ORDINANCE NO. 2008 - 3

AN ORDINANCE OF THE BOROUGH OF LEWISTOWN MAKING CERTAIN AMENDMENTS, REVISIONS, AND ADDITIONS TO THE CODE OF ORDINANCES OF THE BOROUGH OF LEWISTOWN, SPECIFICALLY TO CHAPTER 27, ZONING ORDINANCE [PARTS 1 THROUGH 12], PART 3, DESIGNATION OF ZONING DISTRICTS; BOUNDARIES; ZONING MAP; AMENDING SECTION 301 TO CREATE A C-1 SPECIAL COMMERCIAL DISTRICT, ADDING A SECTION 309, TERRITORY ADDED AS A C-1 SPECIAL COMMERCIAL DISTRICT, AMENDING THE ZONING MAP, AMENDING SUBSECTION 607.2(b), RELATING TO OFF-STREET PARKING, ADDING A PART 6A, C-1 SPECIAL COMMERCIAL DISTRICTS, AMENDING AND REVISI NG PART 8, GENERAL REGULATIONS, SECTION 807 SIGNS, REVISI NG THE TABLE OF CONTENTS AND CONTAINING SEVERABILITY, EFFECT ON OTHER ORDINANCES, REPEALER AND SAVINGS CLAUSES.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LEWISTOWN AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME, TO WIT:

SECTION 1. Amendment of the Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], Part 3, Designation of Zoning Districts; Boundaries; Zoning Map, §301, Classes of Districts, Addition of C-1 Special Commercial District. The Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], Part 3, Designation of Zoning Districts; Boundaries; Zoning Map, §301, Classes of Districts, is amended by the addition of a C-1, Special Commercial Districts, to read as follows:

“301. Classes of Districts. For the purposes of this Ordinance, the Borough of Lewistown is divided into five zoning districts designated as follows:

R-1 Residential Districts
R-2 Residential Districts
C Commercial Districts
C-1 Special Commercial Districts
M Manufacturing and Industrial Districts”.

SECTION 2. Amendment of the Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], Part 3, Designation of Zoning Districts; Boundaries; Zoning Map, §309, Territory Added to C-1 Special Commercial District. The Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], Part 3, Designation of Zoning Districts; Boundaries; Zoning Map, is amended to add §309, Territory Added to C-1 Special Commercial Districts, said §309 to read as follows:

“§309. Territory Added to C-1 Special Commercial Districts.

§309.1 The following area in the First Ward is changed and the Zoning Map of the Borough of Lewistown is changed from C-Commercial District to C-1, Special Commercial District:

That area bounded east by Greenleaf Avenue, by the Borough boundary line with Granville Township on the west, by the alley between West Fifth Street and West Fourth Street
on the north until the intersection with Union Avenue and thereafter, including those properties on the north side of West Fourth Street comprising the premises shown on the tax records of Mifflin County as numbered 0334, 0333, 0331, 0328, 0327, 0325, 0320, 0320A, 0620, 0629, 0628, 0627, 0624 and 0620 on Mifflin County Tax Map No. 01-01, and bounded on the south by Riverview Lane to the intersection with State Street, and, thereafter including those properties on the south side of West Fourth Street comprising the premises shown on the tax records of Mifflin County as numbered 0301, 0301A and 0302 on Mifflin County Tax Map No. 01-02.

§309.2. The following areas in the Fifth Ward and on the Zoning Map of the Borough of Lewistown are changed from C-Commercial District and from R-2 Residential District, as applicable, to C-1, Special Commercial District:

A. That area bounded by the Borough boundary with Derry Township on the north, by Valley Street on the west, by U.S. Route 322 on the east, and the south by that property on the east side of Valley Street shown on the tax records of Mifflin County as numbered 0130 on Mifflin County Tax Map No. 05-08, and by Logan Lane, and including in those properties to be changed from R-2 Residential District to C-1 Special Commercial District that property abutting Logan Lane to the north and east as shown on the tax records of Mifflin County as numbered 0255, 0254, 0252, 0250, and 0246 on Mifflin County Tax Map No. 05-08. The R-2 Residential District area being rezoned also includes that parcel as shown on the tax records of Mifflin County as numbered 0410 on Mifflin County Tax Map No. 05-08.

