

ORDINANCE NO. _____ OF 2018

WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING CHAPTER 170, SECTION 1514-D
(S)ZONING, OF THE CODE OF WESTTOWN TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA, REGARDING
PERMANENT RECREATIONAL AND SPORTS LIGHTING AND
NIGHTTIME EVENTS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Section 1514.D (S)Zoning, of the Code of Westtown Township, as amended, be amended as follows:

SECTION 1. ~~Portions of Article XV, General Regulations, §170-1514, Outdoor lighting, Subsection D, Design criteria, Subparagraph (5), and D(6)~~—"Permanent Recreational and Sports Lighting and Nighttime Events" ~~are amended to~~ amended to read as follows:

~~§ 170-1514 Outdoor lighting-~~
~~[Amended 3-3-2003 by Ord. No. 2003-2]~~

- (5) Permanent recreational and sports lighting and nighttime events. Subject to the conditions listed herein, permanent outdoor illumination for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges of less than three-hundred (300) contiguous acres, and for passive non-recreational nighttime events shall be permitted when approved as a conditional use by the Westtown Township Board of Supervisors. ~~[Added 7-6-2009 by Ord. No. 2009-4]~~
- (a) Permanent recreational and sports lighting shall be defined as recreational and sports lighting that is permanently installed in a fixed location and not portable and associated with nighttime events.
 - (b) Before a conditional use is granted for recreational and sports lighting and nighttime events, the applicant will conduct traffic and parking studies and report the results to Westtown Township to determine if parking, vehicle access and egress, pedestrian walkways, and site lighting are adequate for handling the most well-attended anticipated events. The studies shall be prepared by a qualified traffic consultant and shall enable the Township to identify traffic and/or parking problems associated with such events. The studies shall identify solutions and recommend improvements to mitigate adverse impacts of the lighted events, if any are found to exist.
 - (c) An annual permit application shall be required to be submitted to the Township 45 days before the start of each sports and recreation year that a permanent recreational and sports lighting installation is proposed to be utilized. A permit fee schedule shall be established by resolution of the Board of Supervisors each year to cover all costs to the Township to include, but not limited to, the following:
 - [1] Special police detail from the Westtown East Goshen Regional Police Department to control traffic, parking and on-site security for any lighted event as determined by the Board of Supervisors based on type of event.
 - [2] Trash cleanup by Township Public Works employees on the roads and properties surrounding the campus as soon as possible after the lighted event as determined by the Board of Supervisors based on the type of event.
 - (d) Granting of such a permit is conditioned upon the discretion of the Board of Supervisors

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which shall consider past compliance with the terms of this Subsection D(5) and (6), §§ 116-1 and 116-2 of Chapter 116, § 170-1506 of this chapter and with any subsequent ordinances related to noise and peace and good order.

- (e) All outdoor illumination as described in this subsection shall comply with the following standards and conditions:
- [1] Unless specifically modified herein, all other provisions in § 170-1514 shall apply.
 - [2] The maximum mounting height as measured from the finished grade of the playing field to the top of the highest fixture of recreational and sports lighting fixtures permitted by this subsection shall be as follows:
 - [a] Basketball: 20 feet.*
 - [b] Field hockey: 70 feet.
 - [c] Football: 70 feet.
 - [d] Lacrosse: 70 feet.
 - [e] Little League Baseball:
 - [i] Two-hundred-foot radius: 60 feet.
 - [ii] Three-hundred-foot radius: 70 feet.
 - [f] Miniature golf: 20 feet.*
 - [g] Soccer: 70 feet.
 - [h] Swimming pool aprons: 20 feet.*
 - [i] Tennis courts: 20 feet.*
 - [j] Track: 20 feet.*

*Lighting for this sport is subject to the non-sports/recreation lighting requirements elsewhere in § 170-1514.

