

**BOROUGH OF CHURCHILL
2300 WILLIAM PENN HIGHWAY
PITTSBURGH, PA 15235**

Public Hearing - Zoning Ordinance Amendment (Signs)

May 1, 2017

A Public Hearing of the Council of the Borough of Churchill was held in the Municipal Building on Monday, May 1, 2017 and was called to order by Mr. Dworin at 6:30 p.m. Mr. Dworin led the audience in the Pledge of Allegiance. Members present included Mses. Law, Moore, Yankes, and Mr. Collins. Mr. Jurewicz was absent. Also present were Mayor Gamrat, Borough Manager/Secretary Donna Perry Solicitor David Mongillo.

The only resident in attendance and provided comments was Mr. Kline of Holland Road. He noted he had previously submitted his comments to Council on this issue and said he is opposed to the proposed ordinance and said it is worse than the previous ordinance.

Solicitor Mongillo explained the reason a new ordinance was drafted was due to the fact a supreme case ruling was made a few years ago and stated you can no longer classify signs according to its content. You can establish the size of signs.

Mr. Dworin stated the formulation of this proposed ordinance started more than a year ago. There is room for improvement, but Council is moving forward to comply with the ruling.

Mr. Mongillo advised two documents that are a part of the record for this hearing are:
Exhibit I - Proof of Publication and Exhibit II - A letter from the Allegheny County Department of Planning.

The Public Hearing closed at 6:55 p.m.

**OFFICIAL NOTICE
BOROUGH OF CHURCHILL**

Notice is hereby given that on Monday, May 1, 2017 at 6:30 p.m. the Borough Council of the Borough of Churchill will hold a public hearing in the Municipal Building at 2300 William Penn Highway, Pittsburgh PA 15235 to consider enactment of an ordinance amending the Zoning Ordinance of the Borough of Churchill, the following of which is a summary:

AN ORDINANCE OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 304 ("ZONING"), OF THE BOROUGH 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.

Residents and taxpayers of the Borough of Churchill in attendance at the public hearing will be permitted to comment on the proposed amendments to the Zoning Ordinance. Copies of the proposed zoning amendment may be examined without charge (or copies obtained for a charge not greater than the cost thereof to the Borough) at the Churchill Municipal Building during the business hours of 9am-4pm, Monday through Friday.

The Workshop Meeting of Borough Council will immediately follow the public hearing.

Donna J. Perry
Borough Secretary

YMD4/13/2017 & 04/20/2017B

PROOF OF PUBLICATION OF NOTICE

OATH

State of Pennsylvania }
County of Allegheny } ss.

Kristen Keleschenyi

of
THE VALLEY MIRROR, in said County, being duly sworn, doth depose and

say that he/she is the News Editor of
THE VALLEY MIRROR, a weekly newspaper of general circulation, published in said County and the Notice, of which annexed is a copy, cut from said newspaper was printed and published in the regular edition and issue of said newspaper on the following days, viz:

On April 13, 2017

April 20, 2017

Kristen Keleschenyi

Subscribed and sworn to before me this 20TH day
of APRIL 20 17

Robert C. Floyd

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Robert C. Floyd, Notary Public
Munhall Boro, Allegheny County
My Commission Expires March 7, 2019
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

THE VALLEY MIRROR
MUNHALL, PA 15120

IN

NOTICE

PROOF OF PUBLICATION
OF

In the Matter of

No. Term

RICH FITZGERALD
COUNTY EXECUTIVE

18 April 2017

Ms. Donna J. Perry, Borough Manager
Churchill Borough
2300 William Penn Highway
Pittsburgh, PA 15235

RE: Churchill Borough: Signs Ordinance Amendment
ACED File #: 17032-OR
Mail Date: March 9, 2017
45 Days: April 23, 2017

Dear Ms. Perry:

The Planning Division of Allegheny County Economic Development (ACED) has reviewed the above matter pursuant to the Pennsylvania Municipalities Planning Code (MPC). The proposed ordinance would amend Chapter 304 Zoning, by repealing and replacing §304-21 Signs in its entirety. We offer the following comments to the Borough for their discussion and consideration.

Sign Definitions and Types

Proposed §304-21.B (1) would prohibit a few type of signs that are not specifically defined. Definitions should be provided for the following signs: string pennants, banners, sandwich board signs, and mobile billboards. We also recommend that the proposed definitions be listed in Article II with the word *Sign* first, so that the definitions for various types of signs will be grouped together.

§304-21.B(1)(a) prohibits flashing and animated signs. The definition of *flashing / animated sign* could be interpreted as prohibiting digital or electronic billboards. This type of billboard is increasingly common, however. They are permanently illuminated, and a single electronic billboard may have different messages or advertisements that repeat on a timed cycle. We recommend that the proposed amendment clarify the following: 1) whether digital billboards are permitted or not; and 2) what is meant by *flashing* and by *animated*. If electronic or digital billboard will be permitted the proposed ordinance should, at a minimum, include billboard luminance standards.

There are no regulations for political and/or swoop signs. Political signs, for example, are often required to be removed within a certain period of time following an election.

Page 1 of 2

ROBERT D. HURLEY, DIRECTOR

DEPARTMENT OF ECONOMIC DEVELOPMENT

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PHONE (412) 350-1000 • WWW.ALLEGHENYCOUNTY.US/ECONOMIC/

We recommend that Borough take a look at Montgomery County's model sign ordinance. It has very good standards for digital and other types of signs, and in general is a good source of information. The model ordinance can be downloaded at <http://www.montcopa.org/1443/Model-Ordinances>.

Zoning Officer

Proposed §304-21.E directs the zoning officer to "consider" whether a proposed sign meets certain design criteria. As the criteria are qualitative rather than quantitative, it would require the zoning officer to interpret the extent to which a proposed sign is in compliance. However, §614 of the MPC states that a zoning officer shall administer the zoning ordinance *in accordance with its literal terms*. Administering §304-21.E must therefore be the responsibility of the Board of Supervisors.

Proposed §304-21.H and §304-21.I authorizes the zoning officer to order a sign to be repaired, replaced, or removed. However, per MPC §617.2(a), any violation of any provision in the zoning ordinance is subject to civil enforcement proceedings. Appropriate enforcement procedures and remedies should be referenced and are subject to the provisions of §616.1 of the MPC.

Sign Measurement

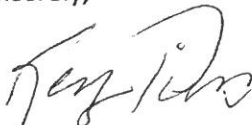
The definition of *sign area* specifies how the area is to be determined for different types of signs. Given that the maximum permitted size of signs is often a controversial issue (and especially in regard to billboards), we recommend that the Borough review other detailed methods for calculating the total area of a sign face. Typically, standards for sign size/area are contained in a separate subsection of a sign ordinance, where the methodologies are clearly spelled out. Typical illustrations can also be provided.

From a practical perspective, the 55" height limit seemingly conflicts with proposed §304-21.L(3), which allows for a shopping center sign up to 100 square feet in size.

If the proposed amendment is adopted, please send a copy of the fully executed ordinance to the County, including the signed and dated signature pages, within 30 days of adoption as required by the MPC. If the proposed amendment is modified, please resubmit the ordinance for review and reference the ACED file number for this review in your request.

Please direct any inquiries or comments to my attention.

Sincerely,



Kay K. Pierce

kjb/ds/KKP

**CC: COUNCIL & MAYOR - PLANNING COMMISSION
SOLICITOR**

