

WESTTOWN TOWNSHIP

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AGENDA

Westtown Township Board of Supervisors Regular Meeting

Monday, March 16, 2020 - 7:30 PM

Westtown Township Municipal Building
1039 Wilmington Pike, Westtown

- I. Call to Order
- II. Approval of Board of Supervisors Meeting Minutes – March 2, 2020
- III. Summary of Board of Supervisors Workshop – March 16, 2020
- IV. Summary of Board of Supervisors Executive Session – March 13, 2020
- V. Departmental Reports
 - A. Westtown East Goshen Police – Chief Brenda Bernot
 - B. Parks & Recreation Commission – James Brookover
 - C. Planning Commission – Jim Lees / Elaine Adler
 - D. Manager’s Report - Rob Pingar
- VI. Public Comment (Non-Agenda Items)
- VII. Old Business
 - A. Ordinance 2020-01, Repeal of Ordinance 2019-05 (Zoning Ordinance Amendments to Flexible Development Procedure & A/C Zoning District) – Adoption
 - B. Ordinance 2020-03, Signs Ordinance Amendment – Adoption
- VIII. New Business
 - A. Township Engineer Appointment – Cedarville Engineering Group
 - B. Resolution 2020-06, Declaration of Local State of Disaster Emergency
- IX. Announcements
 - A. Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Hearing #3 – 6:00 PM, Wednesday March 25 at Rustin High School – **CANCELLED**
 - B. Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Hearing #3 – 6:00 PM, Tuesday April 21, 2020 at Rustin High School – **TENTATIVE.**
 - C. P&R Egg Hike – 10 AM to noon, Saturday, April 4 at Oakbourne Park
 - D. CRC Streams Cleanup – 9 to 11:30 AM at various locations including Goose Creek
- X. Public Comment (All Topics)
- XI. Payment of Bills
- XII. Adjournment

How to Engage in the Public Comment Sections of a Township Meeting

Public Comment is heard at three (3) different points during the meeting:

1. BEFORE OLD BUSINESS - The public is permitted to make public comment on any matter not on the agenda. This comment period is subject to the time constraint in (d) below
2. PRIOR TO any action on a motion on an Agenda item. Public Comment at this stage is limited to the item under discussion (e.g. it is not appropriate to initiate a discussion on police services if the body is acting upon a sewer issue).
3. AFTER NEW BUSINESS. - Public Comment is open to any legitimate item of business which can be considered by that Township Board/Commission (e.g. Planning Commission can discuss issues having to do with plan reviews, but cannot discuss why the Township does not plow your street sooner. Supervisors can discuss nearly every issue).

How to make a comment to any Township Board/Commission:

- a. The Chair will announce that the Board/Commission will now hear public comment, either on a specific issue or generally.
- b. You must then obtain recognition from the Chair prior to speaking.
- c. Once you have the floor, state your name and address for the record.
- d. You may then make your comment or ask your question. You will have three (3) minutes to make your statement, unless the Chair has announced otherwise, so please come prepared!

WESTTOWN TOWNSHIP BOARD OF SUPERVISORS REGULAR MEETING

Westtown Township Municipal Building, 1039 Wilmington Pike, Westtown

Monday, March 2, 2020 – 7:30 PM

In attendance were Chair Dick Pomerantz, Vice Chair Carol De Wolf, Police Commissioner Scott Yaw, Township Manager Rob Pingar, Public Works Director Mark Gross, Township Solicitor Patrick McKenna, and Planning Commissioner Jack Embick. There were 6 guests.

I. Call to Order

Mr. Pomerantz called the meeting to order at 7:36 PM and asked an audience member to lead the Pledge of Allegiance. Mr. Pomerantz asked if anyone was recording the meeting. No one responded.

II. Approval of Board of Supervisors Meeting Minutes – February 18, 2020

Ms. De Wolf made a motion to approve the February 18, 2020 Board of Supervisors meeting minutes. Mr. Yaw seconded the motion. There was no public comment and the motion was unanimously approved.

III. Summary of Board of Supervisors Workshop (March 2, 2020)

Mr. Pomerantz stated that the Board held an Executive Session covering real estate, police contract, and personnel, followed by the public workshop covering township policy on personnel file access, and the Oakbourne Mansion marker location.

IV. Departmental Reports

A. Public Works Director – Mark Gross

Mr. Gross stated that due to the mild winter, the township has a surplus of road salt. He stated that the state is reviewing the Costars salt contract, and he is hoping they will relieve municipalities of their minimum purchase requirements. In the absence of snow removal work, the Road Crew has been doing MS4 (Municipal Separate Storm Sewer System) related work, including cleaning brush and debris from discharges and tail ditches. They did a lot of work in Pleasant Grove, removing silt and sediment from the pond off Blenheim Road. The crew also cleared the detention basin behind the police station, which is one of the BMPs (best management practices) under the Township's MS4 permit, and is now ready for further direction from the Township's stormwater engineer (Cedarville Engineering).

The emergency generator at the mansion was converted from propane to natural gas last week. This will eliminate the need to refill the propane tank during prolonged outages.

In the Wastewater department, Mr. Gross reported that the control panel at Pleasant Grove Pump Station was repaired. Mr. Gross stated that PGPS is the township's oldest pump station and needs to be updated in the near future. Mr. Gross added that the public works employees have been working on both wastewater and stormwater continuing education credits for their licenses.

Future projects include finishing Phase I of the mansion renovation once the weather warms enough for the roof patching material to seal. Mr. Gross stated that he and Pam Coleman met with Linn Architects regarding Phase II and hope to have that out to bid in June.

Clare Bingham (605 Stockton Court) stated that there are shopping carts and trash in the ditch near the Kirkwood Pump Station. Mr. Gross explained that the township has an easement for the pump station, but does not own the property. He stated that property maintenance would fall to the property owner.

B. Historical Commission (HC) – Erica Reilly

Mrs. Reilly was not able to attend the meeting. Mr. Pingar stated that he was aware that the HC continues to work on various projects including the Historic Resources list, and the Brandywine Battlefield marker initiative. He said they also await a decision from the Board on the Shiloh AME Church Abandoned Cemetery project. There were no comments or questions.

C. Planning Commission (PC) – Kevin Flynn

Kevin Flynn was not present, so Jack Embick provided the PC report. Mr. Embick stated that at the February 19 meeting, the PC heard from the township’s various consultants regarding the Crebilly Farm II Conditional Use Application. Toll also attended the meeting and presented the PC with an alternative plan with multiple changes to address initial concerns. The PC will discuss additional comments for the Crebilly Farm CU II Application at their next meeting on March 4.

Mr. Pomerantz asked if the plans Toll has submitted to the PC could be described as a “sketch plan.” Mr. McKenna commented that the plan should be described as an Alternate Engineered Plan. Mr. Embick stated that Toll believes their alternative plan now complies with all the development standards for this zoning district.

Mr. Pomerantz also asked if the March 25 deadline for getting the PC’s comments on the application to the Board is achievable. Mr. Embick replied that this is still the expectation. The PC will begin preparing their comments and proposed conditions at their next meeting. He added that the alternative plan submitted by Toll will require a host of SALDO waivers, which the PC will not begin to examine until they determine they are satisfied with the alternative plan.

There were no other comments or questions.

D. Township Solicitor – Pat McKenna, Esq.

Mr. McKenna reported that his office has reviewed the two Oakbourne Park Field Use and Maintenance Agreements on tonight’s agenda and assisted the township with a number of Right-To-Know requests. They also finalized and advertised the False Alarm, Sign, and A/C Ordinance Amendments. Mr. McKenna stated that his office has worked on the ongoing litigation with the Quakers Ice Hockey Rink, drafted the personnel file policy, and continued preparing for the Crebilly Farm II Conditional Use application.

There were no comments or questions.

E. Manager’s Report - Rob Pingar

Mr. Pingar stated that he and Ms. De Wolf attended the WCACOG meeting on February 27 where they discussed the draft 100% Renewable Energy Plan prepared by CADMUS. The final plan will be provided to the supervisors of all participating COG municipalities. Each municipality will then have to decide what, if any, plan recommendations they would like to pursue.

Mr. Pingar reported that WCASD staff and consultants met with township staff about a building and parking lot expansion of Westtown-Thornbury Elementary School. He expects a land development application for these expansions will be submitted in the near future.

At the monthly manager’s consortium meeting on February 20, Mr. Pingar stated that an IT firm gave an excellent presentation on internet scams. Mr. Pingar, Mr. Gross, and Mr. Ethridge also met with representatives from four engineering firms in advance of the Board’s interviews for a new township engineer on March 9. Finally, Mr. Pingar reported that WEGO hosted a “Mental Health First Aid for First Responders” training day for local emergency responders on February 26.

There were no comments or questions.

V. Public Comment (Non Agenda Items)

Amelia Maurizio (603 Stockton Court) expressed frustration that the township has not responded to her emails regarding the ongoing noise issue at the Quakers Ice Rink. She asked why the rink is continuing to make building alterations when the noise issue has not been resolved. Mr. McKenna stated that the improvements are interior, and include rubber flooring and bathroom improvements. He stated that the Zoning Hearing Board decision prohibits exterior changes. Mr. Pingar added that the owner is building party rooms in the mezzanine and a snack bar. Mr. McKenna stated that accessory uses (such as party rooms) are permitted. The township's lawsuit is focused on the exterior of the building – the noise from the chiller and the activities in the parking lot. Mr. Pomerantz stated that he has visited the site at night and has heard the noise. Ms. De Wolf stated that the township is trying to accelerate the lawsuit, and the township is meeting with the rink owners next week. Ms. Maurizio asked if the township will communicate the outcome of the meeting to the residents impacted by the noise. Mr. Pomerantz stated that the township will provide feedback after the meeting.

