

# ARTICLE I

## SECTION 100 SHORT TITLE

This Ordinance shall be known as, and may be cited as, the “Somerset County Interchange Area Zoning Ordinance”.

## SECTION 101 EFFECTIVE DATE

This Ordinance shall become effective at 12:01 a.m., May 13, 1970.

## SECTION 102 DECLARATION OF SCOPE AND INTENT

As land areas abutting new highway interchanges will give visitors and residents alike a first impression of Somerset County, its boroughs and communities, this Ordinance is enacted to provide attractive and purposeful entrances designed to make that first contact a favorable one.

Specifically, this Ordinance is enacted to regulate the type, height, and size of buildings and other structures, the type of facilities in or about such structures, the density of population and the geographic location of land used for all types of residency, trade, manufacturing and other purposes within the interchange areas of limited access in Somerset County, Pennsylvania; concurrently establishing districts and boundaries for such said purposes.

Statement of Community Development Objectives: In addition to the specific objectives in Section 103 and purposes outlined in this section, the Somerset County Comprehensive Plan, its portions, amendments, basic studies section, goals, policies, and objectives are included herein by reference as a further statement of Somerset County’s community development objectives.

## SECTION 103 GENERAL INTERPRETATION

In interpreting and applying the regulations and provisions of this “Interchange Area Zoning Ordinance”, such regulations and provisions shall be held to be the minimum requirements for the promotion and preservation, the health, safety, and general welfare of the interchange areas and the County of Somerset.

This Ordinance has been formulated to implement the purposes set forth in Section 102, and, more particularly, with a view toward the following specific objectives:

- A. Avoidance of congestion in the streets and the provision of safe and convenient access appropriate to the various land uses.
- B. Utilization of interchange area land for the purposes for which it is most appropriate in the public interest.
- C. Prevention of overcrowding of land and provisions for adequate light and air.

- D. Stabilization of land values.
- E. Conservation of natural and cultural resources.

## **SECTION 104      CONFLICT**

All Ordinances or parts of Ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

## **SECTION 105      SEPARABILITY**

Should any section, provision, or regulation of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than that part specifically so declared to be invalid or unconstitutional.

# **ARTICLE II**

## **SECTION 200      OFFICIAL INTERCHANGE AREA ZONING MAP**

The interchange area of limited access highways in Somerset County are hereby divided into zones, or districts and shown on the Official Interchange Area Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared a part of this Ordinance.

## **SECTION 201      IDENTIFICATION OF OFFICIAL INTERCHANGE AREA ZONING MAP**

The Official Interchange Area Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners attested by the County Clerk under the following words: “This is to certify that this is the Official Interchange Area Zoning Ordinance Map of Somerset County, Pennsylvania.”

## **SECTION 202      CHANGING THE OFFICIAL ZONING MAP**

If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been adopted with the recommendation of the County Planning Commission by the Board of County Commissioners with an entry on the Official Zoning Map as follows: “On (date), by official action of the Board of County Commissioners, the following change(s) were made on the Official Zoning Map: (brief description of nature of change)”, which entry shall be signed by the Chairman of the Board of County Commissioners and attested by the County Clerk.

## **SECTION 203 LOCATION OF THE OFFICIAL ZONING MAP**

The Official Zoning Map shall be located in the office of the County Planning Commission and shall be the final authority as to the current zoning status of interchange areas.

## **SECTION 204 REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the Official Interchange Area Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions, the Board of County Commissioners, with the recommendation of the County Planning Commission, may, by resolution, adopt a new Official Interchange Area Zoning Map, which shall supersede the prior official map. The new Official Interchange Area Zoning Map may correct drafting or other errors or omissions in the prior official map, but no such correction shall have the effect of amending the original Official Interchange Area Zoning Map, or subsequent amendment thereof. The new Official Interchange Area Zoning Map shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the County Clerk, under the following words: "This is to certify that the Official Interchange Area Zoning Map supersedes and replaces the Official Interchange Area Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance (Number or Date) of Somerset County, Commonwealth of Pennsylvania."

## **SECTION 205 INTERPRETATION OF OFFICIAL INTERCHANGE AREA ZONING MAP**

Where uncertainty exists as to the boundaries of districts as shown on the Official Interchange Area Zoning Map, the following rules shall apply (unless otherwise indicated):

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated, as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following borough limits shall be construed as following such boundary limits.
- D. Boundaries indicated as following railroad lines shall be construed to be located on the right-of-way adjacent to the zoning district in question.
- E. Boundaries indicated as following shore (lake) lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Sub-Sections A through E, above, shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Interchange Area Zoning Map.

- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Interchange Area Zoning Map, or in other circumstances not covered by Sub-Sections A through F, above, the Zoning Hearing Board shall interpret the district boundaries.
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a special exception, the extension of the regulations into either portion of the entire remaining lot.

## **ARTICLE III**

### **SECTION 300      CLASSES OF DISTRICTS**

For the purposes of this Ordinance, the interchange area of limited access highways in Somerset County are hereby divided into classes or districts which shall be designated as follows:

- SFR**    Single-Family Residential Districts
- MFR**    Multi-Family Residential Districts
- COM**    Commercial
- LI**      Light Industrial
- HI**      Heavy Industrial
- A-RR**    Agricultural & Rural Residential
- C**        Conservation

The locations and boundaries of such districts shall be shown upon the Official Interchange Area Zoning Map. Existing agricultural uses shall not be regulated by this Ordinance; however, any change in such use shall be regulated by this Ordinance.

### **SECTION 301      APPLICATION OF DISTRICT REGULATIONS**

The regulations set by this Ordinance within each district shall be minimum regulation and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No buildings, structures or land shall hereinafter be used or occupied, and no buildings or structures or part thereof shall hereinafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereinafter be erected or altered:
  - 1. To exceed the height or bulk;
  - 2. To accommodate or house a greater number of families;

3. To occupy a greater percentage of lot area; or
  4. To have narrower or smaller rear yards, front yards, side yards, or other spaces than herein required, or in any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

## **SECTION 302      DISTRICT REGULATIONS**

### **A. Single-Family Residential Districts**

Purpose: To provide for planned single-family residential development in urbanizing areas.

Permitted Uses: One family detached dwellings, no-impact home based businesses, churches, public uses, public and private recreational facilities of non-commercial nature, accessory uses to the above, and forestry activities. Wireless telecommunications facilities are prohibited.

Uses Permitted with Zoning Hearing Board Approval/Special Exception: Recreational facilities, professional offices, hospitals or sanitariums, branch telephone exchanges, accessory uses to the above.

Minimum Lot Size:

- With sewers & water: 7,500 square feet
- With either sewers or water: 12,000 square feet
- Without sewers & water: 20,000 square feet

Minimum Frontage: 90 feet

Minimum Building Setback:

- 25 feet from street right-of-way;
- 50 feet from County, State, or Federal Highway.

Minimum Side Yards: 15 feet

Minimum Rear Yards: 15 feet

Maximum Building Height: 35 feet

### **B. Multi-Family Residential Districts**

Purpose: To provide for medium density residential areas within easy reach of limited access highways, including planned residential developments.

Permitted Uses: Single-family, two-family, or multi-family dwelling units, townhouses, no-impact home based businesses, churches, public uses, utilities (except yards and buildings), professional offices, accessory uses to the above. For Single-family Detached dwellings, apply standards found in Section 302-A. Townhouse developments are exempt from Minimum Lot Size, Minimum Frontage, Minimum Building Setback, Minimum Side Yards, Minimum Rear Yards, and Maximum Lot Coverage requirements. Wireless telecommunications facilities are prohibited.

Uses Permitted with Zoning Hearing Board Approval/Special Exception: Private recreational facilities, grouped professional offices, nursing or convalescent homes, private clubs or lodges, nursery schools, planned residential groups, accessory uses to the above; forestry activities; and Commercial (at the minimum, apply standards found in Section 302-C) and uses listed in Permitted Uses found at Section 302.C only).

Minimum Lot Size:

With water & sewers: 7,500 square feet - 1,500 per dwelling unit;

With either water or sewers: 12,000 square feet - 1,500 per dwelling unit;

Without water & sewers: 20,000 square feet - 1,500 per dwelling unit

Minimum Frontage: 200 feet

Minimum Building Setback: 30 feet

Minimum Side Yards: 20 feet

Minimum Rear Yards: 30 feet

Maximum Building Height: 35 feet; 50 feet with Zoning Hearing Board Approval

Maximum Density: 12 dwellings per acre

Maximum Lot Coverage: 50%

### **C. Commercial**

Purpose: To provide commercial centers abutting major interchanges of limited access highways.

