding land uses and the community as a whole. Approval of an Outline Development Plan is required prior to the submission of a Preliminary Subdivision Plan for a Planned Technical Park Development, and all Preliminary and Final Subdivision and Land Development Plans submitted thereafter shall be in conformance with the approved Outline Development Plan.

The Outline Development Plan is not a final engineering design, but must show all required

items schematically and in sufficient detail to permit their proper review and evaluation. The Outline Development Plan must be in conformance with the design standards of the Hermitage Subdivision and Land Development Ordinance, and the standards of this Planned Technical Park Section of the Zoning Ordinance.

The Outline Development Plan must be prepared with ink on one or more mylar pages of the same size, and be drawn at a scale of 1" = 100 ft. The Outline Development Plan must address development of the entire park, and must include the following items:

(a) Existing and proposed topography
(2 ft. c.i. - U.S.G.S. datum)

(b) Proposed street system layout and circulation patterns and typical cross-section of proposed streets. Proposed pedestrian facilities and plans for alternative transportation within and serving the park, such as bicycle and transit facilities.

(c) General plan of sanitary sewer facilities including general location and description of proposed lines and connection(s) to existing line(s), pump stations and/or treatment facilities.

(d) Drainage plan and Stormwater Management Plan, in accordance with the Stormwater Management Ordinance of the City of Hermitage.

(e) Existing building(s) and plans for their proposed use, relocation or removal.

(f) Existing natural vegetation, streams and lakes, wetlands, natural rock outcroppings and other site features as they relate to the proposed development.

(g) Proposed lot layout, to the extent that it is possible to predict (this item shall remain flexible and non-binding).

(h) General landscape plan, especially treatment of perimeter areas. Plan must include description of proposed plantings, as to type, size and spacing, especially where being used to buffer neighboring residences. Where planting alone is insufficient, developer shall illustrate use of earth mounding or other physical means to create effective screening or other landscape objectives. Outline Development Plan must also include proposed measures to guarantee continuing maintenance of plantings and other non-public facilities.

(i) Plan showing the relationship of the Planned Technical Park to all surrounding land uses for at least 500 feet from all property lines.

(j) All proposed deed restrictions and protective covenants, including architectural design standards. Architectural design standards must include provisions detailing type of exterior building materials permitted. The standards must not permit exposed concrete block or corrugated metal siding.

(k) A statement of present ownership of all land included within the proposed Planned Technical Park, and other such ownership information as may be deemed necessary by the Hermitage Board of Commissioners.

(l) A plan of any proposed recreational trails and any other proposed public or communal site improvements, including a plan for their perpetual ownership and maintenance.

<u>308.33(b) Approval Process</u>

(a) Before submission of Subdivision or Land Development Plans for a Planned Technical Park Development, the Outline Development Plan must be approved by the Hermitage Board of Commissioners.

(b) Before acting on an Outline Development Plan, the Board of Commissioners shall submit the Plan to the Hermitage Planning Commission and the Hermitage Community and Economic Development Commission for their recommendations.

(c) The Hermitage Planning Commission or the Board of Commissioners shall hold a Public Hearing before considering and taking action on the Outline Development Plan.

308.33(c) Uses Permitted

(a) Principal Uses Permitted shall be as per the table in Section 307.10.

(b) Accessory Uses shall be permitted on the same lot with a Principal Use provided:

(1) That they are clearly incidental to, customary to, and commonly associated with the operation of the principal use.

(2) That they are operated and maintained under the same ownership as the principal use, or be lessees or concessionaires thereof, and on the same lot or lots as the principal use.

(3) That they are conducted entirely within buildings or enclosures as provided in this Ordinance.

(4) That they do not include structures or structural features inconsistent with the principal use.

(c) Exclusions. No use shall be permitted in a Planned Technical Park which:

(1) Creates, causes, or contributes to objectionable noise, smoke, odor, dust, noxious gases, vibration, glare, heat, radiation, fire hazards, toxic or dangerous liquid or solid waste.

(2) Involves the use or production of any hazardous nuclear substance including but not limited to the production of hazardous nuclear radiation or waste that would be in violation of any Federal or State Environmental Protection Regulations.

308.33(d) Development Standards

(a) Signage shall be as per Section 409.11

(b) Buildings shall be designed to reflect the intent of this zone to provide a pleasant campus–type of environment. Although the City will not impose design controls, building materials and arrangements shall reflect the purpose of the zone. Plain cement block structures, metal buildings, and unfinished exteriors on structures will not be allowed. All storage of materials and/or wastes must be within approved buildings and/or enclosed by a sight-obscuring fence or wall as approved by the Planning Commission and Board of Commissioners. Such storage building(s), fence(s) or wall(s) shall be architecturally compatible with the primary building(s) on the property, and be in compliance with the Architectural Design Standards of the Park.

(c) Regardless of the activity within buildings in this district, the impact upon surrounding areas should be no more than that of an office building.

308.34 Local Retail Business

The purpose of this use is to allow smaller retail operations designed to serve neighborhood uses. Such uses shall:

(a) Provide all parking as required by this Ordinance on lot.

(b) Provide screen plantings along lot lines which abut residential uses.

(c) All compressors shall be so enclosed as to baffle their sound from surrounding uses.

(d) All dumpsters and or garbage/trash storage areas shall be enclosed.

(e) Total building size shall not exceed 2,500 square feet.

308.35 Chemical Storage, Sales and Distribution, Petroleum Products Wholesale Distribution

The sale and handling of chemical and petroleum products, especially in bulk quantities represent a potential hazard to the community. Due to this, such uses must:

(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 BOCA National Fire Prevention 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.

308.36 Life Care Complexes

A. Permitted uses, in conjunction with a life care complex shall be as follows:

(1) Single-family attached dwellings for elderly persons.

(2) Apartment building and condominiums for elderly persons.

(3) Health care facility for elderly persons who require nursing or convalescent care for extended periods of time.

(4) Accessory uses exclusively to meet the needs of the occupants of the complex.

B. Required Open Space. For purposes of this Section, the term “required open space” shall mean land required to be permanently preserved for recreation, environmental and aesthetic purposes. Required setbacks from lot lines or street rights-of-way can be used in calculating the required open space.

C. Development Regulations. The following density area, width and yard regulations shall apply to a life care complex:

(1) A maximum density of 20 units per acre shall be permitted. Nursing beds shall be provided for not more than 25% of allowable density and not less than 10% of allowable density of the number of residential living units.

(2) Minimum Area. An area of not less than 9 acres shall be provided for every life care complex.

(3) Permanent Open Space. No less than 40% of the tract developed as a life care complex

shall be retained as permanent open space for use by the residents for recreational and leisure activities.

(4) Distance Between Buildings. Minimum distance between buildings shall be 40 feet.

(5) Setbacks. All buildings shall be set back no less than 75 feet from any property line or any future right-of-way of any public street.

(6) Parking. The following minimum parking standards shall be required:

(a) Not less than one parking space shall be provided for each employee working on the largest shift.

(b) At least one parking space shall be provided for each employee working on the largest shift.

(c) Whenever a health care facility is proposed, which is intended to accommodate patients other than occupants of the residential portion of the development, one parking space per three beds shall be required.

(7) Building Height. The maximum building height shall be not more than three stories and not more than 35 feet to the roof surface.

D. General Requirements.

(1) Utilities. All buildings within a life care complex shall be served by a public sewage system and public water system.

(2) Common Areas and Facilities. Provisions shall be made for the perpetual maintenance and care of all common areas, including streets, driveways, parking areas, walkways, landscaped planting areas, open space and recreation.

(3) Other Facilities. Such other improvements, including roads, curbs and stormwater collection and control facilities, as required by the Hermitage Subdivision and Land Development Ordinance, shall be provided.

E. Buffer and Screening.

(1) Buffer. The following requirements shall supersede Section 413:

(a) General Requirements. Along all exterior property boundary lines there shall be a permanent buffer at least 15 feet in depth, unless this is waived pursuant to subsection (E)(1)(c) or (d) below. A screen buffer, as defined herein, shall be provided wherever the development abuts existing residential uses, church or school. A softening buffer, as defined herein, shall be provided wherever the development abuts any other use.

(b) Components. The minimum components of each type of buffer shall be as follows:

[1] Screen Buffer. The primary components of a screen buffer shall be row of evergreen trees, at the height of not less than 6 feet when planted, spaced not more than 10 feet apart on-center and these trees shall be of such species to attain a height at maturity of not less than 20 feet. Also required as a secondary component of the buffer is one of the following: mounding (the use of which is encouraged); provided, that the slopes shall be a maximum of 3:1; visually opaque fencing not greater than 6 feet in height; and coniferous shrubbery. Any combination of evergreen trees, coniferous shrubs or other natural vegetation or mounding is allowable, provided that an effective visual screen at least 15 feet in height above the adjacent ground elevation in the development is achieved within a reasonable time. But whenever only vegetation is used, there is one

row offset 5 feet from the trees in the other row and the rows at least 5 feet apart.

[2] Softening Buffer. The primary component of a softening buffer shall be a row of trees, spaced not more than 25 feet apart on-center, at least 25% of which shall be evergreens. The evergreen trees shall be at least 6 feet in height when planted, and shall attain at least 20 feet in height at maturity. Any deciduous trees shall be at least one and one-half inches in caliper and 8 feet in height when planted and shall attain a height of not less than 20 feet at maturity. These trees shall be interspersed with other allowable components, including any other type of trees, shrubs, mounding, fencing and/or similar natural or manmade elements having a visible vertical dimension or any combination thereof.

(c) Street Boundaries. Rather than the extensive buffer described in subsection (E)(1)(b) above, the use of a single row of deciduous trees at least 8 feet in height when planted and at least 20 feet in height at maturity, with a spacing of not more than 40 feet on-center, may be provided along all property boundaries which abut a street.

(d) Existing Buffers. In case where an edge(s) of a development occurs along natural features which function as buffer, including but not limited to mature vegetation, significant grade changes or stream valleys, which are likely to be permanently preserved, buffering may be waived along that edge(s) upon approval of the Zoning Hearing Board.

(e) Maintenance. All vegetation shall be maintained permanently and in the event of death or other destruction shall be replaced within one year by the persons responsible for maintenance when death or destruction occurred.

(f) Buffer Landscape Plan. A landscaping plan shall be submitted with the final plans showing all pertinent information, including the location, size and species of all individual trees and shrubs to be preserved or planted or alternatively the general characteristics of existing vegetation masses which are to be preserved.

(2) Screening.

(a) Refuse. All refuse shall be kept or stored within detached enclosures with walls or gates on all sides. Walls are to have same appearance as the buildings. Gates must prevent observation of interior when closed.

(b) Lighting. Lighting used to illuminate off-street parking or loading areas shall be arranged so as to reflect the light away from the adjoining premises or any residential district or use and away form roads or highways.

(c) Loading Zone. Truck loading zones are to be fully screened, using screen buffers from public right-of-ways or adjacent residences.

F. Application Procedure. Application for a life care complex shall follow the procedure contained in 308.38.

<u>308.37 Senior Assisted Living Residences and Senior Independent Living Residences</u>

A. Residence Regulations. The following requirements shall apply to senior assisted living residences and senior independent living residences:

(1) The minimum unit size for each dwelling unit shall be 300 square feet.

(2) No more than two residents shall be permitted to reside in any dwelling unit.

(3) Each dwelling unit shall contain a fully private bathroom (including toilet, bathtub and/or shower and vanity/sink).

(4) A central dining area shall be provided. A private dinging room available for use by residents and their families and guests for private visitation and entertaining may be provided.

(5) All residential units shall be part of a complex, similar to multifamily housing. No stand-alone units or townhouses shall be permitted.

B. Development Regulations. The following density, area, dimensional parking and buffer regulations shall apply to a senior assisted living residence and senior independent living residence:

(1) Lot Area. A lot area of not less than four acres, with a minimum lot with the building line of 300 feet.

(2) Frontage. The minimum length of the front property line shall be 300 feet.

(3) Density. A maximum density of 35 units per acre shall be permitted.

(4) Building Coverage. A maximum building coverage of 20% of the total lot area shall be permitted.

(5) Impervious Surface Coverage. A maximum impervious surface coverage of 40% of the total lot area shall be permitted.

(6) Yard Setbacks. The following minimum yard setbacks shall be observed from the property line, unless the applicable yard in adjacent to a street, in which case the setback shall be provided from the future right-of-way line of the street:

Yard	Immediately Abutting Nonresidential Use	Immediately Abutting Residential Use
Front	60 ft.	60 ft
Side	20 ft.	80 ft.
Rear	90 ft.	100 ft.

(7) The maximum building height shall be three floors, not exceeding a maximum height of 35 feet. Elevator, parapets and not to be occupied atrium skylights can extend above this elevation.

