

BOROUGH OF CHURCHILL

ORDINANCE NO. 736

AN ORDINANCE OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 304 (“ZONING”), OF THE CODE OF THE BOROUGH OF CHURCHILL BY AMENDING AND RESTATING SECTION 304-21 (“SIGNS”) IN ORDER TO REGULATE THE USE OF SIGNS WITHIN THE BOROUGH AND TO ADD RELATED DEFINITIONS

WHEREAS, Section 304-21 of the Code of the Borough of Churchill regulates the use of signs within the Borough of Churchill; and

WHEREAS, the Borough Council of the Borough of Churchill desires to more comprehensively regulate the use of signs in the Borough in order to ensure constitutional protections, to address potential future development of commercial property, to ensure traffic safety and to maintain and improve aesthetics and avoid visual clutter within the Borough; and

WHEREAS, the purpose of this ordinance is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development and to ensure that signs do not create a hazard due to collapse, fire, collision, weather or decay; and

WHEREAS, Borough Council has determined that it will further the health, safety and welfare of the residents of the Borough to repeal the provisions of Section 304-21 and replace them with a broader regulatory framework to control the use of signs in the Borough.

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

Section 1.

The following definitions shall be added to Chapter 304, Article II, Section 304-8 of the Code of the Borough of Churchill:

SIGN - a structure that is arranged, intended, designed or used to advertise, announce or direct; or any device, illustration, description or identification posted, painted, or placed in some fashion on a building, structure or any surface for such a purpose. For the purpose of removal, signs shall also include all sign structures.

AWNING, CANOPY SIGN - a sign consisting of individual cut-out letters and/or symbols which are painted, stenciled, or otherwise placed on a non-permanent awning or canopy.

BILLBOARD - a sign, other than one indicating a business conducted on the premises, upon which advertising matter of any character is printed, posted or lettered; it may be either freestanding or attached to the surface of a building or other structure.

BUSINESS SIGN - a sign which directs attention to a business, profession or industry conducted, or products sold or manufactured, on the same premises as the sign.

FLASHING / ANIMATED SIGN - any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times.

FREE-STANDING SIGN - a sign erected on a free-standing frame, mast or poles and not attached to any building. Also known as a ground or detached sign.

IDENTIFICATION SIGN - a sign indicating only the name of the individual or organization occupying the premises; the profession of the occupant; or the name and/or address of the building or management thereof.

INCIDENTAL SIGN - a small sign announcing brand name products sold on the premises, credit cards accepted, trade affiliations, official notices required by law, or similar information incidental to the operation of a business.

MARQUEE SIGN - a sign placed on or under the edge of any canopy of permanent construction projecting from the wall of a building.

OFF-LOT DIRECTIONAL SIGN - a sign which conveys instructions or directions to a business, commodity, service conducted, sold or offered elsewhere than on the premise where the sign is displayed.

ON-LOT DIRECTIONAL SIGN - a sign which conveys instructions or directions with respect to the use of the lot or building on which the sign is located, including but not limited to signs which indicate street addresses and the availability of parking, telephones, rest rooms and other conveniences for the general public.

OUTDOOR ADVERTISING SIGN - (See "billboard.")

PROJECTING SIGN - any sign supported by a building wall and/or roof attached along one edge by a bracket, perpendicular to the wall surface or hung from a support attached to a building wall, projecting no more than 6 feet.

WALL SIGN - a sign attached to or erected against a wall of a building with the face horizontally parallel to the building wall. It may be either a box-type sign or individual cut-out letters.

WINDOW GRAPHIC SIGN - a sign which is painted permanently on or similarly applied to the inside or outside of a window.

SIGN AREA - the area defined by the frame or edge of a sign, excluding the necessary supports or uprights on which the sign may be placed. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the copy of letters of the said sign. If the sign consists of more than one section or module, all areas shall be totaled.

SIGN, TEMPORARY - a banner, pennant, poster, sign or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials which is displayed for a limited period of time.

Section 2.

Chapter 304, Article IV, Section 304-21 of the Code of the Borough of Churchill is hereby repealed in its entirety and replaced by the following:

§304-21. Signs.

