

Schuster

FILE OF COUNCIL

No. 26 of 2007

Presented in City Council on October 25, 2007

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 17 OF 1960, AS AMENDED, ENTITLED "THE CITY OF WILKES-BARRE ZONING ORDINANCE, AS AMENDED."

WHEREAS, CITY COUNCIL MAY ENACT AMENDMENTS TO THE ZONING ORDINANCE SUBJECT TO SAID AMENDMENTS HAVING PRIOR REVIEW BY THE WILKES-BARRE PLANNING COMMISSION AND THE LUZERNE COUNTY PLANNING COMMISSION AND;

WHEREAS, THE SHORT TITLE OF THIS ORDINANCE SHALL BE "DEFINED AS CHANGES TO INSTITUTIONAL SIGNS IN R AND S ZONES, WHERE THEY WILL BE PERMITTED AND THEIR SIZE";

WHEREAS, IT IS THE DESIRE OF THE CITY OF WILKES-BARRE TO REVIEW AND AMEND, AS DEEMED APPROPRIATE, THE PROVISIONS OF THE WILKES-BARRE CITY ZONING ORDINANCE, AS AMENDED, TO PROVIDE FOR SOUND AND VIABLE RESIDENTIAL COMMUNITIES AND SPECIAL USE DISTRICTS BY ESTABLISHING AND PRESERVING A SYSTEM OF DENSITY PATTERNS AND FUNCTIONAL USES WHICH ARE IN CHARACTER WITH THE CITY AND COMMUNITY SERVING THE NEEDS OF THE PEOPLE AND CREATING AN ATMOSPHERE CONDUCIVE TO REHABILITATION, MAINTENANCE AND IMPROVEMENT OF INSTITUTIONAL SERVICES.

WHEREAS, IT HAS BEEN DETERMINED BY THE OFFICE OF PLANNING AND ZONING THAT A SIGNIFICANT NUMBER OF APPLICANTS, TO WHICH THIS APPLIES, EXPRESS FRUSTRATION OVER RESTRICTIVE ZONING REGULATIONS FOR THE SIZE, PLACEMENT NUMBER AND CHARACTER OF SIGNS THAT PROVIDE DIRECTION AND IDENTIFICATION AND THEIR LOCATION FOR INSTUTIONAL USES, ESPECIALLY LARGE CAMPUS USES IN RESIDENTIAL AND SPECIAL PURPOSE ZONES BE AMENDED AND THAT APPEALS TO THE ZONING HEARING BOARD FOR WAIVING THESE REQUIREMENTS FOR SUCH REASONABLE INSTALLATIONS ARE USUALLY GRANTED PERMISSION.

WHEREAS, IT IS THE DESIRE TO PROVIDE RELIEF FROM CERTAIN ZONING REGULATIONS IN A MANNER CONSISTENT WITH THE LEGISLATIVE INTENT OF THE ZONING ORDINANCE WHILE PRESERVING THE SYSTEM FOR ORGANIZED DEVELOPMENT PATTERNS. A CORRECTION IS REQUIRED TO AMEND INSTITUTIONAL AND IDENTIFICATION SIGN TYPES IN THE FOLLOWING SUB-SECTIONS DUE TO THE FACT THAT THEIR PRINCIPAL USES ARE NOT NONCONFORMING USES BUT SPECIAL APPROVAL USES IN R AND S ZONES AND WHEN PERMITTED IN SUCH ZONES ARE GENERALLY PERMITTED.

WHEREAS, THE CITY COUNCIL OF THE CITY OF WILKES-BARRE HELD A PUBLIC HEARING ON _____, 2007 IN ACCORDANCE WITH THE REQUIREMENTS UNDER SECTION 605 OF THE CITY OF WILKES-BARRE ZONING ORDINANCE, AS AMENDED.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT THE FOLLOWING AMENDMENTS OF THE CITY OF WILKES-BARRE ZONING ORDINANCE, AS AMENDED ARE HEREBY ADOPTED:

SECTION 1:

ARTICLE 4 OF THE ZONING ORDINANCE GENERAL PROVISIONS SHALL BE AMMENDED TO INCLUDE NEW SUB-SECTIONS AS FOLLOWS:

SECTION 401. SIGNS-TYPES

(f) INSTITUTIONAL SIGNS:

AN IDENTIFICATION SIGN PERTAINING TO A SCHOOL, CHURCH, OR OTHER INSTITUTION OF A SIMILAR PUBLIC OR SEMI-PUBLIC NATURE. A SIGN'S MESSAGE MAY ALSO IDENTIFY THE USE AS A MEMORIUM AND MAY INCLUDE A BENEFACTOR'S NAME. ALSO IN THE CASE OF LARGE SCALE CAMPUS DEVELOPMENTS, ACCESSORY USE SIGNS MAY COMMUNICATE INFORMATION CONCERNING PROFESSIONAL OFFICES AND/OR SERVICES OFFERED WITHIN THE DEVELOPMENT. THIS MAY INCLUDE ANY SYMBOLS AND/OR LOGOS, WHICH WHEN ASSOCIATED WITH THE PRINCIPAL, PROVIDE IDENTITY.

