

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2323-16
"Off-Premises Advertising Sign Overlay District"**

AN ORDINANCE AMENDING THE CHELTENHAM TOWNSHIP ZONING MAP TO CREATE THE "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" TO REGULATE THE INSTALLATION AND OPERATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS IN CHELTENHAM TOWNSHIP; AND AMENDING THE CODIFIED ORDINANCES OF CHELTENHAM TOWNSHIP, CHAPTER 295 (ZONING) TO AMEND ARTICLE I (OBJECTIVES AND TERMINOLOGY), SECTION 2 (DEFINITIONS AND WORD USAGE) TO DELETE THE TERM "BILLBOARD" IN ITS ENTIRETY AND REPLACE WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AMEND ARTICLE XXV (SIGNS), SECTION 193 (DEFINITIONS) TO DELETE THE EXISTING DEFINITION OF "ADVERTISING SIGN" IN ITS ENTIRETY AND REPLACE IT WITH A NEW DEFINITION FOR "OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS"; AND ADD A NEW ARTICLE XXXVI ENTITLED "OFF-PREMISES ADVERTISING SIGN OVERLAY DISTRICT" SETTING FORTH THE PERMITTED HEIGHT AND LOCATION OF OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; THE NUMBER OF SIGNS PERMITTED PER LOT; THE PERMITTED CONTENT FOR OFF-PREMISES ADVERTISING SIGNS OR BILLBOARDS; LIGHTING REGULATIONS; MINIMUM LOT SIZE REQUIREMENTS; LANDSCAPING REQUIREMENTS; AND MAINTENANCE REQUIREMENTS.

The Board of Commissioners of Cheltenham Township does hereby **ENACT** and **ORDAIN**:

SECTION I: Zoning Map Amendment.

The Cheltenham Township Zoning Map is hereby amended to identify the Off-Premises Advertising Sign 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 Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article I (Objectives and Terminology), Section 2 (Definitions and word Usage), Paragraph C is hereby

amended to delete the existing term and definition of "Billboard" and replace it with the following term and definition:

Off-Premises Advertising Sign or 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 Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), Article XXV (Signs), Section 193 (Definitions), Paragraph B(1) is hereby amended to:

1. Delete the existing term and definition of "Advertising Sign" and replace it with the following term and definition:

Off-Premises Advertising Sign or 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.

2. Amend the existing definition of "Billboard" to read "—See "Off-Premises Advertising Sign or Billboard."

SECTION IV: Amendment to Code.

The Codified Ordinances of Cheltenham Township, Chapter 295 (Zoning), is hereby amended to add the following new Article XXXVI, entitled "Off-Premises Advertising Sign (OPAS) Overlay District":

Article XXXVI. Off-Premises Advertising Sign (OPAS) Overlay District.

- A. Purpose and intent. The purpose of this Section is to provide an area for the placement of off-premises advertising signs or billboards in the Township. The goals of this Section are to:
- (1) Provide clear guidelines and regulations for the placement of off-premises advertising signs or billboards.
 - (2) Provide standards for construction of off-premises advertising signs or billboards.
 - (3) Provide for the location of off-premises advertising signs or billboards so that such signs are not adverse to the health, safety and welfare of the public.

B. General regulations.

- (1) Billboards Permitted. Billboards may be permitted by special exception in the OPAS Overlay District subject to the requirements contained in this Section and §295.209 and §295.209.1. All Billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance shall be deemed a permitted use. For all Billboards erected within the OPAS Overlay District prior to the enactment of this Ordinance, no special exception shall be required unless there is a change or alteration of the Billboard of a dimension or other characteristic which is regulated by this Ordinance.
- (2) Size of Billboard Face. A Billboard face may not exceed 380 square feet per side in area.
- (3) Height. Billboards shall not exceed 40 feet, 6 inches feet in height. The height shall be measured from the grade of the immediately adjoining street, road, highway or alley to which the Billboard is oriented to the highest part of the Billboard.
- (4) Location of Billboard. Subject to the last sentence of this Section B(4), Billboards shall be located no closer than 20 feet from any property line, and shall not be located closer than 25 feet from any street or road measured from the ultimate right-of-way of such street or road. Billboards shall not be closer than 500 feet from another billboard measured linearly regardless of whether one of the signs is located in another municipality. No billboard or portion thereof shall be permitted within the clear sight triangle at any intersection of a driveway with a street. No billboard shall be erected within a 100 foot radius 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 600 feet of any existing residential dwelling regardless of whether the residence is located in Cheltenham Township or any surrounding municipality.
- (5) Number of Billboards Per Lot. There shall be no more than one (1) Billboard per lot.
- (6) Content. No Billboard shall advertise any adult or sexually-oriented businesses or materials, contain any obscene or profane language, emit any sound, or, otherwise display any content prohibited by 18 Pa. C.S.A. §5903. Billboards shall not advertise alcohol or tobacco products.