B. That area bounded by the Borough boundary line with Derry Township on the west, by the Borough boundary line with Derry Township on the north, on the east by Valley Street, and on the south by Mifflin County Tax Parcel No. 05-10-0106, and including those properties now or formerly of Fame Emergency Medical Services, Inc., as shown on the tax records of Mifflin County and as identified as Nos. 05-10-0110, 05-10-0120, and, to the extent said property is physically within the Borough of Lewistown, that property as shown on the tax records of Mifflin County as Parcel No. 16-18-0200.

SECTION 3. Amendment of the Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], by amending Section 067.2, Location of Off-Street Parking Spaces, Subparagraph (b). The Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], is amended by revising Section 067.2, Off-Street Parking Spaces, Subparagraph (b) to read as follows:

"(b) With respect to passenger motor vehicles only, on a municipal parking lot or if there is municipality metered parking -- a substantial portion of which is within 800 feet (by the most direct walking route) of the lot line of the lot containing the principal building or the principal use."

SECTION 4. Amendment of the Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], by adding a Part 6A, C-1, Special Commercial Districts. The Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], is amended by adding a Part 6A, C-1 Special Commercial Districts, said Part 6A, C-1 Special Commercial Districts, to read as follows:
"Part 6A

C-1 Special Commercial Districts

§650. Applicability of Regulations. In C-1 Special Commercial Districts, the regulations which follow in this Part 6A and the regulations which are set forth in Parts 8 and 9 shall apply.

§651. Buildings or Uses.

651.1 Single Principal Building or Single Principal Use. Except as provided in §651.2 and §651.3, a lot may be used for only one of the following principal buildings or principal uses and no other:

A. A principal building or a principal use permitted in an R-1 or R-2 Residential District or in a C Commercial District. (Buildings or uses permitted in an R-1 or R-2 Residential District by special exception are permitted as of right in a C-1 Special Commercial District; and no special exception permission by the Zoning Hearing Board is necessary or required.)

B. Service echelon establishments: storage buildings, warehouses, or storage yards for the storage of goods, products or items.

C. Retail or wholesale jobbing or distributing establishments.

D. Lumber Yards or building supply houses which primarily sell at retail or wholesale such items as lumber, brick, cement, concrete, or the like, or such items as building, plumbing or electrical equipment, materials, supplies and the like.

E. Farm supply or equipment houses which primarily sell at retail or wholesale farm equipment, fertilizers farm supplies and the like.

F. Any other use which is substantially similar to a use described above in this §651.1.

651.2. Multiple Principal Uses. A lot may be used, and a building on a lot may be used, for one or more of the principal uses set forth in §602.2, subject to the limitations as set forth therein.

651.3. Mixed Occupancy Dwelling as the Single Principal Building. A lot may be used for one mixed occupancy dwelling as set forth in §602.3, C Commercial District.

651.4 Accessory Buildings and Accessory Uses. The accessory buildings and accessory uses permitted on a lot shall be those customarily incidental to the principal building or the principal uses on the lot.

§652. Lot Area for Principal Buildings or Principal Uses. §603, C Commercial District is incorporated herein by reference.

§653. Building Height.

653.1. Community Garage, Automotive Service Establishment, Protective Service Building, Service Echelon Establishment, Institutions, Storage Buildings. The building height of a community garage, a building for an automotive service establishment under §602.1J, a building
for a protective service under §602.1.K, a building for a service echelon establishment under §602.1.M, incorporated herein by reference, or a building for a nonprofit or municipal or public institution for correctional or rehabilitative purposes or for scientific testing purposes shall not exceed 35 feet.

653.2. Other Principal Buildings. The building height of a principal building other than a principal building referred to in §653.1 shall not exceed 65 feet.

653.3. Accessory Buildings. The permissible building height of an accessory building shall not exceed the height of the principal building or 35 feet, whichever is less.

