

ORDINANCE NO. #3 -2012

**AN ORDINANCE OF WARWICK TOWNSHIP, CHESTER COUNTY,
PENNSYLVANIA, AMENDING THE WARWICK TOWNSHIP ZONING ORDINANCE
REGARDING SIGN REGULATIONS.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Warwick Township, Chester County, Pennsylvania, that certain provisions of the Warwick Township Zoning Ordinance regarding sign regulations, as amended, be amended as follows:

SECTION 1. Article 2, Definitions, Section 201, Definition of Terms, shall be amended to add the following terms and definitions:

SIGN – BILLBOARD – A ground sign in excess of thirty-two (32) square feet, erected, operated, and maintained for commercial purposes.

SIGN – FLAG SIGN – A temporary fabric sign mounted on a pole in such a way that it moves with the wind.

SIGN – MOBILE SIGN – A temporary sign mounted on a wheeled frame that can be moved from one place to another.

SECTION 2. Article 2, Definitions, Section 201, Definition of Terms, shall be amended to read as follows:

SIGN, TEMPORARY – Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light materials, with or without frames, to be displayed for a period of not more than twenty-one (21) consecutive days or as otherwise specified in this ordinance.

SECTION 3. Article 10, B-1 Business District, Section 1001, Use Regulations, Subsection D, shall be amended to add new Subparagraph 2 as follows:

2. A billboard in accordance with the requirements of Article 18.

SECTION 4. Article 18, Sign Regulations, Section 1801, General Regulations, Subsection A, Scope and Applicability, Subparagraphs 2, 3 and 6, shall be amended to read as follows:

2. No sign shall hereafter be erected or attached to, suspended from or supported on a building or structure, and no sign shall hereafter be altered, rebuilt, enlarged, extended or relocated, until a permit for the same has been obtained from the Township, except those listed specifically hereafter in Section 1804.

3. Application for such permits shall be made in writing to the Township in accordance with the provisions of Section 1806.
6. The Township is hereby authorized and empowered to revoke any permit issued upon failure of the holder thereof to comply with any provision of this Article.

SECTION 5. Article 18, Sign Regulations, Section 1802, Sign Restrictions and Standards, Subsection A, Prohibited Signs, shall be amended to read as follows:

- A. Prohibited Signs. It is unlawful to erect or maintain the following signs:
 1. Spinning, animated, twirling, or any other moving objects used for advertising purposes whether containing a message or not.
 2. Flashing, blinking, twinkling, animated, or lighted moving signs of any type, except those portions of signs which indicate time and temperature changes, and except for holiday decorations on display during the holiday season.
 3. Advertising cloth or paper banner or signs of any similar character suspended or hung on any property, except for certain banners and other temporary signs as specifically permitted herein.
 4. Portable signs or signs on mobile stands which can be moved from place to place and thereby not permanently affixed except as specifically permitted herein.
 5. Curb or sidewalk signs, or signs which are attached to or suspended from any outdoor bench, chair, or other similar structure, except for inscriptions on benches at a church, park, or other non-profit institution, or acknowledgements of a donor that is not a commercial advertisement.
 6. Signs placed, inscribed or supported upon the roofline or any structure which extend above the roofline of a building.
 7. Off-premises signs, except billboards and those provided for in Sections 1804.A.4, 1804.A.5, 1804.A.6, 1804.A.10, 1805.A.7, 1805.A.10, 1805.B.7, and 1805.B.8. and except for temporary yard sale and flea market signs.
 8. Signs or other advertising on a vehicle which is not registered and/or not insured, and is visible from a road.
 9. No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted.
 10. No artificial light or mirror or reflecting type device shall be used as a part of a sign. Searchlights used to attract attention to a sign or property are

prohibited. However, internally lighted signs are permitted in accordance with Section 1803.A.15.

11. Signs which are fluorescent in color, such as hot pink or chartreuse.
12. Two or more signs which are related to one another and are placed in a staggered arrangement or interval.

