

**TOWNSHIP OF PALMER  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2011-\_\_\_\_  
(Duly Adopted \_\_\_\_\_)**

**AN ORDINANCE AMENDING THE PALMER TOWNSHIP ZONING ORDINANCE  
SECTION 190-161 LIGHT AND GLARE CONTROL, AND ARTICLE XVIII SIGNS TO ALLOW FOR  
DIGITAL SIGNS AND ELECTRONICALLY CHANGING MESSAGE SIGNS**

**WHEREAS**, the Palmer Township Zoning Ordinance defines and makes provisions for the signage within the Township; and

**WHEREAS**, technological advances over recent years have created a new type of sign that can change messages electronically or digitally; and

**WHEREAS**, the Palmer Township Zoning Ordinance does not currently allow for any type of digitally or electronically changing sign; and

**WHEREAS**, the Palmer Township Zoning Hearing Board has recommended that the Zoning Ordinance be amended to allow for digitally or electronically changing message signs in limited areas of the Township that would not have a detrimental effect upon the public health, safety and welfare nor on the quiet enjoyment of residential zones; and

**WHEREAS**, the Palmer Township Planning Commission reviewed this Zoning Ordinance Amendment proposal at its meetings of September 13, October 11, and November 8, 2011, and having found merit in the proposal, has recommended that the proposed amendments be adopted;

**WHEREAS**, the proposed ordinance has been forwarded to the Lehigh Valley Planning Commission for review and comment; and

**WHEREAS**, the Board of Supervisors has held a public hearing on December 27, 2011 after giving appropriate public notice regarding the review and enactment of the proposed amendment to the Palmer Township Zoning Ordinance;

**NOW, THEREFORE, BE IT ADOPTED AND ORDAINED**, and it is hereby adopted and ordained that:

1. Zoning Ordinance **§ 190-161. Light and glare control**, Subsection D. Signs, is amended by adding the following provision:

- (4) Digital signs and electronically changing message signs shall be prohibited in all residential districts in the Township.

2. Zoning Ordinance **§ 190-173. Definitions**, is amended by adding the following definitions:

DIGITAL SIGN - An on-premises or off-premises advertising sign or billboard or portion thereof that utilizes digital or video light emitting diodes (LED), liquid crystal components (LCD), neon or plasma light segments or similar electronic methods to create a changeable image display area.

ELECTRONICALLY CHANGING MESSAGE SIGN - A sign or portion thereof that utilizes light emitting diodes (LED), fiber optics, light bulbs or other similar illumination devices to create characters or letters within the display area that can be controlled or programmed by computer or other electronic device to accommodate frequent message changes without altering the face or surface of such sign.

FLASHING SIGN - A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. Signs which indicate the time, temperature, date or other similar information shall not be considered flashing signs.

3. Zoning Ordinance **§ 190-176.F Location of signs**, is amended to read as follows:

- F. No business sign shall be placed facing and/or within 200 feet of an LDR, MDR, HDR or HDR-II District if acceptable reasonable alternative locations exist in other locations, in the determination of the Zoning Officer. If there exists no acceptable reasonable alternative location on the property for a sign, such sign shall not be a digital sign or electronically changing message sign.

4. Zoning Ordinance **§ 190-180.B Signs** prohibited in all districts, is amended to read as follows:

- B. Flashing, blinking, twinkling, animated or mechanically moving signs of any type, except those portions of signs which indicate time and temperature changes, and the outlining of roofs, doors, windows or wall edges by illuminating tubing or strings of lights for advertising purposes. This section specifically regulates window signs and signs on mobile stands. This shall not prohibit Christmas lighting or displays in season. This provision shall not restrict digital signs or electronically changing message signs.

5. Zoning Ordinance **§ 190-183.1**, Signs permitted in residential districts, Subsection B(2), is amended by adding the following provision:

- (a) A freestanding sign for a public or private elementary or secondary school may include an electronically changing message sign provided that it meets the size requirements of this section, the height requirements of § 190-183 and the provisions of § 190-189. Where more than one sign may be permitted on a lot under the provisions above, only one sign shall be an electronically changing message sign.