§654. Building Area. The building area in a C-1 Commercial District shall be the same as in a C Commercial District pursuant to §605 of this Ordinance. Accordingly:

654.1. The building area on a lot used for a building or use referred to in §651.1, or for a mixed occupancy dwelling under §651.3, shall not exceed seventy percent (70%) of the lot area. However, in the case of a mixed occupancy dwelling, the building area shall be measured at the floor level of the first story which is used in whole or in part for a dwelling unit or for a boarding or rooming unit and shall include the horizontal cross-section areas of any other buildings on the lot which project through the horizontal lines of that floor level as projected throughout the lot.

Exception. Provided that any applicable regulations in §655 are met, and an Exception to the on-lot parking spaces requirement is granted by the Department under §656.2, the building area on a lot used for a principal building set forth below may exceed seventy percent (70%) of the lot area.

(1) if the lot fronts on a street and if the rear or one side of the principal building abuts, and has a door which opens directly to a street or a Borough alley, Borough mall or Borough parking lot, or

(2) if the lot fronts on a street and there is a direct access open space (not less than 12 feet wide and on the same lot with the principal building) from a door in the rear or one side of the principal building to a street or a Borough alley, Borough mall or Borough parking lot. Such a direct access open space shall be in addition to the open space fire aisle required by §802.

The principal buildings which may take advantage of this Exception are: a church, library, museum, school, nonprofit or municipal or public institution for other than correctional or rehabilitative purposes or diagnostic or treatment purposes, Fraternal club, private lodge, or a building for a protective service under §602.1.K.

654.2. Except as provided in §654.1, no maximum building area is fixed.

§655. Front, Side and Rear Yards for Principal Buildings.
655.1. Front Yard.

A. Community garage, tourist cabin court or motel, trailer camp, trailer court or mobile home park, public garage, service station, repair garage, car wash, or automobile sales room shall have a front yard, the depth of which to the building line shall be not less than 25 feet. However, in the case of a community garage on a reverse lot, the yard abutting the alley shall be deemed to be the front yard; and the depth of that front yard to the building line may be reduced to 5 feet.

B. Except as provided in §655.1.A, no front yard shall be required in the case of any other principal building or principal use.

655.2. Side Yards.

A. If the building height of a principal building is over 35 feet, the building shall have two side yards (one at each side of the building, but not necessarily at building grade or ground level). Each side yard shall be measured from the side line of the lot to the side line of the building at the floor level of the first story above 35 feet and each such side yard shall be not less than 6 feet wide. However, in the case of a building on a corner lot at the intersection of two streets, the intersection of a street and a public alley, or the intersection of a street and a public mall, no side yard on the street, alley or mall side shall be required.

B. Except as provided in §655.2.A and in §655.4, no side yards shall be required in any other case.

655.3. Rear Yard.

A. If the building height of a principal building is over 35 feet, the building shall have a rear yard (but not necessarily at building grade or ground level). The rear yard shall be measured from the rear line of the lot to the rear line of the building at the floor level of the first story above 35 feet; and such rear yard shall be not less than 5 feet deep.

B. Except as provided in §655.3.A and in §655.4, no rear yard shall be required in any other case.

655.4. Trailer Court or Mobile Home Park. The side yards and rear yard for a trailer court or mobile home park shall be as required by the Borough Subdivision and Land Development Ordinance [Chapter 22].

§656. Off-Street Parking.

656.1 Spaces Required. Off-street parking spaces for passenger motor vehicles (and other types of motor vehicles where specified) shall be provided in the following amounts for the following principal buildings or principal uses referred to in §651.1 and, for a mixed occupancy dwelling referred to in §651.3:

A. For a principal building or a principal use permitted in an R-1 or R-2 Residential District [Cr. §602.1.A.], off-street parking spaces shall be provided as required by §407.1 or §507.1, as the case may be.
B. For a hospital, convalescent or nursing home, or institution referred to in §602.1.B., off-street parking spaces shall be provided as required by §407.1.E, §507.1.D. or §507.1.G., as the case may be.

C. For a day nursery, day care center, or school referred to in §602.1.C., off-street parking spaces shall be provided as required by §507.1.F.

D. For a fraternal club or private lodge referred to in §602.1.D., off-street parking spaces shall be provided at the rate of: one parking space for each 300 square feet of floor space used for dining rooms, game rooms, lounges, meeting rooms and assembly rooms.