(8) Parking. A minimum of one parking space for every three residents shall be provided, plus one parking space for each full-time staff member employed on the largest shift. A maximum of 35% of the required parking may be held in reserve if the applicant can demonstrate, to the satisfaction of the Zoning Hearing Board, that the additional parking will not be needed. Regardless of the number of spaces actually developed, a parking area to accommodate the aggregate number of parking spaces required shall be fully designed, and the area which is proposed to be eliminated shall be shown on the land development plan as “parking reserve area.” The parking reserve area shall be considered in calculating the impervious surface ratio. The parking reserve area shall be planted with vegetative cover and integrated into the site’s land development plan. Such area shall be required to be developed as designed if and when the Zoning Officer determines the need.

(9) Buffer and Screening Requirements. The buffer and screening requirements for a senior assisted living residence shall be the same as those outlined in 306.36(E) and shall supersede Section 413.

C. General Requirements.

(1) Utilities. A senior assisted living residence and a senior independent living residence shall be served by a public sewage system and public water system.

(2) Common Areas and Facilities. Provisions shall be made for the maintenance and care of all internal and external common areas, including dining and social rooms, driveways, parking ways, walkways, landscaped planting areas and recreation areas.

(3) Other Facilities. Such other improvements, including driveways, curbs, sidewalks and stormwater collection and control facilities as required by the Hermitage Subdivision and Land Development Ordinance shall be provided.

D. Application Procedure. Application for senior assisted living residences and/or senior independent living residences shall follow the procedure contained in Section 308.38.

308.38 Application for Procedure for Life Care Complexes (308.36) and Senior Assisted Living Residences and Senior Independent Living Residences (308.37)

A. Application Requirements. Before a life care complex or senior assisted living residence or senior independent living residence can be permitted in the IN-2, Institutional-2 District, it will be necessary for the applicant to submit an application for conditional use approval to the City of Hermitage, which application shall demonstrate the conformance of the proposed development with this Ordinance. The construction of the proposed development shall be done in conformance with all other applicable ordinances, statutes and regulations.

B. Required documentation shall include:

(1) The location and size of the site, with evidence supporting the general adequacy for development.

(2) The proposed residential density of the development and the percentage mix of permitted dwelling types.

(3) The location, size, accessibility and proposed use of the open space, manner of ownership and maintenance.

(4) Conceptual plans of proposed facilities.

(5) Plans and renderings indicating the design, utility and aesthetic relationship of building and landscaping within the proposed development.

(6) The text of covenants, easements and existing restrictions or those to be imposed upon the land or structures, including provisions for public utilities and trails for such activities as hiking or bicycling, if applicable.

C. Application Review.

(1) The Hermitage Board of Commissioners shall review the conditional use application for compliance with the terms of this Ordinance after review by the Hermitage Planning Commission.

(2) Upon receipt of the Planning Commission recommendation, the Board of Commissioners shall review the preliminary plans and may:

(a) Grant conditional use approval for the proposal as submitted.

(b) Grant conditional use approval subject to the specified conditions not included in the development plan as submitted.

(c) Deny conditional use approval for the proposal.

(3) Upon receiving conditional use approval or approval thereof with conditions, the developer shall submit a final land development plan to the City of Hermitage complying with the requirements of the Hermitage Subdivision and Land Development Ordinance for the Hermitage Planning Commission review and recommendations.

(4) The Hermitage Planning Commission shall determine at each state if the land development plan conforms to the plans permitted for conditional use approval and the requirements of this Ordinance and the Hermitage Subdivision and Land Development, and shall make its recommendation to the Board of Commissioners accordingly.

(5) Upon approval of the land development plan by the Board of Commissioners and execution by the developer of any necessary land development agreement with the City of Hermitage and posting by the developer of any required security for construction of public improvements, construction shall begin in accordance with the approved land development plan.

(6) If the development of the tract of land shall not have commenced in earnest within 36 months of approval hereunder, the conditional use approval granted hereunder shall be null and void.

308.39 Personal Storage Units:

Shall be permitted in the Light Industrial and Heavy Industrial Zoning Districts provided:

(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, with the trees to be spaced no more than 30 feet on center. Trees shall be a minimum of 8 feet in height and 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 shall be screened on all sides by an opaque fence or wall 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 right-of-ways.

308.40 Route 18 South Overlay District

A. **Permitted Uses.** Permitted uses in the Overlay District are as defined by the respective base zoning districts. In addition, multi-family residential development is permitted in the Overlay District in any base zoning district where it is not otherwise permitted.

In the R-1 base zoning district, multi-family development shall be limited to conversion of existing single-family residences to multi-family or the construction of new townhouse or garden apartments. For multi-family development in the R-1 base zoning district, the lot, yard and height requirements shall be as specified in Section 307.10 for the R-4 Zoning District.

In the Central Commercial, Highway Commercial and Planned Technical Park Districts, multi-family development may be the only use on a property or it may be mixed with nonresidential development, as in apartments above commercial or office uses. In these base districts, the lot, yard and height requirements shall be as specified for the respective base zoning district, except where the Overlay District design standards specify other

requirements. However, multi-family development shall not be more than three stories in height.

B. **Special Exceptions.** The following uses may be permitted by special exception within the Overlay District, in the R-1, R-3 and R-4 base zoning districts:

(1) Special Exception Uses:

(a) Residential conversions to office and/or specialty retail uses.

(b) New office and/or specialty retail uses.

(2) Standards for Special Exception Uses within the Overlay District:

(a) Office uses shall be limited to professional and medical offices. The maximum size of each structure shall be 50,000 square feet in cross floor area.

(b) Specialty retail shall be limited to 1,500 square feet of gross floor area per use and 3,500 square feet of floor area per structure or portion of a structure devoted to said uses.

(c) The lot, yard and height requirements shall be as specified for the respective base zoning district, except where the Overlay District design standards specify other requirements. The applicant for a special exception shall show compliance with the Overlay District design standards as a condition of such approval.

C. **Design Standards.** The following design standards shall apply to all new development and residential conversions within the Overlay District, with the exception of single-family residential:

(1) All landscaping requirements, including street frontage, greenway and access drives as set forth in Section 413 of this Ordinance shall be applicable to nonresidential developments. For multi-family developments, the standards of Section 308.42 shall apply.

(2) Location of Parking. Off-street parking areas shall not be located between the principal building(s) and Route 18 South. The City may waive or reduce this requirement for conversions of existing buildings where the lot dimensions and location of the existing building preclude compliance. Such waiver or reduction shall be the minimum possible in keeping with the goals and intentions of the Overlay District.

(3) Building Setbacks. In order to accommodate the location of parking areas to the rear and side of principal building(s) and to create a pedestrian-friendly environment along Route 18 South, the minimum front yard setback shall be 25 feet and the maximum front yard setback shall be 50 feet, regardless of the base zoning district requirements.

(4) Signs. Signs shall be permitted in the Overlay District as provided for in Section 409, with the following additional standards:

(a) In meeting the total sign area for a particular use, only one wall sign may be used per occupant. The total area of a single sign or all individual signs combined, shall not exceed 2 square feet per foot of linear wall length, with a total maximum area of 50 square feet per building wall, whichever is less.

(b) Freestanding signs within the Overlay District shall not exceed a height of 6 feet.

(c) Window signs, including posters, signs and symbols regarding the use of the premises, may be permitted to be located inside of the window glass. However, the

total area of all window signs shall not exceed 10% of the total glass area of each window, and shall be limited to the ground floor only.

(d) Home occupation signs within the Overlay District shall be afforded the same options as nonresidential signs defined in Section 409.8, provided the maximum height shall not exceed 6 feet.

(e) Banners, streamers and pennants are specifically prohibited in the Overlay District.

(f) Building wall awnings with signage incorporated in the awning design are permitted as wall signs, provided that the maximum height of an awning with signage shall not exceed 12 feet. Commercial canopies and awnings not on building walls, such as gasoline service canopies, shall not include signage on the canopy or awning.

(5) Driveways.

(a) Minimum spacing between driveways on Route 18 shall be 150 feet, measured from centerline to centerline. Shared driveways between parcels shall be used where necessary to meet this requirement. The City may reduce this requirement, only where it has been demonstrated that all possible avenues for compliance have been fully explored, but the specific conditions of the proposed development will not allow the minimum spacing to be accomplished, or other traffic safety considerations take precedence. The maximum spacing possible will still be required. Where two or more adjacent property owners agree to combine driveway access points, the City may grant 15% reduction in required parking spacing for each use.

(b) Wherever possible, driveways should have direct alignment with driveways or roads on the opposite side of the highway or street.

(6) Interconnection of Off-Street Parking Areas. As one measure to reduce traffic congestion and improve safety along the Route 18 South corridor, parking areas shall be connected to adjacent parcels through rear or side yard access drives. The City may waive this requirement, where the Hermitage Police Department and/or PennDOT determine that such an interconnection would create a traffic safety problem specific to the proposed development or where topographic constraints would make such a connection unsafe.

(7) Building Orientation. All sides of a principal nonresidential building facing a public street shall feature at least one customer entrance door. A sidewalk shall be required to connect from the sidewalk within the greenway to each customer entrance door.

(8) Ground Floor Transparency. The street level facade of any new nonresidential building facing a public street shall be transparent generally between the height of 3 feet and 8 feet above the walkway grade for no less than 60% of the horizontal length of the structure. No more than two sides of any one building shall be subject to these provisions. In addition, surface treatments such as recesses, projections, finish materials, awnings and other architectural articulation shall be required along 100% of the horizontal length of any wall. The intent of this requirement is to create a safe and accessible pedestrian oriented streetscape.

D. **Applicability.** All other applicable standards and requirements as set forth in other sections of this Ordinance, and in the Subdivision and Land Development Ordinance shall apply. Where there may be a conflict between said ordinances or sections and the provisions of the Overlay District, the Overlay District standards shall take precedence.

308.41 Adult Businesses

A. **Purpose and Legislative Intent.**

(1) The location of adult businesses is of vital concern to the Board of Commissioners of the City of Hermitage especially when the location is in or near areas where minors may learn, play, pass by or would be exposed to the advertising, window displays or general atmosphere accompanying the operation. Also, the Board acknowledges that adult business establishments can have adverse secondary effects including, but not limited to, unhealthy conditions, the spread of diseases, illegal sexual activities, sexual harassment, obscenity, crime and neighbor deterioration.

(2) The Board of Commissioners in enacting these regulations exercises the power which has been granted to it and does not attempt or intend to absolutely prohibit adult business establishments in the City, but rather seeks to regulate such businesses in order to promote, protect and facilitate the public health, safety and general welfare of all City residents.

B. **Requirements.**

(1) 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 business:

(a) 800 feet from the zoning district boundary line of any residential zoning district; and

(b) 800 feet from the property line of any parcel containing a residential use, church, public or private school, or public park or recreation area; and

(c) 1,000 feet from any other adult business.

(2) 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.

(3) 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).

308.42 Multi-Family Dwellings

A. **Density.** 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 R-2-60 zoning district.

B. **Outdoor Living Area.** 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 7 feet in any direction.

(2) Outdoor living areas without railings must have a minimum dimension of 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 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. **Space Between Buildings.** 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 different heights shall be determined by the taller building.

D. **Building Height.** Maximum building height for multi-family dwellings in all zoning districts shall be 3 stories and 45 feet.

E. **Landscaping and Site Improvements.** Multi-family developments in the CC-1, CC-2, HC, IN, IN-2, R-3 and R-4 zoning districts shall be required to meet the greenway and curbing requirements of a minor land development plan (Sections 413.2 and 413.3(a)).

Multi-family developments in all zoning districts shall be required to provide the following:

(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 4,000 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:

Three evergreen shrubs

Eight shrubs which will achieve a mature height of at least 5 feet

Three ornamental trees

(4) For the addition of units to existing multi-family developments, the provisions of Paragaraphs (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.

308.43 Pennsylvania National Guard Readiness Centers and Armory Facilities

(a) Purpose and Legislative Intent – To allow, as a Special Exception, the location of Pennsylvania National Guard Readiness Centers and Armory facilities in R-1 Single Family Residential Zoning Districts, provided that those facilities meet the criteria set forth in this Section.

(b) Pennsylvania National Guard Readiness Centers and Armory Facilities shall be located along US Route 62 or PA Route 18 only.

(c) Pennsylvania National Guard Readiness Centers and Armory Facilities shall be located on a minimum lot size of ten acres.

(d) A 50 foot Buffer Yard planting in accordance with Section 413.5(b) - Option A shall be provided where parking, vehicle storage or other outdoor storage abuts residential uses.

