

**ORDINANCE NO. 1011
BOROUGH OF HATBORO
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF HATBORO BOROUGH,
SPECIFICALLY CHAPTER 27, KNOWN AS THE BOROUGH OF HATBORO
ZONING ORDINANCE OF 1985, TO AMEND PART 14, LI LIMITED INDUSTRIAL
DISTRICT, AND PART 19, SIGNS TO PROVIDE FOR BILLBOARDS AND RELATED
SIGN REGULATIONS, AND REPEALING ANY INCONSISTENT PROVISIONS
THEREWITH**

WHEREAS, the Borough Code, 53 P.S. § 45101 *et seq.*, authorizes the Borough Council of the Borough of Hatboro ("Borough Council") to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens;

WHEREAS, Borough Council deems it be in the best interest and general welfare of the citizens and residents of the Borough to amend its Zoning Ordinance to permit billboards in the LI Limited Industrial District; and,

WHEREAS, Borough Council has met the procedural requirements of 53 P.S. §10101, *et. seq.* of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing; and,

WHEREAS, Borough Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Hatboro Borough will be served by the amendment of the Zoning Ordinance to permit billboards in the LI Limited Industrial District.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Hatboro, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

I. AMENDMENT OF THE BOROUGH CODE

Section 1. Part 19, Signs, §27-1902, Definitions, shall be amended to add a new definition in alphabetical order under "Types of signs" for "Billboard" to read as follows:

BILLBOARD — A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the billboard is located.

Section 2. Part 14, LI Limited Industrial District, §27-1402 shall be amended to revise:

The specific uses permitted in this district shall be the erection, construction, alteration, or use of buildings or premises for the following uses and no other, to be conducted wholly within a completely enclosed building or in court enclosed on all sides by buildings, except for on-site parking and loading incidental thereto, and where approved by the Zoning Hearing Board, public utility facilities not normally enclosed within a building:

to:

The specific uses permitted in this district shall be the erection, construction, alteration, or use of buildings or premises for the following uses and no other, to be conducted wholly within a completely enclosed building or in court enclosed on all sides by buildings, except for billboards and other permitted signs, on-site parking and loading incidental thereto, and where approved by the Zoning Hearing Board, public utility facilities not normally enclosed within a building:

Section 3. Part 14, LI Limited Industrial District, §27-1402 shall be amended by adding a new subsection P. to read as follows:

P. Billboards and other permitted signs subject to the requirements set forth in Part 19. The requirements set forth in Part 19 shall take precedence over the requirements set forth in §27-1406, §27-1407 and §27-1408 if there is a conflict..

Section 4. Part 19, Signs, §27-1903, General Permanent Sign Regulations, shall be amended by revising the following:

6. No person shall erect or place any sign to identify advertise or otherwise direct attention to a commodity, political activity, public event, industry, home occupation, or other similar activity which is sold, offered, or conducted elsewhere than on the lot to which the sign is located. Except that the Zoning Hearing Board by authorized the same as a special exception, after giving consideration to the sign regulations for the district affect and to the general sign regulations contained in the Part, with such other conditions as the Zoning Hearing Board shall reasonably require.

to:

6. No person shall erect or place any sign to identify, advertise or otherwise direct attention to a commodity, political activity, public event, industry, home occupation, or other similar activity which is sold, offered, or conducted elsewhere than on the lot to which the sign is located unless permitted as a billboard.

Section 5. Part 19, Signs, §27-1903, General Permanent Sign Regulations shall be amended by adding the following:

11. Notwithstanding any other provision contained in this Chapter to the contrary, no electronic or reader board type signs shall be permitted but for Billboards as defined and permitted herein.

Section 6. Part 19, Signs, §27-1905, Additional Sign Regulations by Zoning District, shall be amended by revising the following:

G. LI and HI Industrial Districts. The following types of signs, and no others, shall be permitted in the LI and HI Industrial Districts. All permitted permanent and temporary signs shall comply with the general regulations of this Part, and shall be subject to the following additional restrictions:

to:

G. LI and HI Industrial Districts. The following types of signs, and no others, except as set forth in §27-1905.H, shall be permitted in the LI and HI Industrial Districts. All permitted permanent and temporary signs shall comply with the general regulations of this Part, and shall be subject to the following additional restrictions:

Section 7. Part 19, Signs, §27-1905, Additional Sign Regulations by Zoning District, shall be amended by adding the following subsection:

H. LI Limited Industrial District. Billboards shall be permitted in the LI Limited Industrial District, subject to the following specific standards and regulations, which shall take precedence over any other standards and regulations for signs which are in conflict with the following:

- (1) In addition to uses permitted, billboards along with their required support structures shall be permitted on properties having at least one (1) acre in size which shall provide frontage along S. Warminster Road or E. County Line Road and shall meet all of the following criteria. Only free-standing billboard sign structures shall be permitted. Such billboard structures shall be permitted to have one (1) sign face visible from any direction and in no event shall there be more than two (2) sign faces. No individual sign face shall exceed a maximum of seventy-five (75) square feet per face.
- (2) Height. The maximum overall height of a billboard sign structure shall not exceed twenty-five (25) feet measured from the elevation of the centerline of the grade of the road directly in front of the billboard sign to the highest portion of the sign structure.
- (3) Yard setbacks.
 - (a) No billboard sign structure or any part thereof shall be erected or maintained within twenty-five (25) feet of any ultimate right-of-way of a public street or road or the side or rear lot line of an individual property.
 - (b) No billboard sign structure or any part thereof shall be erected or maintained within two hundred feet (200) of the perimeter of an R-1, R-2, R-3, R-4 or residentially used property in the Borough.
- (4) No billboard sign structure shall be erected or maintained within five hundred (500) feet of any other billboard sign structure.
- (5) The image, copy, or message of a billboard shall not change more frequently than once per thirty (30) seconds. The change of an image, message, copy, color or brilliance of a billboard shall be instantaneous. All changeable copy on a billboard shall change uniformly and completely. Once changed, the copy of any part of the billboard shall not change again in less than thirty (30) seconds.
 - (a) No image shall be transferred by any means beyond the perimeter of the billboard sign face.
 - (b) Billboards having internal illuminance shall have a pixel pitch or equivalent resolution of not greater than twelve (12) millimeters. The light source shall be equipped to automatically adjust brilliance levels based on ambient light conditions. White or light color backgrounds shall not exceed fifty percent (50%) of the surface area of the sign face of the billboard.

(c) No sign image shall be interactive, display interactive messages or 3-dimensional images; nor shall any sign or any part of a billboard structure produce sound of any kind.

(d) No billboard sign shall flash, scroll, fade, revolve, move, have intermittent lighting or movable characters or animated parts.

(e) Billboards having floodlighting shall be so shielded that the source of the light shall not be visible from any point off the lot on which the sign is erected and so that only the sign is directly illuminated thereby.

(6) Maintenance. Every billboard sign and support structure shall be constructed of durable materials and kept in good condition and repaired at all times.

Section 8. Part 19, Signs, shall be amended as follows: The following sections shall be renumbered:

§27-1906 shall become §27-1907;

§27-1907 shall become §27-1908;

and a new section §27-1906 shall be added as follows:

§27-1906, Illumination of signs:

Where permitted, the illumination of signs shall be subject to the Codes adopted by the Commonwealth of Pennsylvania and to the following regulations:

- A. The image, copy or message of a sign shall not change more frequently than once per thirty (30) seconds. The change of an image, message, copy, color or brilliance of a sign shall be instantaneous. All changeable copy shall change uniformly and completely. Once changed, the copy of any part of the sign shall not change again in less than thirty (30) seconds.
- B. No image shall be transferred by any means beyond the perimeter of the sign face. No sign image shall be interactive, display interactive messages or 3-dimensional images; nor shall any sign or portion of a billboard structure produce sound of any kind. No sign shall flash, scroll, fade, revolve, move, have intermittent lighting or movable characters or animated parts.
- C. A sign which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination shall be deemed to be a flashing sign and shall not be permitted. Illuminated revolving barber poles shall be permitted in conjunction with the permitted use of a barbershop in any district.
- D. Floodlighting shall be so shielded that the source of the light shall not be visible from any point off the lot on which the sign is erected and so that only the sign is directly illuminated thereby.

II. REPEALER

All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

III. REVISIONS

The Council of the Borough of Hatboro does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

IV. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provisions shall be separate, distinct and independent, and such holding shall not effect the validity of the remaining portions of this Ordinance.

V. FAILURE TO ENFORCE NOT A WAIVER

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

VI. EFFECTIVE DATE

This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

VII. ENACTMENT

Under the authority conferred by the Borough Code, 53 P.S. § 45101 *et seq.* and other relevant statutory law, the Council of the Borough of Hatboro in the County of Montgomery, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Hatboro this _____ day of _____, 2012.

Approved by the Borough Council of the Borough of Hatboro, this 21st day of May, 2012.

Attest:

BOROUGH OF HATBORO

STEVEN PLAUGHER, Secretary

JOHN ZYGMONT, Council President

Examined and approved as an Ordinance this 21st day of May, 2012.

NORM HAWKES, Mayor