

**BOROUGH OF ORWIGSBURG**

**ORDINANCE NO. 368**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 318  
WHOSE SHORT TITLE IS "ORWIGSBURG BOROUGH ZONING  
ORDINANCE" BY ADDING, DELETING AND REVISING  
PORTIONS OF THE TEXT OF THE ORDINANCE AS FOLLOWS:**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1.** Section 2.02 is hereby amended to add the following new definitions:

**BUILDING PERMIT.** A written statement issued by the Zoning/Code Enforcement Officer, authorizing the construction, erection or alteration of a structure or sign or part of a structure, consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.

**PROPERTY LINE.** A recorded boundary of a lot. (See Lot Line).

**Section 2.** Section 2.02 is hereby amended to revise existing definitions as follows:

**ALLEY.** A minor right-of-way, publicly or privately owned, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**BUILDING.** Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for shelter or enclosure of persons, animals or property.

**CENTER LINE OF STREET OF ROAD.** A line midway between and parallel to the two street or road lot lines, or as otherwise defined by the Borough Council.

**LOT LINE.** A line dividing one lot from another lot or from a street or alley. In most instances, a lot line is also a property line. However, wherever a property line borders or is within a public street, the lot line shall be considered to be the existing street right-of-way line.

**Lot Line, Front:** On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**Lot Line, Rear:** The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

**Lot Line, Side:** Any lot line that is not a front or rear lot line

**SETBACK.** The setback of a building from a particular lot line is the horizontal distance from such lot line to the building setback line nearest such lot line.

**SIGN SETBACK.** The distance from the lot line or street right-of-way to the nearest part of the applicable sign, measured perpendicularly to the lot line or street right-of-way line, whichever is further from the street.

**STREET.** A public or private thoroughfare which affords principal means of access to abutting properties, but not including an alley or a driveway.

**YARD.** The open, unoccupied space on a lot between the lot line and the front, rear and side building setback lines.

**Front Yard:** A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building setback line in depth. In the case of a corner lot possessing frontage on two or more public streets, the front yard shall mean that yard which is adjacent to the front lot line on the street of address and all other yards abutting streets shall be considered secondary front yards.

**Secondary Front Yard:** A yard extending along the full width of a secondary front lot line between front and side (or rear) lot lines and from the secondary front lot line to the secondary front building setback line in depth.

**Rear Yard:** A yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line. Rear yard depth shall be measured at right angles to the rear lot line. In the case of a corner lot possessing frontage on two or more public streets, the rear yard shall be that yard which is opposite and most distant from the front lot line on the street of address.

**Side Yard:** A yard lying between the side lot line and the nearest side building setback line and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

**ZONING OFFICER.** The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may be the Code Enforcement Officer and serve both offices of the Borough.

**Section 3.** Section 2.02 is hereby amended to replace the existing definition for "building line/building setback line" with two separate definitions, to read as follows:

**BUILDING LINE.** The actual line of that facade of the building nearest an adjacent right of way or street line. This facade includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

**BUILDING SETBACK LINE.** The line within a property (usually parallel to the right-of-way or lot line), defining the required minimum distance between any enclosed structure and the adjacent street right-of-way or lot line, whichever is further from the street.

**Section 4.** Section 2.02 is hereby amended to rename "Certificate of Occupancy" to read "Certificate of Zoning Compliance," as follows:

**CERTIFICATE OF ZONING COMPLIANCE.** A certificate issued by the Zoning/Code Enforcement Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

**Section 5.** Section 3.01 is hereby amended to read as follows:

**SECTION 3.01 - LIST OF DISTRICTS.** For the purpose of this Ordinance, the territory of Orwigsburg Borough is hereby divided into the following districts:

**Base Districts**

- R-1 - Low Density Residential Districts
- R-2 - Medium Density Residential Districts
- R-3 - High Density Residential Districts
- R-E - Residential Estate Districts
- V - Village Districts
- C - Commercial Districts
- I-1 – General Industrial Districts
- I-2 – Transition Industrial Districts

**Overlay Districts**

- S-S - Steep Slope Conservation Districts
- F-H - Flood Hazard Districts

**Section 6.** Subsection 5.01 B.4. is hereby amended to read as follows:

4. Any determination that a proposed use complies with the provisions of the Steep Slope Conservation District, or any approval of a subdivision or land development plan, or any issuance of a zoning and/or building permit within or near the Steep Slope Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the Borough, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials or employees. The provisions relating to the Steep Slope Conservation District do not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said District will be free from the adverse effects of erosion.

