

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, October 23, 2024 – 7:00 pm

Stokes Assembly Hall – Township Administration Building  
1039 Wilmington Pike, West Chester, PA

For general inquiries or questions about any of the items on this agenda, please contact the Township office either by phone (610) 692-1930 or via e-mail at [administration@westtown.org](mailto:administration@westtown.org).

## **Call to Order and Pledge of Allegiance**

## **Adoption of Agenda**

## **Approval of Minutes**

1. Planning Commission Meeting September 18, 2024
2. Planning Commission Meeting October 9, 2024

## **Announcements**

## **Public Comment – Non-Agenda Items**

## **New Business**

### **1. Ordinance Amendments – Pipeline Setbacks**

The Chester County Planning Commission will be in attendance to participate in the discussion related to potential ordinance to regulate developments within the proximity to transmission pipelines.

## **Old Business**

### **1. Land Development Application – 1506 West Chester Pike**

The applicant, Westtown AM West TIC, LLC, has submitted a revised land development application for construction of a one-story 3,294 square foot bank with drive-up ATM, 12 parking spaces, lighting, landscaping, signage and underground stormwater basin at the northeastern corner of the Westtown Marketplace shopping center. The applicant also proposes to install painted crosswalk, concrete sidewalk, and ADA complaint ramp to connect the existing pedestrian walkway along the front of the main building across the parking lot to the current bus stop located at West Chester Pike.

### **2. Ordinance Amendments – Digital Displays**

Continued discussion on the draft amendments to zoning regulations, Article XVIII Signs, pertaining to signs located on lots with institutional uses and general regulations on sign illumination options, including digital displays. The Planning Commission's recommendation is requested prior to authorizing Act 247 review.

## **Public Comment**

## **Reports**

1. Board of Supervisors Meeting October 21, 2024 – Jack Embick

## **Adjournment**

Next PC Meeting:

- **November 6, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday November 4, 2024, 7:30 PM** – Tom Sennett/Jim Lees

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike  
Wednesday, September 18, 2024 – 7:00 PM

## **Present**

Commissioners Russ Hatton (RH), Brian Knaub (BK), Jim Lees (JL), and Kevin Flynn (KF). Absent were Tom Sennett (TS), Joseph Frisco (JF), and Jack Embick (JE). Township Manager and Director of Planning & Zoning Mila Carter was also present.

## **Call to Order and Pledge of Allegiance**

Mr. Hatton called the meeting to order at 7:02 PM.

## **Adoption of Agenda (KF/JL) 4-0**

Mr. Flynn made a motion to adopt the agenda. Mr. Lees seconded. Ms. Carter informed the Commission that the applicant for the land development application for a new bank at the Westtown Marketplace will not be in attendance tonight, but is expected at the next meeting. Mr. Flynn made a motion to adopt agenda with revisions. Mr. Lees seconded. All were in favor of the motion.

## **Approval of Minutes**

1. Mr. Flynn made a motion to adopt meeting minutes from September 4, 2024. Mr. Lees seconded. All were in favor of the motion. (KF/JL) 4-0

## **Announcements**

None.

## **Public Comment – Non Agenda Items**

None.

## **New Business**

### **1. Ordinance Amendments – Digital Displays**

Mr. Hatton explained that the Planning Commission continues its discussion on potential amendments to zoning regulations, Article XVIII Signs, pertaining to signs located on lots with institutional uses and general regulations on sign illumination options, including digital displays. Mr. Hatton noted that Ms. Carter provided several materials with recommendations and summary of ordinance provisions in other municipalities. Ms. Carter provided that her focus was to do an in-depth look at various considerations such as setbacks, lighting, duration of lighting, messages, size, placement and usage of digital signs. She added that the Township currently permits digital displays on lots with commercial uses and on lots with principal educational use. She explained that it was aligned with other municipalities that allow such signage in commercially zoned areas or areas with institutional overlay or along roadways with higher functional classification. Ms. Carter noted that majority did not allow for digital displays in residentially zoned areas. Ms. Carter suggested for the Commission to consider limiting digital signs to lots with frontage on major roadways, such as Routes 3, 202 and 352.

Mr. Knaub recapped that at the Board's meeting, Supervisor Pomerantz asked about the status of the digital display amendments and suggested for the police department to provide some input on distraction and safety pertaining to digital displays. He also noted that Chief Bernot responded at that meeting that she provided her feedback. Ms. Carter confirmed that Chief Bernot noted her response to Steve Crum, who is representing Advent Lutheran Church, that she had no objections to the proposed revision that would allow placement of digital display on lots with religious uses and that she felt it would enhance safety in the communities by utilizing such signage for communications during emergency incidents. Mr. Knaub also provided that Supervisors asked whether churches would be allowed to use new signs for business

advertisements to which Mr. Knaub responded that the Commission discussed the use of digital displays for public notices during emergency situations, which the churches were willing to do.

Mr. Hatton asked whether the Township does any alerts on the billboard. Ms. Carter did not know whether the existing billboard was used for emergency messaging. She noted that when it was installed, the Township was permitted to advertise the Township events, but then that collaboration ceased at some point. Ms. Carter added that the digital display itself is now owned by Outfront. Mr. Hatton wondered whether digital display is the same as the billboard. Ms. Carter noted that in her research she only came across one ordinance where the terms of billboard and digital display were used interchangeably, while others differentiated between two terms.

Mr. Knaub believed that there is not much residential at Route 325 where Advent Lutheran is and a small amount of residential at Route 202 where Westminster Presbyterian is. He reasoned there will be a minimum impact by digital signs on residential properties at these locations. Ms. Carter explained that Advent Lutheran is located in R-1 Residential district and Westminster Presbyterian is in A/C Agricultural/Cluster Residential district and noted neighboring residential areas. She pointed out that both churches have frontages on major arterial roadways, which might be used as a distinctive element in ordinance regulations.

Mr. Flynn asked about the signage at the park and how it was different. Ms. Carter explained there were different provisions for signage on lots with parks and open space. She pointed out that the sign at Oakbourne Park is a message sign with monochromatic display. Mr. Flynn was concerned that any changes to digital display provisions will have an adverse impact on where they can be placed. Ms. Carter recapped that the purpose of amendments is whether to permit digital displays on lots with religious uses and to evaluate any other requirements pertaining to technical or other aspects of digital displays as requested by the Commission.

Mr. Hatton had questions about how the use of specific signs is regulated currently and wondered whether there were opportunities for changes. Ms. Carter summarized the extent of current regulations. Mr. Hatton asked about permit review pertaining to signs considering the way the existing ordinance is structured. Ms. Carter did not believe there was an issue with the organizational structure of the ordinance.

Mr. Lees asked which considerations Ms. Carter felt strongly about. Ms. Carter believed that additional provisions pertaining to long-term maintenance, specified point of contact for digital display operations, and other preventative measures to address brightness were worthy of considering. Mr. Lees wondered whether they can be included as a checklist on the permit application. Ms. Carter agreed. Rob Legassie, representative from Watchfire signs, noted that brightness can be controlled within the software to be whatever is required. Ms. Carter referred to the existing requirements for brightness and pointed out that luminance measurements in nits, which is a unit of measurement that equals one candela per square meter, can be added, because it seemed to be a standard within the sign industry. Mr. Flynn asked about the message sequencing. Mr. Legassie noted that it was the timing between the messages to eliminate flashing, blinking or scrolling. He provided that many municipalities prohibit such activities. Mr. Flynn asked whether we can control business advertisements and political messages. Ms. Carter noted that the Township cannot control the content.

Mr. Hatton wondered about the allowable height and size of digital displays. Ms. Carter provided that these dimensions relate to the use and location of the sign and functional classification of adjacent roadway. She noted that if there are pedestrian facilities involved, recommendation was not to exceed 6 feet in height to maintain human scale. Ms. Carter recapped that currently digital displays are limited to no more than 30% of the total sign area permitted on the site. Steve Crum, representative with Advent Lutheran Church, said that the sign will be compliant with the size requirement. He provided a rendering of a proposed sign with the digital display.

Mr. Hatton asked about the specifics of the software program for proposed digital displays and

how quickly its functionality can be adjusted. Mr. Legassie noted that it was a cloud-based system that customers have an access to. He believed that adjustments can be done quickly.

Mr. Hatton raised a question about additional setbacks for digital displays and automatic dimming capabilities. Ms. Carter noted that setbacks are arbitrary and generally, as long as there is no encroachment into right-of-ways and easement areas, there might not be a reason for additional setback. Mr. Legassie said he would look into that but he believed that automatic dimming can be set.