Permitted Uses: Service stations; motels; hotels; restaurants; retail stores; service establishments intended to serve the general neighborhood; professional and financial offices; churches, appropriate public uses; amusements, such as miniature golf, utilizing a maximum of one (1) acre of land; wireless telecommunications facilities; single-family dwelling units; multi-family dwelling units; townhouses; and forestry activities. For single-family dwelling units, apply standards found in Section 302-A. For multi-family and townhouse dwelling units, apply standards found in Section 302-B.

Uses Permitted with Zoning Hearing Board Approval/Special Exception: Amusements utilizing more than one (1) acre of land; major engine overhauls and body repairs; and

any commercial service or trade use not specified above (Industrial uses are not permitted).

Maximum Lot Coverage Ratio: 60%

Minimum Lot Size: 20,000 square feet

Minimum Frontage: 100 feet

Minimum Building Setback: 30 feet

Minimum Side Yards: 15 feet (30 feet if adjacent to any residentially-zoned area)

Minimum Rear Yards: 15 feet (30 feet if adjacent to any residentially-zoned area)

Maximum Building Height: 45 feet

Shopping Centers, as defined herein, must comply with Maximum Lot Coverage Ratio, Minimum Lot Size, and Minimum Frontage requirements. Buildings within a Shopping Center are exempt from Maximum Lot Coverage Ratios and Minimum Building Setback, Minimum Side Yards, and Minimum Rear Yards from adjacent buildings within the shopping center, but must comply with setback and yard requirements to contiguous properties and streets not a part of the Shopping Center. The entire Shopping Center (considered as a whole) must comply with Maximum Lot Coverage Ratios. Individual units within buildings and individual structures may be owned separately.

#### **D. Light Industrial Districts**

Purpose: To provide for light industrial facilities located near limited access high-speed traffic networks. Junkyards are not permitted.

Permitted Uses: Wholesale establishments; distribution centers; truck and bus terminals; offices and research laboratories; auto, truck, and bus services and sales; dry cleaning and laundry plants; manufacture, assembly, packing, processing or preparation of products and materials; essential services; appropriate public uses; wireless telecommunications facilities; accessory uses to the above; single-family dwelling units; multi-family dwelling units; townhouses; and forestry activities. Side or rear truck service is required for non-residential uses. Service areas located on property or building frontages are prohibited. For single-family detached dwellings, apply standards found in Section 302-A. For multi-family and townhouse dwelling units, apply standards found in Section 302-B.

Uses Permitted with Zoning Hearing Board Approval/Special Exception: Other Light Industrial uses not specified above. Stock piling or storage of coal, coal products, coal mining refuse or "bony", shale, gravel, red dog, or any other stone or rock or similar substance is prohibited, unless a special exception is obtained from the Board, upon a showing by the Applicant that such storage or stock-piling will be completely enclosed by a solid structure approved by the Board, that such use will not be detrimental to the public welfare, that such use will not substantially injure the use of neighboring property, and that such use will not cause pollution.

Maximum Lot Coverage Ratio: 60%

Minimum Lot Size: 60,000 square feet

Minimum Frontage: 200 feet

Minimum Building Setback: 50 feet

Minimum Side Yards: 30 feet

Minimum Rear Yards: 50 feet

Maximum Building Height: 45 feet

**E. Heavy Industrial Districts**

Purpose: To provide for heavy industrial facilities located near limited access high-speed traffic networks.

Permitted Uses: All Light Industrial uses as permitted in Sub-Section D - Light Industrial Districts; Heavy Industrial uses including junk and salvage operations; and forestry activities.

Maximum Lot Coverage Ratio: 80%

Minimum Lot Size: 60,000 square feet

Minimum Frontage: 200 feet

Minimum Building Setback: 100 feet

Minimum Side Yards:

Adjacent to any Commercial or Industrial District - 50 feet;

Adjacent to any other districts - 70 feet.

Minimum Rear Yards:

Adjacent to any Commercial or Industrial District - 40 feet;

Adjacent to any other districts - 60 feet.

Maximum Building Height: 45 feet

Additional Junk/Salvage Operation Regulations:

1. Any dismantling or re-assembly of junk or salvage will be carried out within an enclosed building.
2. Any storage of junk or salvage will be either within an enclosed building or within a permanent natural or man-made screened fence. The fence will be completely opaque to visual inspection from outside the storage area. The height of the fence will be such that no person may view the salvage from any public street or highway within

the Interchange Zone, and the same fence, with the above height requirement, will be constructed should the storage area be adjacent to any Residential District. The minimum height of the fence, where required above, will be eight (8) feet.