- [3] Higher mounting heights for football, lacrosse and soccer, not to exceed 85 feet under any circumstances, may be considered by conditional use application when it can be demonstrated to the satisfaction of the Township that the higher mounting height is essential to meet or exceed the other requirements of this section while still controlling off-site glare, light trespass and daytime visibility of the light fixtures as viewed from off site.
- [4] The lighting shall be accomplished only through the use of full cutoff or fully shielded fixtures that employ suitable shielding. Such lighting shall be designed, installed, aimed, and maintained so that neither lamps (bulbs) nor primary reflecting surfaces shall be visible from any window of residential properties within a radius of 1,800 feet of the boundary of lighted field. The fixtures shall not present a hazard to drivers or pedestrians by projecting glare that impairs their ability to safely traverse streets, driveways, sidewalks, pathways and trails. The fixtures shall be mounted at an appropriate height, angle, and location to comply with the above conditions.
- [5] For a recreational or athletic sporting event, such as football, soccer, field hockey,

or lacrosse, or marching band cavalcade, the sports lighting system may only be energized in conjunction with any of the following events, and no others:

- [a] An event ~~directly related to~~involving the participation, -and under the control of, the educational or sports program of the school, university or college where the lights are located; no private organizations may use the school, university or college facility for lighted events.
 - [b] A field practice for such event.
 - [c] A playoff or championship game.
- [6] For a recreational or athletic sporting event, such as football, soccer, field hockey, lacrosse or marching band cavalcade, utilization of the sports lighting system is subject to the following restrictions:
- [a] A maximum of 20 lighted events per calendar year will be permitted on any one campus where permanent lighting is provided. Up to three additional lighted events shall be permitted each year for playoffs or championship games not part of a regular schedule of events.
 - [b] The lights must be extinguished no later than 10:00 p.m.
 - [c] A school, university or college having been granted permission to illuminate a recreational facility may make formal application to the Board of Supervisors to extend the curfew hour past 10:00 p.m., not to exceed four evenings annually. The Board's decision to allow or not allow an extension of operating hours of the sports lighting shall be based in part on consideration of potential adverse consequences to adjacent residential properties.
 - [d] All light posts shall be set back at least 50 feet from the property boundary.
 - [e] As a part of the process of seeking approval, the school, university or college proposing to use outdoor lighting as permitted herein shall submit a lighting plan and associated information to the Township in conformity with § 170-1514.F(1). In addition, the applicant shall submit a visual impact plan that demonstrates to the satisfaction of the Township that ordinance light trespass and direct glare requirements have been met.
 - [f] If for any school year the lights are used for more than the number of events allowed under this subsection, either per week or per year (or exceed the time limit allowed for the event), then the maximum number of allowable events for the next school year shall be decreased by the number of events which exceeded the maximum number allowable in the previous year.
 - [g] If, for any reason, the number of violations described in § 170-1514.D(5)(e)[6][f] exceeds five, the annual permit as required by § 170-1514.D(5)(b) shall be revoked and no more lighted events may be held for the remainder of the year.
- [7] Golf driving ranges, racetracks, trap-shooting facilities and other sports necessitating the horizontal or near-horizontal projection of illumination shall not be artificially illuminated.
- [8] Illuminances for recreational and sports lighting shall be in accordance with and shall not exceed the values contained in the latest edition of IESNA RP-6, Recommended Practice for Sports and Recreational Area Lighting. Illuminances

shall be based on Class II play.

