

**BOARD OF SUPERVISORS
WEST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 325, "ZONING," OF THE WEST WHITELAND TOWNSHIP CODE OF ORDINANCES BY REAFFIRMING THE VALIDITY OF PROVISIONS ALLOWING BILLBOARDS WITHIN THE I-2 DISTRICT ALONG CERTAIN PORTIONS OF THE EXTON BYPASS, BY INCLUDING ADDITIONAL PROVISIONS ALLOWING BILLBOARDS WITHIN THE O/L ZONING DISTRICT ALONG CERTAIN PORTIONS OF ROUTE 202, BY REVISING ARTICLE II THEREOF PERTAINING TO TERMINOLOGY AND BY REVISING ARTICLE XVII THEREOF PERTAINING TO SIGNS TO CLARIFY AND UPDATE VARIOUS PROVISIONS RELATING TO THE PURPOSE OF THE SIGN ORDINANCE, THE PLACEMENT OF CERTAIN SIGNS, THE REGULATION OF ELECTRONIC SIGNS, AND VARIOUS OTHER MINOR CHANGES

The West Whiteland Township Board of Supervisors (the "Board") hereby finds as follows:

1. On November 14, 2018, the Board declared by motion that certain provisions of the West Whiteland Township Zoning Ordinance (the "Zoning Ordinance") relating to permitted locations for billboards within the Township was substantively invalid.

2. On November 28, 2018, the Board adopted Resolution 2018-42 initiating the municipal curative amendment process pursuant to Section 325-125.E of the Zoning Ordinance and Section 609.2 of the Pennsylvania Municipalities Planning Code (the "MPC"), and further directing Township staff to work with the Township solicitor and any necessary third-party contractors to prepare a curative amendment to overcome the invalidity, if such invalidity exists, or to reaffirm the validity of the Zoning Ordinance, on or before May 13, 2019; and

3. After diligent review, the Board reaffirms the validity of the Zoning Ordinance with respect to permitted locations for billboards within the Township, and further finds that:

- (a) Under the current Zoning Ordinance, billboards are permitted by conditional use within the I-2 District when visible from a limited access highway.
- (b) The Route 30 Bypass, commonly known as the "Exton Bypass", is the only limited access highway within the I-2 District.
- (c) The provisions of 74 Pa.C.S.A. § 8302, which designate "the middle portion of U.S. 30 (Bypass), commonly known as the Exton Bypass" as a "scenic byway," do not wholly exclude the construction of a billboard within West Whiteland Township because the plain reading of the statute is that the designation of the "middle portion" of the Exton Bypass is a portion of the Exton Bypass less than

the entire Exton Bypass, and there exist locations within the I-2 District along the Exton Bypass that fall outside of the "middle portion" of the Exton Bypass.

4. The Board has nonetheless taken this opportunity to also permit by conditional use billboards within the O/L District when visible from a limited access highway (U.S. Route 202), and to otherwise revise, update, and modernize Article II of the Zoning Ordinance, Terminology, and Article XVII, Signs, as further set forth below.

AND NOW, BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of West Whiteland Township, Chester County, Commonwealth of Pennsylvania as follows:

Section 1. Section 325-8 of Chapter 325, "Zoning," of the West Whiteland Township Code of Ordinances, "Definitions," is hereby amended to revise the definitions of the following terms:

SIGN, BILLBOARD - A type of freestanding sign which contains a commercial message and which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, FREESTANDING - A sign that is an independent structure, not attached to any building, including poles, legs, bracing and all other elements that provide physical support to the sign.

SIGN, MARQUEE - A sign that is mounted or painted on or attached to any architectural or decorative hood or canopy located above a door in an exterior wall of a building.

Section 2. Section 325-8 of Chapter 325, "Zoning," of the West Whiteland Township Code of Ordinances, "Definitions," is hereby amended to add the following new term:

VISUAL COMMUNICATION TECHNOLOGY (VCT) - Lighting elements designed and constructed for the purpose of expressing a message. VCT includes, but is not necessarily limited to dual in-line packaged light-emitting diodes (LED's), surface-mounted LED's, chip-on-board LED's, fiber optic LED's, internally illuminated acrylic plastic (such as Plexiglas or Lucite) and polycarbonate plastic (such as Lexan), intense pulsed-light technology, outdoor projection technology, outdoor projection video-mapping technology, holographic technology, and 3-D holographic technology.

Section 3. Article XVII, Signs, of Chapter 325, Zoning, of the West Whiteland Township Code of Ordinances, is hereby deleted in its entirety and replaced with the following:

§325-94: Purpose

The intent of this article is to promote the Township as a desirable place in which to live, visit and conduct business; to minimize distractions to motorists, pedestrians, and bicyclists that may result in bodily harm or property damage; and to promote the health, safety and general welfare of the public by providing a comprehensive system of reasonable, consistent, and nondiscriminatory standards and requirements for signage. The regulations of this article have been established to:

- A. Accommodate signage that will clearly identify residences, businesses, institutions, and other establishments.
- B. Minimize the potential for driver distraction, confusion, visual clutter, and hazardous situations generally due to signs employing movement, light, fluctuating or moving lights, flashing images, excessive size, and/or messaging that interfere with safe motoring, cycling, and/or pedestrian travel.
- C. Enhance the overall appearance of the Township.
- D. Protect the public from the dangers of unsafe signs and structures.
- E. Permit signs that are compatible with their surroundings and facilitate orientation.
- F. Prevent the placement of signs in such a way that conceals, obstructs, or intrudes upon any property other than the one where it is located.
- G. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- H. Allow signage that is reasonable in size and number relative to the property, its use, scale, and location including relation to traffic flow, and to prevent excessively large and numerous signs.
- I. Require signs to be designed, constructed, installed, and maintained in a manner that will not endanger the public health, safety, or welfare.

