

ORDINANCE NO. 2009- 1

AN ORDINANCE AMENDING THE LOWER OXFORD TOWNSHIP ZONING ORDINANCE OF 1970

BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lower Oxford, Chester County, Pennsylvania that the Lower Oxford Township Zoning Ordinance of 1970 as amended shall be and hereby is amended as follows:

§ 200 - Definitions.

Remove the existing definition of “Shopping Center” and “Sign” and add the following definition:

SHOPPING CENTER - One (1) or more buildings or parts thereof, designed as a unit to be occupied by one (1) or more business enterprises for the conduct of business as an integrated planned area development, with controlled ingress and egress and off-street parking provided on the property as an integral part of the unit. These enterprises may include those for the retail sale of such things as dry goods, variety and general merchandise, clothing, food, flowers, drugs, liquor, household supplies or furnishings, sale or repair of jewelry or scientific instruments, the provision of personal services such as barber shops, banks, hairdressers, laundry or laundromats, and cleaning and pressing shops, and for such purposes as theaters or bowling alleys, restaurants and fast food restaurants.

SIGN - any letter, word, model, device, symbol, or representation intended as an announcement, direction or advertisement and may be (A) either free-standing or attached to another structure, or (B) painted on the exterior wall of a building or other structure.

Add the following definitions:

SIGN, INFORMATIONAL – a free-standing sign providing information necessary for the operation of a business, including but not limited to, menu boards associated with fast food operations.

SIGN, PROJECT IDENTIFICATION – a free-standing sign identifying the name of the shopping center and some or all of the businesses within the shopping center.

SIGN, MONUMENT – a freestanding sign in which the entire bottom is either in contact with or within five (5) feet of the ground.

SIGN, TRAFFIC-CONTROL AND DIRECTIONAL – A sign within a shopping center used solely for the purpose of control and direction of vehicular traffic within the shopping center. A Directional Sign may direct vehicles to particular buildings or tenant spaces within the shopping center.

SIGN, WALL – a sign fastened to, or painted on, the wall of a building or structure in such manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

SHOPPING CENTER - One (1) or more buildings or parts thereof, designed as a unit to be occupied by one (1) or more business enterprises for the conduct of business as an integrated planned area development, with controlled ingress and egress and off-street parking provided on the property as an integral part of the unit. These enterprises may include those for the retail sale of such things as dry goods, variety and general merchandise, clothing, food, flowers, drugs, liquor, household supplies or furnishings, sale or repair of jewelry or scientific instruments, the provision of personal services such as barber shops, banks, hairdressers, laundry or laundromats, and cleaning and pressing shops, and for such purposes as theaters or bowling alleys, restaurants and fast food restaurants.

SIGN AREA or SURFACE DISPLAY AREA - the entire area within a continuous perimeter formed by straight lines joined at right angles which enclose the extreme limits of the writing, background, representation or display of the sign face. The supports, uprights, or structure on which any sign is supported shall not be included in determining the surface display area unless such supports, uprights or structure is designed in such a manner as to form an integral background of the display or conveys meaning. For the purpose of computing the allowable area of a double-faced sign, one (1) sign face shall be considered.

Add the following:

Part 18

Signs and Billboards

§1800. General. The following regulations shall be observed in all districts:

1. No sign shall be erected within the lines of a street right-of-way, except traffic signs and similar regulatory notices of a duly constituted governmental body.

2. No moving or flashing signs which may have the effect of distracting motorists on adjacent highways shall be permitted.

3. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for a traffic signal.

4. Flood lighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated thereby.

5. No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of Chapter 27 in the zoning district in which the property to which the sign relates is located.

6. No sign shall be erected on a premises except one advertising a business or articles or merchandise for sale on the same premises, unless provided for in this Part 18.

7. Every sign permitted shall be constructed of durable material and kept in good condition, repair and safe from collapse. Any sign which is allowed to become dilapidated shall be removed by the Township at the expense of the owner or lessee of the property on which it is located.

8. All distances provided for in this Part 18 shall be measured along straight lines between signs and from the near edge to near edge of sign or sign structure. This Subsection (9) shall apply in all cases including locating new signs in relationship to currently existing nonconforming signs.