- [9] The maximum luminance from any light source, including scoreboards, shall not exceed 2,000 cd/m² as viewed from any location off site.
- [10] Modifications to installed lighting systems in conformance with the provisions of this article that would result in higher aiming angles, greater direct glare and/or greater off-site light trespass shall require a permit.
- [11] The amount of spill light from a sports/recreation facility as measured on adjacent properties or properties separated from the property of the school with the lighted field only by a public road, utility property or easement, shall not exceed 0.2 ~~foot-candle~~foot-candle, horizontal or vertical, at any height or location on that property.
- [12] The installation of permanent recreational and sports lighting shall be limited to one playing field on any one campus.
- [13] The entity on whose premises the sports/recreation facility is situated shall be responsible for monitoring and reporting. Records of usage of lighting systems shall be maintained for Township inspection and shall be submitted as part of the annual permitting application.
- [14] As a condition for installing permanent outdoor illumination for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges, the Board of Supervisors shall require the applying institution to take all reasonable steps, as recommended by a sound engineer hired by the Township, to mitigate noise resulting from nighttime events and its impact on the neighborhoods nearby the lighted facility. These mitigative actions must allow the applying institution to comply with §§ 116-1 and 116-2 of Chapter 116, § 170-1506 of this chapter and with any subsequent ordinances related to noise and good order.
- [15] If a sound amplification system will be used in conjunction with nighttime events permitted by this Subsection D(5) and (6), the institution shall provide a fully distributed sound system consisting of highly directional speakers in close proximity to and aimed into the seating area providing uniform coverage throughout the seating. Speakers must be selected to minimize amplification outside of the seating areas. Coverage across the playing field, if necessary, can be provided using a similar distributed system approach. The system design and performance will be subject to review and approval by the Township's engineers/consultants before permanent operation is authorized.

SECTION 2. Article XV, General Regulations, § 170-1514, Outdoor lighting, Subsection D, Design Criteria, Subparagraph 6, Temporary/portable recreational and sports lighting and nighttime events, shall be amended to read as follows:

~~(5-16)~~ Permanent recreational and sports lighting and nighttime events. Subject to the conditions listed herein, permanent outdoor illumination for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges of ~~less than~~ three-hundred (300) contiguous acres or more, and for passive non-recreational nighttime events shall be permitted when approved as a conditional use by the Westtown Township Board of Supervisors. ~~[Added 7-6-2009 by Ord. No. 2009-4]~~

- (a) Permanent recreational and sports lighting shall be defined as recreational and sports lighting that is permanently installed in a fixed location and not portable and associated with nighttime events.
- (b) Before a conditional use is granted for recreational and sports lighting and nighttime

events, the applicant will conduct traffic and parking studies and report the results to Westtown Township to determine if parking, vehicle access and egress, pedestrian walkways, and site lighting are adequate for handling the most well-attended anticipated events. The studies shall be prepared by a qualified traffic consultant and shall enable the Township to identify traffic and/or parking problems associated with such events. The studies shall identify solutions and recommend improvements to mitigate adverse impacts of the lighted events, if any are found to exist.

- (c) An annual permit application shall be required to be submitted to the Township 45 days before the start of each sports and recreation year that a permanent recreational and sports lighting installation is proposed to be utilized ~~unless waived or modified by the Board of Supervisors~~. A permit fee schedule ~~shall may shall~~ be established by resolution of the Board of Supervisors each year to cover all costs to the Township to include, but not limited to, the following:
- [1] Special police detail from the Westtown East Goshen Regional Police Department to control traffic, parking and on-site security for any lighted event as determined by the Board of Supervisors based on type of event.
 - [2] Trash cleanup by Township Public Works employees on the roads and properties surrounding the campus as soon as possible after the lighted event as determined by the Board of Supervisors based on the type of event.
- (d) Granting of such a permit is conditioned upon the discretion of the Board of Supervisors which shall consider past compliance with the terms of this Subsection D(~~5~~) and Subsections D(5) and D(7)(6), §§ 116-1 and 116-2 of Chapter 116, § 170-1506 of this chapter and with any subsequent ordinances related to noise and peace and good order.
- (e) All outdoor illumination as described in this subsection shall comply with the following standards and conditions:
- [1] Unless specifically modified herein, all other provisions in § 170-1514 shall apply.
 - [2] The maximum mounting height as measured from the finished grade of the playing field to the top of the highest fixture of recreational and sports lighting fixtures permitted by this subsection shall be as follows:
 - [a] Basketball: 20 feet.*
 - [b] Field hockey: 70 feet.
 - [c] Football: 70 feet.
 - [d] Lacrosse: 70 feet.
 - [e] Little League Baseball:
 - [i] Two-hundred-foot radius: 60 feet.
 - [ii] Three-hundred-foot radius: 70 feet.
 - [f] Miniature golf: 20 feet.*
 - [g] Soccer: 70 feet.
 - [h] Swimming pool aprons: 20 feet.*
 - [i] Tennis courts: 20 feet.*

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Comment [PMM1]: If the permit application is mandatory, a fee schedule for the application should likewise be mandatory rather than discretionary. Otherwise the Township runs the risk of requiring application and fee that is unknown at the time of filing.

