

(ADD LETTER HEAD OF BOROUGH)

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH OF TARENTUM AMENDING
CHAPTER 265 (ZONING) OF THE CODE OF THE BOROUGH OF TARENTUM
SO AS TO PROVIDE FOR WHERE AND TO WHAT STANDARDS
BILLBOARDS ARE PERMITTED WITHIN THE BOROUGH OF TARENTUM**

WHEREAS, the Council of the Borough of Tarentum has determined that various Sections of the aforesaid Ordinance should be amended; and

WHEREAS, since the adoption of said Ordinance, and after consideration by the Council of the Borough of Tarentum, it has been determined that it is in the best interest of the Borough of Tarentum to amend certain sections of Chapter 265 (Zoning) with regard to Billboards as hereinafter set forth.

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED BY** the Council of the Borough of Tarentum as follows:

SECTION I:

Article II

Under Section 265-202-General definitions:

-The definition of “BILLBOARD” is repealed.

-The definition of “ELECTRONIC MESSAGE CENTER” is amended to the following: ELECTRONIC MESSAGE CENTER-A sign or component of a sign that uses changing lights to form a message or series of messages, or any other display, which is electronically programmed or modified by electronic processes, including digital displays, such as LCD, LED or plasma displays.

-The definition of “OFF-PREMISES SIGN” is added as the following: OFF-PREMISES SIGN-A sign within the outdoors whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a third-party sign, billboard, or outdoor advertising).

SECTION II:

Article IV

Under Section 265-401-Authorization of districts:

-Under the Base Zoning Districts “Highway Commercial and Manufacturing District, HC-M” is amended to the following: Heavy Commercial and Manufacturing District, HC-M under Section 265-401 B.

-Under the Overlay Zoning Districts-Section 265-401 B. is amended as follows: Floodplain Overlay, FPO, as depicted on the most current Flood Insurance rate Maps as defined herein.

-Under the Overlay Zoning Districts-Section 265-401 C. is added as follows: RRO Rural Resource Overlay.

Under Section 265-403:

-The title of Section 265-403-“HC-M, Highway Commercial and Manufacturing District” is amended to the following: HC-M, Heavy Commercial and Manufacturing District.

-The permitted use term “Off-Premises Signs” is added as subparagraph (27) under Section 265-403 B.

Under Section 265-407:

-The title of Section 265-407-“Floodplain districts” is amended to the following: FPO, Floodplain Overlay.

Under Section 265-409:

-Under Section 265-409 B. (12), the permitted use term “Billboards” is repealed and replaced with “Off-Premises Signs.”

-Under Section 265-409, existing paragraphs C., D. and E. are repealed.

-Under Section 265-409, paragraph C. is added as follows: Off-Premises Signs shall comply with all standards as outlined in § 265-707 Off-Premises Signs.

SECTION III:

Article V

Under Section 265-502-Specific conditional use standards:

- Paragraph B. is repealed.
- Paragraph C. is amended to Paragraph B.
- Paragraph D. is amended to Paragraph C.
- Paragraph E. is amended to Paragraph D.
- Paragraph F. is amended to Paragraph E.
- Paragraph G. is amended to Paragraph F.
- Paragraph H. is amended to Paragraph G.
- Paragraph I. is amended to Paragraph H.
- Paragraph J. is amended to Paragraph I.
- Paragraph K. is amended to Paragraph J.
- Paragraph L. is amended to Paragraph K.

SECTION IV:

Article VII

Under Section 265-702-General standards:

-Section 265-702 I. is amended as follows: Off-Premises Signs, as defined, shall be permitted in the HC-M, Heavy Commercial and Manufacturing District and RC, Roadway Commercial District. (See Section 265-202; Section 265-707; Section 265-403; Section 265-409 and Subsection F.).

Under Section 265-704:

-The title of Section 265-704-is amended to the following: Commercial Center, CC and HC-M, Heavy Commercial and Manufacturing District sign standards.

-Section 265-704 A. (4) is amended as follows: Electronic message center that is not an Off-Premises Sign.

“Off-Premises Signs” is added as Section 265-707 as follows:

§ 265-707 Off-Premises Signs.

A. Locations Permitted.

1. Off-premises signs are permitted within select Zoning Districts as specified by this Chapter.

Zoning Districts	Off-Premises Sign
HC-M, Heavy Commercial and Manufacturing District	P
R-1, Single-family Residential District	NP
R-2, Mixed-Density Residential District	NP
CC, Commercial Center	NP
P-1, Public District	NP
RFO, Riverfront Overlay	NP
RRO, Rural Resource Overlay	NP
FPO, Flood Plain Overlay	NP
RC, Roadway Commercial	P

P = Permitted; NP = Not Permitted

2. An off-premises sign shall only be permissible as the principal use of a lot and not located on a lot with any other permissible principal use.

