



12.0 Outdoor Advertising

The Federal register outlines the policy for the control of outdoor advertising on Scenic Byways as you know. Excerpts are as follows:

*"Scenic Byways and the Prohibition of Outdoor Advertising -*As provided at 23 U.S.C. 131(s), if a State has a State scenic byway program, the State may not allow the erection of new signs not in conformance with 23 U.S.C. 131(c) along any highway on the Interstate System or Federal-aid primary system which before, on, or after December 18, 1991, has been designated as a scenic byway under the State's scenic byway program. This prohibition would also apply to Interstate System and Federal-aid primary system highways that are designated scenic byways under the National Scenic Byways Program and All-American Roads Program, whether or not they are designated as State scenic byways."

*"Primary System Defined. — *For purposes of this section, the terms "primary system" and "Federal-aid primary system" mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System."

With this in mind, we were required to document compliance with said regulations when applying for the State Byway designation, per a letter from PENNDOT dated September 11, 2002, which identified the affected portions of the Seaway Trail as follows:

- The Bayfront Parkway - City of Erie
- Alternate Route 5 from the East Bayfront Parkway to Franklin Avenue - City of Erie
- Route 5 from Franklin Avenue to Iroquois Avenue - Lawrence Park Township
- Route 20 from the Ohio State line to Route 5 - Springfield Township



In response, Erie County asked each affected municipality (in a memo of November 12, 2002) to adopt the appropriate amendments to their zoning ordinances, and then submitted the adopted ordinances to PENNDOT when enacted by the municipalities.

Initially, the Township of Springfield declined to enact outdoor signage controls on the portion of the Seaway Trail that follows US Route 20 in Springfield Township, disqualifying this stretch of road the designation as a State Scenic Byway. Springfield Township supervisors on October 4, 2004 adopted such an ordinance, and application was made the PennDOT for extension of the Seaway Trail Scenic Byway all the way to the Ohio line.

Included here are memoranda and appropriate ordinance amendments from Springfield Township, the City of Erie and Lawrence Park Township.



COUNTY OF ERIE

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Rick Schenker
County Executive

Janet Anderson
Director

Memorandum

To: City of Erie
Lawrence Park Township
Springfield Township

From: David A. Skellie, Director

Re: Seaway Trail – Pennsylvania (Scenic) Byway Designation

Date: November 12, 2002

The purpose of this memorandum is to update you on the status of the initiative to designate the Seaway Trail corridor as a Pennsylvania (Scenic) Byway. More specifically, we would like to share information as it relates to the sections of the proposed byway located in your jurisdiction requiring outdoor advertising controls (billboard restrictions).

As you aware, the designation of the byway does require the restriction of outdoor advertising (billboards) in a few limited areas (see map). The state reviewed the current zoning/signage ordinances (in place in these specific areas) for any inconsistencies, and is now requiring that additional language be put in place to address the billboard restriction requirement. This requirement is per the following statement: "If the proposed Byway is on the Interstate System, Federal-Aid Primary (FAP) System or National Highway System (NHS), attach an ordinance or ordinances demonstrating how the erection of new signs, displays or devices will be prohibited on the Byway in conformance with 23 U.S. Code §131(s)." We have attached an example ordinance for your review.

The state has informed us that the billboard restriction along the corridor can also be accomplished in another way. The restriction can be mandated through legislative action as a component of a bill to designate the corridor as a byway. We have attached an example of a previous bill and resulting act for your review.

We are asking you to review this information and inform us as to which direction you would like to proceed to allow this byway initiative to continue. Please do not hesitate to contact me, or Jake Welsh at ext. 6012, with any questions regarding this information.