Any sign hereafter erected, altered, relocated, remodeled, enlarged, or maintained shall comply with the provisions of this Section, the Borough Building Code (Chapter 142), and any other applicable ordinances, statutes and regulations.

A. A sign permit shall be obtained from the Zoning Officer prior to the erection, alteration, relocation remodeling of any sign, except as specified herein. An application for a sign permit must be filed with the Manager or the Manager's designee. The applicant shall provide sufficient information for the Borough to determine whether the proposed sign is permitted in accordance with this Section.

B. General Regulations.

- (1) Prohibited Signs. Except where explicitly permitted as temporary signs, the following types of signs are prohibited in all zoning districts:
 - (a) Flashing or animated signs.
 - (b) Signs painted directly onto a building or structure.
 - (c) String pennants or banners.
 - (d) Bare bulb, light strings or search lights.
 - (e) Sandwich board signs.
 - (f) Signs which by reason of color, shape, location, or other characteristics or signs that use admonitions such as "stop," "go," "slow," or "danger" which might be confused with legitimate traffic-control devices.
 - (g) Signs affixed to vehicles when the primary purpose of the vehicle is for advertising, e.g., mobile billboards.
- (2) Exempt signs. The following types of signs shall be exempt from the regulations set forth in this Section:
 - (a) Signs erected by or on behalf of a governmental body, including but not limited to legal notices, identification and informational signs, signs or banners promoting a civic or educational cause or purpose and traffic, directional or regulatory signs.
 - (b) Official signs of a noncommercial nature erected by public utilities.

(c) Address or identification signs not exceeding 2 square feet and attached to a wall of the structure, indicating the address and occupants of the structure, a permitted home occupation, or in the case of a multiple occupancy structure, the name of the owner and/or management agency.

(d) Temporary signs.

C. Location/Placement.

- (1) All signs shall be located on the same lot containing the use or structure to which the sign relates except for authorized billboards and off-lot directional signs.
- (2) No sign mounted on a building or roof shall project above the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof.
- (3) No sign shall be attached to a utility pole or tree whether on private or public property unless specifically authorized by this Section.
- (4) No sign shall obstruct in any way clear sight distances at intersections.
- (5) No sign shall be erected in or projecting over, any public right of way unless specifically authorized by this Section.

D. Illumination.

- (1) Illuminated signs shall be designed and placed so as not to interfere with, distract, or blind operators of motor vehicles or to create glare on adjacent properties.
- (2) Signs may be illuminated in the following ways when permitted in the sign regulations for the zoning district.
 - (a) Directly illuminated sign. A sign designed to give forth artificial light directly (or through a transparent or artificial material) from a source of light internal to the sign, including exposed lamp signs.
 - (b) Indirectly illuminated sign. A sign with a light or lights external to the sign, such that the light shines on or illuminates the sign and in such a way that no direct rays therefrom are visible elsewhere on the property.
 - (c) Neon tube illumination. A sign consisting of a light source supplied by a neon tube which is bent to form letters, symbols or other shapes.

E. Design Criteria. In order to encourage high quality and variety in design of permanent signs, particularly for commercial uses, the Zoning Officer will consider the following criteria:

- (1) It is legible in the circumstance in which it is seen.

- (2) It is appropriate to the specific building on which it is located, and compatible with surrounding uses, in terms of type, placement, size, color and lighting.
- (3) It does not cover or interrupt significant or traditional architectural features of the building on which it is located.
- (4) It complies with all specific requirements of this Section.

F. Double Frontage, Corner Lots. Where a use fronts on more than one public street, it may locate one sign on each street frontage. Each sign shall comply with size and other applicable requirements. The permissible sign size for one frontage shall not be combined with that for the other frontage for the purpose of placing the combined sign area on one frontage.

G. Double-Face Signs. In computing the square-foot area of a double-face sign, only one side shall be considered provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45 degrees, then both sides of such sign shall be considered in calculating the sign area.

H. Materials and Maintenance. Permanent signs shall be constructed of durable materials, maintained in good condition and repair and kept clean. If a sign deteriorates to an unsightly, unclean or hazardous condition, the Zoning Officer shall order it repaired, replaced or removed.