3. All fencing will meet the above requirement (#2); six (6) months from the date of zoning permit issuance.
4. All front, side, and rear yards shall be kept clear of junk and salvage.

#### **F. Agricultural & Rural Residential Districts**

Purpose: To provide for all types of commercial and semi-commercial agriculture, horticulture, and animal husbandry.

Permitted Uses: All forms of agriculture, horticulture, animal husbandry, forestry activities, stables, kennels, hatcheries, greenhouses, nurseries, home occupations, sales of “home grown” products, utilities, single-family residences, no-impact home based businesses; wireless telecommunications facilities, and accessory uses to the above.

Uses Permitted with Zoning Hearing Board Approval/Special Exception: Recreational facilities (commercial), animal hospital or clinic, sewage disposal plant, accessory uses to the above.

Minimum Lot Size: 2 acres

Minimum Frontage: 120 feet

Minimum Building Setback: 40 feet from all boundaries

Maximum Building Height: Residences – 35 feet; Non-residences – 52 feet

#### **G. Conservation Districts**

Purpose: To provide for open space, recreational facilities, reforestation and other conservation activities.

Permitted Uses: Parks, game lands, public and private recreational facilities, agriculture, utilities, accessory uses pertaining to the above, and forestry activities. Wireless telecommunications facilities are prohibited.

Uses Permitted with Zoning Hearing Board Approval/Special Exception: Commercial recreational facilities, agricultural facilities, single-family detached dwellings which could qualify under R-SF districts.

Minimum Lot Size: 10 acres

Minimum Frontage: 500 feet

Minimum Building Setback: 50 feet from all boundaries

Maximum Building Height: Residences – 35 feet; Non-residences – 52 feet

# ARTICLE IV

## SIGN REGULATIONS

### SECTION 400 DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.

1. **Sign** - Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision ii of this definition, and (ii) is designed to attract the attention of such persons or to communicate information to them.
2. **Billboard** - An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.
3. **Effective Date of this Article** - This Article shall become effective on April 1, 1991.
4. **Freestanding Sign** - A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure is still considered a sign.
5. **Internally Illuminated Signs** - Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that: (i) are filled with neon or some other gas that glows when an electric current passes through it; and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.
6. **Off-Premises Signs** - A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other noncommercial message shall also be an off-premises sign unless such sign is excluded from regulations under Section 402(9) or is subject to regulation under Section 403(a)(5).
7. **On-Premises Sign** - A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

8. **Temporary Sign** - A sign that: (i) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
9. **Portable Sign** - Any sign which is designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground. A portable sign shall be differentiated from a marquee sign, which is typically a permanent, pole-mounted sign with interchangeable letters.

## **SECTION 401 PERMIT REQUIRED FOR SIGNS**

- A. Except as otherwise provided in Section 402 (Signs Excluded from Regulation) and Section 403 (Certain Temporary Signs: Permit Exceptions and Additional Regulations), no sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.
- B. If plans submitted for a sign permit include sign plans in sufficient detail that the Zoning Officer can determine whether the proposed sign or signs comply with the provisions of this ordinance, then issuance of the requested sign permit shall constitute approval of the proposed sign or signs.
- C. Signs not approved as provided in Subsection (B) or exempted under the provisions referenced in Subsection (A) may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Zoning Officer.
  1. Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.
  2. In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign. The Zoning Officer shall be responsible for enforcing only the provisions of this ordinance and not the specific provisions of any sign allocation formula, lease, or other private restriction.
- D. No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan for the property on which the sign will be erected has been submitted to the Zoning Officer and approved by the Zoning Officer as conforming with this section.
  1. Master Signage Plan - For any lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Zoning Officer a Master Signage Plan containing the following:
    - a. An accurate plot plan of the lot, at such scale as the Zoning Officer may require;

- b. Location of buildings, parking lots, driveways, and landscaped areas on such lot;
  - c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs; and
  - d. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.
2. A Master Signage Plan shall be signed by all owners or their authorized agents in such form as the Zoning Officer shall require.
  3. A Master Signage Plan shall be included in any development plan, site plan, or other plan required by the Somerset County Planning Commission for the proposed development and shall be processed simultaneously with other such plan.
  4. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms with all requirements of the ordinance then in effect.
  5. After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

## **SECTION 402      SIGNS EXCLUDED FROM REGULATION**

The following signs are exempt from the regulation under this ordinance except for the regulations set forth in Section 412(B) through (E).

1. Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as: (i) signs giving property identification names or numbers or names of occupants, (ii) signs on mailboxes or newspaper tubes, (iii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
2. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
3. Official signs of a noncommercial nature erected by public utilities.
4. Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
5. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights e.g. stone carvings on facade of building.

6. Signs directing and guiding traffic on private property that do not exceed four feet each and that bear no advertising matter.
7. Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and 32 square feet in area and that are not internally illuminated.
8. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
9. Signs proclaiming religious, political, or other noncommercial messages (other than those regulated by Section 403(5)) that do not exceed one per abutting street and 16 square feet in area and that are not internally illuminated.

### **SECTION 403      CERTAIN TEMPORARY SIGNS: PERMIT EXEMPTIONS AND ADDITIONAL REGULATIONS**

- A. The following temporary signs are permitted without a sign permit. Such signs shall conform to the requirements set forth below as well as all other applicable requirements of this ordinance except those contained in Section 406 (Total Sign Surface Area) and Section 408 (Number of Freestanding Signs).
  1. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed four square feet in area in Residential, Conservation, and Agricultural districts, sixteen square feet in area in Commercial and Industrial districts, and shall be removed immediately after sale, lease, or rental. For lots of less than five acres, a single sign on each street frontage may be erected. For lots of five acres or more in area and having a street frontage in excess of 400 feet, a second sign not exceeding four square feet in area may be erected.
  2. Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including but not limited to the sale or leasing information. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area. Such signs shall not be erected prior to the issuance of a zoning permit and shall be removed when construction is completed.
  3. Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than 75 percent of the surface area of the transparent portion of the window or door to which they are attached. Such signs shall be removed within 30 days after placement.
  4. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within 10 days following the holidays.
  5. Signs erected in connection with elections or political campaigns. Such signs shall be removed within three days following the election or conclusion of the campaign. No such sign may exceed 16 square feet in surface area.

6. Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located. Such signs may be erected no sooner than two weeks before the event and must be removed no later than three days after the event.
  7. Signs indicating the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than sixty (60) days or until installation of permanent signs, whichever shall occur first.
- B. Other temporary signs not listed in Subsection (A) shall be regarded and treated in all respects as permanent signs, except that (as provided in Section 406) temporary signs shall not be included in calculating the total amount of permitted sign area.

## **SECTION 404 DETERMINING THE NUMBER OF SIGNS**

- A. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit.
- B. A two-sided or multi-sided sign shall be regarded as one sign so long as:
1. With respect to a V-type sign, the two sides are at no point separated by a distance that exceeds five feet; and
  2. With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three feet.

## **SECTION 405 COMPUTATION OF SIGN AREA**

- A. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- B. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.
- C. Except as herein provided, with respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:
1. The sign surface area of a double faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.

2. The sign surface area of a double faced sign constructed in the form of a “V” shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the “V” does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

## **SECTION 406 TOTAL SIGN SURFACE AREA**

- A. Unless otherwise provided in this Article, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.
- B. Unless otherwise provided in this article, the maximum sign surface area permitted on any lot in any Residential district, Conservation district, or Agricultural district is four square feet.
- C. Subject to the other provisions in this section, the maximum sign surface area permitted on any lot in a Commercial district or Industrial district shall be determined by multiplying the number of linear feet of street frontage of the lot by 1.0 feet. However, in no case may the total sign surface area exceed 500 square feet.
- D. If a lot has frontage on more than one street, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of lot’s total sign surface area allocation that is derived from frontage on that street.
- E. Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area of the street which such sign is to be oriented. The applicant shall be restricted to using only one street and the closest boundary to this street for determining the total permitted sign surface area.
- F. The sign surface area of any sign located on a wall of a structure may not exceed 50 percent of the total surface area of the wall on which the sign is located.
- G. The total sign surface area for a commercial shopping center shall be determined by multiplying the number of linear feet of street frontage of the shopping center lot plus the street frontage occupied by outparcel lots within the commercial shopping center by 1.0 feet. The total sign surface area for each outparcel lot shall be determined separately by the multiplying the number of linear feet of street frontage of the outparcel lot by 1.0 feet. However, in no case may the total sign surface area of a single lot exceed 500 square feet.

## **SECTION 407 FREESTANDING SIGN SURFACE AREA**

- A. For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 405 (Computation of Sign Area). For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common.