DAS/jw

DRAFT

(Proposed addition(s) to the City of Erie Zoning Ordinance:)

303.22 Along the corridor designated as the Seaway Trail, which includes West 6th Street, East 6th Street, East Lake Road, Cranberry Street from West 6th Street to the Bayfront Parkway, the Bayfront Parkway from Cranberry Street easterly to the Eastside Connector, and the Eastside Connector from the Bayfront Parkway to East 6th Street, no outdoor advertising device, as defined, may be erected by any owner, person responsible or other person:

- A. Within 660 feet of the nearest edge of the right-of-way; or
- B. More than 660 feet from the nearest edge of the right-of-way if the sign is visible from the main-traveled way and the purpose of the sign is that its message be read from the main-traveled way, except as follows:
 - (1.) The official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to control of outdoor advertising);
 - (2.) Outdoor advertising devices advertising the sale or lease of the real property upon which they are located;
 - (3.) Outdoor advertising devices advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control; and
 - (4.) Directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131.

303.23 All outdoor advertising devices constructed and existing on the effective date of this Ordinance, which would be prohibited under this Ordinance, shall be permitted except that if the device shall not be used for advertising for a period of one year or shall become dilapidated, the device shall be removed.

303.24 If the Seaway Trail corridor is designated a Byway by the Commonwealth of Pennsylvania, Department of Transportation, the Municipality shall enforce the prohibitions set forth in this Ordinance and shall not revise this Ordinance without the prior written approval of the Department. Failure to do so may result in revocation of the Byway designation.

DRAFT

(Proposed addition(s) to the Codified Ordinances of Lawrence Park Township:)

1285.12 BILLBOARD/COMMERCIAL OUTDOOR ADVERTISING SIGNS

(c) Along the corridor designated as the Seaway Trail, which includes East Lake Road (PA 5), from the City of Erie municipal boundary to the Harborcreek Township municipal boundary, no outdoor advertising device, as defined, may be erected by any owner, person responsible or other person:

- (1) Within 660 feet of the nearest edge of the right-of-way; or
- (2) More than 660 feet from the nearest edge of the right-of-way if the sign is visible from the main-traveled way and the purpose of the sign is that its message be read from the main-traveled way, except as follows:
 - A. The official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to control of outdoor advertising);
 - B. Outdoor advertising devices advertising the sale or lease of the real property upon which they are located;
 - C. Outdoor advertising devices advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control; and
 - D. Directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131.

(d) All outdoor advertising devices constructed and existing on the effective date of this Ordinance, which would be prohibited under this Ordinance, shall be permitted except that if the device shall not be used for advertising for a period of one year or shall become dilapidated, the device shall be removed.

(e) If the Seaway Trail corridor is designated a Byway by the Commonwealth of Pennsylvania, Department of Transportation, the Municipality shall enforce the prohibitions set forth in this Ordinance and shall not revise this Ordinance without the prior written approval of the Department. Failure to do so may result in revocation of the Byway designation.

EXAMPLE

[Proposed addition(s) to the Springfield Township Code of Ordinances:]

§ 607. Signs.

5. **Billboards.** *[Add the following subsection(s):]*

I. Along the corridor designated as the Seaway Trail, which includes West Lake Road (PA 5), and West Ridge Road (US 20), from its intersection with PA 5 to the Ohio line, no outdoor advertising device, as defined, may be erected by any owner, person responsible or other person:

1. Within 660 feet of the nearest edge of the right-of-way; or

2. More than 660 feet from the nearest edge of the right-of-way if the sign is visible from the main-traveled way and the purpose of the sign is that its message be read from the main-traveled way, except as follows:

(a.) The official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to control of outdoor advertising);

(b.) Outdoor advertising devices advertising the sale or lease of the real property upon which they are located;

(c.) Outdoor advertising devices advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control; and

(d.) Directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131.

J. All outdoor advertising devices constructed and existing on the effective date of this Ordinance, which would be prohibited under this Ordinance, shall be permitted except that if the device shall not be used for advertising for a period of one year or shall become dilapidated, the device shall be removed.

K. If the Seaway Trail corridor is designated a Byway by the Commonwealth of Pennsylvania, Department of Transportation, the Municipality shall enforce the prohibitions set forth in this Ordinance and shall not revise this Ordinance without the prior written approval of the Department. Failure to do so may result in revocation of the Byway designation.