30:26 John Ryan (600 Tunbridge Road) echoed Ms. Maurizio's frustration. Quoting from the sworn testimony at the ZHB hearing, Mr. Ryan provided a number of examples of untrue testimony provided by Mr. Qualls regarding the impact on adjoining properties, structural changes, noise decibel levels, time and location of rink activities. Mr. Ryan then quoted from the speech Mr. Pomerantz gave at his swearing in on January 6, in which Mr. Pomerantz stated that township's job is to serve its residents.

Clare Bingham described the noise from the chiller as a droning sound that makes it difficult to fall asleep. He added that he has heard that the rink is applying for a liquor license. He said that the township needs to inform Mr. Qualls of the trash and debris near the pump station and have him clean it up.

VI. Old Business

A. Oakbourne Mansion Exterior Restoration – Payment App #5

Linn Architects has evaluated the invoice submitted by R.C. Legnini Company, Inc. for work completed on the Oakbourne Mansion Exterior Repairs Project, and has recommended payment in the amount of \$35,231.91, which reflects \$5,000 retainage. The project will be completed this spring when warmer weather allows for final roofing work and touch up painting. The balance to finish the project, including retainage is \$21,022.52.

Ms. De Wolf made a motion to approve Payment No. 5, to R.C. Legnini Company Inc., in the amount of \$35,231.91. Mr. Yaw seconded the motion. There was no comment and the motion was unanimously approved.

VII. New Business

A. Planning Commissioner Appointment

Ms. De Wolf made a motion to approve Thomas Sennett, Esq. to fill an unexpired seat on the Westtown Planning Commission for a 4-year term expiring December 31, 2022. Mr. Yaw seconded the motion. There was no comment and the motion was unanimously approved. Mr. Sennett introduced himself and expressed his excitement to start serving the township in this capacity.

B. Oakbourne Park Field Use & Maintenance Agreement – West Chester United Soccer Club/Penn Fusion Soccer Academy

This is a five sports-season agreement that expires on December 31, 2024. Ms. De Wolf made a motion to approve the Field Use & Maintenance Agreement with West Chester United Soccer Club/Penn Fusion Soccer Academy. Mr. Yaw seconded the motion.

Mr. McKenna commented that the contract has been signed by Gary Bevilaqua rather than the signatory, Daniel Kennedy. He recommended that the township condition this approval on confirmation that Mr. Bevilaqua is authorized to sign on behalf of Mr. Kennedy.

Ms. De Wolf amended her motion to approve the agreement contingent upon written confirmation that Mr. Bevilaqua is authorized to execute the contract on behalf of Mr. Kennedy. Mr. Yaw seconded the amended motion. There was no other comment and the motion was unanimously approved.

C. Oakbourne Park Field Use & Maintenance Agreement – East Side Little League

This is a five sports-season agreement that expires on December 31, 2024. Ms. De Wolf made a motion to approve the Field Use & Maintenance Agreement with East Side Little League. Mr. Yaw seconded the motion. There was no comment and the motion was unanimously approved.

VIII. Announcements

Mr. Pomerantz made the following announcements:

- A. Toll Brothers/Crebilly Farm II, Board of Supervisors Conditional Use Hearing #3 – 6:00 PM, Wednesday March 25, 2020 at Rustin High School.**
- B. CRC Tree Planting – 9-11:30 AM, Saturday, March 28 at Okehocking Preserve**
- C. P&R Egg Hike – 10 AM to noon, Saturday, April 4 at Oakbourne Park**

IX. Public Comment on All Topics

Amelia Maurizio asked if a decision has been made on the Westtown School Lighting CU Application. Mr. Pomerantz replied that a decision has not yet been made. Ms. Maurizio expressed that the township should take great care in their consideration of this application for the welfare of the residents.

X. Payment of Bills

Ms. De Wolf made a motion to approve the General Fund bills in the amount of \$476,147.43, Wastewater Fund bills in the amount of \$7,554.63, and Capital Projects Fund bills in the amount of \$16,480.09, for a grand total of \$500,182.15. Mr. Yaw seconded the motion. There were no questions or comments, and the check registers were unanimously approved.

XI. Adjournment

Mr. Pomerantz announced that the Board will be holding an Executive Session after the meeting covering a personnel matter. Ms. De Wolf then made a motion to adjourn the meeting, seconded by Mr. Yaw. The motion was unanimously approved and the meeting adjourned at 8:16 PM.

Respectfully submitted,

Robert Pingar
Township Manager

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
Wednesday, March 4, 2020 – 7:30PM

Present

Commissioners – Planning Commission (PC) member, Kevin Flynn, was absent, all others were present. Also, present were Gregg Adelman and Andrew Semon for Toll Bros., Kristin Camp, PC solicitor, Al Federico, Township Traffic Consultant, Dave Walter, Historical Commission member and Planning Director Will Ethridge.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:30 PM and led those present in the Pledge of Allegiance.

Adoption of Agenda (JE/JL) 6-0

No changes were made.

Approval of Minutes (JE/JL) 5-0

The Planning Commission Meeting minutes of 02/19/2020 were approved. (Tom Sennett was not a member of the PC during this meeting)

Announcements

- Mr. Hatton welcomed and introduced the newest member of the PC, Tom Sennett.

Public Comment – Non Agenda Items

None

New Business

1. **2020-01 Bump Variance** – Don Petrosa, the attorney representing Nate and Cheryl Bump, of 1106 Cardinal Drive, provided a summary of the application submitted to the Zoning Hearing Board (ZHB) for a variance from the side yard setback requirements for an accessory structure. He noted that the property is an acre in size and located in the R-1 Residential district. The applicant proposed to construct a two-story accessory residential structure at or near the driveway on the southeast side of the property. He described that the first floor of the accessory structure was intended for a two-car garage and for workshop equipment, and the second floor was intended to be used as an additional living space with a bathroom, but no kitchen facilities. Mr. Petrosa referenced the Section 170-1502.F of the Code, which permits accessory structures to be located within side, and rear yards provided that the proposed footprint did not exceed 50% of the footprint of the house and the height of the structure did not exceed the height of the primary residence. He confirmed that the proposed structure complied with those requirements, but did not meet a side yard setback requirement, which is required to be equal to the height of the accessory structure. He noted that the side yard setback as proposed was approximately 8.5 feet, while the height was about 17.67 feet.

Mr. Embick noted that the reason the PC recommended the accessory structure setbacks ordinance amendments to allow a different side yard dimension was to avoid any structures potentially falling on adjacent property.

After a brief discussion, the PC made a motion to recommend to the ZHB to approve the side yard variance request as proposed by the applicant. **(RH/EA 5-1) Mr. Embick voted against. His minority report is attached.**

Old Business

1. 2019-01 Toll Brothers-Crebilly Farm II CU Application – Preparation of recommendation for Alternative Plan

Kristin Camp explained that the PC wanted to focus on their comments in response to the alternative plan. Gregg Adelman pointed out that the alternative plan would not be possible without approval of numerous waivers.

Mr. Adelman responded to the question raised by Mrs. Camp at the previous meeting regarding the sidewalks and walking trails. He confirmed that the revised plan proposed 3.6 miles of sidewalks and 3.6 miles of trails.

PC had a discussion regarding their vision for W. Pleasant Grove Rd as a part of the proposed development. Main points included trails along the south side and a roundabout near the intersection with Orvis Way and Westminster Presbyterian Church. Al Federico recapped that several potential roundabout locations were previously discussed, including where the Connector Rd would intersect W Pleasant Grove Rd, and he strongly advocated for something like that for ease of access and other safety considerations. Mr. Embick recommended the trail to be extended along the northern portion of the tract (south side of W. Pleasant Grove).

PC discussed their desire that land development being moved further east, away from the Brandywine Battlefield Swath. The consensus among PC members was that the alternative plan was an improvement from the existing plan; however, the PC felt that the preservation of the Swath was preferable.

Kristin Camp went through the draft of the PC recommendations (52) in response to the alternate plan prepared by ESE consultants dated January 7, 2020. The discussion involved several items that needed to be clarified by the PC and the applicant. The main highlights included:

- Gregg Adelman felt strongly that if Toll was to shift the land development more towards east, it would violate numerous natural resource protection standards under the Township zoning ordinance.
- Mr. Adelman agreed that the development could be pulled more east of the Battlefield Brandywine Swath line, which would result in fewer housing units.
- PC recommended Toll explore options to shift the development more east of the Swath line.
- Some traffic-study related items were still pending review by the Township traffic engineer. Comments from the applicant's traffic consultant were recently submitted.
- PC requested Toll present sketches of potential roundabout locations and realignment of the Collector Rd with existing Orvis Way, while recognizing the need for collaboration with the Westminster Presbyterian Church.
- Mr. Embick emphasized the importance of encouraging Thornbury Township (Chester Co.) to cooperate regarding the potential traffic signal installation along SR 926 and other issues surrounding proposed land development.
- PennDOT was moving forward with the design of the improvements at Routes 926 and 202, scheduled for construction spring 2021-2022.
- PennDOT would like to see left turn lanes on both approaches of Route 926. There was a potential impact to the structures on the northwest and southeast quadrants,

and concern relayed by Thornbury on cooperation from some of the property owners. Toll was in the process of preparing design layout plans to PennDOT.

