

**BEFORE THE BOARD OF SUPERVISORS
BIRMINGHAM TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 10-01

AN ORDINANCE OF THE TOWNSHIP OF BIRMINGHAM, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE BIRMINGHAM TOWNSHIP ZONING ORDINANCE OF 1978, AS AMENDED, CODIFIED IN CHAPTER 122 OF THE BIRMINGHAM TOWNSHIP CODE, SPECIFICALLY SECTION 122-90.B(10) TO PROVIDE REGULATIONS PERTAINING TO BILLBOARD SIGNS IN COMMERCIAL ZONING DISTRICTS AND SECTION 122-102.A(1) TO AMEND THE PARKING REGULATIONS FOR CERTAIN USES.

UNDER AND BY VIRTUE OF THE AUTHORITY OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, 53 P.S. SECTION 10101, ET SEQ., THE BOARD OF SUPERVISORS DOES HEREBY ENACT AND ORDAIN THAT THE BIRMINGHAM TOWNSHIP ZONING ORDINANCE OF 1978, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 122 OF THE BIRMINGHAM TOWNSHIP CODE, IS HEREBY FURTHER AMENDED AS FOLLOWS:

SECTION 1. Section 122-90.B.(10) is hereby amended to read as follows:

(10) Billboard Signs, but only when specifically authorized by special exception as a principal use in the Highway Commercial (C-1), Heavy Commercial (C-2), General Commercial (C-3) and Limited Highway-Commercial (C-2A) districts, and such sign is the sole principal use of the lot and meets the following requirements:

- (a) Not more than one Billboard Sign shall be permitted on a single lot. The standards set forth in this Section 122-90.B(10) shall supersede the requirements for principal uses as set forth in the respective district regulations for the zoning district in which a Billboard Sign is proposed.
- (b) The minimum net lot area must be 8,000 square feet and the minimum lot width at the front lot line and at the front yard setback shall be 85 feet. The lot shall not contain any other buildings, structures or improvements, except those necessary for the operation, maintenance or security of the Billboard Sign.

- (c) The total height of any Billboard Sign shall not exceed 15 feet, measured from the average ground level to the top of the sign, including all structural components. There shall be a minimum of six (6) feet of clearance (not including structural ground supports) under the lower edge of the signboard.

- (d) A Billboard Sign structure may have no more than two sign faces of equal size, shape and dimension; the total display area of a Billboard Sign shall not exceed 128 square feet on one side, including border and trim, but excluding supports.
- (e) No portion of a Billboard Sign shall be located closer than 40 feet to the side or rear boundary lines of the lot upon which the sign is erected.
- (f) No portion of a Billboard Sign shall be located closer than 30 feet from the right-of-way of Route 202, however, in the event that Route 202 is widened after the sign is erected and the location of the sign must be moved, the applicant must receive special exception approval from the Zoning Hearing Board to relocate the new sign. No Billboard Sign shall be located within the safe clear sight distance or safe stopping distance of a signalized intersection, which distance shall be determined in accordance with applicable PennDOT standards; no portion of a Billboard Sign shall interfere with or obstruct vehicle traffic, travel or ingress and egress to a public street.
- (g) No Billboard Sign shall be located closer than 500 feet to any other Billboard Sign, nor within 120 feet of the right-of-way line of any intersecting street, as measured between the closest points of each sign.
- (h) Where a Billboard Sign would be visible from a residential district or use, the sides and/or rear yard shall be screened in accordance with the requirements of Section 122-102(D) of this Ordinance.
- (i) Each lot upon which a Billboard Sign shall be located shall have a maximum of 10% thereof covered by impervious surfaces. All non-impervious surfaces shall be landscaped in accordance with a landscape plan to be submitted to the Zoning Hearing Board as part of the Special Exception application.
- (j) A Billboard Sign structure may contain only one sign or advertisement per face. No part of the sign shall extend beyond the borders of the signboard structure.
- (k) Billboard signs shall conform to the illumination standards as set

forth in 122-88.B.