308.44 Communications Antennas

A. Requirements: Communications antennas, where permitted, are subject to the following requirements:

(1) Communications antennas may be mounted on an existing communication tower, public utility transmission tower, building or other structure.

(2) Communications antennas may be accompanied by accessory communications equipment buildings as defined by this ordinance.

(3) Communication equipment buildings shall be subject to the height and setback requirements for an accessory structure in the applicable Zoning District.

(4) Building mounted communications antennas shall not be located on any single-family dwelling or multi-family dwelling.

(5) Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than 20 feet.

(6) Omni directional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter unless documented that a greater size is necessary for proper functioning.

(7) Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width unless documented that a greater size is necessary for proper functioning.

(8) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission (FCC) to operate equipment utilizing such antennas.

B. Construction and Design

(1) Installation of a communications antenna shall require the issuance of a construction permit in compliance with all requirements of the Pennsylvania Uniform Construction Code.

(2) Installation of communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

308.45 Communications Towers

A. Communications towers shall be allowed as Special Exceptions if they meet the following standards.

(1) The applicant shall document that it is licensed, or has a lease with an entity licensed by the Federal Communications Commission (FCC) to operate a communications tower and, as applicable, associated communications antennas.

(2) The applicant shall document that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

(3) Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

(4) Any applicant proposing construction of a new communications tower shall demonstrate to the satisfaction of the Zoning Hearing Board that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

(a) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and reinforcement cannot be accomplished at a reasonable cost.

(b) The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.

(c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

(d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standard established by the Federal communications commission governing human exposure to electromagnetic radiation.

(e) A commercially reasonable agreement could not be reached with the owners of such structures.

(5) A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirements for the Zoning District.

(6) Recording of a plat of subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed provided the communications equipment building is unmanned.

(7) All proposed communications tower applications shall be accompanied by a detailed site plan showing at minimum the following items, which are required to be constructed prior to issuance of a Certificate of Occupancy for the communications tower and/or communications equipment building:

(a) Design of a greenway along any abutting public street in accordance with Section 413.3(a) of the Hermitage Zoning Ordinance, as applicable in the zoning district in which the communications tower is to be located.

(b) Improved access drive from the public street to the communications tower and communications equipment building a minimum of 15 feet in width.

(c) Improved parking spaces for 2 vehicles.

(d) The foundation and base of any communications tower shall be landscaped as to screen the foundation, base and communications equipment building from adjoining properties on all sides. Landscape screening shall be predominantly evergreen plant material, and of a type and size appropriate to the site conditions as determined by the Zoning Hearing Board. All other unpaved portions of the lot or lease area shall be seeded to establish an appropriate lawn cover, which shall be perpetually mowed and maintained in accordance with applicable property maintenance requirements of the City of Hermitage.

(e) A security fence at least 8 feet in height shall be erected around the site to limit accessibility by the general public.

(f) All guy wires anchors associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

(8) In the following zoning districts, the maximum height of any communications tower shall be 200 feet; provided, however that such height may be increased to 300 feet, if the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of 200 feet.

HC Highway Commercial District
LI Light Industrial District
HI Heavy Industrial District

In the following zoning districts, the maximum height of any communications tower shall be 100 feet; provided, however that such height may be increased to 150 feet, if the required setbacks from adjoining property lines (not lease lines) are increased by one foot for each one foot of height in excess of 100 feet.

OB Office Building District
IN Institutional District
IN-2 Institutional-2 District
PTP Planned Technical Park
PTP-2 Planned Technical Park 2

(9) The foundation and base of any communications tower shall be set back from a property line (not lease line) adjacent to any residential use or district a distance of 100 feet and shall be set back from any other property line at least 50 feet.

(10) The communications equipment building shall comply with the required yard and height requirements for an accessory building of the applicable zoning district.

B. Additional Requirements for Communications Towers

(1) Communications towers and/or communications equipment buildings shall require a construction permit in accordance with all requirements of the Pennsylvania Uniform Construction Code, and all applicable requirements of the City of Hermitage Code of Ordinances.

(2) The applicant shall submit a copy of its, or its leasee's current Federal Communications Commission license: the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1 million per occurrence and property damage coverage in the minimum amount of $1 million per occurrence covering the communications tower and communications antennas.

(3) No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administrator or other governmental agency that has jurisdiction.

(4) If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within 6 months of the expiration of such 12-month period.

(5) The owner of any communications tower shall notify the City annually of the names, address and contact information for itself and all leasees.

(6) The applicant or owner of the communications facility shall establish a $10,000 cash security fund or provide the City with an irrevocable letter of credit in the same amount as security for the costs and expenses of removing an antenna, antenna array, tower and related equipment and structures, which have been abandoned. The irrevocable letter of credit shall be issued by a lending institution authorized to issue such instruments and acceptable to the City, shall name the City as beneficiary and be satisfactory in form and substance to the City in its discretion. In the event of a transfer of ownership of the communications facility, the security fund or its equivalent shall remain in effect unless the City, in its sole discretion, agrees to accept an equivalent replacement.

308.46 Conditional Use Criteria in Institutional-3 Zoning District

A. A traffic study shall be submitted illustrating a traffic plan for the proposed development which includes analysis of traffic flow on surrounding properties, and also properties across the street or highway from the proposed use. The traffic study and site plan shall integrate the traffic patterns of the proposed development into the overall area. The traffic analysis and design must include an access management component which minimizes the number of individual driveway access points on major highways, including sharing of driveway access with adjoining properties wherever possible.

B. The building architecture shall reflect compatibility with the building design of neighboring properties. The proposed building shall present an appropriate building elevation to the main roadway, preferably the front building entrance. All sides of the proposed building shall be architecturally designed to present visual interest, by the use of windows and doors, cornices, articulation and other architectural design elements. Building roof lines shall also be designed to complement the area, with gable or hip roofs being preferred. No roof top mechanical equipment shall be visible from public roadways or from adjoining properties. Building construction is preferred to be brick or other masonry material – concrete block is not permitted. Building colors shall also complement the character of the area and surrounding uses and buildings.

C. All building service areas (dumpsters, loading docks, etc.) shall be completely enclosed within a masonry wall so as to be screened from public roadways and from adjoining properties.

D. There shall be no more than 1 double row of parking between the building and the public street. Building setback distance shall be consistent with existing buildings on adjoining properties. The placement of building(s) on the lot, and the overall site layout shall be planned to coordinate functionally and aesthetically with existing or proposed development on adjoining properties.

E. Signage design shall be appropriate to the Institutional nature of the area, and be architecturally compatible with the proposed building. Masonry monument type signs are required for freestanding signage. Building wall signs shall not be internally illuminated.

308.47 Pet Day Care 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) Adequate screening shall be required when abutting any residential use.

(d) No overnight accommodations.

(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.

309. PLANNED RESIDENTIAL DEVELOPMENT

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 R-l, R-2 and R-3 Districts.

309.1 Minimum Development Size

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

309.2 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.

309.3 Applicable Districts and Uses Permitted

Planned residential developments may be approved in all the R-l, R-2, R-3 and R-4 Residential Districts and may include the following additional uses: multi-family dwellings in accordance with the requirements of Section 308.42, community clubs and related uses. Such uses shall be allowed only to the extent that the City finds them to be (1) designed to serve primarily the residents of the planned residential development, and (2) 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).

309.4 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.

309.5 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.

309.6 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

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 Rear Yard	
Principal Use	30 ft.
Accessory Use	5 ft.
Minimum Side Yard	
Principal Use	
Interior Lot Line	8 ft.
Street Side on Corner Lot	25 ft.
Accessory Use	
Interior Lot Line	5 ft.
Street Side on Corner Lot	25 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.

309.7 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.

309.8 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.

(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.

309.9 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.

(1) 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 309 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.

(2) If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:

(a) 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.

(b) 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.

(3) 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.

309.10 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:

(1) An application for tentative approval of the development plan for a planned residential development shall be filed by or on behalf of the landowner.

(2) 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.

(3) 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.

(4) The provisions shall require only such information in the application as is reasonably necessary to disclose to the City of Hermitage:

   (a) The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed.

   (b) The density of land use to be allocated to parts of the site to be developed.

   (c) The location and size of the common open space and the form of organization proposed to own and maintain the common open space.

   (d) The use and the approximate height, bulk and location of buildings and other structures.

   (e) The feasibility of proposals for water supply and the disposition of sanitary waste and stormwater.

   (f) 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.

   (g) The provisions for parking of vehicles and the location and width of proposed streets and public ways.

   (h) The required modifications in the municipal land use regulations otherwise applicable to the subject property.

   (i) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.

   (j) 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.

(5) 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.

(6) 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.

309.11 Public Hearings

(1) 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.

(2) 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.

309.12 The Findings

(1) 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:

(a) Grant tentative approval of the development plan as submitted;

(b) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or,

(c) 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.

(2) 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:

(a) 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;

(b) 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;

(c) 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

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;

(d) 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;

(e) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and,

(f) 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.

(3) 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 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.

309.13 Status of Plan After Tentative Approval

(1) 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.

(2) 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.

(3) 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.

309.14 Application for Final Approval

(1) 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.

(2) 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.

(3) 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:

(a) Refile his application for final approval without the variations objected; or

(b) 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.

(4) 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, 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 Pennsylvania Municipalities Planning Code.

(5) 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 Pennsylvania Municipalities Planning Code 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.

310. TERRITORY ADDED TO SINGLE FAMILY RESIDENTIAL DISTRICT

310.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from Institutional District to R-1-100 Single Family Residential, the area described as follows:

Beginning at a point at the southwest corner of Lot No. 20 in the Hunter Woods Plan of Lots Phase 2;

Thence in an easterly direction, along the south line of the Hunter's Woods Plan of Lots Phase 2, a distance of 1083.63 feet to a point at the southeast corner of Lot No. 15 in said plan;

Thence in a southerly direction, along the west line of land of Robert E. & Donna R. Mort and of the Mount Hickory Plan of Lots, a distance of 850 feet +/-, to a point at the northeast corner of land of Robert & Judith B. Johnson;

Thence in a westerly direction, along the north line of land of Robert & Judith B. Johnson, a distance of 1,088.75 feet to a point on the east line of land now or formerly of Mercer County Industrial Development Association.

Thence in a northerly direction, along the east line of land of M.C.I.D.A., Michael Ristvey, et al, and Melvin F. and Cheryl A. Grata, which line is also the east boundary line of the Highway Commercial Zoning District, a distance of 800 feet +/-, to the point of beginning and containing 20 acres more or less.

311. TERRITORY ADDED TO INSTITUTIONAL DISTRICT

311.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from Central Commercial-1 District to Institutional District the area described as follows:

Beginning at a point on the centerline of North Kerrwood Drive, said point being an extension of the south property line of lands of Kraynak intersecting the centerline of North Kerrwood Drive;

Thence N 81° 24' W, along lands of Hickory Plaza Shopping Center, Inc. a distance of 1274.0 feet to a corner;

Thence N 7° 41' E, along lands of St. Michael's Byzantine Catholic Church a distance of 800.2 feet to a corner;

Thence S 83° 35' 17" E, a distance of 300 feet south of and parallel to the centerline of Highland Road Extension, which is the south line of the Office Building Zoning District, a distance of 1242.7 feet to a point in the centerline of North Kerrwood Drive;

Thence S 09° 05' W, a distance of 807.8 feet along the centerline of North Kerrwood Drive to a point of beginning.

311.2 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-2-60 General Residential to Institutional District, the area described as follows:

Beginning at a point on the centerline of Highland Road, which is approximately 107 feet east of the centerline of North Kerrwood Drive;

Thence in a northerly direction along the east property line of land of the City of Hermitage (Fire Station No. 1), a distance of 611 feet +/- to a point which is the northeast corner of land of the City of Hermitage;

Thence in a easterly direction along the south property line of land of Simkidz Ltd., a distance of 823 feet +/- to a point on the centerline of Highland Road;

Thence in a southwesterly direction, along the centerline off Highland Road, a distance of 1,030 feet +/- to the point of beginning and containing approximately 5.7 acres.

311.3 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-2-75 General Residential to Institutional District, the area described as follows:

Beginning at a point at the intersection of the centerline of Highland Road and the centerline of Dutch Lane;

Thence in a northerly direction along the centerline of Dutch Lane, a distance of 515.3 feet to a point;

Thence in an easterly direction along the north line of land of Florence M. Malia and land of the Interdenominational Christian Fellowship, a distance of 770 feet +/- to a point on the centerline of a stream known as Pine Hollow Run;

Thence in a southeasterly direction along the centerline of Pine Hollow Run, which is the western boundary of the existing Institutional Zoning District, a distance of 350 feet +/- to a point on the centerline of Highland Road;

Thence in a westerly direction, along the centerline of Highland Road, a distance of 870 feet +/- to the point of beginning, and containing approximately 8.6 acres of land.