Mr. Crum asked whether the Commission would consider recommending an amendment to allow the use of digital displays on lots with religious use at this time. He feared that it might take longer if the Commission is to evaluate various aspects of digital displays. Mr. Hatton believed that it was important to ensure there was no conflict and take this opportunity to make other needed changes. Ms. Carter suggested to prepare draft ordinance to review at the next meeting. The Commission agreed.

### **Old Business**

None

### **Public Comment**

None

### **Reports**

1. Mr. Knaub provided the BOS report from September 16th meeting.

### **Adjournment (JL/BK) 4-0**

The meeting was adjourned at 8:07 PM.

Next PC Meeting:

- **October 9, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday October 7, 2024, 7:30 PM – Russ Hatton/Jack Embick**

Respectfully submitted,  
Mila Carter  
Planning Commission Secretary

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike  
Wednesday, October 9, 2024 – 7:00 PM

## **Present**

Commissioners, Russ Hatton (RH), Jack Embick (JE), Brian Knaub (BK), Jim Lees (JL), Joseph Frisco (JF). Absent were Tom Sennett (TS), and Kevin Flynn (KF). Township Manager and Director of Planning & Zoning Mila Carter was also present.

## **Call to Order and Pledge of Allegiance**

Mr. Embick called the meeting to order at 7:02 PM.

## **Adoption of Agenda (RH/JL) 5-0**

Mr. Embick proposed changes to the order of the agenda with old business items first for discussion. Ms. Carter noted that the applicant for a new bank at the Westtown Marketplace will be in attendance at the next meeting. Mr. Hatton made a motion to accept the agenda with revisions. Mr. Lees seconded. All were in favor of the motion.

## **Approval of Minutes**

1. The meeting minutes from September 18, 2024 have been tabled due to lack of quorum.

## **Announcements**

None.

## **Public Comment – Non Agenda Items**

None.

## **Old Business**

### **1. Ordinance Amendments – Digital Displays**

Mr. Embick explained that the draft amendments to zoning regulations, Article XVIII Signs, pertaining to signs located on lots with institutional uses and general regulations on sign illumination options, including digital displays, have been prepared by the Township staff based on the previous feedback from the Planning Commission. He expressed that he considers digital displays to be distracting and personally irritating, and that he views them as mini billboards and TV screens. Mr. Embick expressed his preference for messaging type signs that display text and not interactive graphics.

Mr. Embick raised several concerns with existing regulations. He referred to Section 170-1809, Signs located on lots with agricultural use, pointing out that the Township does not have a definition of agricultural use, therefore anyone with a garden or growing flowers in their yard could potentially claim such use. Mr. Embick also referred to Section 170-1808, Regulations by sign type: limited duration, temporary and portable signs, specifically to the requirement that a date of erection of such sign must be placed on a sign post or support of the sign. He wondered whether it was applicable to the political signs. Ms. Carter did not believe it was. Mr. Embick noted that such signs are mostly mounted on thin metal stakes and questioned where the erection date could be written. Ms. Carter pointed out that she has not seen any dates ever written on temporary signs. Mr. Embick asked whether it was worth regulating if it is not being enforced. Mr. Hatton believed that some of these provisions came out of desire to address the clutter of signs posted for real estate purposes throughout the Township or posted by various clubs and organizations along Shiloh Road. He believed that those signs located at the intersection of state roadways cannot be enforced. Ms. Carter agreed. Mr. Embick believed that enforcement issue was a separate issue.

Mr. Embick further referred to Section 170-1812, Signs located on lots with an Institutional Use, where the change in regulation is proposed that would affect the churches, because it would allow digital displays on lots that front arterial highways. He raised concern with the introductory paragraph of the section, which listed the following institutional uses which these regulations are applicable to: schools, religious institutions, municipal buildings, hospitals, clubs, or permitted uses of a similar nature. Mr. Embick questioned the ambiguity of the phrase "permitted uses of a similar nature" and suggested for that to be corrected.

Mr. Embick also questioned the proposed language related to the use of message center signs and digital displays for off-premises advertisement and how it relates to the use of billboard. Ms. Carter explained that the purpose of billboard is primarily for the off-premises advertising and such billboard can be a message center sign or a digital display, therefore, the goal was to ensure that digital displays installed for the purposes of the use on a specific property were not used for off-premises advertisement. Mr. Embick suggested to add that explanation to the definition of a billboard to make it clearer. Ms. Carter believed it was already noted under provisions related to billboard, but she would verify that. Mr. Hatton agreed that the language can be simplified. Mr. Embick noted that there were so many different type of signs with their own intricacies, which makes it more challenging and complex to regulate.

Mr. Hatton asked whether the distinction was made between message center signs and digital displays as previously brought up. Mr. Embick pointed out that definitions were revised to create a clear distinction between various sign types. Ms. Carter noted that the main issue was the definition of changeable display sign that incorporated both message center sign and digital display. She learnt that they are three distinct type of signs and shall not be intermixed in the regulations, therefore, the regulations were cleaned up to reflect that. Mr. Embick expressed his agreement with revised definitions.

Mr. Hatton asked about the proposed amendment to Section 170-1812, which would allow digital displays on all lots with institutional uses that have frontage on arterial highway. Mr. Embick noted that it would be applicable not only to churches, but to hospitals and schools and clubs and other permitted uses of similar nature. Mr. Embick expressed his reluctance to recommend approval for such amendment. Mr. Hatton suggested to come to a decision on the subject matter.

Mr. Frisco asked about the reasoning behind the change. Mr. Embick summarized that current regulations only allow for message center signs for all lots with institutional use, including churches, but digital displays are only permitted for lots with a principal educational or school use. He further explained that religious institutions that currently have manual copy signs, have come forward with the request to install digital displays to advertise activities on their premises, which would require an ordinance amendment. Mr. Embick noted that it was also a question of aesthetics and appearance. Mr. Frisco stated that he was not supportive of multiple digital displays along the roadways and wanted to maintain the rural character of Westtown. He expressed his understanding of churches having an ability to advertise various activities and events. However, Mr. Frisco felt that more discussion was needed before recommendation.

Mr. Knaub expressed his support for allowing churches to install digital displays due to their location with frontage on main roadways. He also felt it was valuable for the churches to communicate to the community and to reach their patrons. Mr. Lees agreed with Mr. Knaub and expressed his support for proposed amendments.

Mr. Embick reminded the Commission that the Township cannot regulate the content of the signs. Mr. Knaub pointed out the existing billboard along Route 202 that is already doing

what the churches would like to do. He felt that the community base organization should be able to do that.

Ms. Carter pointed out that some of the proposed language regarding use of the digital display during an emergency could potentially be a first amendment issue as noted by the Township solicitor. Mr. Embick asked how the Township would oversee that. Ms. Carter stated it would be up to the applicant to coordinate such use with an appropriate agency. Mr. Embick wondered whether such language should remain in the ordinance. Ms. Carter thought that the applicant should be made aware that an option for emergency messaging is available. She recapped that Chief Bernot stated that digital displays can be used to let passerby know that the premises are being used as a shelter when emergency takes place. Mr. Embick felt that the Township can ask the applicant to do so, but cannot require that.

Mr. Embick asked whether the Commission was ready to vote on recommendation. Ms. Carter noted that if the Commission was in approval, the next step was for the Board to authorize Act 247 review and if desired, to present the proposed changes to the Board. Mr. Embick expressed that the unresolved issue is the use of digital signs for religious institutions. He summarized that Mr. Knaub and Mr. Lees were in favor, while he and Mr. Hatton were not and Mr. Frisco has not decided yet. Mr. Frisco asked Mr. Embick's reasoning. Mr. Embick recapped that he found digital displays to be distracting with too much color and movement. Mr. Hatton asked whether Mr. Embick was supportive of message center signs. Mr. Embick expressed that he was. Mr. Hatton asked whether everyone understood the difference between message center sign and digital display. Mr. Embick simplified that message center signs do not allow for graphics, pictures or video and are monochromatic with only text and symbols. Ms. Carter that some of the technology is the same, but how it is being conveyed is different.

Ed McFalls, representative with the Westminster Presbyterian Church, explained that many programs taking place at the church have graphics associated with them, therefore, having that ability was important. He recapped some of the programs that are beneficial to the community. Mr. McFalls hoped that the graphics would attract people, who want to participate in activities or to provide help to the community. Mr. McFalls stated that by limiting the sign to just text, it made the messaging boring and not aligned with the 21<sup>st</sup> century. He further added that it was not their intent to be distracting or intrusive and felt that attractive graphics will better represent the church and its opportunities. Steven Crum, representative with the Advent Lutheran Church, added that they were not putting up another gas station sign, but something that is attractive and beneficial for the community.