**Section 7.** The last paragraph of Section 5.05 A. is hereby amended to read as follows:

No approval or zoning and/or building permit shall be authorized by the Borough, and no Special Exception shall be granted by the Zoning Hearing Board, without the Borough Engineer's review of this submitted material and his recommendation thereon. If a prohibitive steep slope area extends to the boundary of a proposed site, the slopes on adjacent sites for a distance of two hundred (200) feet in all directions from the boundaries of the site in question shall be additionally presented.

**Section 8.** Section 6.02 hereby amended to delete Subsection 6.02 C. and renumber the subsequent subsections.

**Section 9.** Section 6.12 B. is hereby amended to read as follows:

B. Single family semi-detached dwellings.

**Section 10.** Section 6.42 G. is hereby amended to delete Subsections 2. and 3.

**Section 11.** The heading and Subsections 1. and 3. of Section 10.01 B. are hereby amended to read as follows:

B. Detached accessory buildings and structures.

1. Detached accessory buildings and structures shall be located to the rear of the front building line of the principal building and shall conform to the side yard requirements in respect to the principal building.
3. Accessory buildings and structures for principal uses other than residential shall be located not closer than twenty (20) feet to any side or rear property line abutting a residential district or lot used for residential purposes.

**Section 12.** Subsection 10.01 B.4.a. is hereby amended to read as follows:

4. Detached accessory buildings in residential districts. In the R-E, R-1, R-2, R-3 and V Districts, the following additional regulations apply:

a. Detached private garages.

(1) Maximum building footprint

(i.) In the R-E and R-1 Districts:

900 square feet. This maximum building footprint may be increased only through a special exception granted by the Zoning Hearing Board.

(ii.) In the R-2, R-3 and V Districts:

1,000 square feet. This maximum building footprint may be increased only through a special exception granted by the Zoning Hearing Board.

(2) Maximum height – fifteen (15) feet.

(3) No temporary structures shall be permitted.

(4) Detached private garages in rear yards shall be located

(a) a minimum of ten (10) feet from any property line in the R-E and R-1 Districts.

(b) a minimum of one (1) foot from any side property line and a minimum of three (3) feet from any rear property line in the R-2, R-3 and V Districts.

(5) Only one (1) detached private garage is permitted on a lot.

**Section 13.** Subsection 10.01 B.4.b. is hereby amended to read as follows:

- b. **Other detached accessory buildings.** Other detached accessory buildings may be located in any required rear yard provided:
  - (1) Such buildings shall not exceed one story or be more than fifteen (15) feet in height.
  - (2) Such buildings shall not exceed a combined total of 180 square feet in floor area.
  - (3) Detached accessory buildings in rear yards shall be located a minimum of five (5) feet from any property line in the R-E and R-1 Districts and a minimum of one (1) foot from any property line in the R-2, R-3 and V Districts.

**Section 14.** Subsection 10.01 B.5. is hereby amended to read as follows:

- 5. **Detached accessory buildings in nonresidential districts.** In the C, I-1 and I-2 Districts, the following additional regulations apply:
  - a. In any nonresidential district, an accessory building on that portion of a lot not included in any required yard shall conform with the height regulations for principal buildings.
  - b. Accessory buildings located in a rear yard area shall be a minimum of twenty (20) feet from the rear property line.

**Section 15.** Subsection 10.06 A.3. is hereby amended to read as follows:

- 3. The rear yard shall be that yard which is opposite and most distant from the front lot line on the street of address.

**Section 16.** Subsection 10.06 C.5. is hereby amended to read as follows:

- 5. Handicap ramps may be permitted in front yards, in accordance with the following requirements:
  - a. Such structure shall be permitted only when no other feasible location on the lot exists.
  - b. Such structure must receive approval of the Planning and Zoning Commission prior to construction.
  - c. Application for approval shall include a sketch of the proposed construction and location of the structure.
  - d. Minimum clearance of four (4) feet in width shall be maintained on the sidewalk.