311.4 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from Central Commercial - 1 (C.C.-1) District to Institutional District, the area described as follows:

Beginning at a point on the centerline of North Kerrwood Drive, said point being an extension of the north property line of lands of Hickory Plaza Shopping Center, Inc., intersecting the centerline of North Kerrwood Drive;

Thence in a westerly direction, along the north line of lands of Hickory Plaza Shopping Center, Inc., a distance of 325 feet +/- to the point of beginning which is the southwest corner of Lot 7 of the Kraynak Plan;

Thence in a northerly direction, along the west line of Lot 7 and Lot 6 of the Kraynak Plan, a distance of 800 feet +/- to a point which is the northwest corner of said Lot 6;

Thence in a westerly direction, along the south lines of Lots 3, 4 and 1 of the Kraynak Plan, a distance of 920 +/- to a point which is the southwest corner of said Lot 1;

Thence in a southerly direction, along the east property line of land of St. Michael's Byzantine Catholic Church, a distance of 800 feet +/- to a point;

Thence in an easterly direction, along the north property line of land of Hickory Plaza Shopping Center, Inc., a distance of 950 feet +/- to the point of beginning and containing 17 acres of land more or less.

311.5 The zoning map adopted Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from R-1-75 Single Family Residential to Institutional District, the area described as follows:

Beginning at a point at the intersection of the centerline of Clarksville Road and the centerline of Reserve Drive;

Thence in a southwesterly direction along the centerline of Clarksville Road, a distance of 300 feet +/- to a point;

Thence in a westerly direction along a south property line of land of Vincent J. Scoccia, a distance of 306 feet +/- to a point;

Thence in a northerly direction, along the west property line of and of Vincent J. Scoccia, a distance of 173.60 feet to the point on the centerline of Revere Drive;

Thence in an easterly direction, along the centerline of Revere Drive, a distance of 554 feet +/-, to a point of beginning and containing 1.7 acres more or less.

311.6 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-2-75 General Residential to Institutional District, the area described as follows:

Beginning a point at the intersection of the centerline of Highland Road and Dutch Lane;

Thence N 89° 51' W, along the centerline of Highland Road, a distance of 279.79 feet to a point;

Thence N 0° 00' E, along land of the Highlands North Apartments, a distance of 219.8 feet to a point;

Thence S 89° 51' E, along land of Perch Row Co. and of James & Darlene Foulkrod, a distance of 279.79 feet to a point on the centerline of Dutch Lane;

Thence S 0° 00' W, along the centerline of Dutch Lane, a distance of 219.8 feet to the point of beginning and containing 1.4 acres more or less.

312. TERRITORY ADDED TO CENTRAL COMMERCIAL-1 DISTRICT

312.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from Institutional District to Central Commercial-1 District, the area described as follows:

Beginning at a point at the intersection of the centerline of Elizabeth Street and Hitchcock Avenue, as shown on the Hitchcock Plan of Lots;

Thence S 85° 56' E, along the centerline of a reserve right-of-way which is an easterly extension of Elizabeth Avenue, a distance of 217.39 feet to a point on the east property line of Roger & Diane Kilgore;

Thence S 03° 12' 28" W, along the east property line of Roger & Diane Kilgore, a distance of 138.6 feet to a point;

Thence S 03° 12' 28" W, along the east property line of Roger & Diane Kilgore, a distance of 35.57 feet to a point on the existing northern boundary of the Central Zoning District;

Thence in a westerly direction along the northern boundary of the existing Central Commercial-1 Zoning District a distance of 340 feet +/- to a point on the centerline of Hitchcock Avenue;

Thence N 03° 30' E, along the centerline of Hitchcock Avenue, which is also the boundary between the existing Central Commercial-1 Zoning District and the existing Institutional Zoning District, a distance of 330 feet +/- to the point of beginning, and containing approximately 2 acres of land.

312.2 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from Institutional District to Central Commercial-1 (C.C.-1) District, the area described as follows:

Beginning at a point on the centerline of North Kerrwood Drive, said point being an extension of the south property line of land so Kraynak intersecting the centerline of North Kerrwood Drive;

Thence N 81° 24' W, along the north line of lands of Hickory Plaza Shopping Center, Inc., a distance of 1274.0 feet to a corner;

Thence N 07° 41' E, along lands of St. Michael's Byzantine Catholic Church, a distance of 800 feet +/- to a point which is 300 feet from the centerline of Highland Road;

Thence S 83° 35' 17" E, along a line 300 feet from and parallel to the centerline of Highland Road, which line is the south boundary of the Office Building Zoning District, a distance of 1,243 feet +/- to a point on the centerline of North Kerrwood Drive;

Thence S 09° 05' W, along the centerline of North Kerrwood Drive, a distance of 808 feet +/- to the point of beginning and containing approximately 23 acres of land.

312.3 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-1-100 District to Central Commercial-1 (CC-1) District, the area described as follows:

Beginning at a point on the centerline of South Keel Ridge Road (S.R. 3011) and East State Street (S.R. 0062);

Thence N 85° 51' E, along the centerline of East State Street (S.R. 0062), a distance of 203.55 feet to a point;

Thence N 3° 24' W, along the east property line of Frank & William Schwartz, a distance of 185.10 feet to a point;

Thence S 89° 20' E, along the south property line of Frank & William Schwartz, a distance of 214.0 feet to a point at the centerline of South Keel Ridge Road (S.R. 3011);

Thence N 0° 00' E, along the centerline of South Keel Ridge Road (S.R. 3011), a distance of 167.00 feet to the point of beginning and containing approximately 0.88 acre).

312.4 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-1-100 Single Family Residential to CC-1 District, the area described as follows:

Beginning at a point on the intersection of the centerline of S. Neshannock Road which is 300 feet south on the centerline of East State Street (U.S. Route 62);

Thence in an southerly direction, along the centerline of S. Neshannock Road, a distance of 100 feet +/- to a point at the southeast corner of Lot No. 4B in the "Replat of Lots 4A & 4B Snyder Neshannock Plan";

Thence in a westerly direction, along the south line of Lot No. 4B, a distance of 240 feet, to a point at the southwest corner of land of Lot No. 4B;

Thence in a northerly direction, along the west line of Lot No. 4B, a distance of 100 feet +/- to a point on the south line of land of the existing Central Commercial (CC-1) Zoning District;

Thence in an easterly direction, along the south line of the existing Central Commercial (CC-1) Zoning District, a distance of 240 feet, to a point of beginning and containing 0.55 acres more or less.

312.5 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-1-100 Single Family Residential to CC-1 District, the area described as follows:

Beginning at a point at the southwest corner of Lot No. 4B in the "Replat of Lots 4A & 4B Snyder Neshannock Plan," which point is approximately 400 feet south of the centerline of East State Street and 240 feet west of the centerline of South Neshannock Road;

Thence in a westerly direction along the south property line of Lots 3B, 3A, 2 and 1 of the Snyder Neshannock Plan of Lots, a distance of 502.28 feet to a point which is the southwest corner of said Lot No. 1;

Thence continuing in a westerly direction along the same bearing as above, through lands of Joseph & Aurora Kittredge, Joseph C. Lang and Chester & Carol Cogswell, a distance of 450 feet +/- to a point on the west property line of Chester & Carol Cogswell;

Thence in a northerly direction, along the west property line of land of Chester & Carol Cogswell, a distance of 100 feet +/- to a point on the southern boundary of the existing Central Commercial-1 Zoning District;

Thence in an easterly direction, along a line 300 feet from and parallel to the centerline of East State Street, which is the southern boundary of the existing Central Commercial-1 Zoning District, a distance of 950 feet +/- to a point on the west property line of Lot 4B of the "Replat of Lots 4A & 4B Snyder Neshannock Plan";

Thence in a southerly direction, along the west property line of said Lot 4B, a distance of 100 feet +/- to the point of beginning, and containing approximately 2.18 acres.

312.6 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-1-100 Single Family Residential to CC-1 District, the area described as follows:

Beginning at a point at the intersection of the centerlines of East State Street (U.S. Route 62) and North Keel Ridge Road;

Thence N 5° 01' 20" W, along the centerline of N. Keel Ridge, a distance of 582.10 feet to a point;

Thence S 89° 37' 47" E, along the north line of Lot #1 in the Clifford Snyder Subdivision, a distance of 261.0 feet to a point;

Thence S 9° 52' 16" E, a distance of 527.82 feet to a point on the centerline of E. State Street;

Thence S 79° 02' 40" W, along the centerline of E. State St., a distance of 306.10 feet to the point of beginning and containing 3.59 acres of land.

312.7 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from Institutional to CC-1 Central Commercial District, the area described as follows:

PARCEL 1

Beginning at a point on the centerline of North Hermitage Road (PA Route 18), which is the southeast corner of land of Antoinette M. D'Onofrio;

Thence in a westerly direction along the south line of D'Onofrio, a distance of 413.35 feet to a point;

Thence in a northerly direction, along several courses on the west line of D'Onofrio bordering land of the Hermitage School District, a total distance of 652.70 feet to a point;

Thence in a southerly direction, along several courses on the north line of D'Onofrio bordering land of the HSD, a total distance of 464.85 feet to a point on the centerline of North Hermitage Road;

Thence in a southerly direction, along the centerline of North Hermitage Road, a distance of 351.98 feet to the point of beginning, and containing 4.2 acres of land more or less.

PARCEL 2

Beginning at a point on the centerline of North Hermitage Road (PA Route 18), which is the southeast corner of land of Scoccia Group;

Thence in a northwesterly direction, along several courses on the south line of Scoccia Group bordering land of the Hermitage School District, a total distance of 475.92 feet to a point;

Thence in a northwesterly direction, along the west line of J.J. & J. Land Company bordering land of the Hermitage School District, a distance of 117.48 feet to a point;

Thence in an easterly direction, along the north line of J.J. & J. Land Company, a distance of 404.20 feet to a point on the centerline of North Hermitage Road;

Thence in a southerly direction, along the centerline of North Hermitage Road, a distance of 420.75 feet to the point of beginning and containing 2.28 acres of land more or less.

312.8 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from Single Family Residential R-1-75 to CC-1 Central Commercial District, the area described as follows:

Beginning at a point on the centerline of South Crescent Drive, which point is 300 feet south of the centerline of East State Street and is on the southern boundary of the existing Central Commercial-1 zoning district;

Thence in an easterly direction, along a line 300 feet from and parallel to the centerline of East State Street, which line is the southern boundary of the existing Central Commercial-1 zoning district, a distance of 352 feet more or less, to a point;

Thence in a southerly direction, along the west line of land of Three Generations Partnership, a distance of 200 feet to a point;

Thence in a westerly direction, along the north line of land of Ratliff, a distance of 350.6 feet to a point on the centerline of South Crescent Drive;

Thence in a northerly direction along the centerline of South Crescent Drive, a distance of 200 feet to the point of beginning, and containing approximately 1.6 acres.

312.9 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from Institutional to CC-1 Central Commercial District, the area described as follows:

Beginning at a point located on the centerline of PA Route 18 (N. Hermitage Road), said point being an extension of the southern boundary of property of the Hickory Methodist Church;

Thence in a northerly direction, along the centerline of PA Route 18, a distance of 1000 feet to a point which is at the intersection of a natural extension of the southern boundary of Lot No. 4 in the McConnell Woods Allotment;

Thence in an easterly direction, along the southern boundary of Lot Nos. 4, 32 and a portion of 31 in the McConnell Woods Allotment, a distance of 400 feet to a point;

Thence in a southerly direction, along a line 400 feet from and parallel to the centerline of PA Route 18, which line is the present eastern boundary of the Institutional Zoning District, a distance of 1000 feet to a point on the southern boundary of land of the Hickory Methodist Church;

Thence in a westerly direction, along the southern boundary of land of the Hickory Methodist Church, a distance of 400 feet to the point of beginning, and containing 9.17 acres of land, more or less.

312.10 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from Office Building District (OBD) to Central Commercial-1 (CC-1) District, the area described as follows:

Beginning at a point on the centerline of the Shenango Valley Freeway (US Route 62) which is the current intersection of the Office Building District and the Central Commercial – 1 District, and is approximately 950 ft. southwest of the intersection of the centerlines of US Route 62 and PA Route 18;

Thence in a southerly direction, along the east property line of land now or formerly of L. Chris Lampros, a distance of 760 feet, more or less, to a point 300 feet north of the centerline of Morefield Road;

Thence in a westerly direction, along a line 300 feet from and parallel to the centerline of Morefield Road, a distance of 95 feet, more or less, to a point on the west property line of land now or formerly of L. Chris Lampros;

Thence in a northerly direction, along the west property line of land now or formerly of L. Chris Lampros, a distance of 740 feet, more or less, to a point on the centerline of the Shenango Valley Freeway (US Route 62);

Thence in a northeasterly direction, along the centerline of the Shenango Valley Freeway, a distance of 97 feet, more or less, to the point of beginning, and containing approximately 1.6 acres.