- PC recommended keeping Road N as an emergency access road only.
- PC emphasized their agreement with John Snook, that the proposed trails to be connected to each other or to sidewalks.
- Mr. Embick stressed that there were significant historic and scenic resources present on the property and, in his opinion, the Pennsylvania Constitution required taking cognizance of the environmental conditions on the property, therefore, enabling the PC to require the applicant to perform a historic study.
- Mr. Adelman emphasized that Toll would submit a structural integrity report to the Township for review before moving forward with Westtown Inn/Darlington Tavern relocation.
- Mr. Adelman stated that Toll would not seek to include the Westtown Inn/Darlington Tavern on the National Register of Historic Places, but would be open to further discussions.
- Mr. Embick raised a question as to whether the fiscal analysis provided by Toll included the analysis of connecting to public sewer. Mr. Adelman confirmed that it did not as the property was not included in the Township's public sewer service area.
- Mr. Scanlon, the WCASD superintendent, confirmed that if WCASD received permission from the HOA, they could take school busses onto private roadways. He noted that the location of bus stops would depend on bus routes.
- PC continued discussion on whether or not internal roadways within the proposed development should be private or public, maintenance associated with that and safety questions about school bus stop locations. Mr. Scanlon stated that the bus stops would more likely be on the proposed Collector Rd, a future public roadway.

Public Comment

- *Q: Is an overpass and underpass being considered for Routes 926 and 202?*
Mr. Federico confirmed that it was no longer considered as a part of the PennDOT project. He further explained that PennDOT eliminated that plan 10 years ago, and the current plan was to have a southbound right turn lane and another eastbound lane.
- *Q: There is continued discussion about the potential widening of Pleasant Grove Rd. I'd like to understand why we think it needs to be widened.*
Mr. Federico explained that there were several reasons for that. He noted that the existing road was very narrow, and with the completion of the connector road that provided the people in that area a different opportunity to travel to work without having to go back down to Route 926, there was a change in the travel patterns. He added that the code required the roads to be widened to a certain level when the properties along them were developed. He also pointed out that the trees along the road were not in a good shape and cost the Township a substantial amount of money in removal and maintenance over the years. Mr. Federico provided that the new roadway would be 20-24 feet wide.
- *Q: (To Mrs. Adler and Mr. Lees) Why are you not in agreement with your peers to move the development closer to Route 202?*
Mrs. Adler clarified that she was not against it, but she would like to see if it could be done without creating greater problems somewhere else.

- *Q: Comment on Routes 202 and 926 intersection that it had been discussed since 1960s, and the resident felt it was more beneficial to get rid off the section where the old bypass met Route 202, where there was the bottleneck.*
- *Q: Are you planning to plant the trees in place of those being taken down?*

Mr. Hatton confirmed that the applicant would have to include that information on landscaping plan.

Reports

Mr. Embick summarized his observations of the BOS meeting for 03/02/20.

Adjournment (RH/JE) 5-0

Meeting was adjourned at 9:50 pm.

Next PC Meeting:

March 18, 2020, 7:30 pm – Township Bldg

PC Representative at next Board of Supervisors Meeting:

March 16, 2020 – Jim Lees/Elaine Adler

Respectfully submitted,
William Ethridge,
Planning Commission Secretary

Attachment 1: Bump Variance minority report, Jack Embick (2 pgs)

In 1998, the Pennsylvania Supreme Court, in its decision in *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A.2d 43 (Pa. 1998), announced a less stringent standard for the granting of dimensional variances, which include relief from setback, minimum lot size, and building height requirements.

In *Hertzberg*, the court stated:

“[W]e now hold that in determining whether unnecessary hardship has been established, courts should examine whether the variance sought is use or dimensional. To justify the grant of a dimensional variance, courts may consider multiple factors, including the economic detriment to the applicant if the variance is denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood. To hold otherwise would prohibit the rehabilitation of neighborhoods by precluding an applicant who wishes to renovate a building in a blighted area from obtaining the necessary variances.

Pennsylvania appellate courts have been careful not to extend the holding of *Hertzberg*, stating that while *Hertzberg* eased the hardship standard borne by those seeking dimensional variances, it did not create “free-fire zones” for which variances could be granted when a party merely articulates a reason that it would be financially hurt if it could not do what it wanted to do with the property.”

Although not statutorily authorized by the MPC, it has been my experience that many zoning hearing boards also grant “de minimis” variances, which are small deviations from the dimensional standards of a zoning ordinance. I consider this to be more of a custom, more in keeping with the statement made last night by Mr. Petrosa that “any variance is OK if nobody objects.” I would tend to favorably consider such variances if I were convinced that rigid compliance is not necessary to protect the public concerns inherent in the zoning ordinance. I do not believe that there is any set of criteria upon which de minimis variances are granted; instead, they are evaluated according to the particular circumstances of each request for relief, or on an ad hoc basis. However, I am not convinced that such variance approvals are strictly “legal.”

With respect to the presentation last night by the Bumps, I am not convinced that the presentation meets the *Hertzberg* standard. I don’t think they proved that:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located (it is true that the lot is irregularly shaped, but the “hardship” is caused, in my opinion, by the initial decision to construct the type of house that was built);
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property (in my view the Bumps did not establish that they could not develop the property in an alternative fashion – they chose to propose a variance because they prefer the proposed garage to something else);
3. That such unnecessary hardship has not been created by the appellant (in my opinion, the hardship (if it is a hardship at all), was created by the decision to build the existing house in the

position it is on the lot);

4. That the Bumps would suffer any economic detriment; and

5. That the Bumps would suffer any financial hardship to build a complying structure or addition;

In my view this is not a Hertzberg situation. When we start approving variances like this, what will stop the Tolls, Lannars, and Pultes from routinely asking for dimensional variances to suit their purposes?

-John R. Embick, Esq.

DRAFT

ORDINANCE NO. 2020-01

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, REPEALING AND RESCINDING ORDINANCE NO. 2019-05.

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

SECTION 1. Ordinance No. 2019-05, which was approved by the Board of Supervisors of Westtown Township on August 19, 2019, is hereby repealed and rescinded in its entirety.

SECTION 2. It is the intention of the Board of Supervisors that Chapter 170, Zoning, of the Code of Westtown Township, remains in full force and effect as it was prior to the passage of Ordinance No. 2019-05.

SECTION 3. 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 Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

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

ENACTED AND ORDAINED this _____ day of _____, 20_____.

ATTEST:

WESTTOWN TOWNSHIP

Secretary

Richard D. Pomerantz, Chair

Carol R. De Wolf, Vice Chair

Scott E. Yaw, Esq., Police Commissioner

ORDINANCE 2020-03

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF WESTTOWN TOWNSHIP TO MODIFY CHAPTER 170, ZONING, OF THE CODE OF WESTTOWN TOWNSHIP REGARDING SIGNS.

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

SECTION 1. Chapter 170, Zoning, Article XVIII, Signs, of the Code is hereby amended in its entirety to read as follows:

Article XVIII. Signs

§ 170-1800. Applicability

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

§ 170-1801. Purpose and Intent

The purpose of this Part is to develop a comprehensive system of sign regulations to:

- A. Promote the safety of persons and property by providing that signs:
 - 1. Do not create traffic hazards by distracting or confusing motorists, or impairing motorist's ability to see pedestrians, other vehicles, obstacles or to read traffic signs.
 - 2. Do not create a hazard due to collapse, fire, collision, decay or abandonment.
 - 3. Do promote the aesthetic quality, safety, health, and general welfare and the assurance of protection of adequate light and air within the Township by regulation of the posting, displaying, erection, use and maintenance of signs.
- B. Promote the efficient transfer of information through the use of signs and to permit such use, but not necessarily in the most profitable form or format available for such use.
- C. Protect the public welfare and enhance the overall appearance and economic value of the landscape, while preserving the unique natural and historic environment that distinguishes the Township and consistent with Article I, § 27 of the Pennsylvania Constitution.
- D. Set standards and provide uniform controls that permit reasonable use of signs and preserve the character of Westtown Township.
- E. Prohibit the erection of signs in such numbers, sizes, designs, illumination, and locations as

may create a hazard to pedestrians and motorists.

- F. Avoid excessive conflicts from large or multiple signs, so that permitted signs provide information while minimizing clutter, unsightliness, and confusion.
- G. Establish a process for the review and approval of sign permit applications.
- H. Address billboard signs in the C-2 District along Route 202.

§ 170-1802. Definitions

Words and terms used in this ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not part of this listing, but vital to the interpretation of this ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

As used in this chapter, "sign" shall mean any permanent or temporary structure or part of a structure, or any device attached, represented, projected or applied by paint or otherwise, or any structure or other surface used to communicate information, a message or advertisement, or to attract the attention of the public to a subject or location. The term "sign" shall include, but not be limited to flat or curved surfaces, all support and/or assembly apparatus, flags, banners, streamers, pennants, insignias and medals with or without words or pictures. Signs on vehicles shall be subject to the provisions of this chapter when the vehicle is owned and located or parked on or in front of a lot under the control of an occupant of the lot.