**SPRINGFIELD TOWNSHIP
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NUMBER 2 - 2004**

AN ORDINANCE OF SPRINGFIELD TOWNSHIP AMENDING THE TOWNSHIP OF SPRINGFIELD CODE OF ORDINANCES CHAPTER 27, ENTITLED "ZONING", AND CONTAINING REPEALER AND SEVERABILITY CLAUSES

WHEREAS, The Board of Supervisors of the Township of Springfield, Erie County, Pennsylvania, after due consideration, has determined that the enactment of this ordinance is necessary and advisable for the benefit, protection and preservation of the health, safety and welfare of the citizens of Springfield Township; and

WHEREAS, the text of this ordinance has been examined and approved by the Planning Commission of the Township of Springfield and has been reviewed by the Erie County Planning Commission and the Pennsylvania Coastal Zone Management Section of the Department of Conservation and Natural Resources; and

WHEREAS, after the requisite public notice a public hearing has been held prior to the consideration of this ordinance for passage in accordance with the provisions of the Municipalities Planning Code; and

WHEREAS, the consideration of the passage of this ordinance has been advertised as required by law,

NOW THEREFORE, after due and timely notice by publication and in accordance with law, BE IT HEREBY ENACTED by the Board of Supervisors of Springfield Township, Erie County, Pennsylvania, as follows:

**Part 1
Amendments to Zoning Ordinance**

§101. Amendments to the Text of the Ordinance - The Springfield Township Code of Ordinances, Chapter 27, ZONING, is hereby amended as indicated below:

Explanatory language not forming a part of the present or amended ordinance is in italics.

- A. Part 4, District Regulations of the Springfield Township Code of Ordinances, Chapter 27, ZONING, are amended by the deletion of sections 403 and 404.
- B. All areas of the township heretofore zoned R-2, Suburban Residential and all areas of the township heretofore zoned R-1 Rural Residential are now zoned. R - Rural
- C. Section 403a is added to the Springfield Township Code of Ordinances, Chapter 27, ZONING, which shall provide as follows:
 - 403a. R - Rural
 - 1. PERMITTED USES

- A. Accessory Uses
- B. Agriculture
- C. Cemeteries
- D. Drilled Mineral Excavation
- E. Education and Religious
- F. Essential Services
- G. Fire Stations
- H. Home Occupations
- I. Public Parks and Playgrounds
- J. Single-Family Detached Dwellings, including Individual Mobile Homes

2. CONDITIONAL USES

- A. Airport
- B. Mobile Home Parks
- C. Planned Residential Development
- D. Multiple Family Dwellings
- E. Surface Mineral Extraction
- F. Recreational Vehicle Parks and Campgrounds
- G. Commercial Uses and Permitted Light Industrial Uses

3. SPECIAL EXCEPTION USES:

- A. Clubs, Lodges and Fraternities
- B. Golf Courses and Outdoor Recreation
- C. Water Recreation and Storage

- D. All references in the Springfield Township Code of Ordinances, Chapter 27, ZONING, which deal with either the R-1 Rural Residential zone or the R-2, Suburban Residential zone are hereby amended to refer instead to the R - Rural zone.

[The remainder of this page is intentionally left blank]

E. Section 408 of the Springfield Township Code of Ordinances, Chapter 27, ZONING, dealing with Lot Size and Area, height regulations and yard requirement table is amended as follows:

BUILDING HEIGHT	A-1	A-2	R	C-1*	I-1	I-2
Maximum height (stories) ¹	2	2	3	3	2	4
Maximum Height (feet)	25	35	35	40	30	80
LOTS						
Minimum Width (feet)				100	100	100
without public water and sewer	150	150	150			
with either public water or sewer	150	100	100			
with both public water and sewer	150	100	100			
Minimum Area (sq. ft.) ²						
without public water and sewer	1 acre	1 acre	1 acre	½ acre	½ acre	½ acre
with either public water or sewer	1 acre	20,000	20,000	20,000	20,000	20,000
with both public water and sewer	1 acre	15,000	15,000	20,000	20,000	20,000
MAXIMUM BUILDING COVERAGE	30%	20%	20%	60%	60%	60%
FRONT YARDS						
Minimum Depth (feet) ^{3 5 6}	50	50	50	25	25	25
SIDE YARDS						
Number Required	2	2	2	2	2	2
Minimum Width (feet) ^{4 6} Main Building - each side *	30	10	20	20	20	25
Accessory Uses	10	10	10	10	10	10
CORNER LOTS (Minimum side yard abutting adjacent street)	50	25	25	20	25	25
REAR YARDS						
Minimum Depth (feet) ⁴ Main Buildings	20	25	30	10	30	30
Accessory Uses	10	10	10	10	10	10