Mr. Embick stated that the Commission trusts that the residents, property owners and visitors would use good judgement and good taste when it comes to messaging but he felt that it was not always the taste. He was hesitant to recommend approval knowing that content was not something that the Township want or can regulate. Mr. Knaub reiterated his support for permitting digital displays for the churches. Mr. Lees asked whether the proposed amendment is to permit digital displays only for schools and religious institutions. Mr. Embick clarified that the proposed language is to permit digital display for all lots with institutional uses that have frontage on arterial highway, including Route 202, 926 and Route 3. Mr. Lees was supportive of digital display use for schools and religious institutions. Mr. Embick recapped that the concern might be how easy it is to be established as a church. Mr. Crum pointed out that zoning limits those uses as well. Ms. Carter asked whether the Commission wanted to see all incorporated changes prior to moving forward. The Commission trusted that the changes as discussed would be incorporated.

## **2. Land Development Application – 1506 West Chester Pike**

The Commission tabled the discussion until the next meeting.



Mr. Embick asked Al Federico, the Township Traffic Engineer, who was present, whether there were any items pertaining to land development that he wanted to bring up for the discussion. Mr. Federico noted that the parking related issue was addressed. He also provided that as required by the Code, the applicant has completed a traffic study, which ultimately indicated the need for signal retiming. He explained that a few years ago an adaptive signal timing system on West Chester Pike was put in place, but PennDOT has not entirely sure how it is programmed at the moment and they don't have a record of that. He further added that the record that the applicant's engineer used for their traffic study predated the PennDOT's system, therefore they have been working with PennDOT and the vendor to figure out what the signal's settings are.

Mr. Federico believed that main discussion item remaining was modifications to the bus stop and pedestrian access to that. He described the location of the bus stop and pedestrian amenities within and surrounding the shopping center and referred to the exhibit that was submitted by the applicant that showed a proposed connection between the west side of the shopping center building, across the Burger King drive-thru to the bus stop. He further added that the Transportation Management Association of Chester County (TMACC) just completed an evaluation of this transportation corridor and provided recommendations for improvements to bus stops. Mr. Federico stated that proposed by the applicant modifications were better than what is there now, but believed that it was not the most feasible approach. He suggested for the applicant to consider the walkway going straight up along the west side of the existing driveway. Mr. Federico believed that it would be simpler and more logical for pedestrians. He stated that there were two inbound lanes that are +/- 26 feet wide, where probably 2 feet could be taken out plus 3 feet out of the greenway, which would accommodate a 5-foot wide sidewalk along one side straight up to the bus stop.

Mr. Hatton asked whether it would be compliant with the Americans with Disability Act (ADA) standards. Mr. Federico believed that if it was not specifically within the guidelines of the ADA, it would be permissible as a technical infeasibility, because they are placing it along the driveway. He explained that the applicant would not be regrading the driveway. Mr. Lees asked about the grade and whether it would be possible to achieve. Mr. Federico believed that it would be. Mr. Lees asked about the bus stop design. Mr. Federico believed that it would be a basic bus stop, and explained that SEPTA has design guidelines with a required minimum of a 5-foot pad. He brought up the issue of funding a long term maintenance of bus shelters. Mr. Lees asked whether this bus stop will have a shelter and lighting. Mr. Federico did not know for sure but thought there were no shelter.

Mr. Embick asked whether Mr. Federico had any additional comments about circulation around the bank. Mr. Federico stated that he did not.

## **New Business**

### **1. Pennsylvania Supreme Court Case – Environmental Rights Amendment (ERA)**

Jack Embick summarized a case recently decided by the Pa. Supreme Court: Shirley v. Pa. Leg. Ref. Bureau, No. 85 MAP 2022 (Pa, July 18, 2024) and the majority opinion. He explained that the case was about a dispute pertaining to putting regulations for the Regional Greenhouse Gas Initiative (RGGI) in the regulations of the Commonwealth of Pennsylvania. Mr. Embick provided that the RGGI is a cooperative effort among several states to cap and reduce carbon dioxide emissions from the power sector. Mr. Embick further explained that the issue was that there were a number of environmental organizations that asked to participate in the case, however, the Legislative Reference Bureau said no, which led to a lawsuit and desire by multiple agencies to get involved. He explained that the judge had to determine whether the interested parties meet certain standards before being involved in the case. Mr. Embick pointed out that these standards included whether these environmental groups have standing, which is a legal term that relates to whether you are the right party to

sue and whether you are injured in some way. The other issue was intervention, which he explained that once a party sues another party, a third party that is interested in the litigation, wants to have the same status as the original plaintiffs and defendants. The third issue is mootness, because eventually the regulations are included into the Pennsylvania Bulletin, so the question was why it should be decided if the relief requested was already granted. Mr. Embick further provided that the Courts decided that the environmental groups have standing, because their individual members are harmed, so the groups have associational standing in the litigation. He explained that as far as intervention, the standards that are set forth in the rules that govern these things, where you have to demonstrate that you have an interest that is important and you have to show that your interests are appropriately represented by someone who is already in the case. Therefore, the Department of Environmental Protection is already a party and should be able to represent the interests of environmental groups.

Mr. Embick wanted to point out the concurring opinion by two Justices, Donohue and Chief Justice Todd, who articulated a different basis for determining the standing of these environmental groups. He recapped that Justice Donohue says that it is Article I, Section 27 of the ERA, stating that the amendment imposes upon all agencies and entities of our government in their role of trustee the duty to prohibit the degradation, deamination and depletion of the public natural resources as well as the duty to act appropriately through legislative actions to protect the environment. Mr. Embick stated that it meant that the townships have the role to implement the ERA. He questioned where it leaves the Township and its obligations if any citizen can make claims against the Township for violating constitutional rights in the future.

### **Public Comment**

Al Federico made several comments pertaining to digital display related regulations. He expressed that the message shall be legible for the travelling public based on driving speeds. He raised a point about the separation distance issue between the PennDOT's variable message sign and the open planned for Westminster Presbyterian Church. Mr. Embick raised a concern about symbols and graphics potentially emulating the traffic safety signs. Mr. Federico stated that he would prefer less distractions along the roadways and provided that in general, fewer signs is better, but acknowledged the desire of conveying messages to the public.

Mr. Lees asked about the progress on self-driving vehicles. Mr. Federico stated that there was not much progress made and it is limited within specific areas, mostly cities, which have been mapped. He talked about legal challenges and technological setbacks.

### **Reports**

1. Mr. Hatton provided the BOS report from October 7<sup>th</sup> meeting.

### **Adjournment (JF/JL) 5-0**

The meeting was adjourned at 8:49 PM.

Next PC Meeting:

- **October 23, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday October 21, 2024, 7:30 PM** – Kevin Flynn/Brian Knaub

Respectfully submitted,

Mila Carter

Planning Commission Secretary

**PLAN SUBMISSION, BUFFERING AND SETBACK FROM  
TRANSMISSION PIPELINES**

Note: The sections of this ordinance are intended to be enacted as part of a Township's Subdivision and Land Development Ordinance.

**AN ORDINANCE PURSUANT TO ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING CHAPTER \_\_\_ OF THE CODE OF ORDINANCES OF \_\_\_\_\_ TOWNSHIP, BEING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE BY PROVIDING FOR PLAN SUBMISSION, BUFFER, SETBACK, SIGNAGE AND LANDSCAPING PROVISIONS FOR NEW DEVELOPMENT ADJACENT TO TRANSMISSION PIPELINES. EFFECTIVE FIVE DAYS FROM ENACTMENT.**

**Section 1.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_ thereof, being the \_\_\_\_\_ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article \_\_\_, Plan Requirements and Procedures, Sections \_\_\_, Plan Content for Preliminary and Final Plan Submissions, is amended by adding a new subsection \_\_\_, to read as follows:

(\_\_\_) The location, center line right-of-way, and limits of easements for all transmission pipelines on the tract or on any abutting property.

**Section 2.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_ thereof, being the \_\_\_\_\_ Township Subdivision and Land Development Ordinance, as amended (the "Subdivision Chapter"), Article \_\_\_, Design Standards, Section \_\_\_, is amended by adding a new section \_\_\_, to read as follows:

Section \_\_\_. Buffer Standards and Setbacks from Transmission Pipelines

A. Purpose

The purpose of this section is to help prevent and minimize unnecessary risk to the public health, safety and welfare due to transmission pipelines and ensure consistency with the intent of the Township's Comprehensive Plan. Recognizing it is impossible to eliminate risk entirely, this section is intended to:

- (1) Minimize the likelihood of accidental damage to transmission pipelines due to external forces, such as construction activity and equipment.
- (2) Avoid exposing land uses with high on-site populations that are difficult to evacuate.
- (3) Help reduce adverse impacts in the event of a pipeline failure.