I. Removal. If a use ceases operation for a period of two (2) months, all signs, including any supporting structures, shall be removed. If the signs are not removed, the Zoning Officer shall order them removed.

J. Multiple-Occupancy Buildings.

- (1) Where several businesses use or occupy a building, each business shall be entitled to a share of the building's allowable sign area, which share shall be equal to the proportionate amount of the floor area that the business occupies to gross floor area of the building.
- (2) In any Commercial District, nameplates or similar identification signs, not exceeding 5 square feet in sign area, identifying building occupants may also be attached to a wall of the structure adjacent to the principal entrance or permanently painted or applied to a window in the door of the structure.
- (3) The owner/agent shall develop guidelines which promote the use of signs by individual occupants that are similar or compatible in terms of size, type, style, color, lighting and other design characteristics.
- (4) It shall be the responsibility of the owner or management agent of a multiple-occupancy building to provide all occupants with suitable sign space in accordance with the provisions of this Section. Failure of the owner/agent to do so shall not constitute a basis for granting a variance to any sign requirements.

K. Residential Districts.

- (1) Types of Signs Authorized.

- (a) For multi-dwelling residential properties, commercial properties or permitted home occupations: One wall sign not to exceed 12 square feet in sign area.
- (b) For single family and two-family residential properties:
 - (i) Noncommercial signs not to exceed 4 square feet in sign area with a maximum height of 48 inches, including vertical post.
 - (ii) Temporary signs subject to the restrictions set forth in §304-21(N).
- (2) Illumination. Signs shall be non-illuminated or indirectly illuminated.

L. Commercial Districts.

- (1) Authorized Types of Signs and Maximum Size.
 - (a) One wall sign, not to exceed 1 square foot for every 1 foot of building frontage but not more than 32 square feet in sign area.
 - (b) An awning or canopy sign.
 - (c) A window graphic sign, not exceeding more than 20% of the total window area.
 - (d) A free-standing sign, not to exceed 6 square feet in sign area, with maximum height of 55 inches, except as permitted in a shopping center, commercial campus/center or similar unified complex as described herein.
 - (e) Incidental signs may be displayed in any window provided they do not cover more than 15% of the window's area.
 - (f) Off-lot directional signs, not to exceed 6 square feet in sign area, with a maximum height of 55 inches, including post. Such signs may be erected on private property, subject to the approval of the property owner. If located along a public street, the location and spacing of such signs shall be approved by PennDOT, the County and/or Borough, as applicable.
 - (g) On-lot directional signs displayed on private property, not exceeding 6 square feet in sign area or 55 inches in height per sign.
- (2) Illumination. Except as otherwise provided, signs in Commercial Districts may be illuminated in any manner authorized by this Section.
- (3) Other Requirements.
 - (a) Unless otherwise allowed by this Section, a single business establishment shall have no more than one principal identification sign.

- (b) A shopping center, commercial campus/center or similar unified complex may have one free-standing sign which identifies the name of the center or complex and/or individual business occupants, not to exceed 100 square feet. In addition, each business within the center or complex may have an identification sign which complies with the provisions of this Section.
- (c) A free-standing sign shall only be authorized if:
 - (i) The business fronts on a public street.
 - (ii) The principal structure is set back 20 feet or more from the street right of way.
 - (iii) The zoning lot has a frontage of 100 feet or more.
 - (iv) The sign is set back at least 6 feet from a street right of way and at 5 feet from any side lot line.
 - (v) The sign does not exceed 55 inches in height (including sign and supporting structure) except as permitted in a shopping center, commercial campus/center or similar unified complex as described herein.
 - (vi) The sign is not located within 40 feet of another free standing sign 6 square feet or more in sign area.
- (d) Wall signs shall be located in a continuous portion of a building façade unbroken by doors, windows or major architectural details. Typically, the signable wall area of a building will be the area between the lintel bar and the parapet of a one-story building or between the lintel and the floor level of the floor above in the cases of a multi-story building. A wall sign which pertains to an establishment located above the first floor may extend as high as the window sill of the third story but no higher. Wall signs shall not project more than 12 inches from the building wall.
- (e) Signs shall only be placed on awnings or canopies which are made of canvas or canvas-like material, retractable and sloping rather than rounded. Such signs shall only be indirectly illuminated.
- (f) Bond. Prior to any sign being erected in a Commercial District or for a commercial use, the property owner shall deposit with the Borough a cash bond in an amount equal to the estimated total cost to remove the sign. The property owner shall provide a written estimate, subject to the approval of the Borough, to establish the bond amount. The cash bond will be held by the Borough in a non-interest bearing escrow account to ensure the timely and workmanlike removal of the sign upon the expiration of the use. The cash bond will be returned to the property owner upon removal of the sign after inspection and approval by