9. A permit shall be obtained before erecting any sign under these regulations except as hereinafter provided.

10. No sign, other than official street signs, shall be erected or maintained nearer to a street line than a distance equaling the height of the sign, unless attached to the building.

§1801. Exempt Signs. No permit shall be required before erecting any of the following signs. These signs, however, shall conform to all other regulations set forth in Part 18.

1. Directional, information or public service signs such as those advertising availability of rest rooms, telephone or similar public conveniences, and signs advertising meeting times and places of nonprofit service or charitable clubs and organizations may be erected or maintained, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods, or services except those of public utilities. Directional and information signs provided for the guidance and convenience of the public within commercial

establishments may also be erected. Such signs shall not exceed two (2) square feet in area.

2. Trespassing signs, or signs indicating the private nature of a road, driveway, or premises, and signs prohibiting or otherwise controlling hunting or fishing upon particular premises may be erected and maintained provided sign area does not exceed two (2) square feet in area.

3. Signs offering individual properties for sale or rent, or indicating that a property has been sold, provided that such signs shall be located entirely within the lot lines of the particular property to which they refer and shall not exceed six (6) square feet in area.

§1802. Temporary Sign Regulations. Temporary signs, including signs advertising special events or temporary sale of products or goods such as Christmas trees, shall be permitted provided that:

- A. Permits shall run for a period of up to sixty (60) days.
- B. Signs shall not exceed thirty-two (32) square feet in area.
- C. Any free-standing sign shall be located at least ten (10) feet from any property line.
- D. Signs shall be removed immediately upon expiration of permit.
- E. The site of building on which the sign was erected shall be restored to its original condition upon removal of the sign.
- F. Only one (1) permit is permitted per lot or tax parcel.
- G. No sign shall be erected on a lot except one advertising products or goods for sale on the same lot.
- H. A permit must be obtained before erecting a temporary sign. Permits may be reissued for one (1) successive sixty (60) day period.

§1803. Business Signs. Business signs accessory to permitted commercial uses shall be permitted provided that:

1. Signs mounted on the front of a building shall not exceed ten (10) square feet in area for each five (5) lineal feet of front building wall and in no case shall exceed thirty (30) feet in width or eight (8) [feet] in height at the minimum allowable building setback. For each additional two (2) feet of setback the maximum height of the sign may be increased by one (1) foot, provided that

no sign shall exceed twenty (20) feet in height and shall [not] exceed twenty (20) percent of face of building.

2. Signs mounted on a side wall exposed to public view from either a street or parking area shall not exceed ten (10) square feet of area for each lineal foot of such side building wall and in no case shall exceed thirty (30) feet in width.

3. Mounted signs shall be installed parallel to the supporting wall and project not more than ten (10) inches from the face of such wall.

4. Free-standing signs (not mounted on a building) shall not exceed thirty-two (32) square feet in area, and shall stand no higher than thirty (30) feet from normal ground level. Signs larger than thirty-two (32) square feet in area and heights of up to forty-five (45) feet may be allowed if the criteria generally considered in conditional use procedures are met. In the event that only one free-standing sign is utilized, then the sign shall not exceed one hundred fifty (150) square feet in area, and stand no higher than thirty (30) feet from normal ground level.

5. Free-standing signs shall be erected only within the limits of the front yard of the property to which they pertain.

6. Free-standing signs shall not be spaced closer to each other than a distance equal to ten (10) times the largest dimension (height or width) of the sign having the largest dimension. For the purpose of this Subsection (6), the height of a sign shall be measured from ground level to the top of whichever is higher.

§1804. Off-Premises Signs. Off-premises signs, related to commercial business, shall be permitted under the following conditions:

A. Each commercial business may have one (1) off-premises sign located within the Township.

B. Off-premises signs shall be limited to Old Baltimore Pike and Routes 10 and 472.

C. The owner of the business shall notify the property owner of the application to the township for a permit to erect an off-premises sign and provide written approval of the owner.

D. Said sign shall be outside the right-of-way of State or Township public streets.

E. Off-premises signs shall be permitted for the sole purpose of redirecting vehicles and/or pedestrians to a business located within the Township.

