

## Ordinance No. #329-2021

### AN ORDINANCE OF THE SUPERVISORS OF THE TOWNSHIP OF EAST WHITELAND TO AMEND ARTICLE XIII (SIGNS) OF THE ZONING ORDINANCE

**WHEREAS**, the Board of Supervisors, pursuant to the Municipalities Planning Code (“MPC”), 53 P.S. §§ 10101, *et seq.*, has heretofore enacted a Zoning Ordinance codified at Chapter 200 of the Code of Ordinances of the Township of East Whiteland (“Township”); and

**WHEREAS**, the Board of Supervisors have met the procedural requirements of the MPC and the Pennsylvania Second Class Township Code, 53 P.S. §65101, *et seq.*, for the adoption of the proposed Ordinance, including advertising and holding a public hearing; and

**WHEREAS**, the Second Class Township Code authorizes the Board of Supervisors to make, amend, and adopt Ordinances that are consistent with the Constitution and Laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the health, safety, and welfare of its citizens.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors for East Whiteland Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

**SECTION 1. CODE AMENDMENT. CHAPTER 200, ARTICLE XII, OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST WHITELAND IS HEREBY AMENDED AS FOLLOWS:**

**A. Section 200-85 is hereby AMENDED by replacing all of the text with the following:**

Except as provided for in this section, off-premises signs are prohibited. Off-premises signs are only permitted in the Professional Office Zoning District provided that:

- A.** The lot is located along the south side of Route 202.
- B.** The off-premises sign is located within 75 feet of the right of way of Route 202 and oriented so as to be primarily visible thereto.
- C.** Maximum active area:
  - (1)** Off-premises signs shall have no more than two (2) separate sign faces.
  - (2)** Each face of an off-premises sign shall not exceed 672 square feet in area.
  - (3)** Each face shall be oriented horizontally such that the longest horizontal measurement of the face is at least twice the longest vertical measurement of the face.

- (4) The maximum sign face area shall be measured in accordance with Section 200-78; however, no part of the architectural elements required under Article N shall be included when calculating the sign face area.
- D.** Sign Structure elevation: An off-premises sign structure shall not exceed fifty (50) feet when measured between the highest part of the structure and grade below. For the purposes of this section, the sign structure shall include the sign face or display area; any decorative frame or other materials around the display; the support structure, foundation, or base of the sign; and all other physical aspects of the installation.
- E.** Spacing: No off-premises sign shall be located within five hundred (500) feet of another off-premises sign.
- F.** Illumination: An off-premises sign may be illuminated provided that:

  - (1) All off-premises signs shall incorporate ambient light sensors that measure the levels of surrounding light and automatically reduce the intensity of illumination during periods of ambient darkness or increase the intensity of illumination during periods of ambient brightness.
  - (2) Digital sign faces shall incorporate light mitigating technology and shall be designed to have a primary horizontal viewing angle of ninety (90) degrees or less which shall be oriented toward Route 202.
- G.** Luminance (Intensity of Illumination): Off-premises signs shall not exceed a maximum illumination intensity of 280 nits during night time hours (dusk until dawn) and 7,500 nits during day time hours (dawn until dusk) when the active area is in direct sunlight. Luminance shall be measured in accordance with Article I of this Section.
- H.** Maximum Illuminance Level: The illuminance of an off-premises sign shall not exceed 0.3 foot candles of light above the ambient light levels when measured in accordance with Article I of this Section.
- I.** Illuminance and luminance levels shall be measured by a professional lighting consultant; hereinafter referred to as the “Lighting Inspector” as follows:

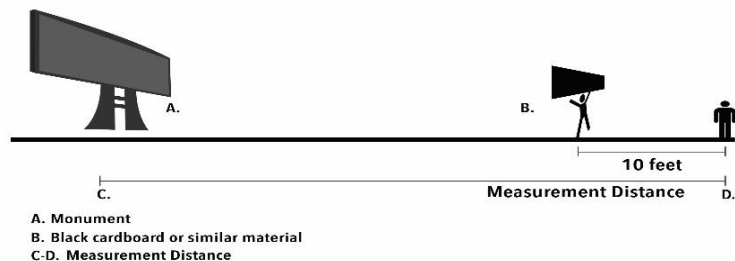
  - (1) Illuminance Measurement: The Lighting Inspector shall use a high-quality illuminance meter (Minolta #T-1 or equivalent), calibrated within the previous 5 years with two decimal place capability at a height of five (5) feet above the grade of the off-premises sign held at a preset distance from the off-premises sign called the Illuminance Measurement Distance, which is calculated in accordance with the formula below. The Lighting Inspector shall aim the light meter toward the off-premises sign perpendicular from the Illuminance Measurement Distance (as depicted below). When a measurement from the required distance is obstructed by private property, a building, or other permanent structure, the

measurement shall be taken from the furthest possible perpendicular extent.

$$\text{Illuminance Measurement Distance} = \sqrt{\left( \frac{\text{Active VCT area} \times 100}{\text{(Sq. Ft.)}} \right)}$$