E. For a fraternal home [Cr. §602.1.E], off-street parking spaces shall be provided at the rate of: one parking space for each of the first four boarding or rooming units; one parking space for each three boarding units or rooming units in excess of four; three parking spaces for the manager or administrator; and one parking space for each two employees on the largest work shift.

F. For a hotel or tourist home [Cr. §602.1.F.], off-street parking spaces shall be provided at the rate of: one parking space for each boarding or rooming unit; one parking space for each two employees on the largest work shift; and one parking space for each 300 square feet of floor space used for dining rooms, taverns, meeting rooms and assembly rooms.

G. For a tourist cabin court or motel [Cr. §602.1.G.], off-street parking spaces shall be provided at the rate set forth in Paragraph F. above.

H. For a trailer court or mobile home park [Cr. §602.1.H.], one off-street parking space shall be provided for each house trailer or mobile home lot.

I. For a trailer camp [Cr. §602.1.I.], one off-street parking space shall be provided for each camp site.

J. For an automotive service establishment [Cr. §602.1.J.] housing a public garage, service station, repair garage, car wash, automobile sales room, or the like, off-street parking spaces shall be provided at the rate of: one parking space for each two employees; one parking space for each passenger or commercial motor vehicle used in connection with the business (such as tow trucks, wreckers, demonstrator models); one parking space for each vehicle kept in storage or for lease or sale; and one parking space for each repair bay (in addition to the bay itself).

K. For a protective service building [Cr. §602.1.K.], off-street parking spaces shall be provided at the rate of: one parking space for each employee on the largest work shift; one parking space for each passenger or commercial motor vehicle regularly kept on the premises in connection with the protective service; and one parking space for every four volunteers.
L. For a cat or dog boarding kennel or small animal hospital [Cr. §602.1.L.], off-street parking spaces shall be provided at the rate of: one parking space for each veterinarian; and one parking space for each two employees on the largest work shift.

M. For a service echelon establishment [Cr. §602.1.M. and §651.1.B], off-street parking spaces shall be provided at the rate of: one parking space for each two employees on the largest work shift; and two parking spaces for each passenger or commercial motor vehicle used in connection with the business.

N. For a mixed occupancy dwelling [Cr. §602.3 and §651.3], the off-street parking spaces required shall be the number of spaces required for that type of use (having dwelling, boarding or rooming units) which the upper stories of the mixed occupancy dwelling most nearly resemble.

O. For all other principal buildings or principal uses, off-street parking spaces shall be provided at the rate of: one passenger vehicle parking space for each two employees (based on the maximum number of employees employed during any one six to eight hour period or shift during a calendar year); and one parking space for each passenger or commercial vehicle used in connection with the use of the premises; and one parking space for each three hundred square feet of floor space related to any retail use of the premises.

656.2 Location of Off-Street Parking Spaces. The off-street parking spaces required by §656.1 shall be provided on the same lot with the principal building or principal use; and, may be provided by a private garage or other like accessory building on the lot. The location on the lot of an off-street parking space and the design of an off-street parking space shall be governed by the regulations in §§802, 804 and 805.

Exceptions.

(1) If in the opinion of the Department the physical circumstances or condition of the lot (such as the topography, slope, or drainage of the lot or the irregularity, narrowness, or shallowness of the lot in size or shape) preclude the safe design, construction or maintenance of off-street parking spaces, maneuvering areas or means of access, or make the same impractical.

(2) If in the opinion of the Department the requirement that all of the off-street parking spaces to be provided on the lot would require that the maximum building area permitted by §655.1 or §655.2 be decreased (or, would require that the increase in the maximum building area otherwise permitted by the Exception to §655.1 be denied) in order to accommodate the parking spaces, and provided that the Department is satisfied that each yard regulations in §655 as are applicable will be met, the open space fire aisle requirement in §802 will be met, and in a case within the Exception to §654.1, all conditions for the Exception will be met, the requirement that all of the off-street parking spaces are to be provided on the same lot with the principal building or principal use may be modified or waived by the Department to the extent that it can be shown (upon such evidence as the Department deems sufficient) that off-street parking spaces can be provided:
(a) On a private parking lot in a C-Commercial District or C-1 Special Commercial District or in an M Manufacturing and Industrial District and owned by the owner or operator of the principal building or use (or on a private parking lot in a C-Commercial District or C-1 Special Commercial District or in an M Manufacturing and Industrial District and leased by such owner or operator for a period of not less than 10 years) and a substantial portion of which private parking lot is within 800 feet (by the most direct walking route) of the lot line of the lot containing the principal building or the principal use or

