

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 230-11-18

AN ORDINANCE OF THE TOWNSHIP OF LOWER NAZARETH, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE LOWER NAZARETH TOWNSHIP ZONING ORDINANCE RELATING TO DIGITAL SIGNS, ELECTRONICALLY CHANGING MESSAGE SIGNS, AND FLASHING SIGNS, AND PROVIDING FOR DEFINITIONS, REGULATING THE ZONING DISTRICTS WITHIN WHICH DIGITAL SIGNS, ELECTRONICALLY CHANGING MESSAGE SIGNS AND FLASHING SIGNS ARE PERMITTED, AND PROVIDING FOR REQUIREMENTS FOR THE LOCATION, LUMINANCE AND FUNCTIONING OF DIGITAL SIGNS AND ELECTRONICALLY CHANGING SIGNS, AND THE CONDITIONS OF ISSUANCE OF PERMITS THEREFOR.

WHEREAS, the Lower Nazareth Township Board of Supervisors adopted the Zoning Ordinance of Lower Nazareth Township on July 19, 2012, as amended; and

WHEREAS, the Zoning Ordinance provides regulations that promote the health, safety and welfare of the constituents of Lower Nazareth 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 Lower Nazareth Township Zoning Ordinance does not currently allow for any type of digitally or electronically changing sign; and

NOW, THEREFORE, BE IT ORDAINED and enacted by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, amending the Lower Nazareth Township Zoning Ordinance as follows:

SECTION 1. DEFINITIONS

A. Article II, Section 202, Terms Defined, of the Lower Nazareth Township Zoning Ordinance is hereby amended to add the following definitions:

LUMINANCE – An objective measurement of the brightness of illumination emitted by a digital sign or electronic message sign, measured in candela per square meter (c/m²) or “nits.”

B. Article XVIII, Section 1802, Definition of Signs, of the Lower Nazareth Township Zoning Ordinance is hereby amended to add the following definitions:

DIGITAL SIGN – A sign or portion thereof that utilizes internally illuminated components to create a full color image display, which may or may not include text, and is capable of being changed periodically by remote electronic means.

ELECTRONICALLY CHANGING MESSAGE SIGNS – A sign or portion thereof that utilizes colored lights to create a sign message consisting of alpha-numeric text only, and is capable of being changed periodically by remote electronic means. An electronically changing message sign shall contain a black background and use only one color of lights at a time to create the sign message text.

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.

SECTION 2. SIGNS PROHIBITED IN ALL DISTRICTS

A. Article XVIII, Section 1811(B) shall be deleted in its entirety.

SECTION 3. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

A. Article XVIII, Section 1815(B) shall be amended to read as follows:

“The following types of signs, and no others, may be permitted in all Residential Districts for golf courses, places of worship, public or private schools, or uses permitted by Condition or Special Exception, other than home occupations or accessory uses:”

1. One Wall Sign – maximum sign area of 10% of total area of the building face on which it is visible or 32 square feet, whichever is less, and permitted on the front wall of the structure only.
2. One Freestanding Sign consisting of a maximum sign area of 15 square feet. Maximum of one such sign for each street that the lot has frontage upon or an Electronically Changing Sign (Subject to the requirements of Section 1821).
3. Approval. See Section 1818.

SECTION 4. SIGNS PERMITTED IN COMMERCIAL DISTRICTS

A. Article XVIII, Section 1816 A.3, Signs Permitted in Commercial Districts is hereby amended to add the following:

- e. Electronically Changing Signs (General Commercial District only)
Subject to the requirements of Section 1821

B. Article XVIII, Section 1816 A.4, Signs Permitted in Commercial Districts is hereby amended to add the following:

- e. Electronically Changing Signs (General Commercial District only)
Subject to the requirements of Section 1821

SECTION 5. SIGNS PERMITTED IN INDUSTRIAL AND BUSINESS DISTRICTS

A. Article XVIII, Section 1817, Signs Permitted in Industrial and Business Districts is hereby amended to add the following:

- 7. Digital Signs (permitted in a PIC District only)
Subject to the requirements of Section 1821
- 8. Electronically Changing Signs
Subject to the requirements of Section 1821

SECTION 6. ADDITIONAL REQUIREMENTS FOR DIGITAL SIGNS AND ELECTRONICALLY CHANGING MESSAGE SIGNS

A. Article XVIII, is hereby amended to add the following:

1821. DIGITAL SIGNS OR ELECTRONICALLY CHANGING SIGNS

- A. Digital signs shall only be permitted to be located within 500 feet of the right-of-way, as permitted within a PIC 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 Lower Nazareth Township regulations. Where there is a conflict between regulations, the more restrictive regulation shall apply.
 - (1) A digital sign shall not be placed within 1,000 feet of a residential dwelling unit or residentially zoned land, 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. Where applicable, such signs shall be located, constructed, and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all Lower Nazareth 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 dwelling unit or residentially zoned land, as measured in any direction.
 - (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 1,500 feet from any other digital sign or electronically changing message 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.
- D. The luminance of the sign display shall be controlled so as to not create glare, hazards, or nuisances.
- (1) All messages, images or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of eight (8) seconds. Signs of 24 square feet or less which indicate only the time, temperature, date or similar information shall be excluded.
 - (2) 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 second.
 - (3) 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.
 - (4) 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.

- (5) The intensity and contrast of light levels shall remain constant throughout the sign face.
- (6) The luminance or brightness of the display shall not exceed 5,000 nits during daylight hours and 150 nits during hours of darkness. 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.
 - (a) The luminance specification shall be determined by a metering device held at a height of five feet and aimed towards the sign, from a distance of 175 feet.
 - (b) The metering device should be at a location perpendicular to the center of the digital sign (as seen in plain view) as this angle has the highest luminance.
 - (c) The measurement of luminance shall include the measurement of an all-white image displayed by the sign to evaluate the worst-case condition.
 - (d) If the difference between the sign turned on and the sign turned off is 0.5 footcandle or less, then the sign luminance shall be determined to be in compliance.
- E. 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.
- F. Digital signs and electronically changing message signs shall be inspected annually to verify dwell time and brightness level. An annual inspection fee as determined by the Township fee schedule, which may be amended from time to time, shall be charged for every digital sign and electronically changing message sign.
- G. Digital signs and electronically changing message signs placed within 1,000 feet of a residential property line, as measured in any direction from the visible face of the sign, shall be turned off between the hours of 10 p.m. and 7 a.m.
- H. This section shall not include digital or electronic wall or window signs.

- I. Digital signs and electronically changing message signs erected by Lower Nazareth Township and Pennsylvania Department of Transportation are exempt from these regulations.
- J. No lot shall contain more than one of either a freestanding sign, digital sign or electronically changing message sign.

SECTION 7. SEVERABILITY

It is hereby declared to be the intention of the Board of Supervisors of the Township of Lower Nazareth that the parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any part, section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance.

SECTION 8. REPEALER

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

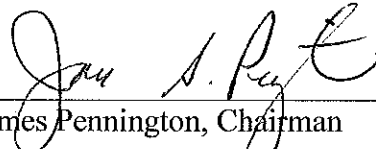
SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Lower Nazareth Township.


ENACTED AND ORDAINED this 14 day of November, 2018, at a regular public meeting.

TOWNSHIP OF LOWER NAZARETH

ATTEST:



James Pennington, Chairman



Tammi Dravec, Secretary/Treasurer