- A. The following shall not be defined as signs under this Chapter:
 - 1. Any surface not exceeding one (1) square foot in area that is required by a federal, state, county or municipal law or regulation, or by the United States Post Office to identify a property by number, post box number or name(s) of occupants of the property.
 - 2. Flags and insignia of any municipal, state or federal government.
 - 3. Legal notices, identification information, or wayfinding information provided by governmental or legislative authorities.
 - 4. Integral, decorative or architectural features of buildings.
 - 5. Actual produce and merchandise displayed for sale that appear in store windows.
 - 6. Grave markers of all types.
 - 7. Memorial markers.

Sign types and definitions:

Abandoned Sign: A sign which has not been used to provide information for a period of at least 180 days.

Animated Sign: A sign that incorporates action, motion, or light or color changes through

electrical or mechanical means.

Awning: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning Sign: Any sign painted on, or applied to, an awning.

Balloon Sign: A sign painted on or affixed to a lighter-than-air, gas-filled balloon.

Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

Beacon Lighting: Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Billboard: An outdoor sign with a sign area that is between sixty (60) square feet and three hundred (300) square feet.

Building Frontage: The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

Canopy: A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Canopy Sign: Any sign that is part of, or attached to a canopy.

Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are *manual changeable copy signs* and *electronic changeable copy signs*, which include: *message center signs, digital displays, and Tri-Vision Boards*.

Channel Letter Sign: A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

Clearance: The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

Digital Display: The portion of a sign face made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Festoon Lighting: A type of illumination comprised of either: (a) a group of light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

Flag: Any sign or image printed or painted on cloth, plastic, canvas, or other like material attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flashing Sign: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

Freestanding Sign: A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of **freestanding signs**:

Ground Sign: A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as *monument sign*)

Pole Sign: A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

Gas Station Canopy: A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

Gas Station Canopy Sign: Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

Government Sign: Any sign constructed and/or installed by a federal, state, county or municipal government or authorized unit or department thereof.

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated within, or indirectly from an artificial source.

External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

Halo Illumination: A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as *back-lit illumination*)

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally

illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental Window Sign: Signs displayed in the window of a commercial, retail or other business establishment, which is no larger than one (1) square foot individually or three (3) square feet in the aggregate.

Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a flow of air into the device.

Interactive Sign: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Limited Duration Sign: A non-permanent sign that is displayed on private property for more than 30 days, but not longer than one year.

Manual Changeable Copy Sign: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee: A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building.

Marquee Sign: Any sign attached to a marquee.

Mechanical Movement Sign: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Menu Sign: A permanent sign not greater than thirty-two (32) square feet located at, on or in the window of a restaurant, or other use serving food, or beverages.

Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changing text located on a lot with a gas station or an athletic field.

Message Sequencing: The spreading of one message across more than one sign structure.

Multi-Tenant Sign: A freestanding sign located on lot on which a shopping center or complex with multiple tenants is located.

Mural (or mural sign): A large picture/image which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

Neon Sign: A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.

Nonconforming Sign: A sign that was legally erected and maintained at the effective date of

this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Pennant: A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign: A sign attached, affixed or painted to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Portable Sign: A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

Sandwich Board Sign: A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top. (Also known as *A-frame sign*)

Vehicular Sign: A sign affixed to a vehicle located on the same lot as a business and which sits or is otherwise not incidental to the vehicle's primary purpose.

Private Drive Sign: A sign located at an intersection of a street or drive which is not publicly owned and maintained and used only for access by the occupants of the property and their guests.

Projecting Sign: A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as *blade sign*)

Public Right-of-Way: The area between the outer edge of a paved street, road or highway and the closer of an abutting property line or a line parallel to such outer edge to be measured from the centerline of such street, road or highway to the following distance:

1. Sixty (60) feet for Routes 202 and 3.
2. Forty (40) feet for Routes 926 and 352.
3. Thirty (30) feet for collector streets.
4. Twenty-five (25) feet for a minor street.

Public Sign: A sign erected or required by government agencies or utilities.

Reflective Sign: A sign containing any material or device which has the effect of intensifying reflected light.

Revolving Sign: A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

Roof Sign: A building-mounted sign erected upon, against, or over the roof of a building.

Scoreboard: A sign contained within an athletic venue.

Security Sign: A sign located on a premises on which no trespassing, hunting, and/or soliciting

are permitted. (Also known as *warning sign*)

Shielded: The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See § 170-1805.C for standards for measuring sign area.

Sign Face: The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign Height: The vertical dimension of a sign as measured using the standards in § 170-1805.D.

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as *bandit sign*)

Storefront: The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment..

Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series and typically designed to move in the wind.

Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.

Street Pole Banner: A banner suspended above a public street or right-of-way, sidewalk and/or parking area and attached to a single street pole.

Temporary Sign: A non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

Urban Experiential Displays (UEDs): An outdoor sign that projects its message in three-dimensional (3-D) space.

Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: *fascia sign*, *parallel wall sign*, or *band sign*)

Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside.

§ 170-1803. Prohibited Signs

The following signs are unlawful and prohibited:

- A. Abandoned signs.
- B. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.
- C. Mechanical movement signs, including revolving signs.
- D. Pennant strings and streamers, except when located inside a stadium, arena, or temporary fairground during a special event.
- E. Animated signs, Urban Experiential Displays, flashing signs, or signs that scroll or flash text or graphics.
- F. Inflatable devices or balloon signs, with the exception of balloons used in temporary, situations.
- G. Signs which interfere with, imitate, or resemble any public sign, signal, or device within seventy-five (75) feet of a public right-of-way or within 200 feet of a traffic control device, whichever is greater.
- I. Any signs located within a public right-of-way and/or which obscures or interferes with the line of sight at any street intersection or traffic signal, or at any other point of vehicular access to a street.
- J. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign shall be attached to a standpipe or fire escape that creates confusion or interferes with its use and operation.
- K. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- L. Reflective signs or signs containing mirrors, excluding those as approved by the Township or PennDOT for traffic use.
- M. Interactive signs.
- N. Signs incorporating beacon or festoon lighting.
- O. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
- P. Roof signs, or any portion thereof, which extends above the roofline of any building.
- Q. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
- R. Any sign having content that is not subject to the protections of the First Amendment to the United States Constitution or Article I, Section 7 of the Pennsylvania Constitution, including, but not limited to the following:
 - 1. Obscenity/pornography.
 - 2. Fighting words.
 - 3. Incitement to imminent lawless action.

§ 170-1804. Signs Exempt from Permit Requirements

The following signs shall be allowed without a sign permit and shall not be included in the

determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any. All owners of such signs must still comply with all applicable standards of this chapter, including the responsibility for maintenance of signs in good and safe repair.

- A. Government signs constructed and/or installed by the federal, state, county or municipal government or an agency or department thereof and to include the United States Postal Service.
- B. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.
- C. Address signs - Up to two (2) signs required by the federal, state, county or municipal government or a department or agency thereof, including, but not limited to, the United States Post Office, located on the following uses and conforming with the dimensions set forth below as well as the specifications for street address number posting set forth in §61-5.
 - 1. *Residential uses.* Signs not to exceed one (1) square foot in area.
 - 2. *Non-residential uses.* Signs not to exceed five (5) square feet in area.
- D. Public signs - Signs erected or required by government agencies or utilities, including those located in the public right of way, at railroad crossings, on buildings that have rest rooms, telephones, or similar public convenience available, but not to exceed two (2) square feet.
- E. Private drive signs - One (1) sign per driveway entrance, not to exceed four (4) square feet in area.
- F. Security and warning signs - These limitations shall not apply to the posting of sign on premises where no trespassing, hunting and/or soliciting is permitted.
 - 1. *Residential uses.* Signs not to exceed four (4) square feet in area.
 - 2. *Non-residential uses.* Maximum of one (1) large sign per property, not to exceed five (5) square feet in area. All other posted security and warning signs may not exceed four (4) square feet in area.
- G. Flags:
 - 1. *Location.* Flags and flagpoles shall not be located within any right-of-way. *Height.* Flagpoles shall have a maximum height of thirty (30) feet in all residential districts.
 - 2. *Number.* No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
 - 3. *Size.* Maximum flag size is twenty-four (24) square feet in residential districts.
 - 4. Flags may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.
- H. Legal notices.
- I. Permanent architectural features of a building or structure, such as a cornerstone or carving or embossment on a building, provided that the letters are not made of a reflective material nor contrast in color with the building.
- J. Signs within four (4) feet of a crop growing in a field. Such signs shall not exceed four (4) square feet and shall be removed after the field has been harvested.

- K. Incidental signs, including incidental window signs when the total area of any such sign or all signs together does not exceed two (2) square feet.
- L. Street pole banners, located outside public rights-of-way, interior to a campus, institutional or commercial use, provided they comply with the following:
 - 1. *Area.* A maximum area of 12.5 square feet and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.
 - 2. *Height.*
 - a. When the street pole banner's edge is less than eighteen (18) inches from the curb, the lowest edge of the street pole banner shall be at least fourteen (14) feet above the finished grade.
 - b. When the street pole banner's edge is greater than eighteen (18) inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.
 - 4. *Location.*
 - a. No street pole banner shall extend beyond the curb line.
 - b. Street pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles.
 - c. Street pole banners shall not interfere with the visibility of traffic signals or signs.
 - d. No street pole banner shall be located on a pole that has traffic or pedestrian control signals.
- M. Temporary signs in accordance with §170-1808 Regulations by Sign Type (Limited Duration, Temporary and Portable Signs).
- N. Any canopy or awning, as defined herein, which does not have any lettering, logos or symbols printed, painted or otherwise affixed thereto.