§325-95: General regulations

- A. General regulations.
 - (1) Any sign hereafter erected in West Whiteland Township which is exposed to public view shall conform with the provisions of this article and any other ordinance or regulation of West Whiteland Township or the county, state or federal government relating to the erection, alteration or maintenance of signs. In the event of conflicting regulations, the most restrictive regulation shall prevail.
 - (2) No sign, other than exempt signs, shall be erected without first obtaining a sign permit from the Zoning Officer. Permit applications for signs larger than two square feet in area shall be accompanied by a plan, drawn to scale, showing details of the sign, its size and location on the building and/or lot. Permits for window signs and changeable copy signs shall be valid as long as there is no change in the area, location and type of such signs which have been authorized by permit. Fees for sign permits shall be paid in accordance with a fee schedule adopted by the Board of Supervisors. All applications for sign permits

shall be accompanied by the property owner's written consent, if the property owner is not the owner of the sign.

- (3) Before any permit will be issued for any sign erected and/or projecting over property used by the public, a certificate of insurance or an indemnity bond payable to West Whiteland Township in a form and amount set by resolution shall be posted for the owner of the sign.
- (4) Signs deemed by the Zoning Officer to be illegal or without permit shall be removed within three days of written notification by the Zoning Officer, except for signs deemed to be in violation of Article V of Chapter 276, which signs may be removed immediately and without notice. Any reoccurrence of a similar infraction on the premises by the owner or lessee shall be in violation of this article and shall be punishable as per §325-119.
- (5) All signs shall be kept in a proper state of repair, in accordance with the requirements of the Township's Building Code, [Editor's Note: See Ch. 129, Construction Codes, Uniform] Property Maintenance Code and any other pertinent regulations and will be subject to annual inspection. Signs which fall into such a state of disrepair as to become unsightly or to pose a threat to public safety may be removed by the Township 30 days following notice by certified mail to the owner of record, and the Township shall have the right to recover from said owner the full costs of the removal and disposal of such signs.
- (6) Signs within or over the right-of-way of any public street or sidewalk shall be permitted only insofar as provided for by Article V of Chapter 276 of the Township Code of Ordinances.
- (7) No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device or that has any characteristics which are likely to confuse or dangerously distract the attention of the operator of a motor vehicle on a public street.
- (8) No sign shall be erected at the intersection of any streets improved for vehicular traffic within the triangular area formed by the right-of-way lines, and a line connecting them at points 25 feet from their intersection unless the topmost portion of said sign is less than three feet. In no case shall any sign be so erected that it impedes the vision of motorists or pedestrians, or otherwise endangers their safety.
- (9) Spot lighting shall be arranged so that the source of light is not visible from any point off the lot. When utilized, spotlights shall be installed on the ground and shall be concealed by landscaping.
- (10) No sign shall be erected containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this chapter for the zoning district in which the property to which the sign related is located.

- (11) No sign shall be erected on any premises except as may be related to a lawful principal use or permitted accessory use on the premises. Billboard signs, off-site directional signs, and official traffic signs are exempt from this prohibition.
 - (12) All distances provided for in this article shall be measured along straight lines between signs and from the near edge to the near edge of the sign or sign structure.
 - (13) Signs may be externally lit, such as by spotlights, provided that the light source is not visible from any point beyond the lot line or from any public road and that only the sign surface is illuminated. Signs that are internally lit, that are composed of lighting elements (such as light-emitting diodes), or that are otherwise in themselves a source of light shall be permitted provided that they shall not be lit between the hours of 11:00 p.m. and 5:00 a.m. when visible from a residential district or use and that in no case shall the dusk-to-dawn brightness exceed the brightness limit established below in §325-95.E(7). It shall be the responsibility of the sign owner to demonstrate compliance with the brightness limit to the satisfaction of the Township.
 - (14) No sign shall be placed on any tree, telegraph, electric light or public utility pole or upon rocks or other natural features.
 - (15) The total area of all window signs, unless further restricted by district regulations, shall not exceed 25% of the glass area of the window in which placed.
 - (16) No roof signs shall be permitted and no sign shall project above the main cornice line of the building to which a sign is affixed.
 - (17) Time and temperature signs shall be permitted in any district in which commercial or industrial uses are permitted; provided, that they do not encompass more than 20% of allowable area for the type of sign upon which they are placed.
- B. Freestanding signs. Billboards, although a type of freestanding sign, shall comply with the provisions of §325-95.I in lieu of this §325-95.B. All other freestanding signs, except for directional signs or identification signs, shall comply with the following:
- (1) Freestanding signs shall be permitted only in a front yard, or in the Town Center District, within the street setback area.
 - (2) No sign shall be erected closer to the street line than 15 feet or one-half the distance between the street right-of-way line and the building line at its closest point, whichever is less.
 - (3) Signs with two exposures shall be measured for sign area by using the surface of one side of the sign only; however, both sides must be used for the same message.