- (4) Ensure compliance with and supplement existing federal and state regulations related to transmission pipeline corridor management, among them the Federal Energy Regulatory Commission (FERC) and the Pennsylvania Oil and Gas Act.

B. Applicability

- (1) Setbacks. New residential buildings and all new commercial, industrial and institutional uses other than those surface uses affiliated with transmission pipelines shall be set back a minimum of three hundred (300) feet from any existing or proposed transmission pipeline right-of-way; such uses shall be set back from natural gas compressor stations or other surface land uses affiliated with transmission pipelines a minimum of seven hundred and fifty (750) feet or five hundred (500) feet from the nearest lot line of natural gas compressor stations or other surface land uses affiliated with transmission pipelines, whichever is greater, unless waived in writing by the new development applicant (in which case such uses shall be set back a minimum of three hundred (300) feet from the nearest lot line of natural gas compressor stations or other surface land uses affiliated with transmission pipelines). Other unoccupied residential or non-residential accessory uses such as but not limited to detached garages, parking areas, storage facilities or garden sheds shall not be located within two hundred (200) feet of any pipeline right-of-way.

Setbacks may be modified by the Township pursuant to the type of material being transported in the pipeline and whether the applicant proposes high on-site populations. The Township shall, on a case-by-case basis determine whether increased setbacks are warranted consistent with the “Potential Impact Radius” (PIR), defined by the relationship between the diameter of the adjacent pipeline and its maximum operating pressure (see Exhibit 1), whether high on-site populations are proposed, and whether more than one transmission pipeline (such as coupled lines) exist (or are proposed). The PIR approach is applicable only to “gas” or “petroleum gas” transmission pipelines as defined by Title 49, Code of Federal Regulations, Section 192.3. Transmission pipelines carrying "hazardous liquids", as defined by Title 49, Code of Federal Regulations, Section 195.2 shall adhere to the setback standards contained in this subsection.

*Note: Although Act 13’s setbacks were 750 feet from compressor stations, the Act also provided DEP latitude to reduce such setbacks if waived by the owner of adjacent buildings or adjoining lots. The setbacks offered here are graduated to apply to different types of uses and settings. Municipalities wishing to consider larger setbacks for transmission pipelines (including petroleum or other hazardous liquid pipelines not addressed by the PIR approach) should only do so if they believe they can justify the need for larger setbacks to protect High Consequence Areas (areas with high on-site populations) or Unusually Sensitive Areas (areas with unique natural resource constraints). Any increase or decrease in setbacks should be reviewed by the municipal solicitor.*

No activity or grading within the pipeline setback shall create depressions or areas in which flammable or explosive materials may collect or accumulate; examples include but are not limited to grading for structures, stormwater management facilities or landscape beds. Furthermore, pipeline rights-of way shall be identified and protected during construction by erecting suitable temporary barricades (non disturbance fencing or silt fencing) and posting notices on-site.

(2) Consultation zone. Any application, other than those surface uses affiliated with transmission pipelines, for new residential structures and all commercial, industrial and institutional uses (whether Class 1, 2, 3 or 4 locations pursuant to Exhibit 1), proposed within six hundred sixty (660) feet of any existing or proposed transmission pipeline right-of-way shall include written verification from the applicant that:

- (a) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;
- (b) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and
- (c) The pipeline operator(s) has reviewed the documents for compatibility with continued or proposed safe operation of the transmission pipeline(s).

It shall be clear in the written notification submitted with the application that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.

*Note: The 660 feet designation for consultation zones (above) and high on-site populations (below) is based upon “best practices” developed by the Pipelines and Informed Planning Alliance (PIPA), a planning committee formed by Pipeline and Hazardous Materials Safety Administration (PHMSA) (see the “Planning Near Pipelines” Introduction for more information).*

(3) Land uses with high on-site populations. Applicants for land uses with high on-site populations within six hundred sixty (660) feet of a transmission pipeline shall develop appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure. Such measures and/or corresponding plans shall be submitted to the Township for review. Land uses with high on-site populations include schools (through grade 12), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to: emergency procedures such as emergency

plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem. Applicants shall consult with the local Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development; the Fire Marshall may also require submission of plans for review and approval where deemed appropriate.

- C. Land Development Design, Buffering and Screening. Applicants shall consider existing or proposed pipelines in their design and placement of lots, structures and roads. Specifically, consideration shall be given to incorporating the linear appearance of the pipeline right-of-way into the overall development design or landscaping in a manner that works with or minimizes the linear appearance of the pipeline right-of-way. Attempts shall be made to avoid creating a bisecting and unnatural linear space that does not relate to the land development.

The applicant shall provide a plan prepared by a landscape architect licensed in Pennsylvania showing landscaping proposed to be installed to minimize the linear appearance of the pipeline right-of-way and screen and buffer new development from transmission pipelines in the event of an accident or failure. Landscaping can be used both to minimize the linear appearance of the pipeline right-or-way and buffer structures from those remedial activities associated with pipeline failure and clean-up.

The landscape plan shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to meet the objectives outlined herein while permitting suitable points of access for pipeline personnel providing routine maintenance. Existing vegetation in proximity to transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of this Ordinance.

- D. Signage. Applicants shall consult with transmission pipeline operators to determine the need for, number of, and placement of utility identification signs, appropriate warning signs and owner identification signs. The number and placement of signs and their content shall be shown on plan submissions.

**Section 3.** The Code of the Township of \_\_\_\_\_, Chapter \_\_\_\_ thereof, being the \_\_\_\_\_ Township Subdivision and Land Development Ordinance, as amended (the “Subdivision Chapter”), Article \_\_, Section \_\_\_\_, Definitions, is amended by adding the following terms and definitions therefore in the correct alphabetical sequence:

**Pipeline** – As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

**Surface land uses affiliated with transmission pipelines** – Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

**Transmission Pipelines** – Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.

## **PLANNING NEAR PIPELINES**

### **Model Ordinances and Recommendations for Chester County, Pennsylvania**

In recent years, a number of local governments around the country have used their land use planning, zoning and permitting authority in a proactive effort to increase the safety of people living near pipelines. During this time, the Pipeline and Hazardous Materials Safety Administration (PHMSA) also formed the Pipelines and Informed Planning Alliance (PIPA). A committee of 150 people from a wide array of stakeholder groups crafted recommended “Best Practices” that could be used as a starting point for local discussions on improved safety near pipelines. The PIPA report containing those recommendations was released in December 2010. The report provides local governments, developers, and pipeline companies with recommended practices to consider when considering land use in proximity to pipelines (and vice versa) and provides a framework for how to consider the risk when new homes, schools, and businesses are proposed to be constructed near high-pressure transmission pipelines.

The four prong strategy discussed below was first developed as part of a U.S. DOT Technical Assistance Grant in 2010. The goal under the grant was to review existing ordinances and compare them to the “Best Practices” standards prepared by PHMSA. Municipal laws and ordinances vary widely and from state to state. Mr. John Gaadt, AICP of Gaadt Perspectives, LLC, adapted and built upon PIPA’s recommendations to create a regulatory approach tailored for this region of Pennsylvania. Further technical assistance was provided by Vincent M. Pompo, Esq., Chairman of the Municipal Law Department and the Environmental Law Practice Group of Lamb McErlane, who provided legal review of the model ordinance framework.

The four prong municipal regulatory approach addresses the following:

- 1) Surface land uses affiliated with pipelines (providing for uses not otherwise permitted in most ordinances),
- 2) Street opening standards (providing for the regulation of street openings, installations and driveways),
- 3) Standards for new development in proximity to pipelines, and
- 4) Revisions to municipal comprehensive plans (providing the rational nexus between the comprehensive plan and code of ordinances).

Surface land uses affiliated with pipelines include, but are not limited to compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances. The purpose of such standards is to accommodate these uses consistent with the desire to protect the citizens of the municipality; minimize aesthetic, nuisance and visual impacts



through proper design, siting and screening; ensure the location of such uses complies with industry standards; and preserve community character adjacent to such uses.

Street opening standards are intended to provide for the opening, cutting, excavating, grading, boring, crossing, installation or disturbance upon, in, under, or across a Township road or road right of way. Such standards are intended for any street openings on Township roads (not necessarily pipeline projects) and provide municipalities with appropriate tools to regulate and manage such occurrences.

Standards for new development in proximity to pipelines address the need for development proposals to incorporate existing or proposed pipelines into their site planning activities. The purpose of such standards is to help prevent or minimize unnecessary risk to the public health, safety and welfare due to transmission pipelines; minimize the likelihood of accidental damage to transmission pipelines due to external forces, such as construction activity and equipment; avoid exposing land uses with high on-site populations that are difficult to evacuate; and help reduce adverse impacts in the event of a pipeline failure. Standards include additional requirements for plan submission, buffers, setbacks, signage and landscaping provisions.