SECTION 6. Article 18, Sign Regulations, Section 1803, General Restrictions and Standards, shall be amended to read as follows:

SECTION 1803 – GENERAL RESTRICTIONS AND STANDARDS

- A. The following restrictions shall apply to all permitted signs.
 1. No sign shall be located, arranged or placed in a position that it will cause danger to traffic, or will interfere with traffic, through: glare; blocking of required sight lines for streets, sidewalks or driveways; confusion with a traffic control device by reason of color, location, shape or other characteristic; or, through any other means. All signs on state roads shall meet all specific PennDOT requirements for state roads and all signs on Township roads shall meet all specific requirements for Township roads.
 2. No sign, other than official street or traffic direction signs, or billboards, shall be erected or maintained nearer to a street line or property line than ten (10) feet or a distance equal to the height of the sign, whichever is greater, unless attached to the main building or structure.
 3. Every sign must be constructed of durable materials and shall be solidly and firmly attached, supported and/or anchored to the supports or framework.
 4. Any sign located on a County, State or Federal highway or bridge or their right-of-way shall comply with any more restrictive requirements which may be applicable.
 5. Every sign must be maintained in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by, and at the expense of, the permittee or owner of the property on which it is located.
 6. No sign, other than a sign of a governmental body, shall be erected within or project into the right-of-way of any street, except for

those permitted by Sections 1804.A.3., 1804.A.4., 1804.A.6., 1804.A.8. and 1804.A.10.

7. All permanent signs affixed to any permitted building shall be integrated into the architectural design of the building on which they are placed and shall be harmonious with the design of the facade of the building.
8. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape.
9. No business sign may be located nearer to a residence or a lot line in a Residential District than permitted for buildings on the lot containing the sign. If located nearer than thirty (30) feet and facing into a residence or a Residential District, it shall be so designed as not to shine or reflect light upon such residence or District.
10. Unsafe and unlawful signs. If the Township shall find that any sign regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice thereof to the permittee and/or owner of the property upon which it is located. If the person(s) so notified fail to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, such sign may be removed or altered to comply by the Township at the expense of any person so notified. The Township shall refuse to issue a sign permit to any permittee or owner who refuses to pay costs so assessed. The Township may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
11. No sign may be erected containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance for the zoning district in which the property to which the sign relates is located.
12. Double Faced Signs. The following requirements apply to double faced signs other than billboards:
 - a. Any sign may be double faced provided it has two (2) parallel surfaces that are opposite and matching in size and shape and are not over twelve (12) inches apart.
 - b. The sign shall be considered as one (1) sign and only one (1) face shall be used to calculate the total size of the sign.

13. Pole Signs.

- a. No portion of said sign shall exceed fifteen (15) feet above the ground level, except that in the I Districts, no portion of said sign shall exceed eighteen (18) feet.
- b. All poles or columns that support pole signs shall be made of metal, steel, or pressure treated timbers. All such posts shall be embedded in the ground at least three (3) feet six (6) inches.

14. Ground Signs

- a. The top of any ground sign shall be no higher above the ground level than four (4) feet.
- b. All poles or columns that support ground signs shall be made of metal, steel, masonry, or pressure treated timbers. All such posts shall be embedded in the ground at least three (3) feet six (6) inches.

15. Wall Signs.

Such signs may be erected and maintained provided that:

- a. No portion of such sign shall extend more than eight (8) inches beyond the edge of any wall or other surface to which it is attached.
- b. All wall signs shall be rigidly affixed to the building and to all supporting and framing structures, attachments and hardware with galvanized steel or non-corrosive fastenings.
- c. No part of the wall sign shall be less than eight (8) feet or more than fifteen (15) feet above the ground on walkway level.

16. Marquees, Awnings and Canopies.

- a. Marquees, awnings and canopies which are used as signs shall be constructed of durable weather resistant material, provided, however, all frames and supports shall be of metal.
- b. Every marquee, awning or canopy shall be securely attached to and supported by the building. Posts or columns beyond the façade of the building shall not be permitted,

unless they are part of a restoration project which is approved by the Board of Supervisors.

- c. All marquees, awnings and canopies shall be constructed and erected so that no part thereof shall be less than eight (8) feet or more than fifteen (15) feet above the level of any sidewalk.

17. Illuminated Signs.

- a. Illuminated signs shall not permit any direct light to shine on abutting properties or in the normal line of vision of the public when using the streets.
- b. No sign shall be illuminated except by concealed indirect lighting. Any illumination of signs in any district shall be so shielded that the source of light shall not be visible from any point off the lot on which the sign being illuminated is erected, and so that only the sign is illuminated thereby.