- (7) Mechanical Billboards. No part of the Billboard shall revolve, rotate, oscillate, or otherwise move.
- (8) Lighting. Illumination of Billboards shall follow the standards and requirements of the Illuminating Engineering Society of North America (IESNA) and shall be subject to review and approval of the Township. To the extent that there is a conflict between a standard and/or requirements of the IESNA and the provisions of this Section B(8), the provisions of this Section B(8) shall control. Illumination of all Billboards shall be by external illumination or Light Emitting Diode (LED) only. Flashing, scrolling, fading, brightening or animated text or video is prohibited. The copy or image on an LED Billboard shall not change more than eight (8) times per minute. All copy or image changes shall be instantaneous and shall not fade in or out of the digital active area. Any external illumination shall be shielded as necessary to direct light onto the Billboard without spill over on any side of the Billboard. External illumination shall not flash, strobe or otherwise move. Any resulting glare generated by a Billboard shall not exceed 1/8 foot-candle, as measured on the ground at the curb line or shoulder, 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 may be illuminated 24 hours per day.
- (9) Luminance. At no point shall the luminance of any Billboard exceed the following:
- (a) Billboards using external illumination shall not exceed 1.75 watts per square foot of board face.
 - (b) The luminance of an LED Billboard, and any other internally illuminated Billboard, shall not exceed 75 nits per Billboard between sunset and sunrise.
 - (c) The luminance of an LED Billboard, and any other internally illuminated Billboard, shall not exceed 500 nits per Billboard between sunrise and sunset.
- (10) Lot size.
- (a) For all Billboards erected within the Township prior to the enactment of this Ordinance, there shall be no minimum lot size.
 - (b) For all Billboards erected after the enactment of this Ordinance, the minimum lot size for a property on which a Billboard may be located is 10,000 sq. ft.
- (11) Construction and Maintenance of Billboard. All Billboards shall be constructed in accordance with industry-wide standards established by

the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All Billboards shall be structurally sound and maintained in good condition. If the Billboards are not structurally sound or maintained in good condition, the Billboards shall be immediately removed at the sole cost and expense of the owner of the Billboard. If a Billboard is determined by the Township Engineer to be a public safety hazard, the Township shall notify the owner of the property on which the Billboard is located and provide the owner written notice by certified mail, sent to the owner's last known address, to immediately repair or remove the Billboard. If the Billboard is not repaired or removed within 3 days of the date of the notice, the Township may remove the Billboard, 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. If the Billboard is removed for lack of maintenance, it shall be considered discontinued and subject to the provisions of Section 15 below.

- (12) Billboard Face Arrangement. When two Billboard faces are used in a back-to-back arrangement, they shall be parallel, directly aligned with each other, and not more than five (5) feet apart. When a V-type Billboard face arrangement is used for two Billboard faces of any billboard, the Billboard faces shall not be located more than 15 feet apart at the furthest point nor shall the interior angle be greater than 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 Zoning Hearing Board. There shall be no more than two (2) Billboard faces per Billboard.
- (13) Agreement of Property Owner. No part or foundation or support of any Billboard shall be placed on, in or over any private property without the written agreement of the property owner. The agreement shall be presented as part of the application for said Billboard permit but the consideration or price figures bargained between the private parties may be redacted.
- (14) Owner Identification. All Billboards shall be identified on the structure with the name and address of the owner of each Billboard. Billboards within an area 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.
- (15) Discontinued Billboard. A Billboard shall be considered a discontinued Billboard when it has carried no message for a period of 180 consecutive days, or when such Billboard no longer identifies a bona fide business, commodity, service, entertainment or facility, or when the

majority of the message on such Billboard has deteriorated to the condition that it is not clearly discernable. A Billboard which has been discontinued shall be presumed to be abandoned and shall constitute an illegal Billboard. 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 Billboard or user of the Billboard, 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 Billboard. In the event that the owner of the Billboard cannot be ascertained after the Township's reasonable inquiry, the discontinued Billboard and structure shall be removed at the expense of the owner of the property on which the Billboard is erected.