312.11 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from R-1-100 Single Family Residential to Central Commercial-1 District the area described as follows:

Beginning at a point in the center of South Keel Ridge Road which point is 167.6 feet south of the centerline of East State Street; thence S 89°20' E a distance of 214 feet to a point on the west line of lands now or formerly Phillip Cooper; thence south along lands now or formerly of Phillip Cooper a distance to 115 feet to a point on the north line of lands now or formerly Paula Forsythe et al; thence N 89°20' W a distance of 214 feet to the centerline of South Keel Ridge Road; thence north along the centerline of South Keel Ridge Road a distance of 115 feet to the point of beginning, and containing 0.57 acres of land.

313. TERRITORY ADDED TO HIGHWAY COMMERCIAL DISTRICT

313.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from Institutional District to Highway Commercial District, the area described as follows:

Beginning at a point on the centerline of North Hermitage Road (PA Route 18), which is at the southwest corner of Lot No. 6 of the SLR Plan of Lots, owned by James P. Kaikis et al;

Thence in an easterly direction, along the south property line of Lot No. 6 of the SLR Plan of Lots, a distance of 500 feet +/- to a point which is in the southeast corner of said Lot No. 6.

Thence in a northerly direction, along the east property line of Lots 6 & 5 of the SLR Plan of Lots, a distance of 296 feet +/- to a point at the northwest corner of land of Wanda Marks;

Thence in a easterly direction, along the north property line of land of Wanda Marks, a distance of 100 feet +/- to a point which is 600 feet east of the centerline of North Hermitage Road (PA Route 18);

Thence in a southerly direction, through land of Wanda Marks, along a line 600 feet from and parallel to the centerline of North Hermitage Road (PA Route 18), a distance of 396 feet +/- to a point on the south line of said land of Wanda Marks;

Thence in a westerly direction, along the south line of land of Wanda Marks, a distance of 200 feet +/- to a point which is the northeast corner of land of John P. Morgan et al;

Thence in a southerly direction, along the east line of land John P. Morgan et a l and of Leo & Carolyn Stoyer, a distance of 300 feet +/- to a point which is the southeast corner of said land of Stoyer;

Thence in a westerly direction, along the south line of said land of Stoyer, a distance off 400 feet +/- to a point on the centerline of North Hermitage Road (PA Route 18);

Thence in a northerly direction, along the centerline of North Hermitage Road, a distance of 400 feet +/- to the point of beginning, and containing approximately 4.8 acres of land.

313.2 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from R-1-100 Single Family Residential to Highway Commercial District, the area described as follows:

Beginning at a point at the intersection of the centerline of Lamor Road and the existing western boundary of the Highway Commercial Zoning District, which point is approximately 530 feet west of the centerline of PA Route 18;

Thence in a southerly direction along the western boundary of the existing Highway Commercial Zoning District, a distance of 450 feet±, to a point on the north line of land of Shedden;

Thence in a S 87° 27' W, along the north line of land of Shedden, a distance of 245 ft.±, to a point on the east line of land of Cieslak;

Thence in a N 21° 35' E, along the east line of land of Cieslak, a distance of 39.30 ft. to a point which is the northeast corner of land of Cieslak;

Thence N 31° 07' E, a distance of 507.8 feet to the point of beginning, and containing 1.34 acres, more or less.

313.3 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from R-1-100 Single Family Residential to Highway Commercial District, the area described as follows:

Beginning at a point on the centerline of Valley View Road, which point is the southeast corner of the land herein described;

Thence N 54° 33' W, along the north line of land now or formerly of McQuiad's Inc., a distance of 217.18 feet to a point on the centerline of North Hermitage Road (PA Rt. 18);

Thence N 30° 07' E, along the centerline of North Hermitage Road, a distance of 88.60 feet to a point;

Thence continuing along the centerline of North Hermitage Road, N 34° 33' E, a distance of 55.70 feet to a point;

Thence, in a southeasterly direction, along other land of Igor & Marina Pyatetsky, a distance of 240 feet± to a point on the centerline of Valley Road;

Thence, S 43° 45' W, along the centerline of Valley View Road, a distance of 110.69 feet to the point of beginning and containing 0.67 acres, more or less.

313.4 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from Institutional to Highway Commercial District, the area described as follows:

Beginning at a point on the centerline of North Hermitage Road (PA Route 18) which is the northeast corner of land of the Shenango Valley YMCA;

Thence in a southerly direction, along the centerline of North Hermitage Road, a distance of approximately 267.7 feet;

Thence N 74° 36' 17" W, through land of Shenango Valley YMCA, a distance of 276.3 feet to a point;

Thence N 05° 31' 43" E, through land of Shenango Valley YMCA, a distance of 271.85 feet to a point;

Thence S 74° 36' 17", along the south line of land of Hermitage Commons Retail Associates, which line is the existing boundary between the Highway Commercial and Institutional zoning districts, a distance of 328.76 feet to a point on the centerline of North Hermitage Road which is the point of beginning, and containing 1.86 acres more or less.

313.5 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from PTP Planned Technical Park to Highway Commercial District, the area described as follows:

Beginning at a point at the southwest corner of Lot 1-A of the D'onofrio Plan of Lots – Lots 1A & 1B – Final Subdivision Plan recorded at 2005-20537-248;

Thence in a northerly direction, along the west line of said Lot 1A, a distance of 133.49 feet to the northwest corner of said Lot 1A;

Thence in an easterly direction, along the north line of said Lot 1A, a distance of approximately 450 feet to a point on the centerline of North Hermitage Road (PA Route 18);

Thence in a southwesterly direction along the centerline of North Hermitage Road, a distance of approximately 170 feet to a point;

Thence in a westerly direction, along the south line of said Lot 1A, which line is also the northern boundary of the existing Highway Commercial Zoning District, a distance of 357.61 feet to the point of beginning, and containing 1.25 acres more or less.

313.6 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-1-100 Single Family Residential to Highway Commercial District, the area described as follows:

Beginning at a point on the east line of lands of William D. & Martha B. Smith, said point being the northwest corner of lands of the City of Hermitage, which is Lot 1B of the Lawrence A. & Karen Y. Shaffer Resubdivision of Lot 1 into Lots 1A & 1B, and a southwest corner of lands of Lawrence A. & Karen Y. Shaffer, which is Lot 1A of the previously named subdivision;

Thence, N 09°41´37″ W along lands of Smith and lands of SW Real Estate Development LTD for a distance of 346.85 feet to a point;

Thence, N 01°23´02″ W along lands of PARMC, Inc. for a distance of 175.00 feet to a point;

Thence, N 89°23´37″ E along lands of Karen DeCarlo etal for a distance of 144.30 feet to a point;

Thence, S 00°36´23″ E across other lands of Shaffer and across Lot 1A of the previously named subdivision, for a distance of 541.92 feet to a point on the north line of Lot 1B;

Thence, N 74°56´18″ W along Lot 1B a distance of 90.51 feet to the point of beginning, and containing 1.5 acres more or less.

314. TERRITORY ADDED TO R-2-75, GENERAL RESIDENTIAL DISTRICT

314.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-1-100, Single Family Residential District to R-2-75, General Residential District, the area described as follows:

Beginning at a point on the centerline of N. Keel Ridge Road, which is 582.10 feet north of the intersection of the centerlines of N. Keel Ridge Road and East State Street (U.S. Route 62);

Thence due north, along the centerline of N. Keel Ridge Road, a distance of 604.77 feet to a point;

Thence S 84° 05' E, along the south line of property of Gerald & Mary Slezak, Sr., a distance of 604.77 feet to a point;

Thence S 03° 13' W, along the north line of property of Carol L. Snyder, a distance off 652.26 feet to the point of beginning, and containing 9.175 acres of land.

314.2 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from R-1-100 Single Family Residential and Central Commercial-1 to R-2-75 General Residential District, the area described as follows:

Beginning at a point at the southeast corner of Lot 15, property now or formerly of Harbor Properties, located on the east side of Snyder Road;

Thence N 12°10’11” W along the east line of Lots 15, 15A, 20, 21 and 22 and the right-of-way of David Drive, a distance of 784.45 feet to a point:

Thence S 85°09’49” W along the north line of Lots 22 and 23, a distance of 425.87 feet to a point;

Thence N 49°44’56” E along the southeastern edge of a 30 foot Pennsylvania Power right-of-way, a distance of 1,263.83 feet to a point;

Thence S 01°01’41” E, along other properties of Hermitage Hills Apartment Co. and land of Marano, a distance of 1,504.94 feet to a point;

Thence S 86°36’49” W, along the south line of land of Marano, a distance of 254.90 feet to a point;

Thence S 79°19’49” W, along the north line of land of Kraynak, a distance of 150.00 feet to the point of beginning, and containing 16.715 acres of land.

315. TERRITORY ADDED TO R-3, RESIDENTIAL/OFFICE DISTRICT

315.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance) is amended to rezone from R-1-100, Single Family Residential District to R-2-75, General Residential District, the area described as follows:

Beginning at a point at the intersection of the centerlines of Lamor Road and Valley View Road;

Thence in a northeasterly direction, along the centerline of Valley View Road, a distance of 400 feet +/- to a point;

Thence in a southeasterly direction, along the property line of land now or formerly of Samuel & Valerie Backo, a distance of 70.70 feet to a point;

Thence in a southerly direction, along the property line of said land of Backo, a distance of 306.88 feet to a point on the centerline of Lamor Road;

Thence in a westerly direction, along the centerline of Lamor Road, a distance of 319.4 feet to the point of beginning and containing approximately 1.4 acres of land.

315.2 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from R-1-100 Single Family Residential District to R-3 Residential/Office District, the area described as follows:

Beginning at a point on the centerline of Valley View Road, which is situated 110.69 feet more or less north along said centerline from the southeast corner of land of Igor Pyatetsky;

Thence in a northwesterly direction through land of Pyatetsky, along the northern boundary of the current Highway Commercial Zoning District, a distance of 265.08 feet more or less to a point on the centerline of North Hermitage Road (PA Route 18);

Thence in a northeasterly direction along the centerline of North Hermitage Road, a distance of 94.62 feet more or less to a point;

Thence in an easterly direction along the north property line of land of Pyatetsky, a distance of 341.72 feet more or less, to a point on the centerline of Valley View Road;

Thence in a southwesterly direction along the centerline of Valley View Road, a distance of 300.75 feet more or less to the point of beginning, and containing approximately 1.2 acres.

316. TERRITORY ADDED TO R-4, RESIDENTIAL HIGH DENSITY DEVELOPMENT DISTRICT

316.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from R-1-100, Single Family Residential District to R-4, Residential High Density Development District, the area described as follows:

Beginning at a point at the intersection of the centerline of Lamor Road and the existing western boundary of the Highway Commercial Zoning District, which point is approximately 530 feet west of the centerline of PA Route 18;

Thence S 31° 07' W, a distance of 507.8 feet, to a point at the northeast corner of land of Cieslak;

Thence S 85° 15' E, along the north line of land of Cieslak, a distance of 240.00 feet to a point;

Thence N 23° 39' E, along the east line of land of Noble, a distance of 375.57 feet to a point;

Thence N 13° 40' W, along the east line of said land of Noble, a distance of 79.00 feet to a point on the centerline of Lamor Road;

Thence in an easterly direction along the centerline of Lamor Road, a distance of 352.5 feet± to the point of beginning an containing 2.88 acres, more or less.

316.2 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from R-2-75, General Residential District to R-4, Residential High Density Development District the area described as follows:

Beginning at a point at the intersection of the centerlines of Highland Road and Dutch Lane;

Thence S 00° 19' W, along the centerline of Dutch Lane, a distance of 153.58 feet to a point;

Thence S 89° 46' 36" W, a distance of 200 feet to a point;

Thence N 00° 19" E, a distance of 153.58 feet to a point on the centerline of Highland Road;

Thence N 89° 54' W, along the centerline of Highland Road, a distance of 200 feet to the point of beginning, and containing 0.70 acres of land more or less.