**Section 17.** Section 10.07 A.2. and 10.07 A.3. are hereby amended to read as follows:

2. Open parking spaces and/or parking lots in the R-E, R-1, R-2, C and I-1 Districts shall not be located closer than five (5) feet from any side or rear property line, or within the front yard, unless otherwise provided for elsewhere in This Ordinance.
3. Open parking spaces and/or parking lots in the R-3, I-2 and Village Districts shall not be located closer than three (3) feet from any side or rear property line, unless otherwise provided for elsewhere in This Ordinance.

**Section 18.** The first paragraph of Section 10.10 E. is hereby amended to read as follows:

- E. In R-E, R-1, R-2, R-3 and V districts, no commercial vehicle, truck, trailer, or any similar vehicle, or equipment which cannot move under its own power, shall be regularly parked or stored for more than 24 hours unless it is:

**Section 19.** Section 10.11 A. is hereby amended to read as follows:

- A. In the R-E, R-1, R-2, R-3 and Village districts, no fence or wall shall exceed four (4) feet in height in any front or side yard or six (6) feet in height in any rear yard. A front fence shall be behind the sidewalk. Fences of wood, metal or masonry may be erected to a height not exceeding eight (8) feet within the side and rear buildable areas of any lot.

**Section 20.** Subsection 10.12 F.4.c. is hereby amended to read as follows:

- c. Industrial Districts - twenty-five (25) percent

**Section 21.** Subsection 10.12 K.5.a.(2) is hereby amended to read as follows:

- (2) On the date of final action on any related application for zoning and/or building permit, site plan, or land development plan for signs involving new construction.

**Section 22.** Subsection 10.12 K.6.a.(2) is hereby amended to read as follows:

- (2) On the date of final action on any related application for zoning and/or building permit, site plan, or land development plan for signs involving new construction.

**Section 23.** The first paragraph of Section 10.14, along with Section 10.14 F. are hereby amended to read as follows:

SECTION 10.14 - PRIVATE OUTDOOR SWIMMING POOLS. A zoning and/or building permit shall be required for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:

- F. Water shall not be placed into a swimming pool until a Certificate of Zoning Compliance has been issued.

**Section 24.** Sections 10.16 B. and 10.16 D. are hereby amended to read as follows:

- B. After occupancy, if there occurs continuous or frequent, even though intermittent, violations of the Performance Standards and other provisions for a period of five (5) days, without bona fide and immediate corrective work, the Borough shall suspend or revoke the

Certificate of Zoning Compliance and the operation shall immediately cease until it is able to operate in accordance with these regulations, at which time the Certificate of Zoning Compliance shall be reinstated.

- D. A copy of said findings shall be forwarded to Borough Council. The services of any qualified experts employed by the Borough to advise in establishing a violation shall be paid for by the violator, if it shall be determined that a violation is proved, and otherwise by the Borough. No new Certificate of Zoning Compliance shall be issued unless such charges have been paid to the Borough.

**Section 25.** The first paragraph of Section 10.18, along with Subsection 10.18 E.1. and Subsection 10.18 E.2.b. are hereby amended to read as follows:

SECTION 10.18 - ADULT BOOK STORES AND ADULT THEATERS. Borough Council may approve Adult Book Stores and Adult Theaters in the I-1 – General Industrial District by Conditional Use according to the procedures and requirements specified below:

1. An adult book store or an adult theater shall be permitted only in an I-1 – General Industrial District.
- 2.b. The geographical boundary line of the I-1 – General Industrial District.

**Section 26.** Section 10.20 A. is hereby amended to read as follows:

- A. Day Care Centers providing care for more than three (3) children not related to the caregiver must secure a license from the Commonwealth of Pennsylvania, Department of Public Welfare. Evidence of such state licensing must be provided prior to the issuance of a Certificate of Zoning Compliance by the Zoning/Code Enforcement Officer.

**Section 27.** Sections 10.22 A., 10.22 B. and 10.22 F. are hereby amended to read as follows:

- A. The diameter of the microwave antenna shall not exceed four (4) feet in the R-E, R-1, R-2, R-3 and V Districts. When separately supported, the total height of the antenna shall not exceed fourteen (14) feet.
- B. Microwave antennas installed in the C, I-1 and I-2 Districts shall not exceed four (4) feet in diameter. Where separately supported, the total height of the microwave antenna shall not exceed twenty (20) feet.
- F. A zoning and/or building permit in accordance with Article XIII must be obtained prior to the erection of any microwave antenna.