- B. Subject to Subsection (c), a single side of a freestanding sign in a commercial or industrial district may not exceed 0.75 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of such signs exceed 250 square feet in surface area.
- C. With respect to freestanding signs that have no discernable sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed under Subsection (b) for a single side of a freestanding sign.
- D. A single side of a freestanding sign for a commercial shopping center shall be determined by multiplying the number of linear feet of street frontage of the shopping center lot plus the street frontage occupied by outparcel lots within the commercial shopping center by 0.75 square feet. The total sign surface area for each outparcel lot shall be determined separately by multiplying the number of linear feet of street frontage of the outparcel lot by .75 square feet.

## **SECTION 408      NUMBER OF FREESTANDING SIGNS**

- A. Except as authorized by this Article, no development may have more than one freestanding sign.
- B. If a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each side of the development bordered by such streets.
- C. If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may not have more than one freestanding sign on each side of the development bordered by such streets.

## **SECTION 409      SUBDIVISION AND MULTI-FAMILY DEVELOPMENT ENTRANCE SIGNS**

At any entrance to a residential subdivision or multi-family development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed 16 square feet, nor may the total surface area of all such signs located at a single entrance exceed 32 square feet.

## **SECTION 410      LOCATION AND HEIGHT REQUIREMENTS**

- A. Freestanding signs shall have a setback of 10 feet from lot boundary lines abutting public rights-of-way.
- B. No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

- C. No sign attached to a building may project more than 12 inches from the building wall.
- D. Except as otherwise provided for in Section 402 (Signs Excluded from Regulation), no sign or supporting structure may be located in or over any public right-of-way.
- E. No part of a freestanding sign may exceed a height, measured from ground level, of 25 feet in a Commercial or Industrial district, and 15 feet in all other districts.

## **SECTION 411      SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS**

- A. Except as herein provided, signs may be illuminated if such illumination is in accordance with this Section.
- B. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
- C. Except as herein provided, internally illuminated signs are not permissible in residential zoning districts. This subsection shall not apply to the following types of signs:
  - 1. Signs that constitute an integral part of a vending machine, telephone booth, device that indicates the time, date, weather conditions, or similar device whose principal function is not to convey an advertising message.
  - 2. Signs that do not exceed two square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.
- D. Subject to Subsection (F), illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.
- E. Subject to Subsection (F), no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating time, date, or weather conditions.
- F. Subsections (D) and (E) do not apply to temporary signs erected in connection with the observance of holidays.

## **SECTION 412      MISCELLANEOUS RESTRICTIONS & PROHIBITIONS**

- A. No off-premises signs may be located in any Residential zoning district.
- B. No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- C. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Without limiting the foregoing, banners, streamers,

animated display boards, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibited if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs specified in Section 402(4) or to signs indicating the time, date, or weather conditions.

- D. No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- E. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- F. Signs are permitted advertising the sale of farm products, nursery products or livestock produced or raised on the premises, provided that the signs do not exceed one per abutting street and 16 square feet in area and that are not internally illuminated.
- G. Signs may be erected in conjunction with land uses permitted by the Zoning Hearing Board as Special Exceptions in Residential, Agricultural, and Conservation districts provided that such signs do not exceed one per abutting street, 16 square feet in area, and are not internally illuminated.
- H. Residential properties operating approved home occupations in Residential districts are permitted signs totaling 6 square feet in area.
- I. A single property divided by a municipal boundary into two or more segments shall be treated as two or more separate properties for the purposes of this Article and each segment shall be governed by the regulations adopted by the municipality which each segment is found.
- J. Portable signs meeting the definition set forth in Section 400(9) shall be prohibited.

## **SECTION 413      MAINTENANCE OF SIGNS**

- A. All signs and components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.
- B. If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- C. If the message portion of a sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of

Section 415(c), which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

- D. The area within 10 feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than five inches in height.

## **SECTION 414 UNLAWFUL CUTTING OF TREES OR SHRUBS**

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

- A. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the public or private organization having jurisdiction over the street.
- B. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.
- C. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

## **SECTION 415 NONCONFORMING SIGNS**

- A. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- B. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.
- C. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is “destroyed” if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the original cost plus prior improvements.
- D. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
- E. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any 12-month period 50 percent of the value (tax value if listed for tax purposes) of such sign.
- F. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being

offered or conducted, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

- G. If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is “blank” if:
1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
  2. The advertising message it displays becomes illegible in whole or substantial part; or
  3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

## **SECTION 416 SEVERABILITY**

The sections, paragraphs, sentences, clauses, and phrases of this Article are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Article since the same would have been enacted without the incorporation into this Article of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.