[j] Track: 20 feet.*

*Lighting for this sport is subject to the non-sports/recreation lighting requirements elsewhere in § 170-1514.

- [3] Higher mounting heights for football, lacrosse and soccer, not to exceed 85 feet under any circumstances, may be considered by conditional use application when it can be demonstrated to the satisfaction of the Township that the higher mounting height is essential to meet or exceed the other requirements of this section while still controlling off-site glare, light trespass and daytime visibility of the light fixtures as viewed from off site.
- [4] The lighting shall be accomplished only through the use of full cutoff or fully shielded fixtures that employ suitable shielding such as the Musco TLC-LED-1150 lighting system or similar. Such lighting shall be designed, installed, aimed, and maintained so that neither lamps (bulbs) nor primary reflecting surfaces shall be visible from any window of residential properties within a radius of 1,800 feet of the boundary of lighted field. The fixtures shall not present a hazard to drivers or pedestrians by projecting glare that impairs their ability to safely traverse streets, driveways, sidewalks, pathways and trails. The fixtures shall be mounted at an appropriate height, angle, and location to comply with the above conditions. As a condition of conditional use approval for lighted events pursuant to this subsection, the Board of Supervisors may impose a requirement for adequate landscape screening to mitigate lighting impacts to nearby properties without unreasonably compromising scenic views.
- [5] For a recreational or athletic sporting event, such as ~~football~~, soccer, field hockey, or lacrosse, ~~or marching band cavalcade~~, the sports lighting system may only be energized in conjunction with any of the following events, and no others:
- [a] An event ~~directly related associated with~~ involving the participation, and under the control of, the educational or sports program of the school, university or college where the lights are located; ~~no private organizations may use the school, university or college facility for lighted events.~~
- [b] A field practice for such event.
- [c] ~~A playoff or championship game~~ A field practice held by a private organization, with the approval of the school, university, or college where the lights are located.
- [6] For a recreational or athletic sporting event or practice, such as ~~football~~, soccer, field hockey, ~~or lacrosse~~ ~~or marching band cavalcade~~, utilization of the sports lighting system is subject to the following restrictions:
- [a] A maximum of ~~20~~ 240 lighted events per calendar year will be permitted on any one campus where permanent lighting is provided of which four (4) events may be games involving the participation and under the control of, the educational or sports program of the school, university or college where the lights are located. Up to three additional lighted events shall be permitted each year for playoffs or championship games not part of a regular schedule of events.
- [b] The lights must be extinguished no later than 10:09:45 p.m.
- [c] ~~A school, university or college having been granted permission to illuminate a recreational facility may make formal application to the Board of~~

Comment [PMM2]: Query: is light glare a hazard to pedestrians? In that sense, could it not be argued that light improves safety along trails and sidewalks and pathways?

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Comment [PMM3]: Is the time change relevant to this particular use more than it is for properties less than 300 acres?

~~Supervisors to extend the curfew hour past 10:00 p.m., not to exceed four evenings annually. The Board's decision to allow or not allow an extension of operating hours of the sports lighting shall be based in part on consideration of potential adverse consequences to adjacent residential properties. Lighted events may be held no more than six (6) days per week, Monday ~~—Sunday~~ through Saturday, excluding the period between June 15 and August 15 annually, and on ~~the following~~ generally celebrated secular or religious holidays: (could list?)~~