- (4) A freestanding sign and a projecting sign shall not be utilized together along a single street frontage on a single property, except that a freestanding sign or a pylon sign that identifies a shopping center or a planned office or industrial park may be used in conjunction with projecting identification signs for individual uses; provided, further, that the projecting signs do not exceed four square feet in area.
- (5) Pylon signs, as defined below in §325-98.A, are a type of freestanding sign and must comply with the provisions of this §325-95.B in addition to the provisions of §325-98.

C. Wall signs.

- (1) Wall signs placed parallel to, and affixed directly upon, the facade of a structure shall not extend more than 18 inches beyond the plane of the wall to which they are attached.
- (2) Wall signs shall be permitted only on building sides containing entrances available to the general public.
- (3) Wall signs shall be permitted only for establishments with street level frontage of at least 20 feet, except in the case of an establishment located on upper stories and occupying at least 80% of the total floor area of the building.
- (4) The area of all wall signs shall be determined by the signable facade area of the portion of the building to which it is attached, as herein defined.
- (5) Not more than one wall sign shall be permitted for each establishment with less than 100 linear feet of frontage on the building side to which it is attached. Additional wall signs shall be permitted for each additional 100 linear feet of frontage on the building side to which it is attached, up to a maximum of three such wall signs. However, where multiple signs are used on a single building side, the area of the primary identification sign shall be not less than three times larger than the area of the secondary signs and the total area of all signs on a single building side shall not exceed the area of wall signs permitted herein.

D. Projecting signs. Projecting signs, when permitted, shall comply with the following regulations:

- (1) No sign shall project more than four feet from the face of the building.
- (2) No part of the sign shall be less than eight nor more than 12 feet above ground or walkway level.
- (3) Not more than one projecting sign per establishment per street frontage shall be permitted.

- (4) No projecting sign shall be permitted within 25 feet of another.
 - (5) Projecting signs may not be lighted by direct illumination.
- E. Changeable copy signs, including signs utilizing Visual Communication Technology (VCT) as defined in this chapter. Changeable copy and VCT signs shall be permitted subject to compliance with the following standards:
- (1) All such signs shall be permanently affixed to the ground or to a structure.
 - (2) Copy shall be changed electronically or by means of moveable lettering.
 - (3) Changeable copy signs are prohibited in the R-1, R-2, R-3, and R-4 zoning districts.
 - (4) Changeable copy signs shall be designed as a billboard, freestanding sign, marquee sign, or canopy sign.
 - (5) No more than one changeable copy sign shall be permitted per lot (or per tract, where a use occupies multiple lots), per street frontage.
 - (6) The sign area of a changeable copy sign shall be included in the total permissible sign area for a billboard, freestanding, marquee, or canopy sign, as the case may be.
 - (7) VCT signs.
 - (a) VCT signs shall not be permitted except as a billboard in compliance with §325-95.I or as an element of a pylon sign in compliance with §325-98.A, below.
 - (b) VCT signs shall include technology that will automatically adjust the light emitted to not more than 0.3 foot-candle above the ambient light level as measured at a perpendicular distance of 250 feet from the surface of the sign when displaying a completely white color.
 - (c) VCT signs shall include technology to minimize light from the sign falling on property beyond the area of the intended audience. Such technology may include, but is not limited to, louvers or shades adjacent to the individual lighting elements.
 - (d) Upon request by the Township Manager or the Zoning Officer, the sign operator shall provide to the Township a data log or other information sufficient to document the performance of the automatic dimming function.
 - (e) Upon notice from the Township Manager or the Zoning Officer, the sign operator shall at an agreed-upon time, not less than 48 hours nor more than 96 hours from the time of notice, cause the VCT element to display

a completely white color to allow the Township to measure the light emitted for the purpose of determining compliance with §325-95.E(8)(a), above.

- (f) VCT sign messages shall be limited to static images. Sign messages shall not include any moving or animated words or images; nor shall they give the appearance or illusion of movement; nor shall they including any flashing, scintillating, or varying of light intensity.
- (g) VCT sign messages shall not change more rapidly than once in ten (10) seconds.
- (h) When the message on a VCT sign changes, the transition shall be accomplished in one second or less with the entire sign surface changing simultaneously and in unison. There shall be no special effects during the transition: the screen shall transition from one message to the next with no perceptible dimming, swiping, or blanking of the display, and with no visible effects, such as fade, dissolve, or other animated transition methods. The change in message shall consist of a seamless, imperceptible transition from one image to the next.
- (i) The VCT sign shall include an automatic default function that, in the event of a malfunction, will either freeze the image in one position or shut down the VCT element entirely.
- (j) In the event of a public emergency - including but not limited to extreme weather, hazardous road conditions, natural disasters, terrorist attack, amber alerts, emergency evacuations, public infrastructure failures, massive traffic accidents, or blockage of traffic - the VCT sign shall, when directed by the Township, continuously display a public emergency message to be provided by public officials. The duration of the public emergency message display shall be until such time as the message is no longer deemed necessary by the Township. Such messages shall preempt all other messages, including those of paying advertisers. As part of the conditional use application for the VCT sign, the applicant shall provide to the Township in writing a suggested protocol concerning the display of such public emergency messages to assure timely communication and message display. Such protocol shall be subject to Township review and may be revised at the mutual agreement of the applicant and the Township. Agreement on the protocol shall be a condition of approval.