§ 170-1805. General Regulations

- A. Sign location.
 - 1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with government street signs or signals by virtue of position or color.
 - 2. Except for those classified as exempt under §170-1804, no sign may be located within any public right-of-way and/or occupy a clear sight triangle of seventy-five (75) feet (as measured from the center-line intersections of two streets) shall be provided at all intersections. The minimum clear sight triangle shall be increased to 100 feet if either street is a collector street and to 150 feet if either street is an arterial highway.
 - 3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- B. Sign Materials & Construction: Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the Pennsylvania Uniform Construction Code; and shall be maintained in

safe condition and good repair at all times, consistent with this section, so that all sign information is clearly legible.

C. Sign Area.

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
3. Signs may be double-sided.
 - a. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than forty-five (45) degrees, and the two faces are not more than eighteen (18) inches apart.
 - b. Where the faces are not equal in size, but the interior angle formed by the faces is less than forty-five (45) degrees and the two faces are not more than eighteen (18) inches apart, the larger sign face shall be used as the basis for calculating sign area.
 - c. When the interior angle formed by the faces is greater than forty-five (45) degrees, or the faces are greater than eighteen (18) inches apart, all sides of such sign shall be considered in calculating the sign area.
4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
6. The permitted maximum area for all signs is determined by the sign type and the use of the property where the sign is located.

D. Sign Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type and type and the use of the property where the sign is located.

- E. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
- F. Sign Illumination.
1. Signs may be illuminated, unless otherwise specified herein, consistent with the general standards for outdoor lighting as outlined in §170-1514 and those listed below:
 - a. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare which is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
 - b. *Hours of Operation:*
 - i. Signs on non-residential properties may be illuminated from 6:00 a.m. prevailing time until 11:00 p.m. prevailing time, or ½ hour past the close of business of the facility located on the same lot as the sign, whichever is later.
 - ii. Signs shall provide an automatic timer to comply with the intent of this Section.
 - iii. The above hours of operation standards shall not apply to a use operating twenty-four (24) hours a day.
 - c. *Brightness:* Message center signs and digital displays are subject to the following brightness limits:
 - i. The illumination of the sign shall be set so as not to be more than 0.3 foot candles above ambient lighting conditions, measured using a foot candle meter at seventy-five (75) feet perpendicular to the sign's display
 - ii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set herein.
 - d. *Message Duration:* The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign shall be static and nonanimated and shall remain fixed for a minimum of thirty (30) seconds.
 - e. *Message Transition:* The length of time when a message is transitioned on a message center sign, digital display, or Tri-Vision Board sign shall be accomplished in one (1) second or less with all moving parts or illumination changing simultaneously and in unison.
 - f. *Default Design:* Any message center sign, digital display, or Tri-Vision Board shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
 2. Types of Illumination: Where permitted, illumination may be:
 - a. *External:* Externally illuminated signs, where permitted, are subject to the following regulations:
 - i. The source of the light must be concealed by translucent covers.

- ii. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
 - b. *Internal:* Internally illuminated signs, where permitted, are subject to the following regulations:
 - i. Internal illumination, including neon lighting, must be static in intensity and color.
 - ii. Message center signs are permitted in accordance with the regulations contained in §170-1805.F.3.
 - iii. Digital displays are permitted in accordance with the regulations contained in §170-1805.F.4.
- 3. Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this Section.
 - a. *Sign Type:* Message center signs are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations established in §170-1806 and §170-1807.
 - b. *Height:* A message center sign shall have the same height limits as other permitted signs of the same type and location.
 - c. *Area:*
 - i. When used other than as a billboard, message center signs shall not exceed fifty (50) percent of the sign area for any one sign, and shall not exceed more than thirty (30) percent of the total area for all signs permitted on a property.
 - ii. When used as billboard, message center signs may be used for the full permitted sign area.
 - d. *Maximum Number:* Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
 - e. *Message Display:*
 - i. No message center sign may contain text which flashes, pulsates, moves, or scrolls.
 - ii. The transition of a message center sign must take place instantly (*e.g.*, no fade-out or fade-in).
 - iii. *Default Design:* The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
 - f. Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit pursuant to §170-1815.
 - g. The addition of any message center sign to a nonconforming sign is prohibited.
- 4. Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.

- a. *Sign Type*: Digital displays are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations established in §170-1806 and §170-1807.
- b. *Height*: A digital display shall have the same height limits as for other permitted signs of the same type and location.
- c. *Area*:
 - i. When used other than as a billboard, digital displays shall not exceed more than thirty (30) percent of the total sign area permitted on the site.
 - ii. When used as a billboard, digital displays may be used for the full permitted sign area.
- d. *Maximum Number per Property*: Where permitted, one (1) digital display sign is permitted per property
- e. *Message Display*:
 - i. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited.
 - ii. One message/display may be brighter than another, but each individual message/display must be static in intensity and otherwise compliant with §170-1805.F(1)(c).
 - iii. The content of a digital display must transition by changing instantly, with no transition graphics (*e.g.*, no fade-out or fade-in).
 - iv. *Default Design*: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur or, in the alternative, shut down.
- f. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to §170-1815.
- g. The addition of any digital display to a nonconforming sign is prohibited.⁵
 - Electrical Standards.
 - a. Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.
 - b. All work shall be completed in full compliance with the Westtown Township Electrical Code as set forth in the Pennsylvania Uniform Construction Code.
 - c. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
 - d. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the Westtown Township as a condition precedent to the issuance of a sign permit.

6. Glare Control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

§ 170-1806. Regulations by Sign Type: Generally

A. Wall Signs.

1. No portion of a wall sign shall be mounted less than ten (10) feet above the finished grade or extend out more than eight (8) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the ten-foot height requirement need not be met.
2. More than one sign shall be permitted per wall, except that the total area of all signs on one wall shall not exceed ten percent of the façade.
3. No wall sign shall extend above the top of the wall upon which it is mounted or beyond the edges of same.

B. Canopy or Awning Signs.

1. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
4. Sign Placement.
 - a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
 - b. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
5. Sign Height.
 - a. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
6. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
7. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

C. Projecting Signs.

1. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
2. The outermost portion of a projecting sign shall not project into any public right-of-way.
3. Sign Height. The lowest edge of a projecting sign shall be at least ten (10) feet above the finished grade and shall not extend above the top of the wall upon which it is

mounted.

D. Window Signs

1. Incidental window signs, shall be excluded from area calculations for window signs.
2. Multiple window signs shall be permitted per building, provided that all window signs at any one time do not exceed twenty-five (25) percent of the total glass area on the side of the building where they are placed. For grocery stores, food markets, and pharmacies, the total glass area covered by window signs shall not exceed thirty-five (35) percent.
3. Window signs may be internally lit when located on a lot within a commercial, multi-use or planned office campus zoning district.

E. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
3. Sign Height
 - a. No portion of a marquee sign shall extend vertically above the eave line.
 - b. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

F. Freestanding Signs

1. On any tract, the total number of freestanding signs shall not exceed one per street frontage, regardless of location.
2. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
3. Sign Height: Unless otherwise specifically allowed, height standards for freestanding signs are as follows:
 - a. Ground signs shall have a maximum height of 3.5 feet, except for those located along Route 202 or Route 3, which shall have a maximum height of 4.5 feet.
 - b. Pole signs shall have a maximum height of fifteen (15) feet. The minimum distance between the ground surface and the bottom of the sign face shall be four (4) feet.
4. Sign Placement.
 - a. All freestanding signs shall be set back five (5) feet from the right-of-way, except for government signs. Where compliance with this standard would nonetheless create an obstruction of view, further setback may be required.
 - b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.

- c. All freestanding signs shall be located no closer to any adjacent residential lot line, public park, church, school, or public playground than the minimum setback or separation distance required for any other adjacent structure or building, as regulated by this chapter.

G. Manual Changeable Copy Signs: Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, wall, or portable sign.

§ 170-1807. Regulations by Sign Type: Billboards.

A. Locations Permitted.

1. Billboard signs are permitted in the following location as a conditional use:

- a. C-2, Highway Commercial District

B. Sign Size: A billboard sign is subject to the following size restrictions according to the posted speed limit of the road which the billboard sign faces.

	Posted Speed Limit (MPH)				
	≤35	36 -45	46-55	56-65	Limited Access
Maximum Sign Area (square feet)	60	100	150	300	300

C. Height and Location of Sign.

- 1. The height of a billboard sign shall be measured from the average grade based on the area found within a fifty-foot radius of the outer limit of the sign structure.
- 2. The lowest edge of a billboard sign shall be at least seven (7) feet above the finished grade.
- 3. Billboard signs shall have a maximum height of twenty-four (24) feet.

D. Spacing: Billboard signs shall be:

- 1. Set back a minimum of five (5) feet from the ultimate street right-of-way.
- 2. Set back a minimum of forty (40) feet from any abutting lot.
- 3. Located no closer than fifty (50) feet from any building, structure, or non-billboard sign located on the same property.
- 4. Located no closer than five hundred (500) feet from any other billboard sign on either side of the road measured linearly. Such separation distance shall be increased, where as needed, to ensure that no more than one billboard sign shall be visible to a driver at any one time.
- 5. Not attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.
- 6. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines and set back a minimum of twenty-four (24) feet from any easement.
- 7. Not located on a bridge.

