

PENN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. / - 2019

AN ORDINANCE OF THE TOWNSHIP OF PENN, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE PENN TOWNSHIP ZONING ORDINANCE OF 2008 TO REVISE ZONING REGULATIONS RELATED TO SIGNS IN THE C-1, C-2, AND I ZONING DISTRICTS TO INCREASE THE PERMITTED SIGN AREA AND TO ALLOW SIGNS TO CONTAIN ELECTRONIC MESSAGE BOARDS, SUBJECT TO CERTAIN CRITERIA.

WHEREAS, the Board of Supervisors of Penn Township enacted a Comprehensive Zoning Ordinance on October 27, 2008, and subsequently amended it by Ordinance 2009-3 to regulate alternate energy, and by Ordinance 2012-1 to amend floodplain regulations, and by Ordinance 2017-3 to regulate medical marijuana and wireless communication facilities; and

WHEREAS, Section 607 of the Zoning Ordinance provides regulations for the placement of signs within the Township; and

WHEREAS, the prevalence of the use of digital and other electronic technology in signage has increased, and can serve a necessary purpose to businesses and public buildings in communicating information to the local community; and

WHEREAS, the Board of Supervisors desires to remove the current prohibition on any sign which has flashing, intermittent or rotating illumination, and instead permit electronic message board signs in certain zoning districts of the Township, subject to certain limitations as set forth herein; and

WHEREAS, the proposed amendments to the Penn Township Zoning Ordinance of 2008, as amended, are consistent with the Penn, Bernville and Jefferson Joint Comprehensive Plan adopted by the Penn Township Board of Supervisors on October 27, 2008 by Ordinance 2009-4.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Penn, Berks County, Pennsylvania, pursuant to the authority conferred by the Second Class Township Code and the Pennsylvania Municipalities Planning Code as follows:

SECTION 1. Zoning Ordinance Number 2008-05 enacted on October 27, 2008, as amended, is hereby further amended by amending Article VI.1 “General Regulations,” Section 607 “Signs,” Subsection 607.1 entitled “General,” subsection 607.1.a is hereby revised and restated to read as follows:

- a. Except in the case of school warning signs, traffic control signs, signs giving time and temperature, and similar signs, or as otherwise specifically permitted below under

Section 607.3, signs shall not contain moving parts nor use flashing or intermittent illumination and the source of light shall be steady and stationary.

SECTION 2. Zoning Ordinance Number 2008-05 enacted on October 27, 2008, as amended, is hereby further amended by amending Article VI.1 "General Regulations," Section 607 "Signs," Subsection 607.3 entitled "On-site advertising signs in the C-1, C-2, and I Districts," is hereby amended to revise and restate subsection 3.b to read as follows:

- b. The area on any one (1) side of any advertising sign, excluding signs consisting of open lettering attached to a building, shall not exceed one hundred five (105) square feet, calculated as the total sign area of all sign faces that may be included on the same side of such sign. The area on any one (1) side of any directional sign shall not exceed twenty-five (25) square feet.

SECTION 3. Zoning Ordinance Number 2008-05 enacted on October 27, 2008, as amended, is hereby further amended by amending Article VI.1 "General Regulations," Section 607 "Signs," Subsection 607.3 entitled "On-site advertising signs in the C-1, C-2, and I Districts," is hereby amended to revise and restate subsection 3.c to read as follows:

- c. No more than one (1) free standing advertising sign shall be allowed on any one (1) street frontage of any one (1) property. Advertising signs containing multiple separate sign faces on the same side of a sign structure, including electronic message boards, shall be deemed as one (1) sign for purposes of this regulation.

SECTION 4. Zoning Ordinance Number 2008-05 enacted on October 27, 2008, as amended, is hereby further amended by amending Article VI.1 "General Regulations," Section 607 "Signs," Subsection 607.3 entitled "On-site advertising signs in the C-1, C-2, and I Districts," is hereby amended to add a subsection 3.i to read as follows:

- i. On-site advertising signs located in these zoning districts may contain electronic message boards, provided that they meet the criteria below. Any proposed electronic message sign that does not meet the criteria below shall be permitted only by Conditional Use approval from the Board of Supervisors.
 - (1) The electronic message board shall be considered a sign and is subject to all applicable regulations of this Ordinance.
 - (2) The maximum area of any one (1) side of an electronic message board shall not exceed forty (40) square feet.
 - (3) The message board shall not create a safety hazard and shall not be distracting to drivers.
 - (4) Flashing messages are not permitted, nor are starbursts, simulated firecracker explosions, and similar displays.
 - (5) Moving, rotating, and intermittent messages are permitted.
 - (6) No advertising of commercial/for-profit products or services shall be permitted on the electronic message board unless related to a business

located on the same property as such sign, or unless otherwise allowed in the subject zoning district.

- (7) Any illumination intensity or contrast of light level shall remain constant, other than to have separate settings for daylight and nighttime hours.

SECTION 5. Severability.

If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

SECTION 6. Other Ordinances.

All other articles, sections, parts and provisions of the Jefferson Township Zoning Ordinance of 2008, as amended, and the Ordinances of Penn Township shall remain in full force and effect as previously enacted and amended.

SECTION 7. Repealer.

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 8. Effective Date.

This Ordinance shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED as an Ordinance of Penn Township, Berks County, Pennsylvania, this 29th day of July, 2019.

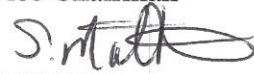
**BOARD OF SUPERVISORS OF
PENN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA**



Chairman

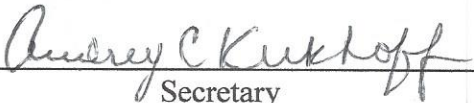


Vice Chairman



Member

ATTEST:



Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2019-____ adopted by the Board of Supervisors of Penn Township, Berks County, Pennsylvania at a public meeting held on July 29, 2019, pursuant to notice as required by law.

Dated: July 29, 2019

Andrey C. Kukhoff
Township Secretary