(b) With respect to passenger motor vehicles only, on a municipal parking lot or if there is municipality metered parking -- a substantial portion of which is within 800 feet (by the most direct walking route) of the lot line of the lot containing the principal building or the principal use or

(c) In the case of a single-family house, two-family house, boarding house or rooming house, row house, apartment house, conversion apartment house or multi-family house (or in the case of a mixed occupancy dwelling which resembles one of the foregoing), at a community garage -- a substantial portion of which is within 800 feet (by the most direct walking route) of the lot line of the lot containing the principal building or the principal use."

SECTION 5. Amendment of the Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], Part 8, General Regulations, §807, Signs. The Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Part 1 Through Part 12], Part 8, Signs is amended and revised to read as follows:

"§807. Signs. [Ct. §807.5.G for definition of “free-standing or free-hanging sign”]

807.1. Residential Districts. Subject to the provisions of §804 2.H.(2) and (3), signs are permitted in Residential Districts, but only in the amounts, in the sizes and for the purposes set forth below. Signs shall be located only on the lot or tract to which the reason for the sign or the use of the sign relates. If a sign will be free standing or will not be placed flush with the side of a building, wall or fence, the sign shall be located at least one foot from the street line in the case of house number signs and at least three feet from the street line in the case of announcement or advertising signs.

A. House Number Signs.

One sign not more than 12 inches by 18 inches for each house number, and bearing only the house number and the name of the occupant or the name of the building or in the case of a private parking lot, the name of the owner.

B. Announcement and Advertising Signs.

(1) One sign not more than 6 square feet, advertising the sale or lease of the premises.

(2) One sign not more than 6 square feet, advertising the fact that the premises were sold or rented by the person effecting the sale or lease.

(3) Two signs, neither of which shall be more than 20 square feet, advertising the fact that a subdivision is being developed and lots are being sold.
(4) Two signs, neither of which shall be more than 12 square feet, advertising the fact that work is being done on the premises by a building contractor, plumber, electrician, painter or other like mechanic or artisan.

(5) One sign not more than Twenty (20) square feet and bearing only the name of a cemetery, church, library, museum, school, hospital, playground, convalescent or nursing home, or nonprofit or municipal or public institution.

(6) One sign not more than 12 square feet and bearing only the name of a funeral home.

(7) One announcement sign or bulletin board, not more than 12 square feet, for a use referred to in Subsection (5) or (6) above and in addition to the sign permitted by that Subsection.

(8) One sign not more than 12 square feet, or not more than two signs neither of which shall be more than 6 square feet, posting a private parking lot against trespassers or violators.

(9) One sign not more than 8 inches by 24 inches and bearing only the name and occupation of the individual conducting a permitted home occupation or the name and profession of the individual maintaining a permitted professional office or professional studio.

C. Corner Lots. In the case of a corner lot at the intersection of two streets, or at the intersection of a street and an alley, one sign more than the number of signs permitted by Paragraphs A. and B. may be located on the lot or tract.

807.2, C Commercial Districts.

A. Subject to the provisions of §804.2.H.(2), and, except as noted herein, signs in any amount are permitted in C Commercial Districts, but only for the purposes, of the size and as hereinafter limited:

1] Signs shall be located only on the lot or tract to which the reason for the sign relates;

2] Signs for any of the purposes referred to in §807.1 are permitted;

3] Signs indicating the existence of uses permitted on the premises and giving directions to those uses are permitted;

4] Signs advertising the goods sold, the services rendered or the activities located on the premises are permitted; and

5] Signs in C Commercial Districts shall not exceed an area of Thirty-Two (32) square feet on one side and a total area of such sign shall not exceed Sixty-Four (64) square feet.

B. Signs which do not comply with subparagraph A are not permitted.
807.3 C-1 Special Commercial Districts.

A. Subject to the provisions of § 804.2.H(2), and, except as noted and limited herein, signs are permitted in C-1 Special Commercial Districts.