- [d] All light posts shall be set back at least 50 feet from the property boundary.
 - [e] As a part of the process of seeking approval, the school, university or college proposing to use outdoor lighting as permitted herein shall submit a lighting plan and associated information to the Township in conformity with § 170-1514.F(1). In addition, the applicant shall submit a visual impact plan that demonstrates to the satisfaction of the Township that ordinance light trespass and direct glare requirements have been met.
 - [f] If for any school year the lights are used for more than the number of events allowed under this subsection, either per week or per year (or exceed the time limit allowed for the event), then the maximum number of allowable events for the next school year shall be decreased by the number of events which exceeded the maximum number allowable in the previous year.
 - [g] If, for any reason, the number of violations described in § 170-1514.D(5)(e)[6][f] exceeds five, the annual permit as required by § 170-1514.D(5)(b) shall be revoked and no more lighted events may be held for the remainder of the year.
- [7] Golf driving ranges, racetracks, trap-shooting facilities and other sports necessitating the horizontal or near-horizontal projection of illumination shall not be artificially illuminated.
 - [8] Illuminances for recreational and sports lighting shall be in accordance with and shall not exceed the values contained in the latest edition of IESNA RP-6, Recommended Practice for Sports and Recreational Area Lighting. Illuminances shall be based on Class II play.
 - [9] The maximum luminance from any light source, including scoreboards, shall not exceed 2,000 cd/m² as viewed from any location off site.
 - [10] Modifications to installed lighting systems in conformance with the provisions of this article that would result in higher aiming angles, greater direct glare and/or greater off-site light trespass shall require a permit.
 - [11] The amount of spill light from a sports/recreation facility as measured on adjacent properties or properties separated from the property of the school with the lighted field only by a public road, utility property or easement, shall not exceed 0.2 ~~foot-candle~~foot-candle, horizontal or vertical, at any height or location on that property.
 - [12] The installation of permanent recreational and sports lighting shall be limited to no more than one-two playing fields on any one campus.
 - [13] The entity on whose premises the sports/recreation facility is situated shall be responsible for monitoring and reporting. Records of usage of lighting systems shall be maintained for Township inspection and shall be submitted as part of the annual

permitting application.

- [14] As a condition for installing permanent outdoor illumination for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges, the Board of Supervisors shall require the applying institution to take all reasonable steps, as recommended by a sound engineer hired by the Township, to mitigate noise resulting from nighttime events and its impact on the neighborhoods nearby the lighted facility. These mitigative actions must allow the applying institution to comply with §§ 116-1 and 116-2 of Chapter 116, § 170-1506 of this chapter and with any subsequent ordinances related to noise and good order.
- [15] If a sound amplification system will be used in conjunction with nighttime events permitted by this Subsection D(~~5~~) or Subsections D(5) or D(7) and ~~(6)~~, the institution shall provide a fully distributed sound system consisting of highly directional speakers in close proximity to and aimed into the seating area providing uniform coverage throughout the seating. Speakers must be selected to minimize amplification outside of the seating areas. Coverage across the playing field, if necessary, can be provided using a similar distributed system approach. The system design and performance will be subject to review and approval by the Township's engineers/consultants before permanent operation is authorized.

SECTION 3. Article XV, General regulations, §170-1514, Outdoor lighting, Subsection D, Design criteria, shall be amended to add new Subparagraph 7, Temporary/portable recreational and sports lighting and nighttime events, to read as follows:

- (~~6~~) Temporary/portable recreational and sports lighting and nighttime events. Subject to the conditions listed herein, temporary outdoor illumination for recreational and sports events for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges and for passive nonrecreational activities shall be permitted when approved as a conditional use by the Township Board of Supervisors. No temporary lighting shall be approved for any institution that has been granted permanent lighting on the same campus under § 170-1514.D(5) or D(~~6~~).

~~SECTION 2. All provisions of §170-1514, D.(5) and D.(6) not revised or restated above remain in full force and effect.~~

SECTION 34. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 45. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 56. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST: _____ WESTTOWN TOWNSHIP

Secretary _____ Carol R. DeWolf, Chair

_____ Scott E. Yaw, Vice Chair

Michael T. DiDomenico