18. Projecting Sign. Such sign may be erected and maintained provided:

- a. Such sign shall not project more than three (3) feet from the building façade.
- b. No part of the sign shall be less than eight (8) feet, nor more than fifteen (15) feet above the ground or walkway level.
- c. No projecting sign shall be permitted within twenty-five (25) feet of any other projecting sign.

19. All signs on smoke stacks, water towers, silos and other similar structures shall be governed by the provisions of this Article.

20. Billboards.

- a. Intent. The intent of this section is to provide opportunity for billboards only when approved as a conditional use by the Board of Supervisors, and to:
 - 1) Support the First Amendment rights of advertisers to promote legal products and services while retaining the sense of community and protecting the character of the Township.

- 2) Ensure that billboard advertising is permitted in the Township and located safely and appropriately where it can be viewed by the traveling public with the least distraction and degradation in driving safety.
- 3) Provide billboard advertising in a manner demonstrated to be compatible with the historic, natural, and rural character of the Township in terms of size, location, visual prominence from areas other than the adjacent highway, and materials and finishes used in construction.
- 4) Prevent billboards from having a negative impact on residentially zoned properties in terms of visual blight, light pollution, or decreased property value.
- 5) Prevent billboards from having a negative impact on Class 1 or Class 2 historic sites or structures in terms of visual blight, light pollution, or decreased property value.
- 6) Advance the mission of the International Dark-Sky Association and maintain the Township's nighttime environment by reducing light pollution through billboard lighting practices that provide:
 - Energy savings resulting in economic and environmental benefits;
 - Superb nighttime ambience and quality of life;
 - Conservation of nocturnal wildlife and ecosystems;
 - Safeguarding of scientific and educational opportunities such as astronomy;
 - Preservation of cultural heritage and inspiration for the arts;

- Increased visibility, safety, and security at night by reducing glare; and
 - Protection of human health.
- b. The Applicant shall submit a conditional use application which shall demonstrate compliance with the intent of this section and with all standards and criteria set forth herein.
- c. A billboard may have no more than two sign faces of equal size, shape, and dimension, neither of which may exceed 300 square feet (measured as the full height and width to the outside dimension).
- d. Double billboard sign faces shall be opposite and of identical dimensions, and shall have a single common supporting structure. Double billboard sign faces need not be parallel.
- e. There shall be no more than one billboard on any parcel or lot.
- f. No part of a billboard or its supporting structure shall be closer than 5 feet from the adjacent road right of way or further than 40 feet from it.
- g. No part of a billboard or its supporting structure shall be more than 25 feet higher than the adjacent road surface.
- h. No billboard shall be within the safe sight triangle, or within 300 feet of a street intersection.
- i. No billboard shall be placed within 100 feet of a residential zoning district.
- j. There shall be a minimum separation distance of 880 feet between any two billboards.
- k. Billboard faces shall be oriented to the adjacent road to cause the least impact to neighboring properties.

1. In the interest of protecting motorists and adjacent properties from glare impacts, preserving the rural character and setting of the Township's abundant historical heritage, promoting the conservation of energy, and maintaining dark night skies in Warwick Township, the illumination of billboards shall meet all requirements of Article 27 – Lighting, and the following:
 - 1) Because of their inherent visual intrusiveness and resultant incompatibility with Township character, no billboard shall be illuminated by LEDs or any other internal source.
 - 2) Exterior lighting of billboards shall be directed from the top of the sign face downward, and the light source shall be shielded from above, from the roadway, and from neighboring properties.
- m. Billboards shall be adequately screened to the satisfaction of the Township, whenever a billboard is visible from a residential district or use, or from a historic site or structure.
- n. Where billboards are elevated above the ground surface, the supporting structure shall be designed as an architecturally decorative feature or shall be screened with vegetation.
- o. Billboards shall be freestanding and self-supporting. No part or portion of a billboard shall be attached or connected to any other building or structure. All utilities serving the billboard shall be located below ground.
- p. Billboards and related structures shall be properly and regularly maintained and shall at all times be kept in safe and operational manner.
- q. There shall be no objects or other structures attached to a billboard or its structure except as may be necessary for the proper and safe operation and maintenance of the billboard.

