

**BOARD OF SUPERVISORS
WORCESTER TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-237

"Billboard Overlay District"

AN ORDINANCE AMENDING THE OFFICIAL WORCESTER TOWNSHIP ZONING MAP TO CREATE THE "BILLBOARD OVERLAY DISTRICT" TO REGULATE THE INSTALLATION AND OPERATION OF BILLBOARDS IN WORCESTER TOWNSHIP; AMENDING CHAPTER 150 (ZONING), ARTICLE III (TERMINOLOGY), SECTION 150-9 (DEFINITIONS) TO REVISE THE DEFINITION OF "SIGN" BY DELETING PARAGRAPHS "B" (OFF PREMISE SIGN) AND "L" (BILLBOARD) THEREOF; BY REPLACING SUCH PARAGRAPHS WITH A NEW PARAGRAPH CONTAINING A NEW DEFINITION FOR THE TERM "BILLBOARD"; AMENDING CHAPTER 150 (ZONING), ARTICLE XXI (SIGNS), SECTION 150-151 (SIGNS PERMITTED IN THE LI DISTRICT) TO DELETE EXISTING PARAGRAPH "C" IN ITS ENTIRETY; AND FURTHER AMENDING CHAPTER 150 (ZONING) TO ADD A NEW ARTICLE "XXIA" ENTITLED "BILLBOARD OVERLAY DISTRICT" SETTING FORTH THE PERMITTED HEIGHT AND LOCATIONS FOR BILLBOARDS; THE NUMBER OF SIGNS PERMITTED PER LOT; THE PERMITTED CONTENT OF BILLBOARD MESSAGES; LIGHTING REGULATIONS FOR BILLBOARDS; MINIMUM LOT SIZE REQUIREMENTS; MAINTENANCE AND LANDSCAPING REQUIREMENTS; AND ADDITIONAL PERTINENT REGULATIONS.

The Board of Supervisors of Worcester Township does hereby **ENACT** and **ORDAIN**:

SECTION I. – Zoning Map Amendment

The Worcester Township Zoning Map is hereby amended to identify the Billboard Overlay District as an overlay district in addition to the underlying zoning district on those properties depicted on the plan attached hereto as Exhibit "A".

SECTION II. – Amendment to Code

The Code of Worcester Township, Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) is hereby amended to revise the definition of “Sign” by deleting paragraph “B” (Billboard) and replacing it with a new paragraph “B” as follows:

BILLBOARD – a sign which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located.

SECTION III. – Amendment to Code

The Code of Worcester Township Chapter 150 (Zoning), Article XXI (Signs), Section 150-151 (Permitted Signs in Limited Industrial Districts) is hereby amended by: replacing existing subparagraph “C” in its entirety with the following: “C. Billboard as regulated by Article XXIA of this Chapter.”

SECTION IV. – Amendment to Code

The Code of Worcester Township, Chapter 150 (Zoning) is hereby amended to add the following new Article XXIA entitled “Billboard Overlay District”:

**ARTICLE XXIA
Billboard Overlay District**

§150-152.1 Purpose and intent.

A. The purpose of these regulations is to provide an area for the placement of billboards in the Township. The goals of these regulations are to:

- (1) Provide clear guidelines and regulations for the placement of billboards.
- (2) Provide standards for construction of billboards.
- (3) Provide for the location of billboards so that such signs are not detrimental to the health, safety and welfare of the public, or to the rural and historic character of Worcester Township.

§150-152.2 General regulations.

A. Signs permitted. Billboards may be permitted by conditional use in the Billboard Overlay District subject to the requirements contained in this Section.

B. Size of sign face. A Billboard sign face may not exceed 300 square feet per side in area, with a maximum length of 20 feet and a maximum width (i.e. height of sign face only) of 15 feet.

C. Height. Billboards (including the supporting structure) shall not exceed twenty-five (25) feet in height. The height shall be measured from the grade of the immediately adjoining street, road, highway or alley to which the sign is oriented, to the highest part of the sign, including any lighting or portion of the support structure.