316.3 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from R-1-100 Single Family Residential to R-4 Residential High Density Development District, the area described as follows:

Beginning at a point on the centerline of South Darby Road which is approximately 722 feet south of the intersection of the centerline of East State Street (U.S. Route 62);

Thence S 87° 40' 50" W, along the south line of Lot 4 and Lot 3 of the Final Subdivision Plan Leali Bros. Excavating Plan of Lots – Lots 1 – 5, a distance of 475.13 feet to the point of beginning;

Thence S 02° 13' 07" E, along the west line of Lot 5 of said Leali Bros. Excavating Subdivision, and through other lands of Leali Bros. Excavating, Inc., a distance of 929.22 feet to a point;

Thence S 88° 32' 23" W, a distance of 293.81 feet to a point;

Thence N 02° 11' 31" W, a distance of 864.88 feet to a point on the south line of Lot 3 of the Final Subdivision Plan Leali Bros. Excavating Plan of Lots;

Thence N 76° 08' 25" E, a distance of 299.57 feet to the point of beginning, and containing approximately 6 acres.

317. TERRITORY ADDED TO INSTITUTIONAL-2 DISTRICT

317.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from CC-1, Central Commercial District & Office Building District to Institutional-2 District, the area described as follows:

Beginning at a point on the centerline of South Buhl Farm Drive (LR43008) 300 feet south of the centerline of the intersection of East State Street (SR 3008);

Thence in a westerly direction along a line 300 feet from and parallel to the centerline of East State Street for a distance of 309.5 feet along the existing Central Commercial District zoning boundary line and through lands of McDonalds to a point;

Thence south along the east line of the Magnotto-Schiavone Lot 2 for a distance of 45 feet to a point;

Thence continuing in a westerly direction for a distance of 319.07 feet along south line of the Magnotto-Schiavone Lots 1 & 2 to a point;

Thence south along the east line of the Tokes Plan of Lots a distance of 1299.07 feet to the existing southern boundary of the Office Building District.

Thence east along the north line of Highland Park Plan of Lots for a distance of 663.04 feet to the centerline of South Buhl Farm Drive;

Thence north along the centerline of South Buhl Farm Drive for a distance of approximately 1344.5 feet to the point of beginning and containing 20 acres more or less.

318. TERRITORY ADDED TO OR REMOVED FROM THE ROUTE 18 SOUTH OVERLAY ZONING DISTRICT

318.1 The zoning map adopted with Ordinance 20-91 (Zoning Ordinance), is hereby amended to establish as the Route 18 South Overlay District the area shown on the attached map*, known as the "Route 18 South Overlay District Map" prepared by the City of Hermitage Planning and Development Department and dated September 8, 2000, which is attached to this Section and made a part hereof.

318.2 The official zoning map of the City of Hermitage provided for in 301 of Part 3 of this Ordinance is hereby amended to reflect that the following described area is removed from the Route 18 South Overlay Zoning District and reverts to the base district of R-1-100 only:

Beginning at a point at the intersection of the centerline of South Hermitage Road (PA Route 18) and the centerline of Morefield Road;

Thence, in an easterly direction along the centerline of Morefield Road, a distance of 635 feet more or less to a point;

Thence, in a southerly direction, along the west line of land of Castiglione and land of Adams, a distance of 678.10 feet to a point;

Thence, in a westerly direction, along the north line of land of Majonek, other land of St. John the Baptist Church, Smith and Calvary Baptist Church, a distance of 678.10 feet to a point;

Thence, in a northerly direction, along the east line of the Rainey plan of lots, a distance of 562 feet more or less, to a point on the centerline of South Hermitage Road;

Thence, in a northeasterly direction, along the centerline of South Hermitage Road, a distance of 123 feet more or less, to the point of beginning and containing approximately 10.5 acres.

319. TERRITORY ADDED TO R-1-75 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT

319.1 The zoning map adopted with Ordinance 20-91 (Zoning Ordinance), is hereby amended to rezone from LI Light Industrial to R-1-75 Single Family Residential the area described as follows:

Beginning at a point at the intersection of the centerlines of Hoezle Road and Overlook Drive;

Thence S 03° 21' W, along the centerlines of Hoezle Road, a distance of 566.8 feet to a point;

Thence N 86° 39' W, along the south line of land of M. Mitchell, a distance of 1310.86 feet to a point;

Thence N 03° 05' E, along the west line of lands of M. Mitchell and of D. Slemmer, a distance of 756.20 feet to a point;

Thence S 86° 39' E, along the north line of land of D. Slemmer, a distance of 841.00 feet to a point;

Thence S 08° 47' E, along the boundary of the existing R-1-75 zoning district, a distance of 246.52 feet to a point on the centerline of Overlook Drive;

Thence N 86° 13' E, along the centerline of Overlook Drive a distance of 443 feet ± to the point of beginning and containing 20 acres of land more or less.

320. TERRITORY ADDED TO R-2-100 GENERAL RESIDENTIAL ZONING DISTRICT

320.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is hereby amended to rezone from R-1-100 Single Family Residential 1 to R-2-100 General Residential the area described as follows:

Beginning at a point at the intersection of the centerlines of Morefield Road and Lexington Drive;

Thence S 02° 04' W, along the centerline of Lexington Drive, a distance of 230 feet to a point;

Thence S 88° 08' 40" E, along the north line of Lot #15 in the Kimberton Estates Subdivision, a distance of 225 feet to a point;

Thence N 02° 04' E, along land now or formerly of Branca Development, Inc., a distance of 230 feet to a point on the centerline of Morefield Road;

Thence N 88° 08' 04" W, along the centerline of Morefield Road, a distance of 225 feet to the point of beginning, and containing 1.19 acres of land more or less.

321. TERRITORY ADDED TO PLANNED TECHNICAL PARK-2 (PTP-2) ZONING DISTRICT

321.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is hereby amended to rezone from Planned Technical Park to Planned Technical Park-2 Zoning District the area described as follows:

All that piece or parcel of land situate in the city of Hermitage, Mercer County, Pennsylvania being the part of LindenPointe to be zoned Planned Technical Park-2, and being further bound and described as follows:

Beginning at a point on the centerline of Christy Road, said point being 535 feet, more or less, north of the intersection of said centerline and the centerline of Hann Hill Road and being the southeast corner of the parcel described herein:

Thence N 88° 48' 24" W along the north lines of lands now or formerly of Pugliese, K. Shank, P. Shank, E. Shank, Sparks, Sterling, Hatlen, Kooser, Banick and Lackey a distance of 1,661.71 feet to a point;

Thence N 00° 05' 27" W along the east lines of lands now or formerly of Stilley and Drake a distance of 710.53 feet to a point;

Thence N 51° 53' 31" E across land of the City of Hermitage a distance of 359.08 feet to a point on the centerline of proposed Presidential Boulevard;

Thence, along the centerline of proposed Presidential Boulevard following a non-tangential curve to the right, said curve having a radius of 450 feet, an arc length of 483.80 feet and a chord bearing of N 05° 35' 29" W for a distance of 460.83 feet to a point;

Thence, along the centerline of proposed Presidential Boulevard N 25° 12' 29" E a distance of 107.27 feet to a point;

Thence, along the centerline of proposed Presidential Boulevard along a curve to the left, said curve having a radius of 500 feet, an arc length of 216.64 feet and a chord bearing of N 12° 47' 45" E for a distance of 214.95 feet to a point;

Thence, along the centerline of proposed Presidential Boulevard N 00° 23' 00" E a distance of 29.42 feet to a point;

Thence, S 89° 39' 03" E along the south lines of Lots 15, 14 and 13 of the LindenPointe Subdivision a distance of 769.99 feet to a point;

Thence, N 00° 21' 56" E along the east line of Lot 13 a distance of 310.07 feet to a point on the centerline of the proposed Presidential Boulevard;

Thence, along the centerline of proposed Presidential Boulevard S 89° 37' 00" E a distance of 21.75 feet to intersection of the centerline of proposed Presidential Boulevard and the centerline of an unnamed future street;

Thence, N 00° 23' 00" E along the centerline of an unnamed future street a distance of 238.29 feet;

Thence, along the centerline of an unnamed future street along a curve to the left, said curve having a radius of 750 feet, an arc length of 95.37 feet and a chord bearing of N 03° 15' 35" W for a distance of 95.31 feet to a point;

Thence, N 85° 01' 24" E across land of KAKE Development, Inc., a distance of 282.49 feet to a point;

Thence, S 89° 43' 41" E along the south line of land now or formerly of Costar a distance of 310.72 feet to a point on the centerline of Christy Road;

Thence, along said centerline following a non-tangential curve to the left; said curve having a radius of 1,550 feet, an arc length of 159.71 feet and a chord bearing of S 03° 24' 26" W for a distance of 159.64 feet to a point;

Thence, along the centerline of Christy Road S 00° 27' 19" W a distance of 1,237.49 feet to a point;

Thence, along the centerline of Christy Road along a curve to the right, said curve having a radius of 17,253 feet, an arc length of 558.66 feet and a chord bearing of S 01° 22' 59" W for a distance of 558.66 feet to a point;

Thence, along the centerline of Christy Road S 02° 18' 38" W a distance of 329.50 feet;

Thence, along the centerline of Christy Road along a curve to the left, said curve having a radius of 9,530 feet, an arc length of 138.70 feet and a chord bearing of S 01° 53' 37" W for a distance of 138.69 feet to the point of beginning and containing 71.072 acres of land, more or less.

322. TERRITORY ADDED TO INSTITUTIONAL-3 (IN-3) ZONING DISTRICT

322.1 The zoning map adopted with Ordinance No 20-91 (Zoning Ordinance) is amended to rezone from Institutional to Institutional-3 (IN -3) Zoning District, the area described as follows:

All that piece or parcel of land situate in the City of Hermitage, Mercer County, Pennsylvania being further bound and described as follows:

Beginning at a point at the intersection of North Hermitage Road (PA Route 18) and Highland Road (S.R. 3014);

Thence, in a southerly direction along the centerline of North Hermitage Road a distance of 1,450 feet, more or less, to a point;

Thence, in a westerly direction along the north property line of land of JJ&J Land Company, which is also the north line of the existing Central Commercial Zoning District, a distance of 450 feet, more or less, to a point;

Thence, in a northwesterly direction along the east property line of land of the Hermitage School District a distance of 1,250 feet, more or less, to a point on the centerline of Highland Road.

Thence, in a northeasterly and easterly direction along the centerline of Highland Road a distance of 1,050 feet, more or less, to the point of beginning and containing a total of approximately 22 acres of land.

323. TERRITORY ADDED TO PLANNED TECHNICAL PARK (PTP) ZONING DISTRICT

323.1 The zoning map adopted with Ordinance No. 20-91 (Zoning Ordinance), is amended to rezone from Planned Technical Park-2 (PTP-2) to Planned Technical Park (PTP), the area described as follows:

Parcel 1:

Beginning at a point at the intersection of the centerlines of Christy Road and Panin Road;

Thence in a southerly direction, along the centerline of Christy Road, a distance of approximately 412 feet to a point;

Thence in a westerly direction, along the south line of Lot 11 in the Lindenpointe Subdivision Lots 10, 11, 18, 25, 26, 27 & 28, a distance of approximately 363 feet to a point on the centerline of Innovation Way;

Thence in a northwesterly direction, along a curve to the left and along the centerline of Innovation Way a distance of approximately 224 feet to a point at the intersection of the centerline of Campus Circle;

Thence in a northerly direction, along the centerline of Campus Circle, a distance of approximately 388 feet to a point;

Thence in an eastwardly direction, along the north line of Lot 10 in the Lindenpointe Subdivision, a distance of approximately 290 feet to a point;

Thence in a southerly direction, along the east line of Lot 10, a distance of 19.89 ft. to a point;

Thence in an easterly direction, along the north line of Lot 11, a distance of approximately 309 feet to the point of beginning, and containing 5.39 acres more or less.

Parcel 2:

Beginning at a point on the centerline of Innovation Way, which is 310.51 feet south of the intersection of the other leg of Innovation Way;

Thence in an easterly direction, along the northern line of Lot 17 in the Lindenpointe Subdivision Lots 12-17 & 20, a distance of approximately 534 feet to a point;

Thence in a southeasterly direction, along the east line of Lot 17, a distance of 296.37 feet to a point;

Thence in a westerly direction, along the south line of Lot 17, a distance of approximately 715 feet to a point on the centerline of Innovation Way;

Thence in a northerly direction, along the centerline of Innovation Way, a distance of approximately 195 feet to the point of beginning, and containing 3.24 acres more or less.

PART 4
SUPPLEMENTARY REGULATIONS

401. NONCONFORMING USES AND STRUCTURES

The following provisions shall apply to all nonconforming uses and structures. It is the intention of the City of Hermitage that all legal nonconforming uses and structures shall be able to continue; however, all changes in such uses shall only be as allowed in this Part.

401.10 Any nonconforming use may be continued, or may be changed to a use of the same or a more restrictive classification, but may not be extended or expanded unless to a conforming use, except as permitted by the Board in accordance with the provisions of this Ordinance.