- E. Number of Signs per Lot: There shall be no more than one billboard sign per lot. Vertically or horizontally stacked signs shall not be permitted.
- F. Double-Sided Billboard Signs: Signs may be double-faced, provided that the two faces are the same size and are positioned as mirror images that are parallel and not offset from each other in any direction.
- G. Message Sequencing: Message sequencing across more than one sign is prohibited.
- H. Construction and Maintenance.
 - 1. All plans for billboard signs shall be certified by a licensed engineer registered in Pennsylvania.
 - 2. All billboard signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All billboard signs shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.
 - 3. The rear face of a single-face, billboard sign shall be painted and maintained with a single neutral color as approved by Westtown Township.
 - 4. Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in Pennsylvania and shall provide to Westtown Township a certificate certifying that the billboard is structurally sound.
 - 5. All maintenance, cleaning and repair, including repair of torn or worn advertising copy and removal of graffiti shall be performed promptly. In the event the Township notifies the owner or lessee of any damage, vandalism, or graffiti on the billboard sign, the owner or lessee shall repair or correct the problem within forty-eight (48) hours of such notification. If repairs and corrections are not timely, the Township shall have the right, but not the obligation, to make repairs or corrections and be reimbursed the cost thereof by the owner or lessee.
 - 6. A billboard sign shall be properly and adequately secured to prevent unauthorized access.
 - 7. A bond or other security acceptable to the Township, in the form and amount satisfactory to the Township, shall be posted with the Township to ensure that the billboard sign will be properly removed after the termination of use for a period of one (1) year.
- I. Identification of Sign Owner: All billboard signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.
- J. Landscaping and Screening Requirements.
 - 1. Landscaping shall be provided at the base of all billboard signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this Section.
 - 2. Trees having a breast height diameter (“BHD”) greater than four (4) inches, which are removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species with a BHD of no less than three (3) inches.

3. Billboard signs shall be screened from any abutting property used or zoned for residential use. Such screening shall consist of evergreen trees of at least fifteen (15) feet in height at the time of planting that form a continuous visual buffer along or near the property line abutting the residential use or lot.
 4. If at the time of planting the evergreens do not provide for adequate screening, a temporary, non-vegetative screen may be required at the discretion and approval of the Township. This screening shall not exceed the height of the existing sign and shall be removed at the expense of the sign owner or lessee owner at such time the evergreens provide for adequate screening as determined by the Township.
- K. Additional Regulations. All billboard signs shall comply with any and all applicable state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more stringent regulation shall apply.
- L. Application/Plan Requirements. Plans submitted for billboard signs shall show the following:
1. The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way.
 2. The location and species of existing trees.
 3. The distance to the nearest existing billboard sign.
 4. The distance to the nearest right-of-way, property line, building, structure, non-billboard sign, billboard sign, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.
 5. Site plan containing all of the applicable requirements set forth in the Westtown Township zoning code, as amended.
 6. Certification under the seal by a licensed engineer that the billboard sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
- M. Illumination and Changeable Copy of Billboard Signs. Lighting shall comply with the Illuminating Engineering Society of North America's (IESNA) recommended practices and criteria in the IESNA Lighting Handbook, including but not limited to criteria for full-cutoff fixtures.
1. Billboard signs may incorporate manual changeable copy signs.
 2. Billboard signs may be illuminated, provided that:
 - a. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the billboard sign and away from adjoining properties.
 - b. Light sources are not visible from any street or adjoining properties.
 3. The following illumination types shall be permitted subject to the regulations in §170-1805.F, Sign Illumination.
 - a. Message center sign
 - b. Digital display
 - c. External illumination

d. Internal illumination

4. Billboard signs may incorporate Tri-Vision Boards.

- a. The length of time each message of the Tri-Vision Board may be displayed before changing is based upon the visibility and posted speed limit unique to individual signs and adjacent road conditions. The message duration for Tri-Vision Boards shall be calculated using the method described in §170-1805.F.1.f. Message Duration.

N. Safety. In applying for conditional use, the applicant bears the burden of proof to establish that the proposed billboard sign will not create a public health or safety hazard in the manner and location that it is proposed and in the manner by which it is to be operated.

§ 170-1808. Regulations by Sign Type: Limited Duration, Temporary and Portable Signs

A. Limited duration, temporary and portable signs, as defined in this Section, located on private property are subject to the regulations set forth below. Limited duration, temporary and portable signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed below shall apply to signs in both commercial and non-commercial zoning districts.

B. Size and Number.

1. Non-Residential Zones:

- a. Large limited duration and temporary signs: One (1) large sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large limited duration sign may be permitted so long as there is minimum spacing of 200 feet between the two (2) large limited duration signs.

i. Type:

- a. Freestanding sign
b. Window sign
c. Wall sign
d. Banner sign

ii. Area:

- a. Each large sign shall have a maximum area of twenty-four (24) square feet.
b. Each large banner shall have a maximum area of thirty-two (32) square feet.

iii. Height:

- a. Signs that are freestanding shall have a maximum height of eight (8) feet.
b. Banners shall hang at a height no greater than twenty-four (24) feet when attached to an existing structure.

- b. Small limited duration and temporary signs: In addition to the large sign(s)

outlined above, one (1) small sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional small sign may be permitted so long as there is a minimum spacing of 200 feet between both sets of small temporary signs.

i. Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign

ii. Area: Each small sign shall have a maximum area of six (6) square feet

iii. Height: Small signs that are freestanding shall have a maximum height of six (6) feet.

c. Portable signs.

i. Hours of display.

- a. Signs shall not be displayed on any premises before 6:00 a.m. prevailing time and shall be removed each day at or before 10:00 p.m. prevailing time. However, all portable signs must be taken in during hours of non-operation of the business located on the property.
- b. All portable signs must be taken in during inclement weather.

ii. Sandwich Board or A-frame Signs. Sandwich board signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

- a. Number: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.
- b. Area: Each sign shall have a maximum area of seven (7) square feet per sign face.
- c. Height: Signs shall have a maximum height of three and one-half (3.5) feet.

iii. Sign placement.

- a. If a sign is located on a public or private sidewalk, a minimum of thirty-six (36) inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
- b. The sign must be located on the premises, and within twelve (12) feet of the primary public entrance, of the establishment placing the sign. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.

- c. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

iv. Manual Changeable Copy Signs.

- a. Manual changeable copy signs are permitted when integrated into a sandwich board sign.

v. Vehicular Signs: Vehicular signs are subject to the regulations found in Chapter 162 of the Westtown Township Code for Vehicles and Traffic.

2. Residential Zones:

- a. Large limited duration and temporary signs: One (1) large sign is permitted per property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.

i. Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign
- d. Banner sign

ii. Area:

- a. Each large sign shall have a maximum area of sixteen (16) square feet.
- b. Each large banner shall have a maximum area of thirty-two (32) square feet.

iii. Height:

- a. Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.
- b. Banners shall hang at a height no greater than twenty-four (24) feet when attached to an existing structure.

- b. Small limited duration and temporary signs: One (1) small sign is permitted per property.

i. Type:

- a. Freestanding sign
- b. Window sign
- c. Wall sign

ii. Area: Each small sign shall have a maximum area of six (6) square feet

iii. Height: Small signs that are freestanding shall have a maximum height of six (6) feet.

C. Permit Requirements.

1. Limited duration signs

- a. A permit for a limited duration sign is issued for one (1) calendar year effective January 1st and may be renewed annually.
- b. An applicant may request up to two (2) permits per address, but is subject to the size and number requirements set forth in this section.
- c. An application for a limited duration sign permit must include:
 - i. A description of the sign indicating the number, size, shape, and dimensions of the sign, and the expected length of time the sign will be displayed;
 - ii. A schematic drawing of the site showing the proposed location of the sign in relation to nearby building and streets;
 - iii. The number of signs on the site.

2. Temporary signs

- a. Temporary signs are exempt from the standard permit requirements, but the date of erection of a temporary sign must be written in indelible ink on the support for the sign. Signs without a date of erection or legible date of erection placed on the sign support shall be removed by the Township or the owner of the sign.
- b. Temporary signs may be displayed up to a maximum of ninety (90) consecutive days, two (2) times per year.
- c. Westtown Township or the property owner where the sign is placed may confiscate signs installed in violation of this chapter. Neither Westtown Township nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign. The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

D. Installation and Maintenance.

- 1. All signs must be installed such that in the opinion of the Westtown Township zoning officer, they do not create a safety hazard.
- 2. All signs must be made of durable materials and shall be well-maintained.
- 3. Signs that are frayed, torn, broken, or are otherwise in a failing physical condition will be deemed unmaintained and required to be removed.

E. Illumination: Illumination of any limited duration, temporary or portable sign is prohibited.

§ 170-1809. Signs Located on Lots with an Agricultural Use

In addition to the exempt signs described in §170-1804, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected on properties with active agricultural uses, subject to the conditions specified here.

- A. Any limited duration and temporary signs as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs).
- B. Freestanding signs shall be permitted subject to the following regulations:
 - 1. Number: One (1) sign at each street access, up to a maximum of two (2) signs per lot.

2. Area: Each sign shall have a maximum area of fifteen (15) square feet per sign face.
3. Height: Signs shall have a maximum height of six (6) feet unless located along Route 926 or Route 352 where the height can be increased to eight (8) feet.
4. Illumination: These signs shall be non-illuminated.

C. Window signs for uses customarily associated with agricultural uses shall be permitted subject to the following regulations.

1. Area: A maximum of fifteen (15) percent of the total window area of any single building frontage may be used for signs.
2. Illumination: Illumination of these signs is prohibited.

§ 170-1810. Signs Located on Lots with Parks and Open Space

In addition to the exempt signs described in §170-1804, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected on properties serving as parks and open space, subject to the conditions specified here.