**Section 28.** The first paragraph of Section 10.23 is hereby amended to read as follows:

SECTION 10.23 - WIND ENERGY CONVERSION SYSTEMS. The Zoning Hearing Board may approve Wind Energy Conversion Systems in the I-1 – General Industrial Districts according to the procedures and requirements specified below:

**Section 29.** Subsection 10.27 B.5. is hereby amended to read as follows:

5. As a condition of approval of the Cluster Development all uses shall be served with Pennsylvania Department of Environmental Protection approved public water and public sewer.

**Section 30.** The first paragraph of Section 10.27 D., along with Subsection 10.27 D.3. are hereby amended to read as follows:

- D. **Industrial Cluster Development / Industrial Parks.** Within any I-1 – General Industrial District, an industrial park may be developed on a parcel of land containing not less than ten (10) acres, subject to the granting of a Special Exception by the Zoning Hearing Board, and provided that:
3. All Height and Bulk Regulations of the I-1 – General Industrial District shall be complied with, including the requirement of effective screening.

**Section 31.** Section 10.30 C. is hereby amended to read as follows:

C. **General Requirements for Co-Location of Facilities**

The applicant for the Co-Location of Facilities shall be required to submit a Zoning and/or Building Permit application for approval.

**Section 32.** The first paragraph of Subsection 11.02 C.1., along with Subsections 11.02 B.2., and 11.02 E.1. are hereby amended to read as follows:

- B. 2. Borough Council may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
- C. 1. Borough Council within sixty (60) days following the conclusion of the public hearing provided for in this Article, or within 180 days after the date of filing of the application, whichever occurs first, shall, by official written communication, to the landowner, either:
- E. 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 Borough Secretary and within the time or times specified by 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 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 part thereof, 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.

**Section 33.** Section 11.03 D. is hereby amended to read as follows:

- D. Planned Residential Developments shall be permitted to locate only in the R-2 Medium Density Residential District.

**Section 34.** Subsection 11.04 C.1. is hereby amended to read as follows:

1. Maximum gross residential density for the total Planned Residential Development site shall be not exceed eight (8) dwelling units per acre.



**Section 35.** Sections 13.02 A., 13.02 B. and 13.02.E. are hereby amended to read as follows:

- A. **Zoning Permits** - Zoning permits shall hereafter be secured from the Zoning/Code Enforcement Officer's office prior to the issuance of a building permit for the construction, erection or alteration of a structure or sign or part of a structure or upon a change in the use of a structure of land.

A zoning permit shall also serve as a building permit for any construction, erection or alteration of structure or sign or part of a structure that is not regulated by the Uniform Construction Code. The regulations of the Uniform Construction Code shall govern the requirements for and processing of building permits in the Borough where applicable.

- B. **Building Permits** - No building or structure, sidewalk, curbing, or driveway in any District shall be erected, constructed, installed, reconstructed or restored, structurally altered, repaired or demolished without a building permit for such work duly issued upon application to the Zoning/Code Enforcement Officer.

1. **Issuance of Permits** - In applying to the Zoning/Code Enforcement Officer for a zoning and/or building permit, the applicant shall submit a dimensional sketch or site plan indicating the shape, size, height and location of all buildings to be erected, altered or moved and of any building already existing on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Zoning/Code Enforcement Officer for determining whether the provisions of the Ordinance are being observed. If the proposed work, as set forth in the application, is in conformity with the provisions of this Ordinance and other ordinances of the Borough then in force, the Zoning/Code Enforcement Officer shall issue a permit(s) for such work. If a permit(s) is(are) refused, the Zoning/Code Enforcement Officer shall state such refusal in writing with the cause and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated on the application. The Zoning/Code Enforcement Officer shall grant or deny the permit as soon as possible and, in no case, shall it be later than fifteen (15) days after the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance.

2. **Expiration of Permit(s)** - The zoning and/or building permit shall expire if the work authorized has not commenced within six (6) months after the date of issuance or has not been completed within one (1) year from the date of issuance. Provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year upon written application for such an extension and payment of an administrative fee to the Borough.