F. Canopy signs.

- (1) Canopy signs are only permitted in conjunction with gasoline service stations and similar commercial uses where the canopy is required to provide cover and protection for outdoor equipment and service areas.

- (2) No more than one canopy sign shall be allowed per canopy face and no more than two such signs per canopy shall be permitted.
- (3) No part of the canopy sign shall be less than 12 feet nor more than 20 feet above ground level.
- (4) A canopy sign may not encroach in the respective district's minimum required yard area.
- (5) The area of a canopy sign shall not exceed 20% of the area of the canopy face or 50 square feet, whichever is less.

G. Awning signs and marquee signs.

- (1) Signs on awnings and marquees shall be placed near the lower edge of the awning or marquee and shall be generally parallel with the building façade.
- (2) No part of the awning or marquee shall be less than eight feet above ground or walkway level.
- (3) Awning signs and marquee signs shall be considered a type of wall sign for purposes of calculating sign area; the combined total area of all awning, marquee, and wall signs on a given façade of a structure shall not exceed the maximum permitted area allowed for wall signs on that façade.

H. Directory signs.

- (1) The sign shall be located within the site or complex so as to allow motorists to leave the flow of traffic and safely read the directory or shall be placed at the main entrance to a building.
- (2) No more than one sign per entrance driveway, street intersection or main entrance to a building shall be permitted.
- (3) Any such sign shall not exceed 12 square feet in sign area.
- (4) A freestanding directory sign shall not exceed five feet in height.

I. Billboards.

- (1) Billboards shall be permitted as a conditional use in the I-2 General Industrial and O/L Office/Laboratory districts when erected in such a way as to be primarily visible from a limited access highway and such that no part of the billboard is closer than ten (10) feet or farther than seventy-five (75) feet from the right-of-way of the said highway.
- (2) No part of any billboard shall be less than three thousand (3,000) feet from any part of another billboard, regardless of the side of the highway upon which it is being erected.

- (3) No billboard shall exceed six hundred twenty-five (625) square feet in area, and no part of a billboard shall be more than thirty-five (35) feet higher than the closest paved surface of the limited access highway from which it is primarily visible.
 - (4) No part of any billboard shall be within four hundred twenty-five (425) feet of any dwelling unit existing or finally approved for construction at the time of submission of the conditional use application for the billboard.
 - (5) No part of any billboard shall be within four hundred twenty-five (425) feet of any property in the R-1 Residential zoning district at the time of submission of the conditional use application for the billboard.
 - (6) Billboards shall be screened by an evergreen buffer planted between the billboard structure and the highway right-of-way. The screening shall consist of a minimum of three (3) coniferous trees at least thirty-five (35) feet tall when planted. When the use of trees is not feasible due to topography or other conditions, alternative methods of screening, such as structural barriers or earthen berms, shall be utilized. The screening provisions shall be shown on the plan accompanying the conditional use application for the billboard and shall be subject to review and approval by the Township prior to approval of the said application. Where the screening includes trees, the applicant shall agree to a condition of approval requiring their maintenance and replacement in the event they cease to be viable.
 - (7) No billboard shall contain any element contained in Subsection J, Prohibited signs.
- J. Prohibited signs. Any sign that is not permitted by the provisions of this article is hereby prohibited, with the following signs specifically prohibited:
- (1) Mobile signs, bench signs, vehicle signs, permanent sidewalk, sandwich or A-frame signs, animated signs, other than time and temperature signs, or signs that emit smoke, vapor or noise.
 - (2) Signs which flash, move, rotate, oscillate or which outline the rooflines, doors, windows or wall edges by illuminated tubing or strings of light for advertising purposes.
 - (3) Pennants, streamers or similar devices constructed of cloth, light fabric, plastic, cardboard or other like material, or whirling or similar lighting devices, or searchlights displayed for the purposes of attracting the attention of pedestrians and motorists outside a building, except where the Board of Supervisors shall authorize such a use on a temporary basis.
 - (4) Any sign so erected, constructed or maintained as to obstruct any fire escape, window, door or other opening used as a means of ingress or egress.