B. Sign Size: An off-premises advertising sign is subject to the following size restrictions according to the posted speed limit of the road which the off-premises sign faces.

	Posted Speed Limit (MPH)				
	≤35	36-45	46-55	56-65	Limited Access
Maximum Sign Area (sq. ft.)	60	100	150	200	<u>300</u>

C. Height and Location of Sign.

1. Off-premises signs shall have a maximum height of 30 ft. The height limit may be increased one foot for each additional foot that the sign is setback greater than applicable minimum spacing requirements, as outline by subsection D., up to a limit of 45 ft.

2. The lowest edge of an off-premises sign shall be at least seven (7) ft. above the finished grade.

D. Spacing: Off-premises signs shall be:

1. Set back from the ultimate right of way a distance equal to the height of the off-premises sign or 15 feet, whichever is greater;
2. Located no closer than 25 feet from any property line;
3. Located no closer than 50 feet from any building, structure, or on-premises sign located on the same property;
4. Located no closer than 500 ft. from any existing residential structure;
5. Located no closer than 500 ft. from any intersection, or interchange (on/off-ramp);
6. Located no closer than 1,000 ft. from any property line abutting a public park, playground, religious institution, cemetery, school, or residential district;
7. Located no closer than 1,500 ft. from another off premises sign on either side of the road measured linearly, except when located on a lot adjacent to the Route 28 right-of-way, in which it shall be no closer than 500 ft. from another off premises sign on either side of the road measured linearly;
8. Not attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way;
9. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines;
and
10. Not attached to or suspended above a bridge.

E. Number of Signs per Lot: There shall be no more than one off-premises sign per lot. Vertically or horizontally stacked signs shall not be permitted.

F. Content: Off-premises signs shall not display any message or graphic of an obscene or pornographic nature as determined by Borough.

G. Double-Sided Off-Premises Signs: Signs may be single or double-sided, in accordance with the following:

1. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than five (5) feet apart;

2. Where the faces are not equal size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than five (5) feet apart, the larger sign face shall be used as the basis for calculating sign area;
 3. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area.
- H. In order to mitigate safety impacts for motorists associated with changeable copy signs, which may be more distracting and less comprehensible than static images, *electronic message centers* may be permitted as part of a billboard, provided that they shall not exceed 10 square feet in sign area. The length of time each message may be displayed shall be no less than eight (8) seconds,
- I. Construction and Maintenance.
1. All plans for off-premises signs shall be certified by a licensed engineer registered in Pennsylvania.
 2. All off-premises advertising signs 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 off-premises advertising signs shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.
 3. The rear face of a single-face, off-premises advertising sign shall be painted and maintained with a single neutral color as approved by Borough.
 4. Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Pennsylvania and shall provide to the Borough a certificate certifying that the billboard is structurally sound.
- J. Identification of Sign Owner: All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.
- K. Landscaping.

1. Landscaping shall be provided at the base of all off-premises signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this Section.
 2. Trees greater than four (4) inches in diameter removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species no less than three (3) inches in diameter.
- L. Additional Regulations. All off-premises signs shall comply with any and all applicable zoning regulations of Borough, and any and all municipal, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the stricter regulation shall apply.
- M. Application/Plan Requirements. Plans submitted for off-premises advertising signs shall show the following:
1. The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way.
 2. The location and species of existing trees.
 3. The distance to the nearest existing off-premises advertising sign.
 4. The distance to the nearest right-of-way, property line, building, structure, on-premises sign, off-premises sign, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.
 5. Site plan containing all of the applicable requirements set forth in the Borough zoning code, as amended.
 6. Certification under the seal by a licensed engineer that the off-premises sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
- N. Permit. An annual billboard permit fee shall be paid to the Borough, upon inspection, at a rate set by Council by resolution, as may be amended from time to time.
- O. Illumination. Off-premises signs may be illuminated, provided that:

1. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties.
 2. Light sources are not visible from any street or adjoining properties.
 3. No flashing or colored lighting are permitted in association with any billboard.
 4. External illumination must be on a remote timer.
- P. Parking. Two parking spaces shall be provided for each off-premises sign.

SECTION V:

This Ordinance shall become effective and considered in full force and effect when the same has been recorded in the Ordinance Book of the Borough of Tarentum.

SECTION VI:

This Ordinance repeals all other Ordinances of the Borough of Tarentum that are inconsistent herewith.

SECTION VII:

That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The Borough of Tarentum declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION VIII:

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Duly presented and adopted at a regular meeting of the Borough of Tarentum
Council, Allegheny County, Pennsylvania, held on _____ day of _____,
2024.

ATTEST:

BOROUGH OF TARENTUM COUNCIL

Borough Manager

Borough Council President