3. **Permit Fees** - Application for a zoning and/or building permit shall be accompanied by payment of a minimum fee as established by Borough Council.

- E. **Certificate of Zoning Compliance** - It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a Certificate of Zoning Compliance has been issued for that premises, certifying that the structure or use complies with the provisions of this Ordinance. Such Certificate of Zoning Compliance shall be granted or denied within fifteen (15) days from the date that a written application is filed with the Zoning/Code Enforcement Officer. In the event that the issuance of a Certificate of Zoning Compliance is denied upon application therefore, the Zoning/Code Enforcement Officer shall notify the Zoning Hearing Board in writing his action and the specific reasons therefore.

**Section 36.** Section 13.03 is hereby amended to read as follows:

SECTION 13.03 - RECORDS. It shall be the duty of the Zoning/Code Enforcement Officer to keep a record of all applications for planning and zoning permits, a record of all permits issued and a record of all Certificates of Zoning Compliance which he countersigns, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall be available for the use of the Borough Council.

The Zoning/Code Enforcement Officer shall prepare a monthly report for the Borough Council summarizing for the period since his last previous report all zoning and/or building permits issued and Certificates of Zoning Compliance countersigned by him and all complaints or violations and the action taken by him consequent thereon. A copy of each such report shall be filed with the Office of the Chief Assessor of Schuylkill County at the same time it is filed with the Borough Council.

**Section 37.** Subsections 13.05 A.8.a. and 13.05 A.8.d. are hereby amended to read as follows:

- a. An applicant before the Zoning Hearing Board (or Borough Council in the case of a Conditional Use) shall deposit with the Borough the appropriate filing fee. Fees shall be established by resolution of the Borough Council, for purposes as prescribed in Section 908 (1.1) of the Municipalities Planning Code.
- d. No zoning permit, building permit or other requisite permit shall be issued by the Borough Zoning/Code Enforcement Officer until all such fees and costs have been paid in full by the applicant.

**Section 38.** Section 13.05 D. is hereby amended to read as follows:

D. **Conditional Uses - Specific Procedures.** Upon receipt of a Conditional Use Application and Development Plan (see Section 13.05 B.1.) the following procedure shall prevail.

1. **Planning Commission Review.** Within forty-five (45) days of the Borough's receipt of a Conditional Use Application, the Borough Planning Commission shall review said application together with all supporting information and forward its written recommendations to Borough Council. The Commission may recommend approval, disapproval or modification. In the case of disapproval or modification the Commission shall set forth the reasons for the recommendation in writing.

2. **Borough Council Action.**

Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. Public notice shall be given and written notice shall be given to (1) the applicant, (2) the Borough Zoning/Code Enforcement Officer, (3) the abutting property owners and (4) to any person who has made timely request for same. In addition to the written 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.

The first hearing shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Borough Council or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete

the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Borough Council or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

The hearing shall be conducted by the Borough Council or the Borough Council may appoint any member or an independent attorney as a hearing officer. Borough Council shall make its final decision based upon findings of fact as to the general factors set forth in Section 13.05.B.2. and upon the specific factors for which a conditional use application is filed. The decision, or, where no decision is called for, the findings shall be made by the Borough Council. However, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Borough Council and accept the decision or findings of the hearing officer as final. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

- a. The Borough Council shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Ordinance or of any act, 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.
- b. Where the Borough Council fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required 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 Borough Council to meet or render a decision as hereinabove provided, the Borough Council shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Ordinance. If the Borough Council shall fail to provide such notice, the applicant may do so.
- c. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.

**Section 39.** The first paragraph of Section 14.01 A. is hereby amended to read as follows:

- A. **Terms of Office.** The terms of office shall be three years and shall be so fixed that the term of office of no more than one member shall expire each year.

**Section 40.** Sections 14.04 C. and 14.04 J. are hereby amended to read as follows:

- C. **Conduct of Hearing.** The first hearing shall be commenced within sixty days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

- J. **Decisions.** The Zoning Hearing 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 forty-five (45) days after the last hearing before the Zoning Hearing 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 reasons therefore. Conclusions based on any provisions of this Ordinance or any Borough ordinance, rule or regulation, or the Pennsylvania Municipalities Planning Code, Act 247, as amended, 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 Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 14.10, where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (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 failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in

Section 14.04 A. of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

**Section 41.** Subsection 14.05 B.5. is hereby amended to read as follows:

5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 16.03. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

**Section 42.** Section 14.06 B. is hereby amended to read as follows:

- B. **Special Exceptions.** The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth in This Ordinance. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of This Ordinance and of the Pa. Municipalities Planning Code.

