

**TOWNSHIP OF EAST FALLOWFIELD
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019-02

AN ORDINANCE OF EAST FALLOWFIELD TOWNSHIP, CHESTER COUNTY, AMENDING THE EAST FALLOWFIELD TOWNSHIP ZONING ORDINANCE OF 2002, AS AMENDED, RELATED TO SIGNS.

BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF EAST FALLOWFIELD AND IT IS ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME:

Section 1. Part 16 of the Zoning Ordinance is hereby amended to add Section 27-1607-A, as follows:

Section 27-1607-A. BILLBOARDS & ELECTRONIC SIGNS

1. Intent.

The intent of this Section is to provide appropriate regulations for both Billboards (containing off-site advertising) and electronic message signs (containing only on-site messages), and to:

(a) Support the First Amendment rights of advertisers to promote legal products and services while retaining the sense of community and protecting the character of the Township;

(b) Ensure that Billboards and electronic advertising is provided for in the Township and located safely and appropriately where it can be viewed by the traveling public with the least distraction and degradation to the public safety;

(c) Provide Billboards and electronic advertising in a manner demonstrated to be compatible with the historic, natural and rural character of the Township in terms of size, location, visual prominence from areas other than the adjacent highway, and materials and finishes used in construction;

(d) To prevent Billboards and electronic advertising from having a negative impact on neighborhoods (particularly residentially-zoned or used properties) in terms of visual blight, light pollution, or decreased property value;

(e) To prevent Billboards and electronic advertising from having a negative impact on designated historic sites or structures in terms of visual blight, light pollution, or decreased property value;

(f) To advance the mission of the International Dark-Sky Association and maintain the Township's nighttime environment by reducing light pollution through lighting practices that provide:

(1) energy savings resulting in economic and environmental benefits;

- (2) superb nighttime ambience and quality of life;
- (3) conservation of nocturnal wildlife and ecosystems;
- (4) safeguarding of scientific and educational opportunities such as astronomy;
- (5) preservation of cultural heritage and inspiration for the arts;
- (6) increased visibility, safety, and security at night by reducing glare; and
- (7) protection of human health.

2. Definitions.

(a) Billboard

A form of a Ground Sign or Freestanding Sign, which advertises goods, materials or services not offered on the same premises as that upon which the sign is located.

(b) Billboard Structure.

The framework, supports, display face(s) and electrical components of the Billboard.

(c) Change Interval.

The "Change Interval" is defined as the time period in which the display of an Electronic Sign/Billboard must remain static and during which the display may not transition to display another advertisement.

(d) Display Face.

The face of a Billboard, including copy, insignia, background, border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural support shall be excluded from the area calculations if it is not used to directly express or convey a commercial or non-commercial message.

(e) Electronic Billboard.

A Billboard capable of displaying text, graphics, symbols, or images that can be electronically or mechanically changed by remote or automatic means; or with content that may be changed by electronic process through the use of light or lights, including, but not limited to, light emitting diodes (LED), liquid crystal display and plasma image display.

(f) Electronic Sign

An On-site Sign capable of displaying text, graphics, symbols, or images that can be electronically or mechanically changed by remote or automatic means; or with content that

may be changed by electronic process through the use of light or lights, including, but not limited to, light emitting diodes (LED), liquid crystal display and plasma image display.

(g) Message Sequencing.

A single message or advertisement for a product, event, commodity, or service that is divided into segments and presented over two (2) or more successive display phases of a sign, or across two (2) or more individual signs.

(h) On-site Sign: A sign that is not an off-site sign (i.e., which advertises goods, materials or services offered on the same premises as that upon which the sign is located).

(g) Transition Interval.

The “Transition Interval” is defined as the time period in which the display of an Electronic Sign/Billboard transitions to another display.

3. **Criteria for Billboards.**

Billboards shall only be permitted by Special Exception only, subject to the applicant establishing compliance with the following criteria, together with all applicable criteria in Article XIX and the criteria set forth in Zoning Ordinance Section 27-1607-A:

- (a) Billboards may only be erected and maintained in the MU Zoning District, limited to those properties with frontage on state roadways.
- (b) Size: The Display Face of a Billboard shall not exceed fifty (50) square feet in area, unless the applicant can establish before the Zoning Hearing Board during the Special Exception hearing that the content of the Billboard could not be read from any point along the road frontage and that the permitted size is not adequate for the conveyance of any advertising messages to passing motorists. If the applicant is able to establish the above, then the Billboard shall not be permitted to exceed 300 square feet in area, but in any event shall be no larger than is necessary to be read and conveyed to passing motorists. If present, non-display physical borders around the display image shall not exceed six (6) inches on a side.
- (c) Billboard to Billboard Setback: Billboards shall be setback a minimum of three hundred (300) feet from any other Billboard.
- (d) Setbacks – Road Right of Way: Billboards shall be setback from the right of way a minimum of: twenty (20) feet; a distance equivalent to 1.1 times the height of the Billboard; or the minimum front building setback set forth in the underlying Zoning District; whichever is greater. No part of a Billboard shall be setback more than sixty (60) feet from the nearest street right of way.
- (e) Setback from Street Intersections. All Billboards must be setback at least five hundred (500) feet from all street intersections, measured from the point of intersection of the center lines of the intersecting streets.
- (f) Setback from Residential Dwelling Unit. Except as governed by a greater setback required herein, all Billboards must be setback a minimum of 150 feet from the boundary of the R1, R2, R3, R4 and AP Zoning Districts and from the boundary of

any property on which a residential dwelling unit is situated. Moreover, the applicant must establish that the Billboard will be screened such that the face of the Billboard will not be visible from an existing residential dwelling unit. With respect to such setback as applied from any existing residential dwelling unit, the 150-foot setback may be reduced if the owner of such dwelling unit agrees in writing to the placement of such Sign as memorialized by an easement filed with the Chester County Recorder of Deeds.