- (5) Inflatable balloons and similar devices intended to attract attention.
 - (6) Off-premises signs, other than permitted billboards.
 - (7) Signs containing moving text, video, graphic, and/or animated displays; and/or scrolling text message displays; and/or a series of static images that change automatically at a rate greater than one (1) image in a period of ten (10) seconds. This prohibition shall not be applicable to signs operated by government agencies.
 - (8) Signs containing words, symbols, or lighting that compete with or distract from traffic signal lighting, that imitate traffic control commands, or that may be confused with a traffic control sign erected by a public authority.
 - (9) Signs painted with or composed of fluorescent, phosphorescent, or holographic material.
- K. Exempted signs. The following signs are exempt from the need to secure sign permits:
- (1) Decorations for a recognized officially designated holiday; provided, they do not create a traffic or fire hazard and provided that provision is made for their removal within 30 days after the holiday.
 - (2) Official municipal, county, state or federal governmental signs.
 - (3) Memorial or historic markers when approved by the Board of Supervisors upon recommendation from the Historical Commission and when not more than six square feet in area.
 - (4) Change in the copy of a changeable copy sign or marquee sign, once a permit for that sign has been issued.
 - (5) Political signs provided they are on private property and are not more than 16 square feet. Political signs shall be permitted within 30 days prior to any municipal, county, state or national election or referendum and shall be removed within three days after the election or referendum.
 - (6) Signs advertising meeting times and places of nonprofit service, government, religious, educational, charitable clubs or organizations may be erected and maintained; provided that such signs do not significantly advertise any commercial establishment, activity, organization, product, goods or services except those of public utilities.
 - (7) Street number designations, names on mailboxes or residences, postal boxes, "private property," "no hunting," "no trespassing," on-site directional and parking signs and warning signs are permitted in all zoning districts but are not considered in calculating sign area. No such signs shall exceed two square feet.

- (8) Temporary yard or garage sale signs. Such signs may not exceed four square feet, may not be erected more than seven days prior to such sale and must be removed within 48 hours after the sale. No premises shall be permitted to erect such signs more than two times in any calendar year.
- (9) Temporary real estate signs on the lot on which the real estate for rent, lease or sale is located. Said sign may not be larger than six square feet nor more than four feet high. Said sign must be incorporated into the freestanding identification sign or wall sign for the property. They must be removed within seven days of the sale, rental or lease of the premise to which the sign relates. Any sign larger than six square feet must be included within the sign area permitted for uses in that district. Said sign must be incorporated into the freestanding identification sign or wall sign for the property.
- (10) Temporary signs announcing an event sponsored by a nonprofit organization; provided that such signs are set back at least 15 feet from any street or property line, each sign is no greater than 24 square feet and no higher than five feet and that such signs are only erected within 14 days prior to the event and removed within three days after the event.
- (11) Emergency warning signs erected by a public utility, pipeline company or contractor doing such work authorized or permitted by such utility or company. Such signs may be illuminated.
- (12) Flags of the United States, the state, county or municipality, foreign nations having diplomatic relations with the United States and any other flag adopted and sanctioned by an elected legislative body of competent jurisdiction; provided that such flag shall not exceed 60 square feet in area and shall not be flown from a pole that exceeds 35 feet in height. Other flags shall be considered freestanding signs and shall be governed by such regulations that may apply in the zoning district in which such flag is located. Flags may be illuminated.
- (13) Residential freestanding signs provided that the size of the sign does not exceed four square feet in area nor four feet in height and shall be set back a minimum of 15 feet from a street line or property line.
- (14) Temporary signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on which the contracting work is being performed. Said signs may not be larger than six square feet nor more than four feet high. They must be removed within seven days of the completion of the work to which the sign relates.
- (15) Advertising signs located in bus shelters provided that the size of the sign is limited to the size of the end wall of the shelter and an agreement has been executed between the Township and the bus shelter company regarding the placement and content of such signs.

- L. Temporary signs. Temporary signs advertising land or premises, for development of three or more houses or more than 20,000 square feet of commercial or industrial development, available for purchase or development, or other signs announcing special events or the temporary, lawful sale of products, goods and/or services shall be permitted; provided that:
- (1) Permits shall run for one continuous one-month period.
 - (2) No more than four temporary sign permits shall be issued for any premises within a single calendar year.
 - (3) Unless exempted under Subsection K, a permit must be obtained before erecting any temporary sign.
 - (4) Temporary signs shall comply with all pertinent regulations applicable to permanent type signs.
 - (5) Temporary signs shall not exceed 24 square feet in area and no more than one such sign per lot shall be permitted.
 - (6) Signs shall be removed immediately upon expiration of permit.
 - (7) Any site or building on which the sign was erected shall be restored to its original or better condition upon removal of the sign.
 - (8) Any sign remaining more than the specified limit, or of an area larger than allowed, is in violation of this article.

§325-96: Signs in residential and institutional districts

In the R-1, R-2, R-3, and R-4 zoning districts and for all properties developed according to the provisions of Article X, the Institutional District, signs are permitted for the following purposes only, and only under the following conditions:

- A. General provisions.
- (1) No freestanding sign shall exceed four feet in height, except as permitted below.
 - (2) Only the following signs may be illuminated and then only in such a manner that the source of light shall not be visible from the street or from any normal vantage point:
 - (a) An identification sign of establishments whose services in an emergency are considered essential to public health, safety and welfare.
 - (b) An identification sign of a school, church, club, multifamily housing development or other permitted nonresidential use, provided that said

sign is illuminated only between the hours of dusk and midnight, prevailing time.