- (l) No revolving or electronic Billboard Signs, including, but not limited to, flashing signs, signs with intermittent illumination, signs with mechanically or electronically changing messages, or electronic digital signs shall be permitted.
- (m) All Billboard signs and landscape materials as approved by the Zoning Hearing Board shall be maintained in good condition. The structural components of the sign shall be maintained to ensure their integrity and to prevent the possible collapse of the sign. Any damage to the structural components shall be repaired within 24 hours of receipt of notice of such damage from the Township. Signs having ripped, defaced or partial advertisements shall be immediately repaired by having the advertisement restored to its original condition, removed, or covered. The Zoning Hearing Board, in granting a special exception for a Billboard Sign, may condition such approval upon the applicant's posting of a bond, in an amount of fifteen percent (15%) of the estimated cost of the improvements to the lot (including signage, structural supports and landscaping) to assure both (i) continued maintenance of the property in accordance with this subsection and (ii) proper removal of the sign upon abandonment or other termination of use. If a signboard shall remain vacant for a continuous period of one year, it shall be presumed to have been abandoned.
- (n) The grant of a special exception for construction of any Billboard Sign upon a lot which is subdivided to meet, upon subdivision approval, the requirements of this Section 122-90.B(10), but would otherwise not be in compliance with the area and bulk regulations applicable to principal uses within the zoning district in which the lot is located shall be conditioned upon the applicant's recording of a Declaration of Restrictions in form and content satisfactory to the Township Solicitor, which shall provide public notice with respect to the lot and Billboard signage as follows:
 - (i) The subject property, while meeting the area and bulk requirements for construction and location of a Billboard Sign, does not meet the area and bulk requirements for any other permitted use within the *[specify C-1, C-2, C-3 or C-2A]* zoning district. Consequently, the subject property may be used only for construction and location of a Billboard

Sign, and cannot be used for any other use which would otherwise be permissible within the [C-1, C-2, C-3 or C-2A] zoning district.

- (ii) Applicant acknowledges that any future hardship created by the fact that the subject property does not contain sufficient lot area for any principal use other than a Billboard Sign is self created, and cannot form the basis for the application for any variance from the otherwise applicable minimum lot area and bulk requirements.
- (iii) In the event that the principal use of the subject property for a Billboard Sign shall terminate at any time in the future, the subject property may only be used (i) for another Billboard Sign, or (ii) reverse subdivision, whereby the subject property is appended to an adjacent parcel of land in order to achieve the applicable minimum lot area and bulk requirements for a use permitted in the [C-1, C-2, C-3 or C-2A] zoning district other than a Billboard Sign.

SECTION 2. Section 122-102.A(1)(b)[9] is hereby amended to read as follows:

Personal service shops and other retail stores: one parking space for every 200 square feet of floor area that is used for retail sales or personal services.

SECTION 3. Section 122-102.A(1)(b)[16] is hereby amended to read as follows:

Automobile sales: one parking space for every 800 square feet of floor area devoted to the sale of automobiles, plus one space for every vehicle that is proposed to be stored on the lot as inventory parking.

SECTION 4. Section 122-102.A(1)(b) shall be amended by adding a new subparagraph [21] which shall read as follows:

[21] Automobile service: two parking spaces per service bay. The two parking spaces per bay are in addition to any spaces that are provided in the service bay.

SECTION 5. Section 122-102.A(1)(b) shall be amended by adding a new subparagraph [22] which shall read as follows:

[22] Car Wash-

Nonautomated- two parking spaces per bay plus three stacking spaces per bay. One parking space provided in the service bay may be counted towards the required parking spaces.

Automated/tunnel- Fifteen stacking spaces per tunnel which must be outside of the tunnel.

SECTION 6. Severability. If any sentence, clause, section or part of this 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 part hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 7. Repealer. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

SECTION 8. Effective Date. This Ordinance shall be effective five (5) days after enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2010.

**BOARD OF SUPERVISORS
BIRMINGHAM TOWNSHIP**

John L. Conklin, Chairman

Attest:

William J. Kirkpatrick, Vice-Chairman

Quina Nelling, Secretary

Alfred W. Bush, Member