- r. The advertising copy displayed shall be of a nature that it is not normally objectionable to members of the public. In the event the Township determines advertising displays to be offensive or objectionable, the owner or lessee shall remove the same within 48 hours of written notice thereof from the Township.
- s. The billboard, foundation, and all structural components shall be dismantled, removed from the site and the site restored if the lease or other agreement that authorizes the placement of the billboard expires or the use is abandoned. The use shall be presumed abandoned if there is no advertising copy on the billboard, or the advertising copy is illegible, deteriorated, or out-of-date, for a period of 180 consecutive days. When the Township determines that a billboard is abandoned, it shall provide the owner of the property on which the billboard is located a notice of that determination and an opportunity to respond within 30 days of receipt of the notice. Upon expiration of the 30-day period, and unless the Township receives sufficient documentation from the property owner during that period that the sign has not been abandoned, it shall provide written notification to the property owner that the billboard shall be removed within 30 days of receipt of that notification.
- t. A removal guarantee bond, in form and amount satisfactory to the Township, shall be provided by the Applicant as a condition of approval. The amount shall be sufficient to enable the Township to remove the billboard in the event that the billboard becomes unsafe, abandoned, or the use otherwise terminated and is not then removed. The Applicant shall provide the Township with written proof on an annual basis that the guarantee bond is then in existence for the required amount.

SECTION 7. Article 18, Sign Regulations, Section 1804, Permitted Signs for which a Permit is Not Required, Subsection A, Subparagraph 9, shall be amended to read as follows:

- 9. Signs advertising the sale or rental of the premises upon which they are erected, or that said premises have been sold or rented, when erected by a broker or other person interested in the sale or rental of such premises, provided:

- a. The size of any such sign of any noncommercial property is not in excess of six (6) square feet.
- b. The size of any such sign of any commercial property is not in excess of sixteen (16) square feet.
- c. The size of any such sign of any property for sale by auction is not in excess of sixteen (16) square feet.
- d. Not more than one (1) sign shall be placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event one (1) sign may be erected on each frontage. Such signs shall be removed within seven (7) days after the conveyance or rental of the premises.

SECTION 8. Article 18, Sign Regulations, Section 1804, Permitted Signs for which a Permit is Not Required, Subsection A, Subparagraph 10.b, shall be amended to read as follows:

- b. Each sign and each location of an off-premises directional sign must be approved by the Township in advance of erection with applicant certifying to the Township he has permission from the landowner to erect such signs.

SECTION 9. Article 18, Sign Regulations, Section 1805, Permitted Signs for which a Permit is Required, Subsection A, Residential Districts, Subparagraph 4, shall be amended to read as follows:

- 4. Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which signs are erected, provided:
 - a. One (1) such sign may be placed upon the lot.
 - b. The size thereof is not in excess of twelve (12) square feet.
 - c. Such signs may be placed during the conduct of the work, but shall be removed within thirty-one (31) days of commencement of the work unless approved otherwise by the Township.

SECTION 10. Article 18, Sign Regulations, Section 1805, Permitted Signs for which a Permit is Required, Subsection A, Residential Districts, Subparagraph 10.b, shall be amended to read as follows:

- b. Each location of an off-premises directional sign must be approved by the Township in advance of permit issuance and erection.

SECTION 11. Article 18, Sign Regulations, Section 1805, Permitted Signs for which a Permit is Required, Subsection B, Business and Industrial Districts, Subparagraph 7, Off-premises Advertising Signs, shall be amended to read as follows:

7. Off-premises Advertising Signs. The following requirements apply to off-premises advertising signs other than billboards:
 - a. One (1) off-premises advertising ground sign or pole sign shall be permitted for each business located within the Township. Such sign shall not exceed twenty-four (24) square feet in area.
 - b. Several businesses or industries may combine the signs permitted them by Section 1805.B.7, above, into one sign. An additional two (2) square feet may be added for every additional business or industry advertised on the sign, but in no case shall such sign exceed thirty-two (32) square feet. The structural backing for all such signs shall be uniform and no sign may extend, in any direction, beyond the outside edge of the backing.
 - c. No off-premises advertising sign shall be allowed within 1000 feet of any other such sign where each sign is visible from the same street regardless of whether the signs are both visible from the same location or on the same side of the street, the distance to be measured along the centerline of such street between the points on the street centerline nearest to each sign.

SECTION 12. Article 18, Sign Regulations, Section 1805, Permitted Signs for which a Permit is Required, Subsection B, Business and Industrial Districts, Subparagraph 8, Off-premises Directional Signs, Subparagraph b, shall be amended to read as follows:

- b. Each location of an off-premises directional sign must be approved by the Township in advance of permit issuance and erection.