**Section 43.** Section 16.02 H. is hereby amended to read as follows:

- H. Before voting on the enactment of an amendment, Borough Council shall hold a public hearing thereon, pursuant to public notice. Notice shall be given as follows:
  1. By publication of the notice in a newspaper of general circulation in the Borough. Said notice shall be published one each week for two successive weeks. The first publication shall not be more than thirty days nor less than seven days from the date of the hearing.
  2. In addition to the requirement that notice be posted under clause (1), where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Borough at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

**Section 44.** Subsections 16.03 A.2. and 16.03 B.3. are hereby amended to read as follows:

- A.
  2. The hearing shall be conducted in accordance with Section 14.04 and all references therein to the Zoning Hearing Board shall, for the purposes of this section be references to Borough Council provided, however that the deemed approval provisions of Section 14.04 shall not apply and the provisions of Section

14.10 shall control. If Borough Council does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

- B. 3. Upon initiation of the procedures, as set forth in Section 16.03 B. 1., Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under Section 16.03 A. nor shall the Zoning Hearing Board be required to give a report requested under Section 14.10 subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Section 16.03 B. 1. a. Upon completion of the procedures as set forth in 16.03 B. 1. and 2., no rights to a cure pursuant to the provisions of Sections 16.03 A. and 14.10 shall, from the date of declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended zoning ordinance for which there has been a curative amendment pursuant to this section.

**Section 45.** TABLE A - PERMITTED SIGNS BY TYPE AND ZONING DISTRICT, is hereby replaced with the following table:

| TABLE A<br>PERMITTED SIGNS BY TYPE AND ZONING DISTRICT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                |                |                |                |                |                  |                |         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|------------------|----------------|---------|
| SIGN TYPE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | R-E            | R-1            | R-2            | R-3            | V              | INS <sup>a</sup> | C              | I-1/I-2 |
| <b>Freestanding</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |                |                |                |                |                  |                |         |
| Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | S <sup>k</sup> | S <sup>b</sup> | S <sup>b</sup> | S <sup>b</sup> | S <sup>b</sup> | N                | N              | N       |
| Other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N              | N              | N              | N              | S              | S                | S              | S       |
| Incidental <sup>c</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | N              | N              | N              | P <sup>d</sup> | P <sup>d</sup> | P <sup>d</sup>   | P              | P       |
| <b>Building</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                |                |                |                |                |                  |                |         |
| Banner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N              | N              | N              | N              | S              | N                | S              | S       |
| Building Marker <sup>e</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | P              | P              | P              | P              | P              | P                | P              | P       |
| Canopy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N              | N              | N              | N              | S              | N                | S              | S       |
| Identification <sup>d</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | P              | P              | P              | P              | P              | P                | P              | P       |
| Incidental <sup>c</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | N              | N              | N              | P <sup>f</sup> | P <sup>c</sup> | P <sup>f</sup>   | P              | P       |
| Marquee <sup>g</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N              | N              | N              | N              | S              | N                | S              | N       |
| Projecting <sup>g</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | N              | N              | N              | N              | S              | N                | S              | N       |
| Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | S <sup>k</sup> | S <sup>b</sup> | S <sup>b</sup> | S <sup>b</sup> | S <sup>b</sup> | N                | N              | N       |
| Roof                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N              | N              | N              | N              | N              | N                | N              | N       |
| Roof, Integral                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N              | N              | N              | N              | N              | N                | S              | N       |
| Suspended <sup>g</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N              | N              | N              | N              | S              | S                | S              | N       |
| Temporary <sup>h</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N              | N              | N              | N              | S              | N                | S              | S       |
| Wall                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N              | N              | N              | N              | S              | S                | S              | S       |
| Window                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N              | N              | N              | N              | S              | N                | S              | N       |
| <b>Miscellaneous</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |                |                |                |                |                  |                |         |
| Banner <sup>c</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N              | N              | N              | N              | S              | N                | S              | N       |
| Flag <sup>i</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | P              | P              | P              | P              | P              | P                | P              | P       |
| Portable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N              | N              | N              | N              | S <sup>j</sup> | S <sup>j</sup>   | S <sup>j</sup> | N       |
| Portable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N              | N              | N              | N              | P              | N                | P              | N       |
| <p>P = Allowed without sign permit; S = Allowed only with sign permit; N = Not allowed</p> <p><sup>a</sup> This column does not represent a zoning district. It applies to institutional uses permitted under This Ordinance in residential zoning districts. Such uses may include places of worship, schools, etc.</p> <p><sup>b</sup> No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.</p> <p><sup>c</sup> No commercial message of any kind allowed on the sign if such message is legible from any location off the zone lot on which the sign is located.</p> <p><sup>d</sup> Only address and name of occupant allowed on the sign.</p> <p><sup>e</sup> May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.</p> <p><sup>f</sup> No commercial message of any kind allowed on the sign.</p> <p><sup>g</sup> If such a sign is suspended or projects above any public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as Borough Council may reasonably from time to time determine.</p> <p><sup>h</sup> The conditions of Section 10.12 N. of This Ordinance apply.</p> <p><sup>i</sup> Flags of the United States, the state, the Borough, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.</p> <p><sup>j</sup> Permitted on the same terms as a temporary sign, in accordance with Section 10.12 N., except that it may be freestanding.</p> <p><sup>k</sup> No commercial message allowed on sign.</p> |                |                |                |                |                |                  |                |         |