the Borough.

M. Billboards. Billboards are considered a principal use and shall be permitted as a Special Exception in Commercial Districts where the following criteria are met:

- (1) Size. The size of any one billboard shall be limited to a maximum sign area on one (1) square foot for every foot of property frontage on the street right of way but in no case shall exceed 250 square feet in sign area.
- (2) Regulations.
 - (a) A sign structure shall contain no more than one billboard.
 - (b) No billboard shall project above the ridge line of a sloping roof or the eave line of a flat roof, if attached to a building.
 - (c) No billboard shall exceed 25 feet in height if free standing, as measured at ground level at the base of the sign.
 - (d) No billboard shall be closer than 500 feet to any other Billboard, place of worship, school, recreational facility (public or nonprofit), residential district or located in such a way that the advertising face is visible from a residential district.
 - (e) No billboard shall be painted directly on the wall of any building.
 - (f) There shall be no more than one billboard structure placed on a lot.
 - (g) No billboard shall be located within 100 feet of the nearest edge of any street right of way. Any billboard located along and visible from a highway which is designated as part of the Federal interstate or primary aid system, shall comply with State regulations for outdoor advertising signs and the applicant shall obtain the required permits from PennDOT.
 - (h) All applications for the erection of a billboard shall be accompanied by evidence of property ownership or a lease or other permission from the landowner to erect the billboard.
 - (i) Billboards may be illuminated subject to the following:
 - (i) Flashing, moving, or intermittent lights are prohibited.
 - (ii) Lighting shall not cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with a driver's operation of a motor vehicle, nor shall it interfere with the effectiveness or obscure an official traffic sign, device or signal.

N. Temporary Signs

- (1) No temporary sign shall encroach into the public right-of-way or obstruct the view of motorists in any required clear sight triangle.
- (2) One temporary sign may be located on a property when:
 - (a) the owner consents and that property is being offered for sale or rent by the owner or through a licensed real estate agent; and
 - (b) for a period of 5 days following the date on which a contract of sale or lease has been executed by a person purchasing or leasing the property.
 - (c) the owner is opening the property to the public on a given day; provided, however, the owner may not use this type of sign in a Residential District on more than 6 days in a year.
- (3) The sign face of any temporary sign, unless otherwise limited in this Section must not be larger than 6 square feet and not more than 72 inches from ground as measured from bottom of sign, including vertical post.
- (4) Temporary signs shall be set back at least 10 feet from any property line.
- (5) Billboards and other off-site commercial advertising shall not be permitted as a temporary sign.

Section 3.

Chapter 138 (“Billboards”) of the Code of the Borough of Churchill is hereby deleted in its entirety.

Section 4. Effective Date / Repealer

This Ordinance shall become effective immediately upon enactment and shall repeal all prior inconsistent ordinances and resolutions to the extent of such inconsistency.

Section 5. Severability

If a final decision of a court of competent jurisdiction holds any provision of this Ordinance or the application of any provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provisions to other circumstances shall remain in full force and effect.

ORDAINED AND ENACTED this 8th day of May, 2017.

THE BOROUGH OF CHURCHILL



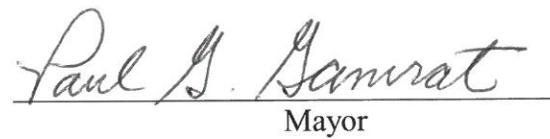
President of Council

ATTEST:



Secretary

EXAMINED AND APPROVED this 8th day of May, 2017.



Mayor