A. Any limited duration and temporary signs as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs).

B. Freestanding signs shall be permitted subject to the following regulations:

1. Number: One (1) sign per street access to a park or open space facility.
2. Area: Each sign shall have a maximum area of twenty-four (24) square feet per sign face.
3. Height: Signs shall have a maximum height of ten (10) feet.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

C. Signs located on the interior of the site, the sign face of which is not larger than one and one half (1.5) square feet are exempt from permit requirements.

D. Signs for recreation and sporting facilities shall be allowed provided that the following criteria is met:

1. A maximum of twenty (20) signs on the interior walls or fence of an open stadium or field shall be permitted and no sign shall be greater than twenty-four (24) square feet in size and shall be non-illuminated and not visible from any public rights-of-way.
2. One (1) freestanding scoreboard, not to exceed 200 square feet in area and twenty (20) feet in height, is permitted per playing field.
 - a. The face of all scoreboards, including any attached signs and panels, shall be permanently oriented toward the recreation and spectator area.
 - c. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F, Sign Illumination.

§ 170-1811. Signs Located on Lots with a Residential Use

In addition to the exempt signs described in §170-1804, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected on properties utilized for residential purposes, subject to the conditions specified here.

A. Any limited duration sign as defined and regulated in §170-1808, Regulations by Sign Type

(Limited Duration, Temporary and Portable Signs).

- B. Signs on a lot on which a major home occupation is located shall comply with §170-1605.G(2)(m).
- D. Freestanding signs on a lot on which residential developments or apartment buildings containing more than ten units are located shall be permitted subject to the following regulations:
 - 1. Number: A maximum of two (2) signs are permitted at primary entrance(s) utilized to access the development.
 - 2. Area: Freestanding sign, fifteen (15) square feet; projecting or wall sign, ten (10) square feet.
 - 3. Height: Freestanding sign, three and one-half (3.5) feet; projecting or wall sign, twelve (12) feet.
 - 4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - 5. For signs proposed for a location under the ownership of a private land owner, a deed of easement or an affidavit from the property owner where the sign is proposed shall be required as part of any sign permit application.
 - 6. A maintenance agreement shall be submitted as part of the sign permit application that states the responsible party(s) for the on-going maintenance of the sign.

§ 170-1812. Signs Located on Lots with an Institutional Use

In addition to the exempt signs described in §170-1804 Exempt Signs, the following numbers and types of signs may be erected for Institutional uses, including schools, religious institutions, municipal buildings, hospitals, clubs, or permitted uses of a similar nature subject to the conditions specified here.

- A. Any limited duration, temporary or portable sign as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs), subject to the following regulations:
 - 1. One (1) large sign with a maximum area of twenty-four (24) square feet shall be permitted on a lot with a principal educational or school use at any time.
 - 2. No more than four (4) small signs with a maximum area of six (6) square feet shall be permitted on a lot with a principal educational or school use at any time.
 - 3. Small signs on a lot with a principal educational or school use shall be no closer than fifty (50) feet to another small sign measured as a straight-line distance between the closest edges of each sign.
- B. The total area of all wall, awning/canopy, freestanding, and projecting signs shall not exceed an area equal to two (2) square feet for every one (1) linear foot of building wall parallel to, and facing, any particular street. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one frontage may not be used on another street frontage.
- C. Signs on a lot with a park or open space use in an institutional district shall comply with §170-1810.

D. Freestanding signs on a lot with an institutional use, other than parks and open space, shall be permitted subject to the following regulations:

1. Number: One (1) ground sign is permitted per street upon which the property has direct frontage.
2. Area: Ground sign, twenty-four (24) square feet except on lots with a principal educational or school use,
which shall have a maximum area of fifty (50) square feet.
3. Height: Ground sign, six (6) feet except for lots with a principal educational or school use, which shall
have a maximum height of fifteen (15) feet.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. Internal illumination
 - b. External Illumination
 - c. Message center sign
 - d. Digital display on lots with a principal educational or school use

E. Freestanding signs located on the interior of the site at least twenty-five (25) feet from the nearest property boundary line are exempt from permit requirements, subject to the following:

1. Area: Each sign shall have a maximum area of ten (10) square feet
2. Height: Each sign shall have a maximum height of six (6) feet
3. Illumination: Illumination of these signs shall be prohibited.

F. Wall signs shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage, up to a maximum of two (2) signs. Where an educational use has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
2. Area: The total area for all wall signs are subject to the regulations in §170-1806.A.2.
3. Height: Signs shall have a maximum height equal to the eave line of the structure where it is placed.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. Internal illumination
 - b. External illumination, lit from above
 - c. Halo illumination or back-lit letters

G. Awning or canopy signs shall be permitted subject to the following regulations.

1. Height: Signs shall have a maximum height equal to the eave line.
2. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

a. External illumination, lit from above

H. Projecting signs on lots with an educational use shall be permitted subject to the following regulations.

1. Number: One (1) sign per building entrance.
2. Area: Each sign shall have a maximum area of twenty (20) square feet per sign face.
3. Height: Signs shall have a maximum height equal to the eave line.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

a. External illumination, lit from above

§ 170-1813. Signs Located on Lots with Commercial and Industrial Uses

Except as noted below, the following numbers and types of signs may be erected on any lot with a principal commercial or industrial use subject to the conditions specified here:

- A. Any limited duration, temporary or portable sign as defined and regulated in §170-1808, Regulations by Sign Type (Limited Duration, Temporary and Portable signs).
- B. The total area of all wall, awning/canopy, freestanding, and projecting signs on lots with non-residential uses shall not exceed an area equal to two (2) square feet for every one (1) linear foot of building wall parallel to, and facing, any particular street. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one frontage may not be used on another street frontage.

C. Wall signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a store has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
2. Area: The total area for all wall signs are subject to the regulations in §170-1806.A.2.
3. Height: Signs shall have a maximum height equal to the eave line of the structure where it is placed.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. Internal illumination
 - b. External illumination, lit from above
 - c. Halo illumination or back-lit letters
 - d. Neon lighting

D. Awning or canopy signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Height: Signs shall have a maximum height equal to the eave line.
2. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. External illumination, lit from above

E. Projecting signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
2. Area: Each sign shall have a maximum area of twenty (20) square feet per sign face.
3. Height: Signs shall have a maximum height equal to the eave line.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.
 - a. External illumination, lit from above
 - b. Neon lighting

F. Window signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Area: A maximum of twenty-five (25) percent of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of thirty-five (35) percent of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.

G. Marquee signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) marquee sign per building.
2. Area: The total area of signs on a single marquee structure shall not exceed 200 square feet in area.
3. Height: Signs shall have a maximum height equal to the eave line.
4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F, Sign Illumination.
 - a. Internal illumination
 - b. Message center sign
 - c. Digital display

H. In addition to building signs, freestanding signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
 - a. For permitted gas stations, one (1) additional freestanding sign per street frontage shall be permitted, up to two (2) additional signs per property.
 - b. For permitted drive-through establishments, one (1) additional freestanding sign shall be permitted next to the drive-through lane only.
2. Area: Each sign shall have a maximum area of fifty (50) square feet plus an additional ten (10) square feet per tenant up to a maximum of 100 square feet
3. Height: Signs shall have a maximum height of fifteen (15) feet.

4. Illumination: The following illumination types shall be permitted subject to the regulations in §170-1805.F. Sign Illumination.

a. Internal illumination

b. Message center sign

c. Digital display

I. The following additional requirements shall apply to signs located in the Planned Office Campus (POC) District.

1. Area: Ground sign, twenty-four (24) square feet; wall sign, forty (40) square feet.

2. Height: Ground sign, three and one-half (3.5) feet.

§ 170-1814. Removal of Unsafe, Unlawful, or Abandoned Signs

A. Unsafe or Unlawful Signs.

1. Whenever a sign becomes structurally unsafe and/or poses a potential threat to the safety of a building or premises or endangers the public safety, and such condition becomes known to the Zoning Officer, he/she shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe within five (5) days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.

2. Where in the opinion of the Zoning Officer upon careful inspection by he/she and the Township building official, any sign as described above constitutes an imminent hazard to public safety necessitating immediate action, he/she shall be empowered to take those measures he/she deems appropriate to secure, stabilize, or remove such sign without the written notice to the owner of the premises otherwise required by that section. Any expense directly incurred to secure, stabilize, or remove such sign shall be charged to the owner of the property. Where the owner fails to pay, Westtown Township may file a lien upon the property on which such sign was situated in the amount of the costs incurred by the Township to secure, stabilize, or remove the sign.

3. Failure of the Zoning Officer to remove, or require the removal of, any unsafe sign as described in this section shall create no liability upon, nor any cause of action against, the Zoning Officer or any other Township official or employee for damage or injury that may occur as a result of such sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, structural trim, and all associated electrical components when applicable.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in a 180 days Westtown Township may remove such sign after the Zoning Officer gives written notice to the sign owner. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, Westtown Township may file a lien upon the property for the purpose of recovering all reasonable costs, including reasonable attorney fees

incurred by the Township, associated with the removal of the sign.