Suggested municipal comprehensive plan language, as stated above, is intended to provide a rational nexus between the comprehensive plan and municipal ordinances (pursuant to Section 105 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended). The purpose of such language is to acknowledge existing and proposed pipelines, recognize the benefits and risks of pipelines, acknowledge the need to monitor existing and proposed activity, enact regulations complimentary to state and federal law, encourage increased communication with pipeline operators, reference related county and statewide planning goals, and coordinate with county and state agencies on new pipeline projects.

Although minor revisions to the approaches developed as part of the strategy were made since 2010, the adoption of Act 13 in 2012 (a statute amending the PA Oil and Gas Act) put into question whether some or all of the approaches were pre-empted by the Act. A subsequent lawsuit challenging certain portions of Act 13 (specifically relevant here Section 3303 which excluded municipal regulation of oil and gas operations and Section 3304 which required uniformity of local ordinances including use and setback requirements for siting oil and gas operations in zoning districts, including the “reasonable development” clause which permitted oil & gas operations in all zoning districts within the guidelines set forth by the provisions) resulted in the PA Commonwealth Court finding portions of the Act to be unconstitutional. The state’s public utility commission, attorney general and other officials appealed the Commonwealth Court’s decision to the PA Supreme Court, and oral arguments began in October of 2012. In December of 2013, a plurality of three Supreme Court Justices decreed that the state does not have absolute power over municipalities in terms of environmental protection and Act 13 puts

municipalities in direct conflict with their constitutional authority to protect the environment under the “Environmental Rights Amendment”, Section 27 of the Pennsylvania Constitution. And, a majority of three Supreme Court Justices agreed that Sections 3303 and 3304 of the Act were unconstitutional. The Supreme Court recently denied a request to reconsider its opinion, and the decision on these grounds is now final. While the Supreme Court remanded certain arguments back to the Commonwealth Court for further consideration, in particular the role of the Pennsylvania Public Utility Commission (PUC) in reviewing local zoning ordinances, the Commonwealth Court in July of 2014 ruled that challenges to local ordinances must come before municipal zoning boards per the requirements of the Municipalities Planning Code, not the PUC.

Under Act 13 (and prior to the findings of PA’s Commonwealth Court and Supreme Court), it was concluded that three of the four approaches were consistent with and were on solid ground from a planning and legal perspective. These were the ordinance standards for new development in proximity to pipelines, ordinance standards for street openings, and revisions to municipal comprehensive plans to recognize existing and proposed transmission pipeline issues. The fourth item, “Surface land uses affiliated with pipelines” (providing for uses not otherwise permitted in most ordinances), was not consistent with the zoning provisions of Act 13. Subsequent to the findings of both the Commonwealth Court and the PA Supreme Court, all four strategies are now viewed to be consistent with PA law.

It is our opinion that these four items combine to provide an effective approach towards proactively addressing pipelines within the legislative and regulatory climate currently in existence. While we understand that each municipality will want to exercise its own discretion with regards to exact standards (for example, width of setbacks or landscaping provisions), as well as the placement of the ordinances within their codes, we are confident that the overall approach provides a legally sound land use planning role for municipalities and is appropriate for the protection of the health and welfare of the citizens of Chester County.

In all cases, municipalities should exercise due caution in adopting the model ordinances contained herein. As with any ordinance, each municipality is different and the approach taken to regulating transmission pipelines and their appurtenances should be tailored to the unique circumstances of the community.

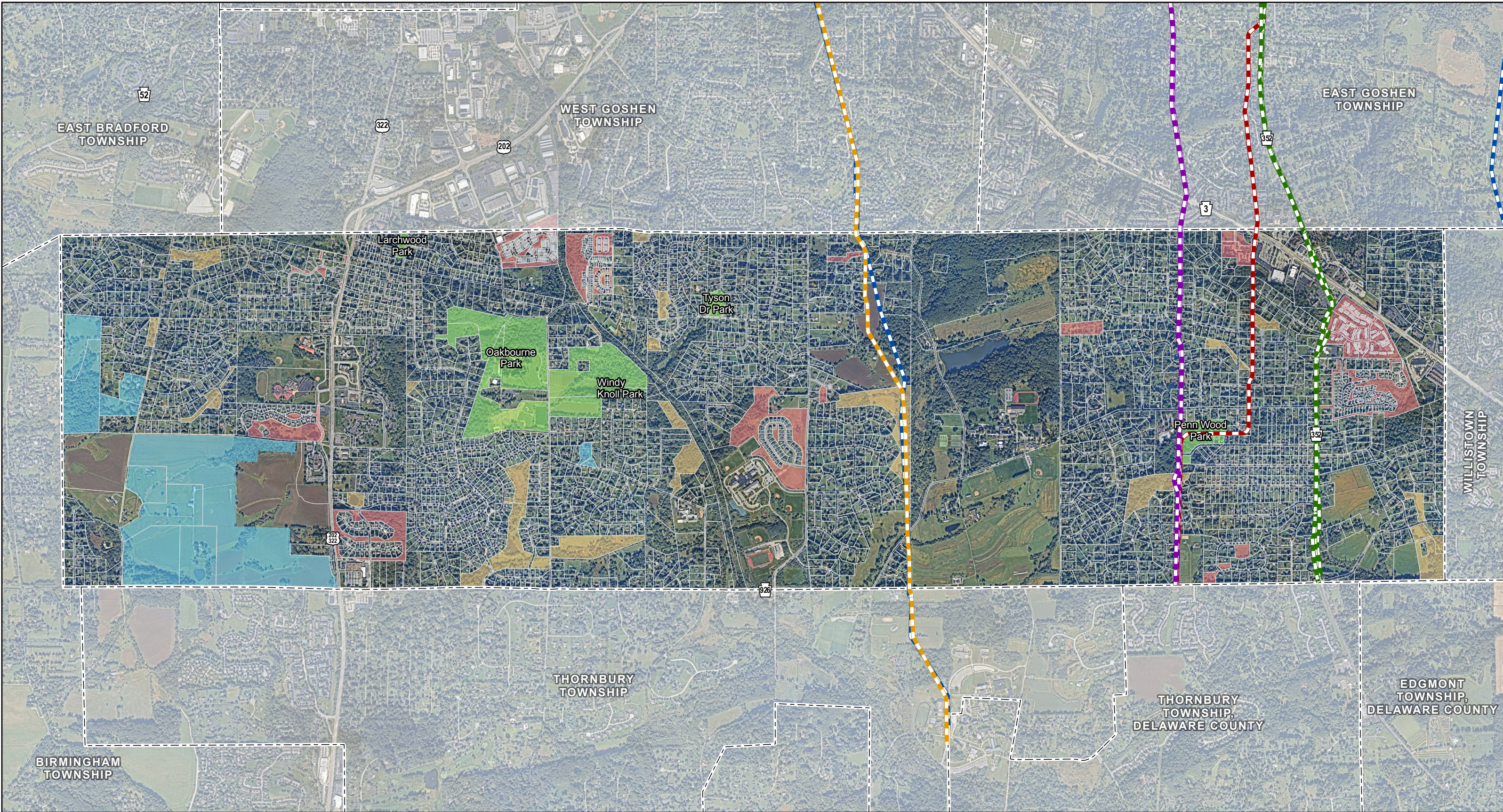
Recommended Comprehensive Plan Language to  
Reflect Existing and Proposed Transmission Pipelines

Amend chapters/sections dealing with Community Facilities and Services to reflect the following:

Transmission Pipelines

The Township recognizes the existence of *[as applicable, whatever pipelines currently exist]* running through portions of the Township and acknowledges the potential for additional pipelines running concurrently with existing pipelines or in other areas. Such transmission pipelines provide opportunities to meet the energy demands of the Atlantic seaboard but also pose tremendous risk for those communities potentially affected should a pipeline failure occur. Under normal circumstances, underground pipelines are relatively benign; however, where emergencies such as failures do occur, varied threats to public health, safety and welfare can be significant, from direct impacts such as resident injury or death, severe property damage, debris management, contaminated soils and groundwater pollution to indirect impacts associated with cleanup (expanded access points, groundwater recovery and remediation facilities, expanded soil disturbance, etc.). As such, the Township should monitor existing and future pipeline activity and enact, where feasible, regulations complimentary to the Pennsylvania Oil and Gas Act, as amended, Pennsylvania case law, and the Federal Energy Regulatory Commission designed to protect the public health, safety and welfare and regulate land uses in conformance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Among the needs to address are those surface land uses affiliated with transmission pipelines, appropriate access provisions for pipeline rights-of-way, and buffering and setback standards appropriate to reduce adverse impacts to residents of new development should a pipeline failure occur. In addition to buffers and setbacks, the Township should examine the feasibility of increased communication with pipeline operators, particularly as related to new development proposals within proximity of transmission pipelines, and investigate measures to protect new land uses with high on-site populations. Regulations should also comply with other applicable policies of this plan, Chester County's Landscapes 2, and applicable statewide planning goals designed to meet the needs of the citizens of the Commonwealth. The Township should also continue to coordinate its activities with those of the County and State when and if new pipelines are proposed and applications proceed through the permit review and construction phases.