B. Signs in any amount are permitted in a C-1 Special Commercial District which indicate the existence of the uses permitted on the premises, gives directions to those uses or advertises the goods sold on the premises or the activities located on the premises.

C. However, regardless of the number of street frontages, there shall be no more than one (1) sign on the premises which does not indicate the existence of the uses permitted on the premises, does not give directions to those uses or does not advertise the goods sold on the premises or the activities located on the premises.

D. Signs in C-1 Special Commercial Districts shall not exceed an area of Two Hundred (200) square feet on any one side and the total area of such sign shall not exceed Four Hundred (400) square feet.

807.4 M Manufacturing and Industrial Districts.

A. Subject to the provisions of §804.2.H(2), signs in any amount, and for any purpose are permitted in Manufacturing and Industrial Districts.

B. Signs in M Manufacturing and Industrial Districts shall not exceed an area of Two Hundred (200) square feet on any one side and the total area of such sign shall not exceed Four Hundred (400) square feet.

807.5 General Requirements for All Signs. Signs in all zoning districts shall comply with the following regulations:

A. Signs shall be designed, constructed, erected, altered and maintained in conformity to the provisions, standards and requirements of the Building Code of the Borough Building, Plumbing, Electrical and Property Maintenance Codes Ordinance [Part 1 of Chapter 5].

B. Signs shall be removed when the reasons for their use no longer apply.

C. No sign shall be located so as to project into or over a sidewalk, street or alley.

Exception. A theater marquee, building marquee, or awning which bears only the house number or building number and the name of the building or occupant or establishment -- or a sign panel placed flush with the side of a building, fence, wall or other structure and which does not project more than (or which has bas-relief or raised characters which do not project more than) 15 inches from the side of the building or other structure -- may project over a sidewalk, provided that (a) the marquee, awning or sign panel is located at least 10 feet above the sidewalk, and (b) in the case of a sign panel, the characters painted on the sign
panel (or the characters projecting from the sign panel) can be read only from the front of that side of the building or structure on which the panel has been placed.

D. No sign shall be placed or painted on the roof of a building and no sign shall be located so as to project over any roof.

E. No sign shall be located so as to obstruct any fire escape or fire balcony, any exit doorway to the outdoors, any window, or any other means of egress to the outdoors or to a fire escape or fire balcony.

F. Animated, sequential, flashing, rotating, revolving or oscillating signs shall be permitted in Commercial, C-1 Special Commercial and Manufacturing and Industrial Districts provided that:

1. the area of any one side of any such sign shall not exceed Twenty-Five (25) square feet;
2. the total area of any such sign shall not exceed Fifty (50) square feet;
3. no such sign shall be greater than Eight (8) feet in length;
4. no such sign shall be located within One Hundred (100) feet of an intersection of streets or roads regulated by traffic lights, signals, or other electronic traffic controls;
5. such sign shall not have rotating, revolving or flashing lights which by reason of intensity, color, design or otherwise are similar to authorized visual signals on police and/or emergency vehicles as required by the Pennsylvania Vehicle Code, 75 Pa. C.S.A. §§4571 to 4573, inclusive, as amended or supplemented from time to time, and per the regulations thereunder, 67 Pa.Code §§173.1 to 173.6, inclusive, as amended or supplemented from time to time;
6. such sign shall not exceed a frequency of flashes in excess of one flash every 3 seconds;
7. animated, sequential, flashing, rotating, revolving or oscillating signs shall at all times have the animated, sequential, flashing, rotating, revolving or oscillating message displayed on a stationary background; and
8. such sign shall at all times be located so that it does not interfere with traffic lights, signals or other controls, or abrogate or endanger the public health, safety and welfare.

G. Building height for signs. In a Residential District, the building height of a free standing or free hanging sign shall not exceed 12 feet. In a Commercial District or a C-1 Special Commercial District, the building height of a free standing or free hanging sign shall not exceed the height of the principal building on the premises or 35 feet, whichever is greater, or, if there is not a principal building on the premises, 35 feet. In a Manufacturing and Industrial District the building height of a free standing or free hanging sign shall not exceed 65 feet.