- (2) In order to determine the ambient light level, the Lighting Inspector shall employ one of two methods at his or her discretion as follows:
- a. Inactive off-premises sign – The Lighting Inspector shall position the light meter at an elevation of five (5) feet above the grade at the Illuminance Measurement Distance. Immediately following measurement of the ambient light level, the active area shall be turned on whereupon the Lighting Inspector shall measure the light spillage or glare emanating from the active area to determine compliance.
  - b. Active off-premises sign – the Lighting Inspector shall aim the light meter toward the active area but shall place an opaque black sheet of material that is of an appropriate size to obstruct the light meter from reading any light emanating from the active area. A material size of twelve inches high by forty inches is recommended but subject to the discretion of the Lighting Inspector. The material should be placed at a distance of ten (10) feet away from the Lighting Inspector in between the off-premises sign and the Lighting Inspector. Please see Diagram A below for an illustration.

*Diagram A: Measuring Ambient Light Level*



- (3) Luminance Measurement: The measurement of luminance shall be conducted by the Lighting Inspector using a high-quality luminance meter (Minolta #LS-110 or equal), calibrated within the previous 5 years as follows:
- a. If measuring the illumination intensity during day time hours (dawn to dusk), the Lighting Inspector shall conduct the measurement within a time frame of at least thirty (30) minutes after dawn and thirty (30) minutes before dusk. If measuring during night time hours (dusk to dawn), the Lighting Inspector

shall conduct the measurement within a time frame of at least sixty (60) minutes after dusk but sixty (60) minutes before dawn.

- b. The Lighting Inspector shall be positioned perpendicular to the sign face at a distance from the sign face not less than fifty (50) feet and not more than two hundred fifty (250) feet.
- c. All luminance meter measurements shall be represented by two circles, a larger field of view circle and a smaller target area circle inside the view finder. The Lighting Inspector shall position the target area circle so it falls entirely within a white-colored portion of the active area that is being measured, as outlined in Diagram B below.

*Diagram B: Measuring Examples*

## Measuring Examples



- (4) An off-premises sign shall not use an active area background, defined as the color of the communication copy behind the graphics, images, and logos occupying more than 50% of the sign face, consisting of bright white, off-white, or other pale colors which would create excessive contrast or glare.

**J.** Automatic Changeable Copy. An off-premises sign may have changeable copy provided that:

- (1) Dwell time: No off-premises sign shall change message or copy on the active area more than once every eight (8) seconds.
- (2) Message or copy transition: All message or copy changes shall be instantaneous; there shall be no scrolling, fading, animated, flashing or moving messages or copy. The entire electronic portion of an off-premises sign must change at the same time, thereby preventing different portions of the sign from changing at different times.

**K.** Hours of operation: If located within one hundred (100) feet of residential zoning districts, off-premises signs shall not be operated between the hours of 12:00am and 6:00am. The sign shall be equipped with a device or technology which automatically activates and deactivates the display in accordance with these prescribed hours.

- L.** Restrictions: An off-premises sign shall not:
- (1) Advertise adult or sexually oriented businesses or materials, hate speech, advertisements related to abortion, or otherwise display any content prohibited by 18 Pa. C.S.A. §5903.
  - (2) Advertise obscene or profane language.
  - (3) Emit any verbal or musical announcements or noises.
  - (4) Display any moving, flashing, scrolling or animated text or video.
  - (5) Have a split display of the sign area.
  - (6) Move, rotate, oscillate, vibrate or shimmer.
  - (7) Flash, scintillate or blink.
- M.** An off-premises sign shall provide availability and display time for municipal, civic and emergency messaging.
- N.** Architectural requirements: The design of an off-premises sign shall incorporate architectural elements in addition to its messaging function thereby creating a unique or distinctive architectural design. Architectural elements shall include, but not be limited to, a decorative base or monument, a decorative shroud, or other similar design elements.
- O.** Off-premises sign permit application procedure: An off-premises sign permit application shall be submitted, reviewed and approved under the Township's standard building permit process. An off-premises sign shall not require subdivision and land development approval; however, a detailed site plan shall be included with the sign permit application.
- P.** In case of a conflict between the provisions or requirements of this Section 200-85 and those contained elsewhere in this Chapter, the provisions of this Section 200-85 shall apply.

**SECTION 2. REPEALER.** All Ordinances or parts Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**SECTION 3. REVISIONS.** The East Whiteland Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**SECTION 4. SEVERABILITY.** To the extent that any provision of this ordinance is deemed to be unlawful, such provision shall be severable from the remainder of provisions which are not deemed to be unlawful, which lawful provisions shall continue in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective five (5) days after date of adoption.

**SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.** The failure of East Whiteland Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**ENACTED AND ORDAINED** this 1<sup>st</sup> day of February , **2021** by the Board of Supervisors of East Whiteland Township

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

**ATTEST:**

By: Donna Wikert  
Township Secretary

By: Scott Lambert  
Scott Lambert

By: Richard Orlow  
Richard Orlow

By: Sue Drummond  
Susan Drummond