- (g) Public Health, Safety and Welfare. The Applicant shall bear the burden of establishing that the proposed Billboard will not create a public health, welfare or safety concern.
- (h) Billboard Design. The Billboard Structure shall be designed as an architecturally decorative feature or shall be screened with vegetation. In no case shall the supporting structure be designed to increase the apparent size of the Billboard or to otherwise increase its visual prominence.
- (i) Structural Engineer. The Applicant shall be required to submit an attestation from a structural engineer, registered in Pennsylvania, to certify that the proposed Billboard is properly constructed pursuant to all applicable codes, to certify the viability of the construction of the foundation and erection of the structure for the proposed Billboard. The Applicant shall further submit a report from an engineer to set forth the wind tolerances of the proposed Billboard.
- (j) Landscape Plan. The Applicant shall submit a plan prepared by a landscape architect showing landscaping proposed to be installed to screen and buffer the Billboard. Existing vegetation on and around the proposed Billboard shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of the Township's Zoning Ordinance and Subdivision and Land Development Ordinance. Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed landscaping plan's mitigation of visual impacts.
- (j) Electrical Service. All Billboards shall be serviced by underground electrical wiring.
- (k) Access. Billboards shall be properly and adequately secured to prevent unauthorized access, with such features as a locked ladder way.

4. **Criteria for Electronic Signs/Billboards.**

The following criteria shall apply to Electronic Signs, which shall only be permitted upon the applicant establishing the following criteria:

- (a) Electronic Signs shall be permitted: 1) for any use authorized by the Zoning Ordinance in the PF Zoning District as an accessory to a use permitted under Section 27-802; and 2) by special exception in the MU Zoning District. Within the MU Zoning District, Electronic Billboards may only be erected and maintained on those properties with frontage on state roadways and subject to the criteria set forth in subsection 3 above.
- (b) Electronic Signs and Electronic Billboards may not contain any: fading; flashing; modulating; scrolling; moving lights; text or graphics; any full-motion video; or any visible change during the Change Interval period.

- (c) Change Interval: No more than three (3) sign changes are permitted per day for Electronic Signs and Electronic Billboards.
- (d) Transition Interval: Electronic Signs and Electronic Billboards must provide a maximum Transition Interval of one (1) second.
- (e) Electronic Sign and Electronic Billboard lighting shall be automatically extinguished so as to not operate before 7:00 a.m. or after 10:00 p.m.
- (f) Illumination shall be automatically controlled so that at no point on the Electronic Sign or Electronic Billboard shall the luminance exceed 100 cd/m² with a full-white board face after sunset.
- (g) The Electronic Sign or Electronic Billboard shall contain a default mechanism that will freeze the sign display in one (1) position if a malfunction occurs, or shut down and show “full black” on the display.
- (h) Electronic Signs shall not exceed twelve (12) feet in height. Electronic Billboards shall not exceed twenty (20) feet in height.
- (i) Message sequencing shall be prohibited.
- (k) No Electronic Sign or Electronic Billboard shall shine or reflect light into adjacent residences.
- (l) Electronic Signs and Electronic Billboards must be oriented so that they are perpendicular to the adjacent roadway.
- (m) Setbacks – Road Right of Way: Electronic Signs and Electronic Billboards shall be setback from the right of way a minimum of: fifteen (15) feet; or a distance equivalent to 1.1 times their height; whichever is greater. No part of an Electronic Sign or Electronic Billboard shall be setback more than sixty (60) feet from the nearest street right of way.
- (n) Electronic Signs and Electronic Billboards shall be subject to all applicable rear and side yard building setbacks. No portion of any sign shall project over a lot line, and in no case shall be within a setback area from the rear or side yards equivalent to a distance of 1.1 times the height of the sign.
- (o) A sign permit applicant must obtain all necessary outside agency approvals prior to erection of a sign, including, but not limited to approval from the Pennsylvania Department of Transportation, as may be required. The applicant is required to provide the Township with any such agency approvals prior to the issuance of a permit for a sign. PennDOT and any outside agency approval shall not constitute Township approval.
- (p) The owner and/or operator of any Billboard, Electronic Sign or Electronic Billboard shall provide (and maintain with) the Township with their current address and contact information.

Section 2. Severability. If any sentence, clause, section, or part of this Ordinance or of the Zoning Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 4. Codification. Pursuant to the Second Class Township Code, 53 P.S. § 66601(d) and the Pennsylvania Municipalities Planning Code, the East Fallowfield Township Zoning Ordinance shall hereby be codified to incorporate the above-referenced amendments.

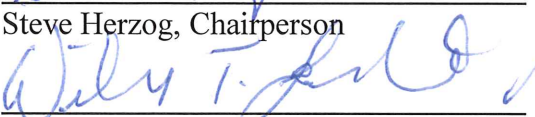
Section 5. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

ENACTED AND ORDAINED this 26th day of February, by the Board of Supervisors of East Fallowfield Township.

**EAST FALLOWFIELD TOWNSHIP
BOARD OF SUPERVISORS:**



Steve Herzog, Chairperson



Wilson T. Lambert, Jr., Vice Chairperson


Carol Kulp, Member



Joe Heffern, Member



Katja DiRado, Member

ATTEST:


Lisa Valaitis, Township Secretary