D. Location of sign. Billboards shall be located no closer than 20 feet from any property line, and shall not be located closer than 25 feet, nor further than 75 feet, from any street or road to which the Billboard is oriented, measured from the ultimate right-of-way of such street or road. Billboards may not be closer than 800 feet from another Billboard measured linearly on the same side of the street or road to which the Billboard is oriented; and shall not be closer to another Billboard than 500 feet if the Billboards are on opposite sides of the street or road to which the Billboards are oriented. No Billboard shall be located within 500 feet of any right-of-way of any interchange, measured along the interstate or limited access primary highway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way. No Billboard shall be located within 800 feet of the edge of any street or road (other than the street or road to which the billboard is oriented) measured linearly on the same side of the street or road to which the Billboard is oriented. No Billboard shall be erected within a 300 foot circumference of the nearest property line of any of the following: historic site, school, church or other religious institution, retirement or nursing home, cemetery, government building, community center or public park, playground or recreational area. No Billboard shall be located within 500 feet of any existing residential dwelling or residential zoning district on the same side of the street or road to which the Billboard is oriented.

E. Number of signs per lot. More than one Billboard shall be permitted per tax parcel, but such signs shall be no less than 800 feet apart.

F. Content. No Billboard shall advertise any adult or sexually oriented businesses or materials, contain any obscene or profane language, emit any verbal announcement, sound, music or noises of any kind, or otherwise display any content prohibited by 18 Pa. C.S.A. §5903.

G. Lighting. Illumination of Billboards shall be solely by external, down-facing, shielded fixtures of white light at a constant intensity. All external illumination shall be shielded as necessary to direct light onto the sign without spill over on any side of the sign. Any resulting light trespass generated by a Billboard shall not exceed 1/8 footcandle, as measured on the ground at the

curbline or shoulder of any street, road or highway in the immediate vicinity of the sign, so as not to impair the vision of any motor vehicle driver or otherwise interfere with a driver's operation of his or her motor vehicle. A Billboard or its structure shall be illuminated only from dusk until 10:00 p.m.

(1) The external illumination of Billboards shall not exceed 1.75 watts per square foot of board face.

(2) Changing, animated, flashing, revolving, scrolling, rotating, oscillating, or intermittently illuminated style signs shall be prohibited. Billboards shall not use reflective elements or materials of any kind.

I. Lot size. The minimum lot size for a property on which a Billboard may be located shall be 10 acres.

J. Maintenance of sign. All Billboards shall be structurally sound and maintained in good condition. If the signs are not structurally sound or maintained in good condition, the signs shall be immediately repaired or removed at the sole cost and expense of the owner of the sign. If a Billboard is determined by the Township to be structurally unsound or in poor condition, the Township shall notify the owner of the property on which the sign is located and provide the owner sixty (60) days written notice via certified mail, sent to the owner's last known address, to repair or remove the sign. If the Billboard is not repaired or removed within sixty (60) days of the date of the notice, the Township may remove the sign, and the cost thereof shall be paid by the owner of the property on which the Billboard is erected. The Township may file a lien against the property or take any action permitted by law to collect the cost of removal if it is not paid by the owner of the property.

K. Sign arrangement. When two sign faces are used in a back-to-back arrangement on a Billboard, they shall be parallel, directly aligned with each other and not more than 5 feet apart. When a V-type sign arrangement is used for two sign faces of any Billboard, the sign faces shall not be located more than fifteen (15) feet apart at the furthest point nor shall the interior angle be greater than forty-five (45) degrees. The rear side of any single-face Billboard shall be of one neutral color which shall be specified in the order of the Board of Supervisors.

L. Agreement of property owner. No part of the face or of any foundation or support of any Billboard shall be placed on, in or over any private property without the written agreement of the property owner. Such agreement shall be presented as part of the application for said sign permit but the consideration bargained between the private parties may be redacted.