SECTION 13. Article 18, Sign Regulations, Section 1805, Permitted Signs for which a Permit is Required, Subsection B, Business and Industrial Districts, new Subparagraphs 9 and 10, shall be added to read as follows:

9. Billboards are permitted in the B-1 Business district only, and shall be located only on properties with frontage on PA Route 23 between the intersections with PA Route 345 and Meredith Drive.
10. The following types of Temporary Signs may be placed in the B-1 and B-2 Business Districts, excluding properties within the Saint Peters Historic Heritage Overlay District, by permit only:
 - a. One (1) banner not exceeding (30) square feet may be hung on a building on the street facing side for a single maximum period of (180) days within a calendar year.

- b. Lawn signs not exceeding six (6) square feet may be placed no closer together than every 100 feet along the road frontage, during business hours only. In no case shall more than (3) lawn signs be permitted on a property.

Pole mounted flag signs may be used along the road frontage in lieu of lawn signs, subject to the same restrictions on size, spacing, and quantity. No part of a pole mounted flag sign shall be greater than 10 feet above ground level.

Lawn or flag sign permits shall be issued for a single maximum period of (180) days in a calendar year.

- c. One (1) portable A-frame sign (sandwich board sign) not exceeding 10 square feet per side is permitted between the building front façade and sidewalk or parking lot, during business hours only. Portable A-frame sign permits are renewable.
- d. Each light pole may be fitted with no more than two (2) vertically mounted banners not exceeding six (6) square feet each. Vertical banner permits are renewable.
- e. In lieu of lawn signs or pole mounted flag signs, one (1) mobile sign not exceeding (24) square feet with changeable content may be placed along the road frontage for a single maximum period of (180) days within a calendar year.
- f. No property shall display more than three (3) permitted temporary signs at any time.

SECTION 14. Article 18, Sign Regulations, Section 1806, Permit Requirements, shall be amended to read follows:

SECTION 1806 - PERMIT REQUIREMENTS

The following requirements shall apply to signs for which a permit is required as set forth in Section 1805:

- A. All sign approval permits shall be filed on application forms provided by the Township and administered by the Township.
- B. All sign approval permit applications shall disclose the following information in duplicate:

1. A description of the size, shape, color, material, supports, anchoring, weight and height of the sign, as well as its illumination.
 2. An architectural elevation drawn to scale of the sign indicating the proposed style of the letters, words, symbols or other graphics; and the proposed size, dimensions, shape, color, material, supports, anchoring and height of the sign.
 3. A plot plan drawn to scale showing the proposed sign location with respect to the property lines and the building(s).
- C. Written consent of the owner of the land where the sign is to be placed if other than the applicant.
- D. All applications for sign approval permits shall be accompanied by a check to cover the required fee as set forth in the fee schedule for signs established by the Board of Supervisors.
- E. The Township shall process applications for sign approval permits within thirty (30) days from the date of the filing of a complete application with the required fee, unless provided for otherwise herein.
- F. The Township shall inspect and approve the installation of the sign and shall make periodic inspections to determine conformity of signs to these regulations.
- G. In determining the appropriateness of the proposed sign, the Township shall determine the following:
1. That the sign meets all the restrictions, standards and sign area requirements set forth in this Article.
 2. That the sign has a reasonable location, scale and proportion in relation to buildings, doors, windows, and pedestrian and vehicular access.
- H. A combination permit is available for temporary signs as specified in Section 1805.B.10.

SECTION 15. Article 27, Lighting, Section 2705, Billboards and Signs, Subparagraph A.3, shall be amended to read as follows:

3. The illumination of billboards within 100 feet of a residential district shall not be permitted.

SECTION 16. Article 27, Lighting, Section 2705, Billboards and Signs, Subparagraph A.6, shall be deleted in its entirety.

SECTION 17. Article 27, Lighting, Section 2705, Billboards and Signs, Subparagraph A.7, shall be renumbered and re-designated as Subparagraph A.6.

SECTION 18. If any sentence, clause, section or part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 19. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

SECTION 20. This amendment shall be effective 5 days following adoption, as by law provided.

ENACTED AND ORDAINED this 13th day of June, 2012.