B. Signs for residential and institutional uses.

- (1) Signs identifying a permitted home occupation, or use accessory to a dwelling, provided that such signs whether erected as wall signs or freestanding signs do not exceed two square feet in total area and that not more than one such sign is erected on, adjacent to, or facing each street frontage of any property in single or separate ownership and that such sign is located on the same property as the use to which it relates. Such sign, other than an exempt sign, shall not be illuminated.
- (2) Signs identifying a residential major subdivision, provided that one such sign is permitted per each street frontage where the development has proposed a new street accessing an existing street. Only freestanding signs are permitted and they may be no greater in size than 24 square feet, and no higher than four feet. The total area of the sign and of the structure, such as a wall, fence, etc., to which the sign is attached may not exceed the maximum size restriction.
- (3) Signs identifying a multifamily housing development, school, college, church, hospital, continuing care facility, municipal building, cemetery, club or other permitted use other than a dwelling or a use accessory to a dwelling, provided that such signs whether erected as wall signs or freestanding signs do not exceed a total area along any one street equal to one square foot for every 10 linear feet of street frontage or 24 square feet, whichever is less.

C. Directional signs.

- (1) Directional signs may be erected only in conjunction with a real estate development, school, college, church, hospital, continuing care facility, municipal building, cemetery, farm, club or other permitted use other than a dwelling or use accessory to a dwelling and may be erected only on the lot to which it relates.
- (2) No directional sign may exceed four square feet in area.

D. Temporary project development signs shall be permitted where final approval of a major subdivision or major site plan has been granted by a board of competent jurisdiction and which indicate the name of the development, developer, financier or major contractor; provided that no more than one sign per street frontage is erected and the sign area does not exceed 32 square feet or six feet in height. All such signs shall be removed within 14 days of the issuance of a certificate of occupancy that permits the occupation of a building in the case of a permitted nonresidential development, or when 95% of the dwelling units in a residential development have been issued certificates of occupancy.

§325-97: Signs in commercial and professional districts

In the NC, O/C, O/L, and O/R zoning districts signs are permitted for the following purposes only, and only under the following circumstances:

- A. General provisions.
 - (1) No freestanding sign may exceed six feet in height, except for billboards permitted by conditional use in the O/L zoning district, pursuant to §325-95.1 hereabove.
 - (2) No freestanding sign may be erected within the side yard required in the district in which it is located.
- B. Business identification signs.
 - (1) Freestanding signs.
 - (a) One freestanding sign may be erected for each street frontage that contains at least 300 feet of street frontage and direct vehicular access from that street.
 - (b) In no case shall the total area of all such signs on any single freestanding sign exceed 40 square feet.
 - (c) No freestanding sign may exceed six feet in height.
 - (2) Wall signs.
 - (a) The total area of all wall signs placed on or facing any one street frontage on any lot shall not exceed 20% of the signable facade area of the ground floor of the portion of the building which it occupies or 40 square feet, whichever is less.
 - (b) Each establishment with a direct entrance to the outside shall be entitled to a wall sign provided it does not exceed the area requirement above.
 - (c) Multiple uses without direct outside entrance may be identified by means of a common directory sign, not to exceed 12 square feet.
 - (3) Projecting signs.
 - (a) The total area of all projecting signs used to identify a single commercial use or establishment shall not exceed four square feet.
 - (4) Marquee signs, as controlled by the general regulations.
 - (5) Awning signs, as controlled by the general regulations.

- (6) Canopy signs, as controlled by the general regulations.
- (7) Changeable copy signs, as controlled by the general regulations.
- C. Signs for a residential use shall be subject to the provisions of §325-96.B.
- D. Directional signs shall contain no advertising and may be erected only upon the lot to which it relates. Directional signs shall not exceed four square feet in area.

§325-98: Signs in Town Center

In the TC Town Center District, signs are permitted for the following purposes only, and under the following conditions:

- A. General provisions.
 - (1) Freestanding signs, including pylon signs.
 - (a) One freestanding sign shall be permitted for each lot that has at least 300 feet of frontage on a public street. A lot which has frontage on two streets may have a second sign providing it has 300 feet or more of frontage on the second street. Unless designed and permitted as a pylon sign, a freestanding sign shall not exceed ten (10) feet in height, and the sign area on each face shall not exceed fifty (50) square feet.
 - (b) A pylon sign is hereby defined as a specific type of freestanding sign that is only permitted on a tract developed as a shopping center, office park, residential community, or mixed-use development, subject to the following:
 - [1] One (1) pylon sign is permitted where the subject tract has at least 300 feet of frontage on a public street and a minimum gross lot area of ten (10) acres. Where an eligible tract has at least 300 feet of frontage on multiple streets, an additional pylon sign is permitted along each such frontage.
 - [2] Pylon signs shall not exceed twenty-five (25) feet in height and the sign area on each face shall not exceed one hundred (100) square feet.
 - [3] When approved as a conditional use pursuant to §325-95.E and §325-124 of this Chapter, the sign area of a pylon sign may include a changeable copy sign. Where all or any portion of the changeable copy sign area is a VCT sign, that portion shall comply with the provisions of §325-95.E(8). As a condition of approval, messages on the changeable copy area shall be limited to information regarding features or activities on the tract where

it is located and non-commercial messages in the public interest, including but not limited to emergency messages on VCT signs as required pursuant to §325-95.E(8)(i).