F. Off-premises signs shall be designed and constructed in accordance with the following specifications:

(1) Joint Signboards. The off-premises sign design shall conform to Figure 1. Figure 1 may be modified as necessary by resolution by the Board of Supervisors. The maximum height of the overall sign shall be ten (10) feet with the height of the individual panels not to exceed eighteen (18) inches. The individual panel width shall not exceed six (6) feet.

(2) Individual Signs. The Off-premises sign shall be a maximum of ten (10) square feet in area with a height of ten (10) feet from the top of the sign to the ground.

G. General maintenance of off-premises signs shall be the responsibility of the individuals utilizing the sign. In the event an off-premises sign is in need of repair, the Code Enforcement Officer shall notify the individuals utilizing the sign in writing giving them thirty (30) days to make the necessary repairs. In the event the repairs are not made within the allotted time, the Township may remove the sign or have it repaired and bill the owner of the sign for any costs incurred.

H. No off-premises sign shall be erected without a permit issued by the Code Enforcement Officer. Applications for off-premises signs shall be made on a form provided by the Township and shall include a plan showing the sign layout. The fee for an off-premises sign shall be established by a resolution by the Board of Supervisors.

I. Signs advertising or identifying home occupations shall not exceed four (4) square feet in area. The sign may only include the name, occupation and logo or trademark, if applicable, of the practitioner.

§1805. Sign Permits.

1. Applications for sign permits shall be filed in duplicate and on forms furnished by the Township and shall be accompanied by detailed plans and specifications and such other information deemed necessary by the Code Enforcement Officer to determine the location and details of construction of such sign.

2. Permit Fees. No permit to erect shall be issued until a fee, as established by resolution of the Board of Supervisors, has been paid.

3. Sign Calculations.

Distances. All distances provided for in this Article shall be measured to the nearest edge of the sign or sign structure. Distances shall

apply in all cases, including locating new signs and in relationship to currently existing non-conforming signs.

Window Signs. Unless further restricted by district regulations, window signs shall not exceed twenty-five percent (25%) of the glass area of the window in which placed.

Projecting Signs. Projecting signs mounted to a wall or other vertical building surface by a post shall project no more than two (2) feet. No part shall be less than eight (8) feet nor more than twelve (12) feet above the ground or walkway level.

Free-Standing Signs. The height of free-standing signs shall be measured from the ground level to the topmost portions of the structure.

§1806. Illumination of Signs. The following provisions shall apply to the illumination of signs within the Township:

A. Unless otherwise specified within this Article of this Chapter of the Code, signs may be illuminated by direct and non-glaring lights, provided that such lighting is shielded so that no direct light will shine on abutting properties or obstruct the vision of motorists or pedestrians within a street right-of-way.

B. The use of red, green or amber lights on any sign within 200 feet of a street intersection shall be prohibited.

C. The use of intermittent, flashing or animated lighting within 50 feet of a street right-of-way and 200 feet from the R-1, R-2, R-3 and R-4 zoning districts shall be prohibited.

D. The use of illuminated signs within the R-1, R-2, R-3, and R-4 zoning districts shall be prohibited unless the illuminated sign is specifically related to emergency management uses, medical facilities, municipal uses, institutional uses, and other similar uses considered appropriate by the Zoning Officer.

§1807. Electronic Message Signs.

A. No animated, mechanically or electrically moving, sequential, intermittent, flashing, rotating, or oscillating signs shall be permitted except for time and temperature signs. Signs may change their message from time to time provided that each message is visible for a minimum of 10 seconds, except as follows:

(1) Time and temperature signs may change more frequently than 10 seconds;

(2) A sign with a sign area greater than 50 square feet shall not change its message more frequently than once every 30 seconds.

B. Flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit routine Christmas lighting.

C. No sign shall emit smoke, visible vapors, particles, sound or odor.

D. No open flames shall be permitted as part of a sign or in any other way to attract attention.

§1808. Shopping Centers.

In any shopping center, the following signs shall be permitted:

A. **Project Identification Signs:** Project Identification Signs are permitted to be located within six hundred (600) feet of the intersection of an entrance drive and a public right-of-way or the intersection of two (2) public rights-of-way; provided that the following regulations are met:

1. The surface display area of a Project Identification Sign shall not exceed three hundred (300) square feet.

2. The height of a Project Identification Sign shall not exceed thirty-five (35) feet.

3. There shall be no more than one (1) Project Identification Sign per principal entrance up to a maximum of two (2) if entrances are more than 475 feet apart.