* Residential uses within the C-1 district shall conform with the requirements applicable in the R-Rural zone.

Residential Minimum Building Area - All single family dwellings shall have a minimum area of nine hundred (900) square feet.

Only one (1) dwelling shall be permitted on each lot of record except in Mobile Home Parks.

¹Basements shall be considered as ½ story, cellars and attics are not included.

²The minimum lot area shall be increased by Two Thousand Five Hundred (2500) square feet for each family unit more than one.

³Minimum shall be greater where required by the sight-triangle.

⁴The Lake Erie Bluff setback regulations, as identified in §628, shall apply..

⁵Owners of parcels of land adjoining a neighboring zoning district shall utilize a front yard setback which is an average of the setback requirements of the two districts.

⁶Setbacks shall be determined from the edge of the road right-of-way

- F. Conditional uses in Sections 401, 402, 405, 406 and 407 of the are amended to add Planned Residential Developments as Conditional Uses.
- G. §628. Lake Erie Bluff Recession and Setbacks of the Springfield Township Code of Ordinances, Chapter 27, ZONING is amended in subsection E., dealing with variances to add the following sub-sub-section:

(3) The words "Parcel established prior to a bluff recession hazard designation" shall be construed to refer only to that portion of a parcel within the designated Lake Erie Bluff Recession. The subdivision of a portion of a larger parcel partially within the designated Lake Erie Bluff Recession area, where the subdivided portion is, in its entirety, outside the Lake Erie Bluff Recession Area as that term is used to indicate minimum distances in sections A., B. and C. hereof, and no part of the subdivision includes any area within the said minimum distances, shall not disqualify the owner from a variance under section 628 E. (1) of this ordinance.

- Section 607. Signs. is amended to add the following language to subsection

5. Billboards.

I. Along the corridor designated as the Seaway Trail, which includes West Lake Road (PA 5), and West Ridge Road (US 20), from its intersection with PA 5 to the Ohio line, no outdoor advertising device, as defined, may be erected by any owner, person responsible or other person:

1. Within 660 feet of the nearest edge of the right-of-way; or
2. More than 660 feet from the nearest edge of the right-of-way if the sign is visible from the main-traveled way and the purpose of the sign is that its message be read from the main-traveled way, except as follows:
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 - (b.) Outdoor advertising devices advertising the sale or lease of the real property upon which they are located;
 - (c.) Outdoor advertising devices advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control; and
 - (d.) Directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131.

J. All outdoor advertising devices constructed and existing on the effective date of this Ordinance, which would be prohibited under this Ordinance, shall be permitted except that if the device shall not be used for advertising for a period of one year or shall become dilapidated, the device shall be removed.

- K. If the Seaway Trail corridor is designated a Byway by the Commonwealth of

Pennsylvania, Department of Transportation, the township shall enforce the prohibitions set forth in this section of this Ordinance and shall not revise this §607. 5. I. - K. of this Zoning Ordinance without the prior written approval of the Department.

**Part 2
Repealer and Severability**

§201. Repealer - All ordinances or resolutions or parts thereof, insofar as they are inconsistent with the provisions hereof are hereby repealed .

§202. Severability - If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any part of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid language or part thereof not been included therein.

**Part 3
Effective Date**

§301. Effective date - This ordinance shall be effective five (5) days after its enactment.

ENACTED AND ORDAINED as an ordinance this _____day of October, 2004.

TOWNSHIP OF SPRINGFIELD

BY: _____

BY: _____

BY: _____

ATTEST:

Secretary