401.20 Any nonconforming building which has been damaged or destroyed by fire or any other means may be reconstructed and used as before, if such reconstruction is commenced within one year of discontinuance of use and completed within a year from that date and if the restored building covers no greater area and contains no greater cubic content. If approved by the Board, a reconstructed structure may exceed its original lot coverage and cubic content (see also 401.40) but must meet the minimum yard requirements of the district in which the structure is located, and it must meet the off-street parking and loading requirements of this Ordinance.

401.30 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.

401.40 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 extended, enlarged or replaced, including upon adjacent vacant lands, if such expansion does not occupy an area greater than one hundred (100%) percent more than the structure was approved to occupy prior to the effective date of this Ordinance (September 30, 2004). 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.

401.40(a) In determining whether such expansion, enlargement or reconstruction 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.

401.40(b) Expansion of nonconforming uses in any zoning district shall provide a Buffer Yard in compliance with Section 413.5(b) of the Hermitage Zoning Ordinance.

401.41 Any building or structure lawfully existing at the time of the adoption of this Ordinance or amendment thereto which does not meet the applicable front, side or rear yard requirements of the district in which it is located 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.

401.50 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 permit.

401.60 Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

401.70 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.

402. EXISTING LOTS OF RECORD

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. 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 request for a permit shall be referred to the Zoning Hearing Board which may require replatting to fewer lots, which would comply with the minimum requirements of this Ordinance.

403. APPLICATION OF YARD REGULATIONS

403.1 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 noted in Sections 403.3 and 401.41.

403.2 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 foot high limitation.

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.

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. The sight triangle must be free of obstruction by any fence higher than 3 feet. No fence shall be constructed within the legal right-of-way of any public street.

403.3 Swimming pools shall be permitted in rear and side yards only; provided, that the pool is located not less than 10 feet from any side yard line, and 10 feet from the rear yard line. (See also Section 411.)

404. TEMPORARY STRUCTURES

Temporary structures in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a 6 month period.

405. 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, smoke stacks, conveyors, flag poles, agricultural silos, stand pipes, 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.

406. PERFORMANCE STANDARD

No use of land or structure in any district shall involve any element, or cause any condition, that may be dangerous, injurious, or noxious to any other property or person in the City. Furthermore, every use of land or structure in any district must observe the following performance requirements:

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

406.2 Electric Disturbance. No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area. For the purposes of these regulations, such interference shall be defined as electromagnetic disturbances which are generated by the use of electrical equipment other than planned and intentional sources of electromagnetic energy which interfere with the proper operation of electromagnetic receptors of quality and proper design. All intentional sources of electromagnetic energy (such as radios, radar equipment, etc.) shall demonstrably comply with appropriate regulations of the Federal Communications Commission.

406.3 Smoke. The maximum amount of smoke emissions permitted shall be determined by the use of the Standard Ringleman Chart issued by the United States Bureau of Mines. No smoke darker than No. 2 will be allowed.

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

406.5 Air Pollution. No pollution of air by fly-ash, dust, vapors or other substances shall be permitted which is harmful to health, or to animals, vegetation or other property.

406.6 Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

406.7 Erosion. No erosion by wind or water shall be permitted which carries objectionable substances onto neighboring properties.

406.8 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.

406.9 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.

406.10 Radioactive Material. Any use or handling of radioactive material shall comply with all regulations of the Atomic Energy Commission (U.S.) and any applicable regulations of the Pennsylvania Department of Environmental Protection. The developer shall clearly demonstrate compliance with such regulations.

407. MINIMUM FLOOR AREA

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

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.

408. OFF-STREET LOADING AND PARKING

Off-street loading and parking space shall be provided in accordance with the specifications in this Section in all districts, whenever any new use is established or an existing one is enlarged.

408.1 Off-Street Loading. Every use which requires the receipt or distribution, by vehicles, of material or merchandise, shall provide off-street loading berths in accordance with its size per the following table.

OFF-STREET LOADING SPACE REQUIREMENTS

Use	First Berth	Second Berth
Industrial:		
Manufacturing	5,000	50,000
Warehouse	10,000	50,000
Storage	10,000	50,000
Commercial:		
Wholesale	10,000	50,000
Retail	10,000	40,000
Service Establishment	30,000	60,000
Restaurants	40,000	30,000
Office Building	10,000	100,000
Hotel	10,000	100,000
Residential:		
Apartment	50,000	100,000
Institutional:		
Schools	10,000	100,000
Hospitals	50,000	100,000
Nursing Homes	50,000	100,000
Public Buildings:		
Auditoriums	30,000	100,000
Arenas	30,000	100,000

Note: All figures are given in gross feet of floor area for each listed use.

408.1(a) Size and Access. Each off-street loading space shall be not less than 10 feet in uniform width and 50 feet in length. It shall be so designed so the vehicles using loading spaces are not required to back onto a public street or alley. Preferably, spaces should be designed for a left side back-in maneuver. Such spaces shall abut a public street or alley or have an easement of access thereto. Where the use of the premises is not specifically mentioned in the preceding table, requirements for similar uses shall apply.

408.2 Off-Street Parking

408.2(a) Size and Access. Each off-street parking space shall have an area of not less than 162 square feet, being at least 18 feet long with a uniform width of nine feet, exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single family dwelling, no parking area shall contain less than three spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street,

alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall not be less than ten feet wide. Access to off-street parking areas shall be limited to well defined locations, and in no case shall there be unrestricted access along a street. Specifically, 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. There shall be at least 15 feet between driveways at the street line and at least five feet between a driveway and a fire hydrant, catch basin or street intersection radius.

408.2(b) Number of Parking Spaces Required. The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one space for each two proposed patrons and/or occupants of that structure. Where more than one use exists on a lot, parking regulations for each use must be met.

PARKING

Use	Required Parking Spaces
Auto Sales and Service	1 for each 200 square foot of GFA
Service Stations	1 for each 200 square foot of GFA
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
Hotels and Motels	1 per guest room**
Funeral Homes and Mortuaries	25 for the first parlor 10 for each additional parlor
Hospitals	1 per each bed**
Nursing Homes	1 per each 3 beds
Churches	1 per each 4 seats
Schools	1 per each teacher and staff plus 1 for each 4 classrooms plus 1 for each 4 high school students
Sports Arenas, Stadiums, Theaters, Auditoriums, Assembly Halls	1 per each 3 seats
Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 space for each 60 sq. ft. of public floor area
Roller Rinks	1 space for each 200 square feet GFA
Bowling Alleys	5 per alley
Banks and Offices	1 for each 250 square feet GFA
Medical Offices and Clinics	8 spaces per doctor
Dental Offices	5 spaces per doctor
Retail Stores	1 per each 200 square feet gross retail area
Fast Food/Drive-In Restaurants	1 per each 2 patron seats
Furniture Stores	1 per each 400 square feet GFA
Food Supermarkets	1 per each 200 square feet GFA
Trailer and Monument Sales	1 per each 2,500 square feet of lot area
Restaurants, Taverns and Nightclubs	1 for each 2.5 patron seats
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
Miniature Golf	1 per 325 square feet of developed lot area
Commercial Recreation (not otherwise covered)	1 space for every 3 persons permitted in maximum occupancy **

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

Note: GFA means gross floor area.

408.2(c) Location and Parking. Required parking spaces shall be located on the same lot with the principal use. The Zoning Hearing Board may permit parking spaces to be located not more than 200 feet from the lot of the principal use, if located in the same zoning district as the principal use, and the Board finds that it is impractical to provide parking on the same lot with the principal use.

408.2(d) 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.
Where there is conflict between this screening requirement, and the requirements of Section 413, the more restrictive requirement shall govern.

408.2(e) 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.

408.2(f) 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.

All parking areas shall be designed and approved in accordance with the City of Hermitage Stormwater Management Ordinance.

408.2(g) 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.

408.2(h) Parking Lot 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:

(a) Site design relative to the location, number and orientation of parking spaces and parking modules.

(b) 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.

(c) Clearly marked pedestrian ways from parking areas to building.

(d) 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.

408.2(i) Traffic Impact Analysis. For office structures of 40,000 square feet of gross leasable area or more. Or for other designated developments which will introduce large volumes of traffic onto the roads and highways of Hermitage a Traffic Impact Analysis will

be required. The developer, and developer's engineer/planner may use any reasonable professional approach to complete this analysis; however, it must answer the following questions:

(a) Existing traffic/transportation conditions including street size, street capacity, nearby signalization, current and anticipated traffic volumes.

(b) Estimated parking on site, future trip generation and peak hour volumes.

(c) The effect of the onsite trip generation, at peak hour volumes, upon the surrounding (receiving) road network including a capacity analysis.

(d) Anticipated problems in traffic capacity, if any, and solutions to these problems.

409. SIGNS

409.1 Nonconforming Signs - Applicable in all Zoning Districts

Lawful nonconforming signs, for which a permit has been issued, shall be permitted to remain until they are removed or replaced at which time they shall be required to conform with the requirements of this Ordinance.

409.2 Sign Setbacks - Applicable in all Zoning Districts

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.

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.

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.

Setback shall be measured to the edge of the sign nearest the street.

Setback Category A - Sign Setback = 50 feet to centerline:
East State Street from Sharon City line to Freeway
North and South Hermitage Road (entire length)
Freeway (U.S. Route 62) (entire length)

Setback Category B - Sign Setback = 40 feet to centerline:
E. State Street from Freeway to Jefferson Township
Highland Road
North and South Buhl Farm Drive
Broadway Road
N. Kerrwood Drive
Glimcher Boulevard

Setback Category C - Sign Setback = 30 feet to centerline:
All other roads

409.3 Construction Standards - Applicable in all Zoning Districts

(1) **All Signs.** All signs are required to meet the construction and electrical standards of the applicable sections of the BOCA National Building Code.

(2) **Permanent Freestanding Signs**. A sign constructed in a permanent location and secured by a concrete or other foundation extending to at least 3 feet below finish grade. Sign

posts, poles and/or support structures shall consist of wood, metal or other materials of a dimension no less than 3 1/2" x 3 1/2".

409.4 Signs Permitted in All Districts Without Permit

The following signs shall be permitted in all districts and no permit shall be required to erect such signs:

(1) Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed 6 square feet for residential properties and 32 square feet for nonresidential properties; and not more than one such sign shall be placed on the property unless such property fronts on more than one street, in which case one sign may be erected on each street frontage. Such signs shall have a maximum height of 6 feet and shall comply with minimum setback requirements and maximum height requirements which would apply to a permanent sign on the same property. Such signs shall be constructed of a painted or printed solid surface material, and shall not be changeable copy signs or banner signs.

(2) Temporary signs of contractors, developers, architects, engineers, builders and artisans, erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed 6 square feet for residential properties and 32 square feet for nonresidential properties and provided that such sign shall be removed upon completion of the work. Such signs shall have a maximum height of 6 feet and shall comply with the minimum setback requirements and maximum height requirements which would apply to a permanent sign on the same property. Such signs shall be constructed of a painted or printed solid surface material, and shall not be changeable copy signs or banner signs.

(3) 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 each such sign shall not exceed 4 square feet.

(4) Plaques not exceeding 4 square feet in size, which identify the site or the structure as being registered as a Federal or State historic place.

(5) Traffic and/or pedestrian safety control signs, such as "Entrance," "Exit," "No Parking," etc., may be located as needed; provided, that the contain only information needed for traffic control and that each sign does not exceed 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 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.

(6) Political signs are permitted on private property with permission of the property owner, provided that they shall not be placed so as to create a traffic hazard and that they be removed within 5 days after the election for which they were placed.

(7) Banners or signs for City events or promotions, or similar community events.

(8) Sponsorship signs at athletic fields and similar settings, where the signs are installed to benefit a nonprofit organization, and 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.

(9) 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, and shall comply with the applicable setbacks set forth in Section 409.2. For each development, there shall be no more than one such sign per entrance or street frontage.

409.5 Prohibited Signs - Applicable in all Zoning Districts

(1) Signs with intermittent, flashing or animated lights shall not be permitted. Also, the lighting of any sign shall not cause glare onto any neighboring property or onto any road right-of-way, or interfere in any way with motorists' or pedestrians' visibility or safety. Signs displaying time and temperature information are allowed as part of a permitted permanent freestanding pole sign. 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 which are in compliance with the provisions of Section 409.13.

(2) 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.

(3) Any sign or sign lighting which emulates or resembles traffic signals or regulatory highway signage (such as "stop," "yield" and similar signs).

(4) Portable signs.

(5) Any sign which advertises a business, goods or services not located on the same property as said sign, except as permitted in Section 409.4.

(6) 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.