- (16) Additional Regulations. In addition to the requirements contained in Section B of this Ordinance, all Billboards shall comply with any and all applicable zoning regulations not specifically established herein and any and all Township, State and/or Federal statutes and/or regulations, including, but not limited to, the Federal Highway Beautification Act, as amended, Cheltenham Township Administrative Building and Property Maintenance codes, and all applicable Pennsylvania Department of Transportation regulations. In the event any other applicable regulation is in conflict with the provisions of this Section B, the more strict regulation shall apply.
- (17) Submission Requirements. In addition to the requirements set forth in the zoning ordinance, plans submitted for Billboards shall show the following:
 - (a) The location of the proposed Billboard on the lot with the required Billboard setbacks from the property line and the ultimate right-of-way.
 - (b) The location of the proposed Billboard on the lot and radii of 600 linear feet, 500 linear feet, and 100 linear feet from the proposed Billboard location.
 - (c) The location and species of existing trees over four (4) inches in diameter and those that are proposed to be removed.
- (18) Landscaping. Landscaping shall only be required in the case of (1) a newly constructed Billboard or (2) modification(s) to an existing Billboard which require(s) a new land development application or require(s) new zoning relief. Landscaping shall be provided and maintained at and around all Billboards in the OPAS Overlay District, in accordance with a landscaping plan to be submitted at the time of the use application, so the area in the immediate vicinity of the Billboard

structure presents an appearance that is attractive to passing motorists. Such landscaping plan shall, to the extent practicable, present an attractive and logical scheme which incorporates a variety of low-growing evergreen and deciduous plantings, providing year round vitality and visual interest. Such landscape plan shall take into consideration the need for access to the Billboard structure with necessary equipment, as well as visibility of the advertising faces as viewed by the traveling public. The landscaping plan will be required to meet the following minimum requirements and shall be submitted, reviewed and approved by the Township Engineer and the Shade Tree Advisory Committee:

- (a) Five evergreen trees with a height of five feet to six feet planted within a forty-foot radius on the sides and rear of the base of the Billboard;
 - (b) Four flowering trees with a height of eight feet to 10 feet planted within a fifty-foot radius on the sides and rear of the base of the Billboard; and
 - (c) One shrub tree with a height of three feet to four feet for each three lineal feet of road frontage along the parcel or 40 shrubs, whichever is greater, to be placed in front of the Billboard.
 - (d) All trees four caliper inches in diameter or greater that are removed due to the construction or erection of a Billboard shall be replaced on site at a ratio of one (1) replacement tree for each tree removed, using native species, no less than three (3) inches caliper in diameter.
 - (e) Applicants unable to comply with the full extent of the requirements of this Section due to site conditions, may at the discretion of the Shade Tree Advisory Committee and the Township Engineer, plant all or a portion of the required landscaping on another part of the subject property or at a suitable location, as agreed to by the Township.
- (19) Maintenance of Landscaping. All landscaping shall be maintained in a good and safe 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 60 days written notice 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 60 days of the date of the notice, the Township may perform such work as is necessary to bring the landscaping into a good and safe condition, 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.

(20) Public Service Messages on Electronic Billboards.

(a) Alerts. The operator of a Billboard shall post Amber (also known as Child Abduction Emergency), police and emergency management alerts (Alerts) whether received from the Township Police Department, the Pennsylvania State Police, the National Missing and Exploited Children Association or other official, government emergency services or security department authorized to issue emergency alerts, and, accordingly, the billboard shall be permitted to operate 24 hours per day. Alerts shall, promptly after receipt, run not less than one time per minute for the duration of an emergency.

(b) Public Service Messages. The operator of a billboard shall provide the Township with the opportunity to post a minimum of 30 Public Service Messages on the billboard sign each hour, seven (7) days per week, exclusive of Alerts. The Township may post Public Service Messages announcing the following activities: Cheltenham Township events, community events which are conducted in Cheltenham Township, Cheltenham Township School District events, welcome announcements for new businesses opening in Cheltenham Township (for a duration of no more than two (2) weeks), and other similar public service announcements (Public Service Message). The Township shall be responsible for providing to the billboard operator the messages in an adaptable format at the Township's costs. The content of the Township's requested Public Service Messages shall be subject to the operator's reasonable approval and not exceed one advertising slot on rotation of every 60 seconds of advertising.

(21) Nothing in this Ordinance shall be construed to repeal or limit Cheltenham Township Code 295-197.B.(1) regulating billboards in Industrial Districts.