**Section 46.** TABLE B – MAXIMUM TOTAL SIGN AREA PER ZONE LOT BY ZONING DISTRICT, is hereby replaced with the following table:

**TABLE B  
MAXIMUM TOTAL SIGN AREA PER ZONE LOT BY ZONING DISTRICT**

|                                                                                                                                                                                              | R-E | R-1 | R-2 | R-3 | V   | INS <sup>a</sup> | C   | I-1/I-2 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|-----|------------------|-----|---------|
| <i>The maximum total area of all signs on a zone lot <u>except</u> incidental, building marker, identification signs and flags<sup>b</sup> shall not exceed the lesser of the following:</i> |     |     |     |     |     |                  |     |         |
| Maximum Number of Total Square Feet                                                                                                                                                          | 4   | 8   | 8   | 24  | 100 | 100              | 200 | 200     |
| Percentage of Ground Floor Area of Principal Building                                                                                                                                        | NA  | NA  | NA  | NA  | NA  | NA               | 10% | 2%      |
| Square Feet of Signage Per Linear Foot of Street Frontage                                                                                                                                    | NA  | NA  | NA  | 0.5 | 3.0 | 0.5              | 4.0 | NA      |

<sup>a</sup> This column does not represent a zoning district. It applies to institutional uses permitted under This Ordinance in residential zoning districts. Such uses may include places of worship, schools, etc.

<sup>b</sup> Flags of the United States, the state, the Borough, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.



**Section 47.** TABLE C – NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT, is hereby replaced with the following table:

| <b>TABLE C</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |     |     |     |           |                 |                  |                 |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----------|-----------------|------------------|-----------------|-----------|
| <b>NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |     |     |     |           |                 |                  |                 |           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | R-E | R-1 | R-2 | R-3       | V               | INS <sup>a</sup> | C               | I-1/I-2   |
| <i>Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table and on Table D.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |     |     |           |                 |                  |                 |           |
| <b><i>Freestanding</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |     |     |           |                 |                  |                 |           |
| Area (sq. ft.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 4   | 6   | 6   | 12        | 40              | 40               | 80              | 80        |
| Height (feet)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 5   | 5   | 5   | 5         | 12 <sup>b</sup> | 12               | 20 <sup>c</sup> | 12        |
| Setback (feet) <sup>d</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2   | 2   | 2   | 2         | 5 <sup>b</sup>  | 5                | 5 <sup>c</sup>  | 10        |
| Number Permitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |     |     |     |           |                 |                  |                 |           |
| Per Zone Lot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1   | 1   | 1   | NA        | NA              | 1                | NA              | NA        |
| Per Feet of Street Frontage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NA  | NA  | NA  | 1 per 200 | 1 per 200       | NA               | 1 per 200       | 1 per 200 |
| <b><i>Building</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |     |     |     |           |                 |                  |                 |           |
| Area (max. sq. ft.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2   | 2   | 2   | 2         | NA              | 10               | NA              | NA        |
| Wall Area (percent) <sup>f</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NA  | NA  | NA  | NA        | 10%             | NA               | 10%             | 5%        |
| <p><sup>a</sup> This column does not represent a zoning district. It applies to institutional uses permitted under This Ordinance in residential zoning districts. Such uses may include places of worship, schools, etc.</p> <p><sup>b</sup> Maximum sign height is 12 feet, and minimum setback is five feet; however, in no case shall the actual sign height exceed the actual sign setback from any side lot line for any adjacent lot that is zoned and used for residential purposes. For example, if the sign is set back seven feet from such a side lot line, it may be no more than seven feet high.</p> <p><sup>c</sup> Maximum sign height is 20 feet, and minimum setback is five feet; however, in no case shall the actual sign height exceed the actual sign setback from any side lot line for any adjacent lot that is zoned and used for residential purposes. See example in Note b.</p> <p><sup>d</sup> Setback from lot line or street right-of-way. In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of thirty (30) inches and ten (10) feet in the clear sight triangle, as defined elsewhere in This Ordinance.</p> <p><sup>e</sup> Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that for lots with only one street frontage.</p> <p><sup>f</sup> The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.</p> |     |     |     |           |                 |                  |                 |           |

**Section 48.** TABLE E - PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, is hereby replaced with the following table:

| TABLE E<br>PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT |     |     |     |                |                |                  |   |         |
|--------------------------------------------------------------|-----|-----|-----|----------------|----------------|------------------|---|---------|
|                                                              | R-E | R-1 | R-2 | R-3            | V              | INS <sup>a</sup> | C | I-1/I-2 |
| Animated                                                     | N   | N   | N   | N              | N              | N                | N | N       |
| Changeable Copy                                              | N   | N   | N   | N              | S <sup>b</sup> | P                | S | N       |
| Illumination,<br>Internal                                    | N   | N   | N   | N              | S <sup>b</sup> | P <sup>b</sup>   | S | S       |
| Illumination,<br>External                                    | N   | N   | N   | S <sup>b</sup> | S <sup>b</sup> | P <sup>b</sup>   | S | S       |
| Illumination,<br>Exposed Bulbs<br>or Neon                    | N   | N   | N   | N              | S <sup>b</sup> | N                | S | N       |

P = Allowed without sign permit    S = Allowed only with sign permit    N = Not allowed

<sup>a</sup> This column does not represent a zoning district. It applies to institutional uses permitted under This Ordinance in residential zoning districts. Such uses may include places of worship, schools, etc.

<sup>b</sup> No direct light or significant glare from the sign shall be cast onto any adjacent zone lot that is zoned and used for residential purposes.

**Section 49.** All references to "zoning officer" throughout the Ordinance are hereby amended to read as "zoning/code enforcement officer".

**Section 50.** All other parts, sections, subsections and provisions of the Zoning Ordinance of the Borough of Orwigsburg shall remain in effect as heretofore enacted.

**Section 51.** In the event any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, illegal or unconstitutional, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this ordinance, it being the intent of the Borough that such remainder shall remain in full force and effect.

**Section 52.** This ordinance becomes effective within the time provided by law.

**Section 53.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

BOROUGH OF ORWIGSBURG


\_\_\_\_\_  
Borough Secretary


By: \_\_\_\_\_  
President of Council

(SEAL)

DULY PRESENTED, ORDAINED AND ENACTED into an Ordinance this 13<sup>th</sup> day of October, 2004 A.D. BY THE BOROUGH COUNCIL OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA IN LAWFUL SESSION DULY ASSEMBLED.

BOROUGH OF ORWIGSBURG  
SCHUYLKILL COUNTY, PENNSYLVANIA

BY:   
CHARLES J. STERNER  
COUNCIL PRESIDENT

ATTEST:   
SHERRY M. EDWARDS  
BOROUGH SECRETARY

EXAMINED AND APPROVED THIS 13<sup>th</sup> DAY OF OCTOBER, 2004 A.D.

  
AUSTIN SCANDIBER  
MAYOR OF ORWIGSBURG