§ 170-1815. Permits & Applications

- A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within Westtown Township without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in §170-1804. Exempt Signs.
- B. In order to apply for a sign permit, the applicant must provide the following information, in writing, to Westtown Township:
 - 1. Name of organization and location.
 - 2. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
 - 3. Contact person and contact information.
 - 4. Description of the activities occurring on the site where the sign will be installed.
 - 5. Description of any existing signage that will remain on the site.
 - 6. Identification of the type of sign(s) to be erected by the applicant.
 - 7. Site plan depicting the locations of proposed signage and existing remaining signage.
 - 8. Two copies of a plan drawn to scale depicting:
 - a. Lot dimensions, building frontage, and existing cartways, rights-of-way and driveways.
 - b. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
 - c. Building elevations, existing and proposed facades, parapet walls, eave line and the location and size of all proposed and existing permanent signage.
 - d. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
 - 9. A permit fee, to be established from time to time by Resolution of Westtown Township, shall be paid.
- C. Westtown Township shall have fifteen (15) business days from the receipt of a complete application to review the application.
- D. A permit shall be issued on or before the end of the fifteen (15) business day review period if the application for a new sign or renewal complies with the regulations contained herein.
- E. If Westtown Township does not issue a determination within the fifteen (15) business day period, the sign permit is deemed approved.
- F. An application for a sign permit may be denied by Westtown Township within the fifteen (15) business day review period if the application fails to comply with the standards contained herein. Westtown Township shall inform the applicant of the reasons for denying the application for sign permit by certified mail.
- G. Upon denial of an application for a sign permit, the applicant has thirty (30) business days to revise and resubmit the application for review by Westtown Township. In the alternative, the applicant may also appeal the decision of Westtown Township to the Zoning Hearing Board

within the thirty (30) business day time period.

- H. With the exception of lighting permits for digital signs, these permits shall not expire provided that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (*i.e.*, repairs that costs more than fifty (50) percent of the replacement cost of the damaged sign); the organization must apply for a new sign permit, and pay an additional fee, if required.

§ 170-1816. Nonconforming Signs

- A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:
1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
 2. If more than fifty (50) percent of the sign area is damaged, it shall be repaired to conform to this Ordinance.
 4. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
 5. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by Westtown Township.
- C. To determine the legal status of existing signs in each of the cases listed in §170-1816.B., the applicant shall submit the following information to the Westtown Township Zoning Officer:
1. Type(s) of existing sign(s) located on the property.
 2. The area and height of all signs.
 3. For freestanding signs, the distance between the curb line or shoulder and the nearest portion of the sign.
 4. Type of sign illumination.
 5. The material of which the sign is constructed.
 6. The building frontage.
 7. If a Billboard sign, the applicant shall also submit the plan requirements listed in §170-1807.M.
- D. Prior to the events listed in §170-1816.B., nonconforming signs may be repainted or repaired up to fifty (50) percent of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.
- E. Nonconforming signs shall be exempt from the provisions of §170-1816.B, under the following conditions:
1. The nonconforming sign possesses documented historic value.

2. The nonconforming sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Pennsylvania Historical and Museum Commission, or local historical commission.
 3. When a nonconforming sign is required to be moved because of public right of way improvements.
- F. All nonconforming temporary signs, portable signs, and banners must be permanently removed within ninety (90) days of the effective date of this Article, unless specific approval is granted as provided for herein.

§ 170-1817. Signs Located on a Lot with Legally Nonconforming Uses.

- A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
- B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Article was adopted.

§ 170-1818. Substitution Clause

Notwithstanding any provision of this chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

§ 170-1819. Violations

The placement of a sign that requires a sign permit without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as prescribed within Article XXIII of the Zoning Ordinance for Violation Remedies; Fees; Liability.

SECTION 2. 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 3. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this _____ day of _____, 2020.

ATTEST:

WESTTOWN TOWNSHIP

Secretary

Richard Pomerantz, Chair

Carol R. De Wolf, Vice Chair

Scott E. Yaw, Police Commissioner

RESOLUTION 2020-06

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA,
DECLARING A LOCAL STATE OF DISASTER EMERGENCY**

WHEREAS, effective as of March 6, 2020, there were presumed positive cases of Coronavirus (COVID-19) confirmed in the Commonwealth of Pennsylvania which was set forth in a Proclamation of Disaster Emergency issued by the Governor of Pennsylvania, Tom Wolf; and

WHEREAS, COVID-19 presents the possibility of spreading both nationwide and within Westtown Township and therefore may endanger the health, safety, and welfare of a substantial number of persons residing in Westtown Township, and which likewise threatens to create substantial public health, medical, and emergency response burdens within Westtown Township; and

WHEREAS, immediate proactive emergency management measures are required to mitigate and reduce the severity of this public health emergency for purposes of protecting the health, safety, and welfare of residents in Westtown Township; and

NOW, THEREFORE, we, the undersigned Board of Supervisors of Westtown Township, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, (35 Pa C.S. Section 7101 et seq.), do hereby declare the existence of a local disaster emergency in Westtown Township.

FURTHER, the effect of this Declaration of Local Disaster Emergency is to activate the response and recovery aspects of any and all applicable local emergency management plans and to authorize the furnishing of aid and assistance thereunder.

FURTHER, we direct the Westtown Township Emergency Management Coordinator to coordinate the activities of emergency response, to take all appropriate action needed to alleviate the effects of this medical emergency, to aid in the restoration of essential public services, and to take any other emergency response and recovery action deemed necessary to respond to this disaster emergency.

ADOPTED as Resolution this 16th day of March, 2020.

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Richard Pomerantz, Chair

Carol De Wolf, Vice Chair

Scott Yaw, Police Commissioner

Attest:

Robert Pingar, Secretary

EGG HIKE AT OAKBOURNE PARK

SATURDAY, APRIL 4, 2020
10:00 a.m. to noon*

BYO basket, grab a map at the park pavilion, and hit the trails at Oakbourne Park to locate egg pick up stations. All ages are welcome. Keep your eyes peeled along the way for hidden golden eggs with special prizes!

Cancelled if raining.

**Hosted by the Westtown Township
Parks & Recreation Commission**

***or while eggs last.**



23RD ANNUAL CRC STREAMS CLEANUP

Saturday
April 4
9:00 - 11:30am

Volunteer Picnic
following cleanup
Rita Reves Park
Newtown Square

Celebrating
50
YEARS
of stream care

TOGETHER
1970 - 2020



REGISTER ONLINE BEFORE MARCH 19 TO RECEIVE A FREE T-SHIRT

Check Register

Westtown Township

13-Mar-20

From: 03-Mar-20 To: 16-Mar-20

Check No	Check Date	VendorNo	Vendor	Check Amount	Status
Bank Account: 1 GENERAL FUND					
15477	3/5/2020	405540	Albert Federico Consulting, LL	\$130.00	O
15478	3/5/2020	5	Brandywine Conservancy - EM	\$450.00	O
15479	3/5/2020	178	CCATO (CC Assoc of Townsh	\$390.00	O
15480	3/5/2020	1001	CRC Watersheds Assoc	\$300.00	O
15481	3/5/2020	225	DELCHESTER PUBLIC WOR	\$55.00	O
15482	3/5/2020	886	DTN, LLC	\$3,720.00	O
15483	3/5/2020	7185	Eastern Salt Company Inc	\$7,020.25	O
15484	3/5/2020	48	H. A. Weigand Inc	\$212.00	O
15485	3/5/2020	1230	Haines Landscaping & Tree S	\$250.00	O
15486	3/5/2020	140	HUBER ELECTRIC	\$223.15	O
15487	3/5/2020	405447	Jessica Eberl	\$120.00	O
15488	3/5/2020	406052	Pennoni	\$454.94	O
15489	3/5/2020	153	Rothwell Document Solutions	\$623.63	O
15490	3/10/2020	7191	Code Inspections Inc	\$6,835.71	O
15491	3/10/2020	58	East Goshen Township	\$1,309.96	O
15492	3/10/2020	6995	Ferguson Enterprises Inc #501	\$132.93	O
15493	3/10/2020	6222	Gail Guterl	\$15.00	O
15494	3/10/2020	7140	HAJOCA CORPORATION	\$983.29	O
15495	3/10/2020	127	In-Fleet Truck Service	\$732.77	O
15496	3/10/2020	406223	Modern Group Ltd	\$81.71	O
15497	3/10/2020	1079	PA DEPT LABOR & INDUSTR	\$257.01	O
15498	3/10/2020	5562	Robert E. Little, Inc.	\$73.27	O
15499	3/10/2020	6451	Yale Electric Supply CO	\$288.93	O
Bank Total:				\$24,659.55	
Bank Account: 8 WASTEWATER FUND					
3452	3/5/2020	6468	Carroll Engineering Corp	\$3,235.36	O
3453	3/5/2020	406224	Sonya Dowdy	\$285.00	O
3454	3/5/2020	61	West Goshen Township (WW	\$51,506.36	O
3455	3/11/2020	1074	LENNI ELECTRIC CORPORA	\$622.25	O
3456	3/11/2020	1196	McGovern, Inc.	\$1,651.20	O
3457	3/11/2020	1164	Univar USA, Inc.	\$3,008.08	O
3458	3/11/2020	357	W. G. Malden	\$1,194.40	O
Bank Total:				\$61,502.65	
Bank Account: 18 CAPITAL PROJECTS FUND					
1210	3/3/2020	6468	Carroll Engineering Corp	\$2,603.35	O
1211	3/3/2020	6468	Carroll Engineering Corp	\$1,511.46	O
1212	3/3/2020	406064	R.C. Legnini Company, Inc.	\$35,231.91	O
Bank Total:				\$39,346.72	
Total Of Checks:				\$125,508.92	