# Pipelines and Protected Open Space

Westtown Township  
Chester County, PA

October 2024

<b>Pipeline Operators</b>		<b>Parcels with Protected Open Space</b>	
Adelphia Gateway, LLC Natural Gas	Sunoco Pipeline L.P. Hazardous Liquids	Home Owners Association	Municipal Recreation (Active and Passive)
Buckeye Partners, LP Hazardous Liquids	Transcontinental Gas Pipe Line Company, LLC Natural Gas	Municipal Open Space (Non-recreational and Undeveloped)	Land Trust Easement
Enterprise Products Operating LLC Hazardous Liquids			

0 0.5 1 Miles

Source: Pipelines - National Pipeline Mapping System, Pipeline and Hazardous Materials Safety Administration, US Department of Transportation, 2022; Parcels with Protected Open Space - Chester County Planning Commission, 2023.

Note: Pipelines only mapped to Chester County boundary.

ARTICLE XVIII

Signs

[Amended 5-1-1995 by Ord. No. 95-1; 5-3-1999 by Ord. No. 99-2; 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by Ord. No. 2005-4; 9-15-2008 by Ord. No. 2008-1; 6-20-2011 by Ord. No. 2011-4; 3-5-2012 by Ord. No. 2012-3; 3-16-2020 by Ord. No. 2020-03]

**§ 170-1800. Applicability.**

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

**§ 170-1801. Purpose and intent.**

The purpose of this article 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 article shall have the meanings given in this section. Unless expressly stated otherwise, any pertinent word or term not part of this listing, but vital to the interpretation of this article, shall be construed to have its legal definition, or in absence of a

legal definition, its meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

AMBIENT LIGHT CONDITIONS – A natural or artificial light that exists in an environment without any additional lighting specifically directed at a subject. Ambient light conditions include illumination from sources like sunlight, moonlight, street lights, or interior lighting that fills a space.

SIGN — 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 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.

B. Sign types and definitions:

- (1) ABANDONED SIGN — A sign which has not been used to provide information for a period of at least 180 days.
- (2) ANIMATED SIGN — A sign that incorporates action, motion, or light or color changes through electrical or mechanical means.
- (3) 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.
- (4) AWNING SIGN — Any ~~sign~~ painted on, or applied to, an awning.
- (5) 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 onto two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

- (6) BEACON LIGHTING — Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a ~~concentrated~~ 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.
- (7) BILLBOARD — An outdoor sign with a sign area that is between 60 square feet and 300 square feet and which directs attention to a person, business, product, activity or event not conducted on the premises where the sign is located.
- (8) 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.
- (9) 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.
- (10) CANOPY SIGN — Any sign that is part of, or attached to, a canopy.
- (11) CHANGEABLE COPY SIGN — A sign or portion thereof that allows for manual modifications of its displayed message mounted in or on a track system, which consists of removable letters, numbers, or symbols. 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.
- (12) CHANNEL LETTER SIGN — A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.
- (13) 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.
- (14) DIGITAL DISPLAY — The portion of a sign face in a form of an electronic device that presents information in a visual format using digital technology, which involves the use of pixels or segments to show text, images, or graphics, made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD (liquid crystal display), LED (light -emitting diode), OLED (organic light-emitting diode), mini-LED, microLED, or plasma displays.
- (15) 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.

- (16) **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 in such a way that it hangs down by gravity without the addition of the wind and forms an angle.-
- 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 center signs or digital displays that meet the requirements set forth herein.
- (17) **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:
- (a) **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").
- (b) **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.
- (18) **GAS STATION CANOPY** — A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.
- (19) **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 article, gas station canopy signs shall be considered wall signs.
- (20) **GOVERNMENT SIGN** — Any sign constructed and/or installed by a federal, state, county or municipal government or authorized unit or department thereof.
- (21) **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.
- (22) **ILLUMINATION** — A source of any artificial or reflected light, either directly from a source of light incorporated within, or indirectly from an artificial source.
- (a) **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.
- (b) **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 article.
- (c) **HALO ILLUMINATION** — A sign using a three-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect (also known as "backlit illumination").



- (23) INCIDENTAL WINDOW SIGN — Signs displayed in the window of a commercial, retail or other business establishment, which are no larger than one square foot individually or three square feet in the aggregate.
- ~~(23)~~(24) 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.
- ~~(24)~~(25) INTERACTIVE SIGN — An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.
- ~~(25)~~(26) LIMITED DURATION SIGN — A nonpermanent sign that is displayed on private property for more than 30 days, but not longer than one year.
- ~~(26) 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.~~
- (27) MARQUEE — A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building.
- (28) MARQUEE SIGN — Any sign attached to a marquee.
- (29) 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.~~
- (30) MENU SIGN — A permanent sign not greater than 32 square feet located at, on or in the window of a restaurant, or other use serving food, or beverages.
- (31) MESSAGE CENTER SIGN — A type of electronic device that uses technologies like LED (light-emitting diode), LCD (liquid crystal display), matrix displays, or incandescent bulbs to display static or scrolling text that conveys information, or announcements, similar to those illuminated, changeable copy sign that consists of electronically changing text located on a lot with a gas station, ~~or an athletic fields,~~ or parks.
- (32) MESSAGE SEQUENCING — The spreading of one message across more than one sign structure.
- (33) MULTI-TENANT SIGN — A freestanding sign located on lot on which a shopping center or complex with multiple tenants is located.
- (34) 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.
- (35) NEON SIGN — A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics.
- (36) NONCONFORMING SIGN — A sign that was legally erected and maintained

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

- (37) 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.
- (38) 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.
- (39) PORTABLE SIGN — A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.
- (a) 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").
- (b) 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.
- (40) 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.
- ~~(41)~~ 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").
- ~~(41)~~~~(42)~~ 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 center line of such street, road or highway to the following distance:
- (a) Sixty feet for Routes 202 and 3.
- (b) Forty feet for Routes 926 and 352.
- (c) Thirty feet for collector streets.
- (d) Twenty-five feet for a minor street.
- ~~(42)~~~~(43)~~ PUBLIC SIGN — A sign erected or required by government agencies or utilities.
- ~~(43)~~~~(44)~~ REFLECTIVE SIGN — A sign containing any material or device which has the effect of intensifying reflected light.
- ~~(44)~~~~(45)~~ REVOLVING SIGN — A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.
- ~~(45)~~~~(46)~~ ROOF SIGN — A building-mounted sign erected upon, against, or over the roof of a building.

- (47) SCOREBOARD — A sign contained within an athletic venue.
- (46)(48) SECURITY SIGN — A sign located on a premises on which no trespassing, hunting, and/or soliciting are permitted (also known as "warning sign").
- (47)(49) 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.
- (48)(50) SIGN AREA — The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See § 170-1805C for standards for measuring sign area.
- (49)(51) 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.
- (50)(52) SIGN HEIGHT — The vertical dimension of a sign as measured using the standards in § 170-1805D.
- (51)(53) SIGN SUPPORTING STRUCTURE — Poles, posts, walls, frames, brackets, or other supports holding a sign in place.
- (52)(54) 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").
- (53)(55) 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.
- (54)(56) 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.
- (55)(57) STREET FRONTAGE — The side or sides of a lot abutting on a public street or right-of-way.
- (56)(58) 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.
- (59) TEMPORARY SIGN — A nonpermanent sign that is located on private property that can be displayed for ~~no more than 30~~ a specified number of consecutive days at one time pursuant to this chapter.
- (57)(60) TRI-VISION BOARD SIGN – An outdoor sign that uses a series of rotating triangular blades to display multiple messages on a single sign structure with each blade rotating to reveal a different face, allowing the sign to showcase different information.
- (58)(61) URBAN EXPERIENTIAL DISPLAYS (UEDs) — An outdoor sign that projects its message in three-dimensional (3-D) space.
- (59)(62) 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 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 or full-motion video.
- 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 75 feet of a public right-of-way or within 200 feet of a traffic control device, whichever is greater.
- H. Any signs located within a public right-of-way and/or which obscure or interfere with the line of sight at any street intersection or traffic signal, or at any other point of vehicular access to a street.
- I. 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.
- J. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- K. Reflective signs or signs containing mirrors, excluding those as approved by the Township or PennDOT for traffic use.
- L. Interactive signs.
- M. Signs incorporating beacon or festoon lighting.
- N. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
- O. Roof signs, or any portion thereof, which extends above the roofline of any building.
- P. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

Q. 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 feet from the window.
- C. Address signs: Up to two 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 square foot in area.
  - (2) Nonresidential uses: signs not to exceed five 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 restrooms, telephones, or similar public convenience available, but not to exceed two square feet.
- E. Private drive signs: one sign per driveway entrance, not to exceed four square feet in area.
- F. Security and warning signs: These limitations shall not apply to the posting of signs on premises where no trespassing, hunting and/or soliciting is permitted.
  - (1) Residential uses: signs not to exceed four square feet in area.
  - (2) Nonresidential uses: maximum of one large sign per property, not to exceed five square feet in area. All other posted security and warning signs may not exceed four square feet in area.
- G. Flags:
  - (1) Location. Flags and flagpoles shall not be located within any right-of-way.
  - (2) Height. Flagpoles shall have a maximum height of 30 feet in all residential districts.
  - (3) Number. No more than two flags per lot in residential districts; no more than three flags

per lot in all other districts.