6. Zoning Ordinance **§ 190-184. Signs permitted in commercial districts**, Subsection A(3)(b,) is amended by adding the following provisions:

- [4] A freestanding sign may include a digital sign or electronically changing message sign provided that it meets the size requirements of this section and the provisions of § 190-189. An electronically changing message sign shall have a maximum height of 5 feet.
- [5] Where more than one sign may be permitted on a lot under the provisions above, only one sign shall be a digital sign or electronically changing message sign provided that it meets the size requirements of this section and the provisions of § 190-189.

7. Zoning Ordinance **§ 190-184. Signs permitted in commercial districts**, Subsection A(4)(b) is amended by adding the following provisions:

- [4] A freestanding sign may include a digital sign or electronically changing message sign provided that it meets the size requirements of this section and the provisions of § 190-189. An electronically changing message sign shall have a maximum height of 5 feet.
- [5] Where more than one sign may be permitted on a lot under the provisions above, only one sign shall be a digital sign or electronically changing message sign provided that it meets the size requirements of this section and the provisions of § 190-189.

8. Zoning Ordinance **§ 190-185. Signs permitted in industrial and business districts**, Subsection A(5) is amended by adding the following provisions:

- (a) A freestanding sign may include a digital sign or electronically changing message sign provided that it meets the size requirements of this section and the provisions of § 190-189. An electronically changing message sign shall have a maximum height of 5 feet.
- (b) Where more than one sign may be permitted on a lot under the provisions above, only one sign shall be a digital sign or electronically changing message sign provided that it meets the size requirements of this section and the provisions of § 190-189.

9. Zoning Ordinance **§ 190-185. Signs permitted in industrial and business districts**, Subsection B(6) is amended by adding the following provisions:

- (a) A freestanding sign may include a digital sign or electronically changing message sign provided that it meets the size requirements of this section and the provisions of § 190-189. An electronically changing message sign shall have a maximum height of 5 feet.
- (b) Where more than one sign may be permitted on a lot under the provisions above, only one sign shall be a digital sign or electronically changing message sign provided that it meets the size requirements of this section and the provisions of § 190-189.

10. Zoning Ordinance **§ 190-187. Off-premises signs (including billboards)**, Subsection G is amended to read as follows:

- (2) Shall have a total maximum height of 40 feet above the surrounding ground level. However, for off-premises signs located adjacent to and directed toward U.S. Route 22 or PA Route 33 and where the grade of the lot is below the grade of the highway, then the total maximum height of the sign may be 35 feet above the grade of the highway.
- (3) Shall only be located in the GC, LI, PO/IP or PI/C District.
- (5) Shall be located within 300 feet of the existing right-of-way of U.S. Route 22 or PA Route 33.
- (8) Shall have a maximum sign area of 300 square feet on each of the permitted sign faces, except where such sign is located within 200 feet of the right-of-way of, and intended or designed to be viewed from U.S. Route 22 or PA Route 33, in which case the maximum area on each of two sides may be 672 square feet.

11. Zoning Ordinance **§ 190-187. Off-premises signs (including billboards)** is amended by adding the following Subsection H:

H. Digital Signs and Electronically Changing Message Signs

- (1) If an off-premises billboard sign, or any portion thereof, is a digital sign or electronically changing message sign, it shall be separated a minimum of 1,000 feet from any other digital or electronically changing off-premises sign. The distance between sign structures shall be measured between points directly opposite the signs, along the nearest edge of the right-of-way on the same side of the roadway.
- (2) An existing off-premises sign shall only be permitted to be converted to a digital sign or electronically changing message sign if:
  - (a) all of the requirements of § 190-189 are met, and
  - (b) the off-premises sign would be able to meet all of the current requirements that apply to off-premises signs as if the off-premises sign would be newly placed on the property.
- (3) Where applicable, such off-premises signs shall be located, constructed and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all Palmer Township regulations. Where there is a conflict between regulations, the more restrictive regulation shall apply.
- (4) An engineering certificate shall accompany any application for a digital or electronically changing off-premises sign. The certification shall indicate under seal of a professional engineer licensed in the Commonwealth of Pennsylvania that the sign has been designed in accordance with acceptable engineering practices.
- (5) The applicant shall provide, in a form acceptable to the Township Solicitor, proof that the property owner and licensee or other person in control of the signage consents to the removal of the off-premises sign if no advertising is located on it or the sign otherwise ceases to be used for a period of three (3) consecutive months.
- (6) The applicant shall be required to permit and coordinate message access for local, regional, state and national emergency services during emergency situations.