- (c) No freestanding sign shall be located closer than 25 feet to a street line nor within 15 feet of a side lot line.
- (2) The total area of all wall signs placed on or facing any one street frontage on any lot shall not exceed 20% of the signable facade area of the ground floor of the portion of the building which it occupies or 100 square feet, whichever is less.
- (3) Awning signs and marquee signs, as controlled by the general regulations.
- (4) Canopy signs, as controlled by the general regulations.
- B. Directional signs shall contain no advertising and may be erected only upon the lot to which it relates. No directional sign may exceed four square feet in area.
- C. Comprehensive signage packages.
 - (1) The developer, owner, operator or other entity exercising control over a planned town center mall may, at its option, apply for a permit for a comprehensive signage package, rather than individual sign permits, pursuant to this Subsection C.
 - (2) The Zoning Officer, after receiving an application pursuant to Subsection C(1) hereof, shall consult with the Board of Supervisors respecting the compliance of the proposed comprehensive signage package with provisions of this Subsection C. The Board of Supervisors may request that applicant attend one or more public meetings to discuss the comprehensive signage package.
 - (3) If the Zoning Officer, after consulting with the Board of Supervisors, determines, in the sole discretion of the Zoning Officer, that the applicant has complied with this Subsection C, then the Zoning Officer shall issue a permit for the comprehensive signage package which shall include all signs in the comprehensive signage package application.
 - (4) After consultation with the Board of Supervisors, the Zoning Officer may, but shall not be required to, afford the applicant an opportunity to amend the comprehensive signage package application so that it complies, in the sole discretion of the Zoning Officer, with the requirements of this Subsection C.
 - (5) The Zoning Officer shall either grant or deny the permit for a comprehensive signage package within 90 days of the applicant's filing a permit application pursuant to Subsection C(1) hereof, unless such time period is extended in writing by the applicant.
 - (6) The comprehensive signage package shall:

- (a) Include all signs within the planned town center mall including, without limitation, all freestanding signs, project identity signs, monument signs, pylon signs, wall signs, canopy signs, awning signs, directional signs and traffic control signs.
 - (b) Show the size, location, materials, colors and content of all signs.
 - (c) Demonstrate, to the satisfaction of the Board of Supervisors, that the signs are part of a consistent format and theme with the architectural and landscaping elements of the planned town center mall.
 - (d) Demonstrate, to the satisfaction of the Board of Supervisors, that the sign treatment in the comprehensive signage package is consistent with the objectives of any town center design standards set forth elsewhere in this chapter.
 - (e) Demonstrate that all signs in the comprehensive signage package shall be designed and installed in accordance with public safety standards generally applicable to signs.
- (7) Once a permit has been issued for a comprehensive signage package, the lettering or content of any individual sign may be changed, or any sign may be removed, without further permit action, so long as the overall size, consistency or design of the comprehensive signage package is not affected.
- (8) Once a permit has been issued for a comprehensive signage package, any new sign erected within the planned town center mall shall be deemed to be part of the comprehensive signage package and no additional sign may be erected without first obtaining a permit modification. In determining whether to issue such permit modification, the Zoning Officer shall apply, with respect to the new sign, the same standards as set forth in Subsection C(3) above.
- (9) Any sign included in a comprehensive signage package shall be exempt from compliance with any other provision of this article.

§325-99: Industrial districts

In the I-1 and I-2 Industrial Districts signs are permitted for the following purposes only, and only under the following conditions:

A. Freestanding signs.

- (1) No freestanding sign shall exceed six feet in height, except for billboards permitted by conditional use in the I-2 zoning district, pursuant to §325-95.1 hereabove.

- (2) One freestanding identification sign shall be permitted for each lot which has 300 feet or more of frontage on a public street. The maximum permitted sign background area shall be 24 square feet, except as permitted below.
 - (3) In the case of a complex of three or more buildings designed, operated, and identified as a unified project, one freestanding identification sign shall be permitted for the total complex which has 300 feet or more of frontage on a public street and; provided, further, that the street offers direct vehicular access to the development. The maximum permitted sign area of the identification shall be 50 square feet.
- B. For all uses except shopping centers, wall signs are permitted to identify the building or the occupant(s) of the building upon which it is placed only under the following conditions:
- (1) One (1) wall sign is permitted for each one hundred (100) linear feet of building façade upon which the wall sign(s) are to be placed; not more than one (1) wall sign is permitted with the building façade upon which it is to be placed is less than two hundred (200) linear feet long.
 - (2) Except as provided for below, the total area of all wall signs on a single building façade shall not exceed twenty (20.00) percent of the signable façade area or seventy-five (75) square feet, whichever is less.
 - (3) Where a building has multiple tenants such that each tenant's space is separate from the space occupied by all other tenants, and each tenant has its own building entrance, then each such tenant may have a wall sign, subject to compliance with §325-99.B(2)(a). The total area of all wall signs on a single building façade shall not exceed twenty (20.00) percent of the signable façade area or the maximum square footage described below, whichever is less.
 - (a) Where the portion of the building occupied by a given tenant has a façade that is less than two hundred (200) linear feet, the total area of all wall signs for that portion of that façade for that tenant shall not exceed sixty (60.00) square feet.
 - (b) Where the portion of the building occupied by a given tenant has a façade that is two hundred (200) feet long or greater, the total area of all wall signs for that portion of that façade for that tenant shall not exceed seventy-five (75) square feet.
 - (c) The provisions of §325-99.C(5) shall not be applied such that the sign for one tenant is required to be at least three times larger than the sign(s) for the other tenant(s).
 - (d) Where the portion of the building occupied by a given tenant has a façade that is two hundred (200) feet or more long such that that tenant may have multiple wall signs pursuant to §325-95.C(5), then the

regulations of that section regarding the relative sizes of the signs shall be applied over that portion of the building.