SECTION VI: 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 VII: 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 VIII: Effective Date.

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

SECTION IX: Repealer.

Except as otherwise provided in Section IV above, specifically, Article XXXVI, Section B, Subsection (21), all other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

SECTION X: Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

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 Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, this 17th day of February, 2016.

CHELtenham TOWNSHIP

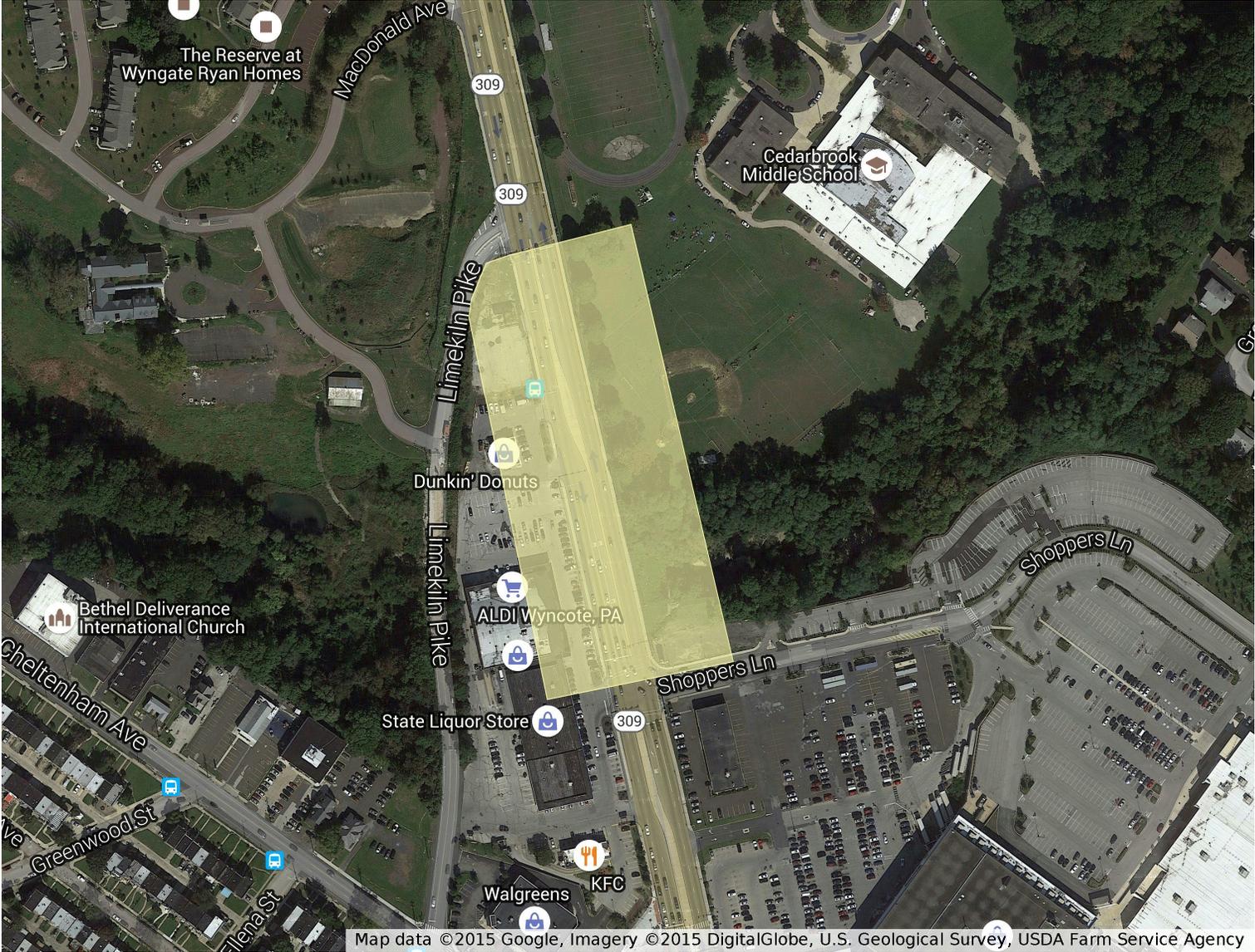


By: **Morton J. Simon, Jr.**, President,
Board of Commissioners



Attest: **Bryan T. Havir**,
Township Manager/Secretary

Off-Premises Advertising Sign Overlay District



District Boundary



OPAS - Off Premises Advertising Sign Overlay District