SECTION 415.3 HEIGHT LIMITATIONS:

IN R AND S ZONES, THE HIGHEST PORTION OF A SIGN ATTACHED TO A BUILDING SHALL NOT BE ABOVE THE FIRST STORY OF THE BUILDING, AND SIGNS ON OTHER STRUCTURES SHALL NOT EXCEED TWENTY (20) FEET IN HEIGHT, EXCEPT INSTITUTIONAL WALL SIGNS MAY EXCEED THE 20 FEET IN HEIGHT, BUT MAY NOT EXTEND ABOVE THE UPPER MOST EDGE OF THE WALL TO WHICH THE SIGN IS ATTACHED. RELIGIOUS SYMBOLS SUCH AS THOSE MOUNTED ON A CHURCH STEEPLE AND/OR BELFRY WILL BE EXEMPT FROM ANY HEIGHT RESTRICTIONS.

SECTION 415.4 FLASHING AND OR MOTION SIGNS OR MESSAGE CENTERS

- 1) NO SIGNS IN AN R OR S ZONE SHALL DISPLAY ANY TYPE OF FLASHING LIGHT AND/OR MOTION, WHETHER POWERED BY WIND OR OTHERWISE. ANY SUCH SIGN PRESENTLY EXISTING IN AN R OR S ZONE MAY CONTINUE. ANY SUCH USE FOR A PEROID OF ONE (1) YEAR FROM THE EFFECTIVE DATE OF THIS ORDINANCE, BUT THEREAFTER, ALL FLASHING LIGHT AND/OR MOTION FEATURES SHALL BE REMOVED FROM SUCH SIGN.**
- 2) EXCEPT COMPUTER LCD STYLE BACKGROUND INSTITUTIONAL SIGNS, WHICH WILL BE PERMITTED BUT SHALL HAVE NO MOTION AND AN AREA NOT IN EXCESS OF 30 SQUARE FEET.**

415.6 MAXIMUM SIZE:

INSTITUTIONAL SIGNS - THE COMBINED SIGN AREA WILL NOT BE LARGER THAN ONE (1) SQUARE FOOT OF SIGN AREA PER FOOT OF FRONTAGE OF THE ZONING LOT ON WHICH THE USE OCCUPIES. EXCEPT WHERE ABUTTING MULTIPLE LOTS ARE UTILIZED FOR THE PURPOSE OF A SINGLE USE AND/OR ENTITY, AS LARGE ACREAGE INSTUTIONAL CAMPUSES, ALL LOTS INVOLVED WILL BE CONSIDERED AS ONE ZONING LOT FOR THE PURPOSES OF SIGN AREA COMPUTATION. IN THE CASE OF A CORNER LOT(S) AND/OR A LOT(S) FRONTING ON MORE THAN ONE STREET, ALL FRONTAGES SHALL BE USED FOR SIGN AREA COMPUTATION.

SECTION 420.1 SIGNS - DIRECTIONAL AND/OR INFORMATIONAL:

420.1 PROHIBITED ZONES:

ON-SITE DIRECTIONAL AND /OR INFORMATIONAL SIGNS WILL BE PERMITTED IN R AND S ZONES FOR NON-RESIDENTIAL USES ONLY.

420.4 PROHIBITED LOCATIONS:

DIRECTIONAL AND/OR INFORMATIONAL SIGNS WILL NOT BE PERMITTED OVER A VEHICULAR AND/OR PEDESTRIAN RIGHT OF WAY WITH THE FOLLOWING, EXCEPT UPON IMMEDIATE ENTRANCE TO A PARKING STRUCTURE AS A HEIGHT WARNING DEVICE. THIS WILL NOT PROHIBIT DIRECTIONAL SIGNS WITHIN A PARKADE.

420.5 LIGHTING:

NO INFORMATIONAL/DIRECTIONAL SIGN WILL BE DISPLAY ANY FLASHING LIGHT OR MOTION, WHETHER POWERED BY WIND OR OTHERWISE.

420.6 HEIGHT:

NO INFORMATIONAL/DIRECTIONAL SIGN WILL EXCEED SIX (6) FEET IN HEIGHT FROM THE GROUND, EXCEPT WHEN USED AT AN ENTRANCE TO MULTI-LEVEL PARKING GARAGES TO WARN AND/OR MEASURE THE HEIGHT OF VEHICLES ENTERING THE PARKADE, A MAXIMUM HEIGHT OF 8 FEET WILL BE PERMITTED.

SECTION 2:

The provisions of this Ordinance shall be severable and if any of its provisions shall be deemed invalid for any reason, the validity of the remaining provisions of this ordinance shall not be affected. It is hereby declared as the intention of the City Council that this ordinance would have been adopted had such invalidity not been included herein.

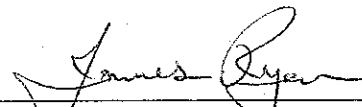
SECTION 3:

All other ordinances, or parts thereof, of the City of Wilkes-Barre which is in conflict with this ordinance, to the extent of such conflict, are hereby repealed.

PASSED FINALLY BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE ON
November 29, 2007

THIS ORDINANCE SHALL BECOME EFFECTIVE ON December 9, 2007.

ATTEST:



James Ryan, City Clerk