1 The reason for this requirement is due to the distraction of motorists and the adverse public safety effect which would exist as a result of an ever changing, moving, or animated background being behind the messages displayed.
The term freestanding or free hanging sign, or words of similar import, shall mean a sign which is not painted on a building, fence, wall or other structure, or a sign which is not placed flush with the side of a building, fence, wall or other structure. A sign which is erected on a vertical stand or suspended from a horizontal arm (or which otherwise requires vertical or horizontal support or bracing) or a sign panel which projects more than (or which has bas-relief or raised characters which project more than) 15 inches from the side of a building, fence, wall or other structure shall be deemed to be a "freestanding or free hanging sign".

SECTION 6. Amendment of Table of Contents. The Table of Contents of the Code of Ordinances of the Borough of Lewistown, Chapter 27, Zoning Ordinance [Parts 1 through 12] and Flood Plain Ordinance [Part 13], of the Code of Ordinances of the Borough of Lewistown is hereby amended to read in its entirety, as follows:

"CHAPTER 27

ZONING ORDINANCE [Parts 1 through 12]
AND FLOOD PLAIN ORDINANCE [Part 13]

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Title; Authority; Purpose; Community Development Objectives
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§102. Authority
§103. Statement of Purpose and Community Development Objectives

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Definitions
§201. Definitions

Part 3
Designation of Zoning Districts; Boundaries; Zoning Map
§301. Classes of Districts
§302. Zoning Map
§303. Boundaries
§304. Lot Lines Considered District Boundaries
§305. Territory Added to R-1 Residential Districts
§306. Territory Added to R-2 Residential Districts
§307. Territory Added to C Commercial Districts
§308. Territory Added to M Manufacturing and Industrial Districts
§309. Territory Added to C-1 Special Commercial Districts
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R-1 Residential Districts

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§402. Buildings or Uses
§403. Lot Area and Lot Width for Principal Buildings or Principal Uses
§404. Building Height
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Part 5

R-2 Residential Districts

§501. Applicability of Regulations
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§503. Lot Area and Lot Width for Principal Buildings or Principal Uses
§504. Building Height
§505. Building Area
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Part 6

C Commercial Districts

§601. Applicability of Regulations
§602. Buildings or Uses
§603. Lot Area for Principal Buildings or Principal Uses
§604. Building Height
§605. Building Area
§606. Front, Side and Rear Yards for Principal Buildings
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Part 6A

C-1 Special Commercial Districts

§650. Applicability of Regulations
§651. Buildings or Uses
§652. Lot Area for Principal Buildings or Principal Uses
§653. Building Height
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§655. Front, Side and Rear Yards for Principal Buildings
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M Manufacturing and Industrial Districts
§701. Applicability of Regulations
§702. Buildings or Uses
§703. Lot Area for Principal Buildings or Principal Uses
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§708. Off-Street Loading

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SECTION 7. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause or phrase of this Ordinance is declared to be illegal, unconstitutional, or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause or phrase of this Ordinance. The Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, hereby declares that it would have adopted this Ordinance, irrespective of the fact of one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses or phrases thereof being declared illegal, unconstitutional or invalid.

SECTION 8. Effect Upon Other Ordinances. The provisions of this Ordinance, as far as they are the same as those ordinances in force immediately prior to the enactment of this Ordinance, are intended as an amendment and continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance amended or repealed by this Ordinance.
SECTION 9. **Repealer and Savings.** Any Ordinance or part of any Ordinance or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance, is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance; otherwise, those provisions of Ordinances, Resolutions or Motions not hereby repealed or amended and not conflicting or not inconsistent herewith are ratified and confirmed.

SECTION 10. **Effective Date.** This Ordinance shall become effective immediately.

**ORDAINED AND ENACTED** by the Borough Council of the Borough of Lewistown, Mifflin County, Pennsylvania, in public session assembled, this 14th day of July, 2008.

BOROUGH OF LEWISTOWN,
Mifflin County, Pennsylvania

[Signature]
Borough Secretary
(SEAL)

This Ordinance was read and is hereby approved by me this 14th day of


[Signature]
Mayor
(SEAL)