- (4) Size. Maximum flag size is 24 square feet in residential districts.
- (5) 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 feet of a crop growing in a field. Such signs shall not exceed four 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 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 feet. Up to two street pole banners are permitted per street pole.
  - (2) Height:
    - (a) When the street pole banner's edge is less than 18 inches from the curb, the lowest edge of the street pole banner shall be at least 14 feet above the finished grade.
    - (b) When the street pole banner's edge is greater than 18 inches from the curb, the lowest edge of the street pole banner shall be at least eight feet above the finished grade.
  - (3) Location:
    - (a) No street pole banner shall extend beyond the curbline.
    - (b) Street pole banners shall maintain a minimum of three-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 75 feet (as measured from the center-line intersections of two streets) which 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. **[Amended 11-16-2020 by Ord. No. 2020-04]**
- (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 and construction: Every sign shall be constructed of durable materials, using noncorrosive 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 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 45°, and the two faces are not more than 18 inches apart.
  - (b) Where the faces are not equal in size, but the interior angle formed by the faces is less than 45° and the two faces are not more than 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 45°, or the faces are greater than 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:
    - [1] Signs on nonresidential properties may be illuminated from 6:00 a.m. prevailing time until 11:00 p.m. prevailing time, or 1/2 hour past the close of business of the facility located on the same lot as the sign, whichever is later.
    - [2] Signs shall provide an automatic timer to comply with the intent of this subsection.
    - [3] The above hours of operation standards shall not apply to a use operating 24 hours a day.
  - (c) Brightness: Message center signs and digital displays are subject to the following brightness limits:
    - [1] The illumination of the sign shall be set so as not to be more than 0.3 footcandle above ambient lighting conditions, measured using a footcandle meter at 75 feet perpendicular to the sign's display.
    - [2] Between sunrise and sunset, luminance shall be no greater than 5,000 nits. At all other times, luminance shall be no greater than 250 nits. Luminance shall be measured utilizing a luminance meter (photometer) or colorimeter positioned perpendicular to the digital display surface at a distance of no more than 3 feet.
    - [3] Each sign must have a light-sensing device or ambient light monitor that



~~continuously monitors and will~~ automatically adjust the brightness of the ~~display sign to appropriate levels for as~~ the existing ~~natural~~ ambient light conditions ~~change~~ to comply with the limits set herein.

~~[2]~~[4] Each sign shall be equipped with an automatic shutoff in case of failure or error that would result in the sign projecting a full intensity all-white image for an extended period of time.

- (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 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 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:
    - [1] The source of the light must be concealed by translucent covers.
    - [2] 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:
    - [1] Internal illumination, including neon lighting, must be static in intensity and color.
    - [2] Message center signs are permitted in accordance with the regulations contained in § 170-1805F(3).
    - [3] Digital displays are permitted in accordance with the regulations contained in § 170-1805F(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:

- [1] When used other than as a billboard, message center signs shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.
- [2] When used as billboard, message center signs may be used for the full permitted sign area.
- (d) Maximum number: Where permitted, one message center sign is permitted per street frontage, up to a maximum of two message center signs per property.
- (e) Message display:
  - [1] No message center sign may contain text which flashes, pulsates, moves, or scrolls.
  - [2] The transition of a message center sign must take place instantly (e.g., no fade-out or fade-in).
  - [3] 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.
- (h) Message center signs shall not be used for off-premises advertising, except when used as billboard.
- (g)(i) Message center signs shall allow for access for local, regional, state and national emergency services during emergency situations. Such messages are not required to conform to message sign standards listed herein.
- (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:
    - [1] When used other than as a billboard, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
    - [2] When used as a billboard, digital displays may be used for the full permitted sign area.
  - (d) Maximum number per property: Where permitted, one digital display sign is permitted per property.
  - (e) Message display:

- [1] Any digital display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited.
  - [2] One message/display may be brighter than another, but each individual message/display must be static in intensity and otherwise compliant with § 170-1805F(1)(c).
  - [3] The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
  - [4] 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 nondigital 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.
- ~~(h)~~ Digital displays shall not be used for off-premises advertising, except when used as billboard.
- ~~(g)~~~~(i)~~ Digital displays shall allow for access for local, regional, state and national emergency services during emergency situations. Such messages are not required to conform to message sign standards listed herein.
- (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 10 feet above the finished grade or extend out more than eight inches from the building wall on which it is affixed. If the wall sign projects less than three 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 10% of the facade.
- (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.
- (2) No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
- (3) 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.
- (4) Sign height.
  - (a) The lowest edge of the canopy or awning sign shall be at least eight feet above the finished grade.
- (5) Awnings above the ground floor may be fixed, provided they do not project more than four feet from the face of the building.
- (6) 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 sign shall project more than four 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 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 25% 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 35%.

- (3) Window signs may be internally lit when located on a lot within a commercial, multiuse 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 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 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 15 feet. The minimum distance between the ground surface and the bottom of the sign face shall be four feet.
- (4) Sign placement.
  - (a) All freestanding signs shall be located outside the public right-of-way, except for government signs. Where compliance with this standard would nonetheless create an obstruction of view, further setback may be required. **[Amended 4-4-2022 by Ord. No. 2022-02]**
  - (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~~eChangeable copy signs, digital displays and message center signs: Manual changeable copy signs, digital displays and message center 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)				
	Less Than or Equal to 35	36 to 45	46 to 55	56 to 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 feet above the finished grade.
- (3) Billboard signs shall have a maximum height of 24 feet.

D. Spacing. Billboard signs shall be:

- (1) Set back a minimum of five feet from the ultimate street right-of-way.
- (2) Set back a minimum of 40 feet from any abutting lot.
- (3) Located no closer than 50 feet from any building, structure, or non-billboard sign located on the same property.
- (4) Located no closer than 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 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 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 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 inches, which are removed for construction of the sign, shall be replaced on site at a ratio of one replacement tree for each removed tree using native species with a BHD of no less than

three 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 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, nonvegetative 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 § 170-1805F, 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 § 170-1805F(1)(d), 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 article, 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 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 noncommercial zoning districts.
- B. Size and number.
- (1) Nonresidential zones:
    - (a) Large limited duration and temporary signs. One large sign is permitted per property in all nonresidential zones. If a property is greater than five acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one additional large limited duration sign may be permitted so long as there is minimum spacing of 200 feet between the two large limited duration signs.
      - [1] Type:
        - [a] Freestanding sign.
        - [b] Window sign.
        - [c] Wall sign.
        - [d] Banner sign.
      - [2] Area:
        - [a] Each large sign shall have a maximum area of 24 square feet.
        - [b] Each large banner shall have a maximum area of 32 square feet.
      - [3] Height:

- [a] Signs that are freestanding shall have a maximum height of eight feet.
  - [b] Banners shall hang at a height no greater than 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 small sign is permitted per property in all nonresidential zones. If a property is greater than five acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one additional small sign may be permitted so long as there is a minimum spacing of 200 feet between both sets of small temporary signs.
- [1] Type:
    - [a] Freestanding sign.
    - [b] Window sign.
    - [c] Wall sign.
  - [2] Area. Each small sign shall have a maximum area of six square feet.
  - [3] Height. Small signs that are freestanding shall have a maximum height of six feet.
- (c) Portable signs.
- [1] 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 nonoperation of the business located on the property.
    - [b] All portable signs must be taken in during inclement weather.
  - [2] Sandwich board or A-frame signs. Sandwich board signs that comply with the requirements in this section shall not be included in the determination of the type, number, or area of signs allowed on a property.
    - [a] Number. One 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 square feet per sign face.
    - [c] Height. Signs shall have a maximum height of 3.5 feet.
  - [3] Sign placement.
    - [a] If a sign is located on a public or private sidewalk, a minimum of 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 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.