12. Zoning Ordinance § 190-189 is created by adding the following provisions:

**§ 190-189. Digital Signs and Electronically Changing Message Signs.**

- A. Digital signs shall only be permitted to be located within 200 feet of the right-of-way of, and intended or designed to be viewed from U.S. Route 22 or PA Route 33, as permitted within a GC, PC, LI, HI, PI/C, PO/IP or PO/B zoning district. Where applicable, such signs shall be located, constructed and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all Palmer Township regulations. Where there is a conflict between regulations, the more restrictive regulation shall apply.
  - (1) A digital sign shall not be placed within 500 feet of a residential zoning district, as measured from a point directly opposite the sign, along the nearest edge of the right-of-way on the same side of the roadway.
  
- B. Electronically changing message signs shall only be permitted to be located within 50 feet of the right-of-way of, and intended or designed to be viewed from U.S. Route 22, PA Route 33, William Penn Highway, Route 248/Nazareth Road/South 25th Street, or Freemansburg Avenue, as permitted within a GC, PC, LI, HI, PI/C, PO/IP, PO/B or C-R zoning district. Where applicable, such signs shall be located, constructed and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all Palmer Township regulations. Where there is a conflict between regulations, the more restrictive regulation shall apply.
  - (1) An electronically changing message sign shall not be placed within 200 feet of a residential zoning district, as measured in any direction, except where separated by U.S. Route 22 or PA Route 33.
  - (2) An electronically changing message sign shall be attractively landscaped, with plants and shrubs requiring minimal maintenance. The permit application for an electronically changing message sign shall require a landscape plan which includes the botanical and common names of the plants to be used, the sizes to be planted and the quantity and spacing of each.
  
- C. A digital sign or electronically changing message sign, shall be separated a minimum of 500 feet from any other digital sign or electronically changing message sign, except as required under § 190-187.H(1). The distance between sign structures shall be measured between points directly opposite the signs, along the nearest edge of the right-of-way on the same side of the roadway.

- D. All messages, images or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of seven and one-half (7.5) seconds. Signs of twenty-four (24) square feet or less which indicate only the time, temperature, date or similar information shall be excluded.
- E. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one (1) second.
- F. There shall be no appearance of a visual dissolve or fading, in which any part of one message, image or display appears simultaneously with any part of a second message, image or display.
- G. There shall be no appearance of flashing, twinkling, blinking, or sudden bursts of light, and no appearance of video motion, animation, scrolling, twirling, or flow of the message, image or display.
- H. The intensity and contrast of light levels shall remain constant throughout the sign face.
- I. The illumination and/or intensity of the display shall be controlled so as to not create glare, hazards or nuisances. The luminance or brightness of the display shall not exceed 0.5 foot-candles of light above the normal ambient light levels. Each digital sign or electronically changing message sign shall be equipped with automatic dimming technology to adjust the sign's brightness based on ambient light conditions.
  - (1) The luminance specification shall be determined by a foot-candle metering device held at a height of five (5) feet and aimed towards the sign, from a distance of 175 feet.
  - (2) The metering device should be at a location perpendicular to the center of the digital sign (as seen in plan view) as this angle has the highest luminance.
  - (3) The measurement of luminance shall include the measurement of an all-white image displayed by the sign to evaluate the worst case condition.
  - (4) If the difference between the sign turned on and the sign turned off is 0.5 foot-candles or less, then the sign luminance shall be determined to be in compliance.
- J. Signs shall be equipped with a properly functioning default mechanism that will stop the sign display on one message or image should a malfunction occur.

- K. Digital signs and electronically changing message signs shall be inspected annually to verify dwell time and brightness level. An annual inspection fee of \$150.00 shall be charged for every digital sign and electronically changing message sign.

**DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2011 by the Board of Supervisors of the Township of Palmer, Northampton County, Pennsylvania, in Public Session duly assembled.

**TOWNSHIP OF PALMER  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
David Colver, President

**ATTEST:**

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Christopher S. Christman, Secretary