M. Landscaping. Trees greater than four (4) inches in diameter removed for access to or the construction of a Billboard shall be replaced on-site at a ratio of one replacement tree for each removed tree using native species no less than three

(3) inches in diameter. A continuous landscaped buffer shall be planted along every side of the supporting structure of the Billboard and extending a minimum of ten (10) feet from the supporting structure in all directions. Plantings shall consist of at 75% evergreen materials and shall provide an immediate visual screen of 50% or greater ten feet from the ground or at the base of the Billboard, whichever is higher. All landscaping shall be maintained in good condition. If any approved landscaping is found by the Township to be in poor condition, the Township shall notify the owner of the property on which the Billboard and landscaping are located and provide the owner sixty (60) days written notice via certified mail, sent to the owner's last known address, to correct to the condition of the landscaping to the satisfaction of the Township. If the condition of the landscaping is not corrected within sixty (60) days of the date of the notice, the Township may perform such work as is necessary to bring the landscaping into good condition in accordance with the conditional use approval, and the cost thereof shall be paid by the owner of the property on which the Billboard and landscaping are located. The Township may file a lien against the property or take any action permitted by law to collect the cost of any corrective action taken by the Township if it is not paid by the owner of the property.

N. Owner identification. All Billboards shall be identified on the structure with the name and address of the owner of each sign. Any Billboard located within an area that is regulated by Chapter 445 of the Pennsylvania Code shall further be identified with a permit number or tag issued by the Pennsylvania Department of Transportation.

O. Discontinued sign. A Billboard shall be considered a discontinued sign if it has carried no message for a period of 180 consecutive days, or if such Billboard no longer identifies a bona fide business, commodity, service, entertainment or facility, or if more than 50% of the message on such Billboard has deteriorated to the point that it is not clearly discernable from the road or street to which it is oriented. A Billboard that has been discontinued shall be presumed to be abandoned and shall constitute an illegal sign. Any period of time for which the discontinued use of a Billboard is proved to be caused by government actions, labor strikes, material shortages or acts of god, and without any contributing fault of the owner of the sign or user of the sign, shall not be calculated toward the number of days of discontinued use. Any discontinued Billboard shall be removed at the expense of the owner of the sign. In the event that the owner of the sign cannot be ascertained after the Township's reasonable inquiry, the discontinued sign and structure shall be removed at the expense of the owner of the property on which the sign is erected.

P. Additional regulations. In addition to the requirements contained in this Section, all Billboards shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, State and/or Federal regulations, including, but not limited to, the Worcester Township Building Code and all applicable Pennsylvania Department of Transportation regulations.

SECTION V. - Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VI. - Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VII. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION VIII. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania, this 19th day of September, 2012.

WORCESTER TOWNSHIP

By: 
Arthur C. Bustard, Chairman,
Board of Supervisors

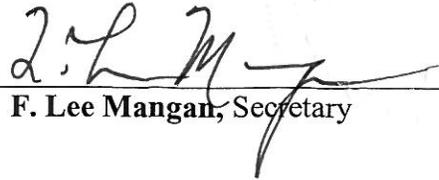
Attest: 
F. Lee Mangan, Secretary



EXHIBIT "A"

NOTICE

NOTICE is hereby given that the Board of Supervisors of Worcester Township, at its public meeting on September 19, 2012, at 7:30 p.m. at the Worcester Township Community Hall, 1031 Valley Forge Road, Fairview Village, Worcester, Pennsylvania, will hold a public hearing on and could vote to adopt an ordinance entitled "Billboard Overlay District" amending the Worcester Township Zoning Map to create the "Billboard Overlay District" to regulate the installation and operation of billboards in Worcester Township; amending Chapter 150 (Zoning), Article III (Terminology), Section 150-9 (Definitions) to revise the definition of "Sign" by deleting paragraphs "B" (Off-Premise Sign) and "L" (Billboard) thereof and replacing such paragraphs with a new paragraph containing a definition for the term "Billboards"; amending Chapter 150 (Zoning), Article XXI (Signs), Section 150-151 (Signs Permitted in LI District) to delete existing paragraph "C" in its entirety; and further amending Chapter 150 (Zoning) to add a new Article "XXIA" entitled "Billboard Overlay District" setting forth the permitted height and location of Billboards; the number of signs permitted per lot; the permitted content of billboard messages; lighting regulations; minimum lot size requirements; maintenance and landscaping requirements; and additional pertinent regulations.

Copies of the proposed Ordinance and Map Amendment are available for examination

during normal business hours at the offices of *Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Worcester Township Building, 1421 Valley Forge Road, Worcester, Pennsylvania 19490 where a copy of the proposed Ordinance and Map Amendment may be obtained for a charge not greater than the cost thereof.

JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitors for Worcester Township