4. Project Identification Signs shall be located at least five (5) feet back from the street right-of-way line or access drive cartway and 30' from any property line.

B. **Monument Signs:** Monument Signs are permitted to be located within the shopping center and adjacent to a public right-of-way; provided that the following regulations are met:

1. The surface display area of a Monument Sign shall not exceed eighty (80) square feet.

2. The height of a Monument Sign shall not exceed ten (10) feet.

3. There shall be no more than one (1) Monument Sign per 150 feet of street frontage.

4. Monument Signs shall be located at least five (5) feet back from the street right-of-way line or access drive and 20' from any property line.

5. Monument Signs shall be located no less than fifty (50) feet from any other freestanding sign.

6. A Monument Sign may contain the name of the shopping center and identify up to three (3) of the businesses within the shopping center.

C. Wall Signs: Wall Signs are permitted to be located on each building or structure, provided that the following regulations are met:

1. The aggregate sign area of all Wall Signs mounted on the front face of an individual building shall not exceed ten (10) square feet for each five (5) lineal feet of front building wall. Single tenant buildings smaller than 10,000 square feet shall be permitted to have the greater of either (i) one (1) Wall Sign of up to sixty (60) square feet of sign area on the front building wall, i.e. the wall where the main entrance is located; or (ii) ten (10) square feet of wall signage for each five (5) lineal feet of front building wall.

2. Wall Signs mounted on a side wall exposed to public view from either a street or parking area shall not exceed ten (10) square feet of area for each lineal foot of such side building wall and in no case shall exceed thirty (30) feet in width.

3. Wall Signs mounted on a rear wall exposed to public view from either a street or parking area shall not exceed ten (10) square feet of area for each ten (10) lineal feet of such rear building wall.

4. Each Wall Sign placed on a structure other than a building shall not exceed four hundred twenty (420) square feet in sign display area. No more than two (2) Wall Signs shall be permitted on a structure other than a building.

5. Wall Signs shall have individual channel letters. No box signs shall be permitted.

D. Traffic Control and Directional Signs: Traffic Control and Directional Signs are permitted to be located anywhere within a shopping center, provided that each such sign shall not exceed twenty (20) square feet in sign display area and six (6) feet in height.

E. Information Signs: Informational Signs are permitted to be located adjacent to a building or within a parking area serving the business associated with that informational sign, provided that each such sign shall not exceed fifty (50) square feet in sign display area and eight (8) feet in height.

§1809. Billboards. The following standards shall apply to billboards in the Township.

1. Billboards shall be limited to property adjacent to the US Route 1 By-pass without regard to district.
2. Billboards shall be setback a minimum of fifty (50) feet from the legal right-of-way of any public street.
3. Billboards shall be located no closer than two hundred (200) feet from a dwelling.
4. Billboards shall have a maximum sign area of three hundred (300) square feet.
5. The height of billboards shall be measured as follows:
 - a. The bottom surface of the sign of the billboard shall not be higher than twelve (12) feet from the ground.
 - b. The highest point of the billboard shall be no higher than twenty-four (24) feet.
 - c. Billboards shall not be illuminated. Billboards shall not have electronically supplied advertising that is lighted from the surface or mechanically rotating or changeable contents.
6. Billboards are permitted without regard to the other uses on a property so long as other standards are met.
7. Billboards shall be at least one hundred (100) feet apart.

§1810. Other Governing Regulations.

Signs within shopping centers shall also be subject to the General sign regulations contained in this Ordinance.

§1811. Severability.

In the event that any term or provision of this Agreement shall be determined to be invalid or unenforceable, for any reason, this determination shall not affect any of the remaining terms and obligations of this Agreement, which shall be read and construed as if the parties had initially intended to omit that term or provision determined to be invalid or unenforceable.

This Ordinance shall be effective five (5) days following its enactment.

ENACTED AND ORDAINED this 13 day of May, 2009

by the Board of Supervisors of the Township of Lower Oxford.

Attest:

LOWER OXFORD TOWNSHIP


Sara Laganelli, Secretary


Kenneth L. Hershey

W. Ronald Kepler


W. Ralph Cheek