409.6 Sign Maintenance - Applicable in all Zoning Districts

All signs in the City shall be maintained in a state of safe and good repair and messages on all signs shall be clear and readable. Signs which have deteriorated or otherwise present a public hazard shall be removed or repaired by the sign's owner and/or owner of the property upon which the sign is located.

409.7 Signs on Properties Where the Principal Use is Residential

(1) **Home Occupation or Nameplate Sign.** Home occupation or nameplate, 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 2 square feet. Each such sign shall meet the setback requirements of this Ordinance and shall not exceed 6 feet.

409.8 Signs for Nonresidential Uses in R-1, R-2, R-3 and R-4 Office Building and Institutional Zoning Districts

(1) **Permanent Freestanding Signs.** 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 total sign area may include changeable copy.

(d) **Setback.** All signs shall be setback in accordance with the setbacks contained in Section 409.2.

(2) **Additional Freestanding Signs.** One additional permanent freestanding bulletin board sign per lot is permitted for churches, schools and other nonprofit organizations; provided, that the total area shall not exceed 24 square feet, and the height shall not exceed 6 feet. The setback requirements in Section 409.2 shall also apply.

(3) **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.

(4) **Roof Signs.** Roof signs are not permitted.

(5) **Banner Signs.** Banner signs are permitted only as wall signs.

409.9 Signs in Light Industrial and Heavy Industrial Zoning Districts

(1) **Permanent Freestanding Signs.** 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 409.2.

(2) **Additional Freestanding Signs, Roof Signs and Banner Signs.** Additional freestanding signs, roof signs and banner signs are not permitted.

(3) **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 area per building wall.

409.10 Signs in Central Commercial and Highway Commercial Zoning District

(1) **Permanent Freestanding Signs.** 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, 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. Up to two accessory signs not exceeding 3 square feet each may be attached to a permanent freestanding sign.

(b) **Height.** Such signs shall not exceed a height of 20 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 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 409.2.

(2) **Additional Freestanding Signs and Roof Signs.** Additional freestanding signs and roof signs are not permitted.

(3) **Banner Signs.** Banner signs are permitted only as wall signs or located entirely beneath a permitted permanent building canopy.

(4) **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 area per building wall.

409.11 Signs in Planned Technical Park District

(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 corner lots where a freestanding sign may be erected on each street frontage.

(b) **Height** - such signs shall not exceed a height of 6 ft.

(c) **Area** - maximum sign area is 24 square feet.

(d) **Setback** - all signs shall be set back in accordance with the setbacks contained in Section 409.2.

(e) **Design and materials** - all signs shall be designed of colors and materials which are compatible with the architecture of the buildings and the professional image of the Planned Technical Park.

(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 of 100 square feet of sign area per building wall. There shall be a maximum of two (2) wall signs per building and one (1) wall sign per building elevation.

(3) **Roof Signs:** Roof signs are not permitted.

(4) **Banner Signs:** Banner signs are not permitted.

(5) **Changeable Copy Signs:** Changeable copy signs are not permitted.

409.12 Entrance Identification and/or Directory Signs for Certain Nonresidential 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 facilities to be identified on the sign are medical, dental, emergency care, governmental, school, public recreation or similar facilities which provide a necessary public service.

B. 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.

C. Where the Zoning Hearing Board determines that the public interest will be served by the location of an identification/directory sign to assist the public in locating the public service facilities.

D. That the total sign area shall not exceed 50 square feet and the total sign height shall not exceed 10 feet.

E. That the sign shall meet all setback and construction requirements of this Ordinance and that the location of the sign will not create a traffic or safety hazard.

F. 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.

G. That not more than 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.

H. 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.

409.13 Standards for Construction and Operation of Electronic Changeable Copy Signs

A. Electronic Changeable Copy Signs shall contain a complete message, which shall remain unchanged for a period of no less than 5 seconds. Messages, including photographs, graphics and backgrounds, may not scroll or exhibit the illusion of movement in any manner during the time between message changes. Time and temperature information may change more frequently, but must do so on a separate portion of the total changeable copy area of the sign (not alternating with the main message displayed). Emergency messages (such as severe weather alerts or "Amber Alerts") as approved by the City are exempt from the minimum time interval.

B. The time interval used to change from one complete message or display to the next complete message or display shall be a maximum of one (1) second. There shall be no appearance of a visual dissolve or fading, in which any part of one electronic message or display appears simultaneously with any part of a second electronic message or display.

C. There shall be no appearance of flashing or sudden bursts of light, and no appearance of animation, movement, or flow of the message display on any portion of the sign structure.

D. Any illumination intensity or contrast of light level shall remain constant.

410. 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.

411. SWIMMING POOLS

All in-ground swimming pools shall be enclosed by a fence at least 4 feet high which shall be adequate strength and density of material to reasonably prevent unauthorized and/or accidental access to the pool area by young children. (See also Section 403.3).

Above-ground pools, hot tubs and spas shall provide adequate measures to prevent unauthorized and/or accidental access by young children, such as steps which can be folded up and locked, a removable ladder or safety cover. When an above-ground pool or spa is abutted by a deck or other similar raised surface, access to the deck must be restricted by a gate or other similar means. Any such gate must be no less than 4 feet in height and be of such design and construction that it cannot be opened or otherwise entered by a young child. Gates protecting swimming pools shall be equipped with self-closing and self-latching mechanisms.

412. FLOOD HAZARD AREAS

The City of Hermitage has adopted an ordinance regulating development within floodplains. All development within designated areas are required to follow the regulations contained in said ordinance.

413. LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL USES

413.1 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 an R-1 Zoning District, shall be required to comply with the landscaping requirements of Section 413, 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 413, the more stringent requirements shall apply.

(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 413.2.c “Building Perimeter Landscaping” and 413.5 “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.

413.2 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.

(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.

(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:

Plant Material Type	Minimum Size
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 413.2, 413.4 and 413.5 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:

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.

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.

Detention pond perimeter landscaping is required for all residential and nonresidential land developments, except industrial land developments.

413.3 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 5 feet connecting to the lot line of adjacent parcels and constructed in accordance with City standards, except that in the Heavy and Light Industrial Zoning Districts an easement for future sidewalk may be substituted for sidewalk construction as determined to be appropriate by the City.

The greenway shall also contain street trees planted no greater than 30 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.

The minimum width of the greenway shall be 25 feet, measured from the curb or edge of pavement of the public street(s) abutting the property. The greenway may contain landscaping, lawn, sidewalk and utilities only and shall not contain any vehicular or other use, with the exception of entrance drives crossing the greenway. Where a site with existing development is subject to a land development plan due to a renovation or addition to existing building(s) and the greenway requirement will cause reduction in the number of existing parking spaces such that the minimum parking requirement of the zoning ordinance cannot be met, the Hermitage Planning Commission may authorize a reduction in the greenway width to the least extent possible to preserve the minimum required parking spaces.

This subsection shall apply to all major, minor and industrial land developments.

(b) 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 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 5 foot sidewalk with a 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 30 feet on center.

This subsection shall apply to all major and minor land developments. It shall not apply to industrial land developments.

413.4 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 5 feet and a landscaped area with a minimum width of 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 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.

(5) Interconnection of Off-Street Parking Areas. 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. Access drives shall be constructed in accordance with City standards. Where a parking area is constructed and is adjacent to an undeveloped lot, the access drive, where feasible, shall be extended to the lot line for future connection to the adjacent parcel.

This subsection shall apply to major and minor land developments.

(b) **Perimeter Parking Lot Landscaping.**

(1) Where a parking area borders a public right-of-way, a continuous hedgerow or ornamental metal fencing with brick pillars in accordance with City standards, or a combination thereof is required. This is in addition to the street frontage and greenway requirement of Section 413.3. The hedgerow shall consist of one shrub per every 3 linear feet. The maximum height of a hedgerow shall be 3.5 feet at maturity. The fence height may be varied between a minimum of 3.5 feet in height and a maximum of 4 feet in height.

This subsection shall apply to major land developments only.

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

(3) Where perimeter landscaping required by this Section conflicts with the buffer yard requirements, the more stringent requirements shall apply.

(4) Planting required in this Section cannot be substituted for any of the planting required in subsections 413.2, 413.3 or 413.5.

413.5 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 Options.**

Buffer Yard Option A. A 50 foot wide strip containing the following minimum planting specifications per each 100 feet of buffer yard length:

Three canopy trees + six ornamental trees + 20 evergreen trees (= 29 trees total) per 100 feet of buffer yard length.

Buffer Yard Option B. A 20 foot wide strip containing a masonry wall in accordance with City standards, of a minimum height of 6 feet or a solid evergreen hedge with a minimum height at time of planting of 6 feet located along the property line, plus the following plantings within the remainder of the 20 foot wide strip:

Three canopy trees + six ornamental trees + five evergreen trees (= 14 trees total) per 100 feet of buffer yard length.

(c) **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 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 constitute a violation of this Section of the zoning ordinance. These facilities must meet all requirements as per Section 413.2, "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 Section 413.2.c, "Building Perimeter Landscaping", if directly abutting a public street, private street, access drive or greenway or as determined by the City.

414. 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. Refuse containers shall not be permitted between any building and any public street with the preferred location being directly adjacent to the main structure. Trash collection and similar facilities shall be completely enclosed by a solid wall at least 6 feet in height. 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. Trash collection areas shall be located on rigid pavement surfaces and designed to prevent accumulation of stormwater runoff.

415. ACCESSORY STRUCTURES, RESIDENTIAL DISTRICTS

Accessory structures in all residential districts must be located behind the front line of the principal uses. The total building area of all accessory buildings (except residential garages) must not exceed 2% of the total lot area. In no event can the size of all structures on a lot exceed the allowable lot coverage as set forth by this Ordinance. (see also Table 307.10). Maximum building height for accessory buildings on lots of 5 acres or more is 30 feet; provided, the building is located at least 50 feet from any adjoining property line. Maximum building height for barns and other agricultural buildings on parcels of 20 acres or more is 40 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.

416. TEMPORARY STORAGE FACILITIES

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.

417. AGRICULTURE

Horse stables and the raising of livestock such as cattle, pigs and chickens shall be subject to the following restrictions:

(a) Stables, barns and other buildings used to house horses and/or livestock shall be located at least 100 feet from an adjacent property line. In addition, such buildings shall be located at least 200 feet from any existing home, other than a home on the same property.

(b) Horse stables and the raising of livestock must be located on a lot with an area of two acres or more, and with a lot width of at least 250 feet.

(c) All boarding of animals upon the premises shall be within enclosed buildings; however, the use of runways and pastures is permitted.

418. OFFICE/COMMERCIAL BUILDINGS AND COMPLEXES

The intense use of commercial lots for various commercial and office uses represents a wise use of the land, yet may cause considerable impact upon surrounding uses, the infrastructure, and the Hermitage road system. Where the floor area of such uses exceed 30,000 square feet in size, the following shall be required:

(a) If building height exceeds 60 feet, the building design must show how fire safety concerns will be met, and that water pressure will be sufficient to meet approved sprinkler and/or stand pipe requirements. Evidence of compliance with State Labor and Industry standards and Hermitage fire regulations will be required.

(b) A parking lot design shall be provided to show the parking lot layout in relationship to the building. Please see Section 408.2 for guidance in submitting the parking lot plan.

(c) A traffic impact analysis shall be required for buildings, building complexes which contain over 40,000 square feet of gross leasable area. Please see Section 408.2(i) for guidance in the submission of a traffic impact analysis.

(d) For building heights in excess of 60 feet, a 1 foot increase in all yard requirements for each additional 1 foot in height will be required. Furthermore, the developer will be required to present a model or other graphic device to show the shadow patterns of the proposed building and how it will affect surrounding developments. For the purpose of this study, an assumed latitude of N 42E may be used.

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:

502.1 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.

Applications for single developments, either of an individual building or a complex, with an estimated cost of $1,000,000 or more, will be required to submit a scale model. This model will include buildings within 200 feet of the proposed development. The purpose of this requirement is to show the impact of the proposed development on surrounding development.

502.2 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.

502.3 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. In addition, the Zoning Officer shall receive all applications for appeals prior to forwarding same to the Zoning Hearing Board.

502.4 Enforcement

The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcing this Ordinance.

503. PERMITS AND CERTIFICATES

503.1 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.

503.2 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.

503.3 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.

503.4 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 409 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.

505. VIOLATIONS

505.1 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.

505.2 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.

505.3 Jurisdiction

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

505.4 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 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.

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(9) 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.

(10) 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 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.

(11) 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.

(12) 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

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) Appeals from the Zoning Officer's determination under 916.2 of the Planning Code.

(7) 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.

(8) 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:

(a) 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 neighbor-hood or district in which the property is located.

(b) 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.

(c) That such unnecessary hardship has not been created by the applicant;

(d) 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.

(e) 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 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.