

## **RESOLUTION 2009-03**

**WHEREAS**, the Radnor Township Zoning Code (“Zoning Code”) at Article XXI provides for the regulation of signs within the Township; and

**WHEREAS**, Article XXI of the Zoning Code defines “Billboard” but fails to provide for any locations within the Township wherein Billboards could be erected; and

**WHEREAS**, Article XXI of the Zoning Code defines “Off-Premises Sign” but fails to provide for any locations within the Township wherein off- premises signs could be erected; and

**WHEREAS**, Article XXI of the Zoning Code prohibits the use of roof signs; and

**WHEREAS**, the appellate courts of this Commonwealth (“the Courts”) have held that zoning ordinances may not be used to completely or effectively exclude a legitimate use of one’s property for display of signage; and

**WHEREAS**, the Courts have also held that a municipality may exercise its police powers to establish reasonable objective standards for size, type and placement of signs so as to preserve the aesthetics of an area and to foster public safety; and

**WHEREAS**, the Radnor Township Board of Commissioners (“the Board”) does find and declare that the Zoning Code does fail to provide for the placement of Billboards or Off-Premises Signs within the Township and also specifically prohibits rooftop signs, and that said failures and/or prohibition are substantially invalid by reason of appellate court determinations; and

**WHEREAS**, the Board wishes to prepare a curative amendment to overcome the declared invalidity; and

**WHEREAS**, the Municipalities Planning Code (53 P.S. Section 10609.2) provides the procedure for municipal curative amendments; and

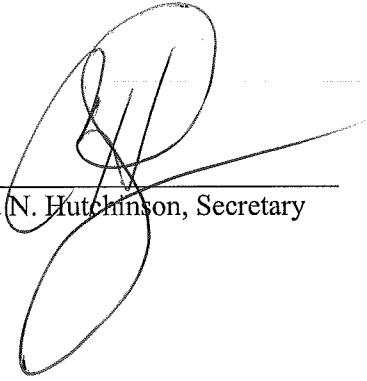
**WHEREAS**, the Board wishes to exercise its police powers to regulate the size, type and placement of signs within Radnor Township while amending the Zoning Code to bring it into compliance with the law as determined by the Courts.

**NOW THEREFORE, BE IT RESOLVED** by the Radnor Township Board of Commissioners that it does hereby declare portions of the Radnor Township Zoning Code at Article XXI to be invalid or substantially invalid based upon the law as established by the appellate courts of this Commonwealth, and that further it does seek to cure the invalidity through the use of an amendment to the Zoning Code by means of the procedure set forth in the Municipalities Planning Code, and that it hereby directs the Township Manager, Township Solicitor, and Zoning Officer to prepare an amendment to the Zoning Code, Article XXI, so as to cure the invalidity and to present the same at a public meeting on or before June 30, 2009.

RESOLVED, this 5<sup>th</sup> day of January 2009, A.D.

**RADNOR TOWNSHIP**

By:   
\_\_\_\_\_  
President, Board of Commissioners

Attest:   
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Coretta N. Hutchinson, Secretary