

AN ORDINANCE, AMENDING ARTICLE XXVII, SIGNS OF THE ZONING CODE OF UPPER MERION TOWNSHIP, AS AMENDED, BEING A PART OF CHAPTER 165 OF THE CODE OF THE TOWNSHIP OF UPPER MERION, AMENDING AND ADDING PROVISIONS REGULATING BILLBOARDS.

The Board of Supervisors of the Township of Upper Merion hereby ordains:

Section 1. Section 165-162 of the Upper Merion Code shall be eliminated and replaced with the following:

1. Legislative Purpose and Intent

- A. The purpose of this Article is to promote and protect the health, welfare and safety of the public by regulating existing and proposed signs of all types located in the community of Upper Merion Township. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.
- B. This Article is intended to promote attractive signs, which clearly present the visual message in a manner that is compatible with their surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.
- C. The regulations herein are designed to prevent the overconcentration, improper placement, and excessive height, bulk, number, and area of billboards. It is recognized that, unlike on-premise signs which are actually a part of a business, billboards are a separate and distinct use of the public thoroughfare. Furthermore, for the purposes of this ordinance, billboards are considered by the Township as an accessory to the principal use when located on the same lot. With a view to this distinction, billboard signs are regulated differently from on-premise signs. It is intended that billboards be located away from view of residential areas, and that such signs be regulated to protect the character of the area wherein billboards are located, and to conserve property values in these areas.

Section 2. Section 165-163 of the Upper Merion Code shall be eliminated and replaced with the following:

1. Legislative Findings.

- A. Having received guidance from Township planning staff concerning the proliferation of signs in the Township of Upper Merion, the Board of Supervisors of Upper Merion Township hereby finds that the existence and proliferation of signs along the Township's thoroughfares, on rooftops and sides of buildings, has increased to such a degree that the Township is in danger from visual blight that detracts from the appearance and orderliness of the Township, obscuring its vistas and its neighborhoods. Furthermore, a number of signs are located near residential areas, lending an unsightly appearance to a number of the Township's neighborhoods and undermining the quality of life of residents of those neighborhoods.
- B. More recently, having discovered the inadequacy of the Township's existing ordinance in allowing and regulating billboards, the Board of Supervisors of Upper Merion Township hereby finds that billboards may be allowed in appropriate areas, but a proliferation of such use endangers the township of visual blight and detracts from the orderliness of the Township, obscuring its vistas and its neighborhoods. Furthermore, the potential visibility of billboards from the Township's residential areas threatens the quality of life of the residents of those neighborhoods.
- C. In addition, signs are by their nature designed to attract attention, and therefore signs placed within sight of roadways and thoroughfares are intended to distract drivers, as well as pedestrians. Therefore, traffic safety can only be furthered by reasonable and appropriate limitations upon signs in the Township of Upper Merion, which, as a highly commercialized community, includes a number of heavily traveled roads and thoroughfares.
- D. Having conducted research and field studies by the Township planning staff, the following ordinance was created to also allow the display of billboards, under specified conditions, within Upper Merion Township in a way that supports the intent described in this ordinance, without being arbitrary or overly restrictive in nature.
- E. Off-site signs and billboards, with their periodically changing content, present special aesthetic and traffic safety problems, and commercial signs constitute the overwhelming proportion of all off-site signs. In addition, owners of businesses have a unique interest in advertising the activities on the premises of their businesses, to which weight must be given. Similarly, because noncommercial permanent signs constitute a negligible proportion of the signs in the Township and equitable treatment of such signs has been the subject of judicial concern, it would be inappropriate and misguided to

be overly restrictive and prohibit such signs merely because other signs have been prohibited. Where such signs pose the additional problem of being rooftop, flashing, rotating or animated signs, they will be appropriately regulated.

- F. Therefore, pursuant to the general police and zoning powers conferred on the Township by the General Assembly, and with due deference to the constitutional rights of individuals and businesses living and operating within the geographical boundaries of the Township, the Board of Supervisors for Upper Merion Township hereby enacts this Article placing new restrictions upon the display of signs within the Township.

Section 3. Section 165-164 of the Upper Merion Code shall be amended to include the following:

1. Definitions.
 - A. Billboard - A sign, which has a sign area larger than 50 square feet, and which directs attention to a business, commodity, service, entertainment, facility, or other subject matter, not located, conducted, sold or offered upon the premises where such sign is located or which calls public attention to a candidate, cause, public issue, or other such subject matter and which may be either freestanding or mounted upon the roof or wall of a building.

Section 4. Section 165-168.1 of the Upper Merion Code shall be added to include the following:

1. Billboards

Billboards shall be allowed only upon grant of a conditional use by the Board of Supervisors, and shall only be allowed in an overlay which covers the area of land within 200 feet of the I-276 (Pennsylvania Turnpike) right-of-way line. The conditional use shall be allowed subject to the following regulations:

- A. Billboard Size. A maximum of two (2) sides are allowed per billboard. The sign area of a billboard in the overlay district shall not exceed 336 square feet on each of not more than two sides of the sign.
- B. Height. The highest portion of a billboard shall not exceed 40 feet in height measured from the elevation of the grade of I-276 (Pennsylvania Turnpike). The elevation of the grade is defined as the point on the centerline of the road which is perpendicular to the billboard location.
- C. Sign Face Material. Billboards shall use vinyl wrap or a material of equivalent durability to display the sign copy.

D. Illumination and Animation. Illumination of billboards shall be allowed based upon the following standards:

- (1) The billboard and the lighting thereof shall be effectively shielded so as to prevent beams or rays of light from being directed at a portion of the traveled ways of the interstate or primary systems, and shall not be of such intensity or brilliance as to cause glare or impair the vision of the driver of a vehicle, or which interferes with a driver's operation of a motor vehicle.
- (2) The billboard shall not be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
- (3) All lighting from billboards must comply with the performance standards outlined in the Outdoor Lighting Ordinance in Article XXXI.
- (4) Any billboard which contains, includes, or is illuminated by a flashing, intermittent, or moving light or lights, or is animated as defined by this ordinance shall be prohibited.

E. Separation. The location of each billboard shall comply with the following separation requirements:

- (1) At least a 1,500-ft radius from any other billboard,
- (2) At least 500 feet from any residential zoning district, including those of a neighboring municipality,
- (3) No billboard may be erected adjacent to or within 500 feet of an interchange or safety rest area, measured along the interstate or limited access primary from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

F. Obstruction. No billboard shall overhang a public or private right-of-way nor shall it interfere with a two-hundred-foot line of sight in any direction at an intersection.

G. Landscaping. The base of each billboard shall be landscaped and maintained with a screening buffer as outlined in §145-24.1.G and of the Upper Merion Township landscape ordinance.

H. Other Standards. The conditional use process and standards set forth in Section 165-219.1 must be met.

Section 5. This Ordinance shall take effect and shall be enforced from and after its approval as required by law.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Upper Merion on this _____ day of _____, 2004.

BOARD OF SUPERVISORS
Upper Merion Township

By: _____
Ralph P. Volpe
Chairman

Attest:

Ronald G. Wagenmann
Township Manager/Secretary/Treasurer

Advertised Proposed Ordinance in Times Herald:
Proof of Publication Dated:
Hearing Held:
Ordinance Adopted:
Ordinance Entered: _____ as Township Ordinance No.