[4] ~~Manual~~ eChangeable copy signs.

[a] ~~Manual~~ eChangeable copy signs are permitted when integrated into a sandwich board sign.

[5] 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 large sign is permitted per property so long as the property is greater than five acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.

[1] Type:

[a] Freestanding sign.

[b] Window sign.

[c] Wall sign.

[d] Banner sign.

[2] Area:

[a] Each large sign shall have a maximum area of 16 square feet.

[b] Each large banner shall have a maximum area of 32 square feet.

[3] Height:

[a] Large limited duration signs that are freestanding shall have a maximum height of eight feet.

[b] Banners shall hang at a height no greater than 24 feet when attached to an existing structure.

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

[1] Type:

[a] Freestanding sign.

[b] Window sign.

[c] Wall sign.

[2] Area. Each small sign shall have a maximum area of six square feet.

- [3] Height. Small signs that are freestanding shall have a maximum height of six feet.

C. Permit requirements.

(1) Limited duration signs.

- (a) A permit for a limited duration sign is issued for one calendar year effective January 1 and may be renewed annually.
- (b) An applicant may request up to two 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:
  - [1] 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;
  - [2] A schematic drawing of the site showing the proposed location of the sign in relation to nearby building and streets;
  - [3] The number of signs on the site.

(2) Temporary signs.

- (a) Temporary signs are exempt from the standard permit requirements, but the owner of the sign shall notify the Township in writing of the date of erection of a temporary sign and write such the date of erection of a temporary sign must be written in indelible ink on the support for the sign or sign face in such a way that is visible from adjacent roadway. Signs without a proper notification to the Township, a date of erection or legible date of erection placed on the sign face or support shall be removed by the Township or the owner of the sign.
- (b) Temporary signs may be displayed up to a maximum of 90-30 consecutive days and no more than two times per year with an interval of at least 90 days.
- (c) Display of temporary signs for more than 30 days will require conversion to permanent sign status or shall be removed by the owner of the sign.
- (d) 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 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 sign at each street access, up to a maximum of two signs per lot.
  - (2) Area: Each sign shall have a maximum area of 15 square feet per sign face.
  - (3) Height: Signs shall have a maximum height of six feet unless located along Route 926 or Route 352 where the height can be increased to eight feet.
  - (4) Illumination. These signs shall not 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 15% of the total window area of any single building frontage may be used for signs.
  - (2) Illumination. Illumination of these signs is prohibited.

**Commented [MC1]:** As per zoning definition, "AGRICULTURE is Activities which involve the raising of food, plants, poultry, and livestock, including but not limited to crop production and nurserying."

**§ 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 sign per street access to a park or open space facility.
  - (2) Area: Each sign shall have a maximum area of 24 square feet per sign face.
  - (3) Height: Signs shall have a maximum height of 10 feet.
  - (4) Illumination: External and internal illumination shall be permitted subject to the regulations in § 170-1805F, Sign illumination. **[Amended 11-16-2020 by Ord. No. 2020-04]**
- C. Signs located on the interior of the site, the sign face of which is not larger than 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 20 signs on the interior walls or fence of an open stadium or field shall

be permitted, and no sign shall ~~measure be~~ greater than 24 square feet in size, ~~and shall~~ be ~~non~~illuminated, ~~or~~ ~~and not~~ visible from any public rights-of-way.

- (2) One freestanding scoreboard, not to exceed 200 square feet in area and 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.
  - (b) Illumination: External and internal illumination shall be permitted subject to the regulations in § 170-1805F, Sign illumination. **[Amended 11-16-2020 by Ord. No. 2020-04]**

#### § 170-1811. Signs located on lots with 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 § 170-1605G(2)(m).
- C. Freestanding signs on a lot on which residential developments or apartment buildings containing more than 10 units are located shall be permitted subject to the following regulations:
  - (1) Number: A maximum of two signs are permitted at primary entrance(s) utilized to access the development.
  - (2) Area: freestanding sign, 15 square feet; projecting or wall sign, 10 square feet.
  - (3) Height: freestanding sign, 3.5 feet; projecting or wall sign, 12 feet.
  - (4) Illumination: External and internal illumination shall be permitted subject to the regulations in § 170-1805F, Sign illumination. **[Amended 11-16-2020 by Ord. No. 2020-04]**
  - (5) For signs proposed for a location under the ownership of a private landowner, 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 ongoing maintenance of the sign.

#### § 170-1812. Signs located on lots with 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,

**Commented [MC2]:** As per zoning definition, "INSTITUTIONAL USE is "A cultural, educational, recreational, therapeutic, rehabilitative or similar lawful use, including, but not limited to, properties with six or more unrelated persons in residence and, where necessary to serve such use, twenty-four-hour or full-time equivalent professional supervision. The term "institutional use" shall not include a religious use, primary or secondary school, day-care center, or residential care facility for senior citizens."

Regulations by sign type (limited duration, temporary and portable signs), subject to the following regulations:

- (1) One large sign with a maximum area of 24 square feet shall be permitted on a lot with a principal educational or school use at any time.
  - (2) No more than four small signs with a maximum area of six 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 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 square feet for every one 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 ground sign is permitted per street upon which the property has direct frontage.
  - (2) Area: ground sign, 24 square feet except on lots with a principal educational or school use, which shall have a maximum area of 50 square feet.
  - (3) Height: ground sign, six feet except for lots with a principal educational or school use, which shall have a maximum height of 15 feet.
  - (4) Illumination. The following illumination types shall be permitted subject to the regulations in § 170-1805F, Sign illumination:
    - (a) Internal illumination.
    - (b) External illumination.
    - (c) Message center sign.
    - (d) Digital display on lots with a principal educational or school use or religious use.
- E. Freestanding signs located on the interior of the site at least 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 10 square feet.
  - (2) Height: Each sign shall have a maximum height of six feet.
  - (3) Illumination. Illumination of these signs shall be prohibited.
- F. Wall signs shall be permitted subject to the following regulations:

- (1) Number: one sign per street frontage, up to a maximum of two 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 is subject to the regulations in § 170-1806A(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 § 170-1805F, Sign illumination:
  - (a) Internal illumination.
  - (b) External illumination, lit from above.
  - (c) Halo illumination or backlit 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 § 170-1805F, 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 sign per building entrance.
- (2) Area: Each sign shall have a maximum area of 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 § 170-1805F, 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 nonresidential uses shall not exceed an area equal to two square feet for every one 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 sign per tenant per street frontage, up to a maximum of two 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 § 170-1806A(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 § 170-1805F, Sign illumination:
    - (a) Internal illumination.
    - (b) External illumination, lit from above.
    - (c) Halo illumination or backlit 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 § 170-1805F, 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 sign per ground floor establishment, plus one 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 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 § 170-1805F, 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 25% 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 35% 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 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 § 170-1805F, 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 sign per street frontage, up to two signs per property held in single and separate ownership.
  - (a) For permitted gas stations, one additional freestanding sign per street frontage shall be permitted, up to two additional signs per property.
  - (b) For permitted drive-through establishments, one additional freestanding sign shall be permitted next to the drive-through lane only.
- (2) Area: Each sign shall have a maximum area of 50 square feet plus an additional 10 square feet per tenant up to a maximum of 100 square feet.
- (3) Height: Signs shall have a maximum height of 15 feet.
- (4) Illumination. The following illumination types shall be permitted subject to the regulations in § 170-1805F, 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, 24 square feet; wall sign, 40 square feet.
- (2) Height: ground sign, 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 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 him/her 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 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 and 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) In the case of a message center sign and digital display, contact information for the controller/operator of the sign and a copy of an annual maintenance contract.

~~(9)~~(10) A permit fee, to be established from time to time by resolution of Westtown Township, shall be paid.

- C. Westtown Township shall have 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-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-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-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 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-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 cost more than 50% 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 article, which do not conform to the requirements of this article, 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 50% of the sign area is damaged, it shall be repaired to conform to this article.
  - (3) The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
  - (4) 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 § 170-1816B, 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 curblineline 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 § 170-1807M.
- D. Prior to the events listed in § 170-1816B, nonconforming signs may be repainted or repaired up to 50% 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 nonconformity.
- E. Nonconforming signs shall be exempt from the provisions of § 170-1816B 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 90 days of the effective date of this article, unless specific approval is granted as provided for herein.

**§ 170-1817. Signs located on 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 noncommercial sign to the same extent. The noncommercial 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 noncommercial, 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 and penalties.**

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