- C. For shopping centers, wall signs are permitted to identify the occupants of the individual retail spaces. For the purposes of applying the following standards, the “signable façade” area shall be calculated for each retail space individually. All signs must relate to business of the retail space upon which they are affixed. Multiple signs are permitted provided that the total area of all wall signs does not exceed the following limits:
 - (1) Where the signable façade is five hundred (500) square feet or less, the total area of all wall signs within that signable façade shall not exceed twenty (20.00) percent of the signable façade area.
 - (2) Where the signable façade is larger than five hundred (500) square feet, the total area of all wall signs within that signable façade shall not exceed fifteen (15.00) percent of the signable façade area or one hundred seventy (170) square feet, whichever is less.
- D. Signs providing guidance for drivers to specific buildings or occupants on a lot or in a multi-building complex are permissible, but the copy on such sign(s) shall be limited to the name of the occupant or building and a directional arrow or other indicator. No directional sign shall exceed four (4) square feet.
- E. The Township may require signs to guide drivers to exits and surrounding roads. Whether provided at the direction of the Township or at the volition of the property owner, such signs shall be subject to Township review and approval.

§325-100: Temporary signs.

Signs regulated under this section are prohibited in the R-1, R-2, R-3, and R-4 zoning districts.

- A. Project development signs shall be permitted where final approval of a major site plan or major subdivision has been granted by a board of competent jurisdiction and which indicate the name of the development, developer, financier or major contractor; provided, that, no more than one sign per street frontage is erected and the sign area does not exceed 32 square feet or six feet in height. All such signs shall be removed within 14 days of the issuance of a certificate of occupancy that permits the occupation of a building in the case of a nonresidential development or when 95% of the dwelling units in a residential development have been issued certificates of occupancy.
- B. Grand opening signs are permitted; provided that:
 - (1) Such signs are removed within 30 days of the initial opening of the business or a change in the ownership of the premises on which the sign is located.
 - (2) Grand opening signs may be wall signs, freestanding signs or banners.

- (3) Grand opening signs shall not exceed the total sign area permitted on the premises for permanent signs. Such signs shall be permitted in addition to any permanent signage allowed. For the purposes of this subsection, the total sign area of banners shall not exceed that permitted for wall signs.

C. Special sale signs are permitted; provided that:

- (1) Such signs are permitted for two thirty-day periods within a calendar year.
- (2) Special sale signs may be wall signs or banners.
- (3) Special sale signs shall not exceed the total sign area permitted on the premises for permanent signs. Such signs shall be permitted in addition to any permanent signage allowed. For the purposes of this subsection, the total sign area of banners shall not exceed that permitted for wall signs.

§325-101: Nonconforming signs

- A. All signs lawfully erected prior to the enactment of this chapter or subsequent amendments, which are not in conformity with the provisions thereof, shall be deemed nonconforming signs as governed by §325-108.
- B. For the purpose of regulation and enforcement, the Zoning Officer shall make a video recording or photograph of all streets in the Township, showing all signs which existed at the time of the adoption of this chapter. Without acceptable evidence to the contrary, the absence of a sign on the video recording shall be deemed to indicate that the sign did not exist at the time of adoption and is not therefore a legal sign.
- C. Any of the following shall invalidate a sign permit or require a nonconforming sign to conform with the provisions of this article.
 - (1) The removal of an existing sign from the premises, including a change in sign copy.
 - (2) An alteration in the structure of a sign support, and/or a change in the mechanical facilities.
 - (3) A change in the material of the sign, for example, from wood to plastic.

§325-102: Abandoned signs

No person shall maintain or permit to be maintained on any premises owned or controlled by him or her, a sign which has been abandoned. An "abandoned sign" for the purpose of this article is a sign located on and/or related to the use of a property which becomes vacant and unoccupied for a period of six months or more, any sign which was erected for an occupant or business unrelated to the present occupant in business or any sign which related to a time,

event or purpose which is past. Any such abandoned sign shall be abated by the owner or person controlling the property within 30 days of the date of abandonment as herein defined. Any sign identifying an abandoned use, as provided for by this article, shall itself be considered to be abandoned.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance.

Section 5. This Ordinance shall take effect and be in force five (5) days from the date of enactment.

ENACTED AND ORDAINED this ____ day of _____, 2019.

BOARD OF SUPERVISORS

WEST WHITELAND TOWNSHIP

Theresa Santalucia, Chair

Michele Moll, Vice Chair

Beth Jones, Member

ATTEST:

Mimi Gleason, Township Manager