

ORDINANCE NO 237

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF AMITY BY AMENDING AND RESTATING IN ITS ENTIRETY, SECTION 926, ENTITLED "SIGNS", OF CHAPTER XXXII, ENTITLED "ZONING", OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES TO ESTABLISH REGULATIONS FOR ELECTRONIC MESSAGE DISPLAY SIGNS; TO PROVIDE FOR DEFINITIONS OF ELECTRONIC MESSAGE DISPLAY, DISSOLVE, FADE, FRAME, FRAME EFFECT, SCROLL, TRANSITION, AND TRAVEL; TO ESTABLISH AN EXCEPTION THAT ILLUMINATED SIGNS MAY BE PERMITTED IN RESIDENTIAL DISTRICTS FOR MUNICIPAL, SCHOOL, PUBLIC SAFETY AND CHURCH USES; TO ESTABLISH THAT OFF-SITE ADVERTISING SIGNS SHALL HAVE A MAXIMUM DISPLAY OF TWO HUNDRED SQUARE FEET PER SIGN; TO ESTABLISH THAT ELECTRONIC MESSAGE DISPLAY SIGNS SHALL BE PERMITTED BOTH ON-SITE AND OFF-SITE IN THE HC AND SCC ZONING DISTRICTS AND THE LI ZONING DISTRICT IMMEDIATELY FRONTING US ROUTE 422; TO ESTABLISH SUPPLEMENTARY REGULATIONS FOR ELECTRONIC MESSAGE DISPLAY SIGNS REGARDING SIZE, TO ESTABLISH THAT ELECTRONIC MESSAGE DISPLAY SIGNS MUST COMPLY WITH PENNDOT REGULATIONS; OPERATIONAL LIMITATIONS, MINIMUM DISPLAY TIME AND MESSAGE CHANGE SEQUENCE

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Section 926, entitled "Signs", of Part 9, entitled "Supplementary Regulations", of Chapter XXXII, entitled "Zoning", of the Township of Amity Code of Ordinances is hereby amended and restated in its entirety as follows:

"Section 926. Signs.

(a) Purpose and Application.

(1) The purposes of the regulations contained under this Section are to promote and maintain overall community beautification; establish reasonable time, place and manner regulations on the exercise of free speech; promote traffic safety; and promote appropriate and efficient use of land.

(2) Signs existing at the date of enactment of this Ordinance and

which do not conform to the requirements of this Chapter shall be considered non-conforming signs. Once a non-conforming sign is removed, it may be replaced only with a conforming sign. Non-conforming signs may be repaired or repainted provided that the modifications do not exceed the dimensions of the existing sign.

(b) Definitions. The following terms are hereby defined as follows:

(1) Electronic Message Display Sign. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

(2) Dissolve. A mode of message transition on an Electronic Message Display Sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

(3) Fade. A mode of message transition on an Electronic Message Display Sign accomplished by varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(4) Frame. A complete, static display screen on an Electronic Message Display Sign.

(5) Frame Effect. A visual effect on an Electronic Message Display Sign applied to a single frame to attract the attention of viewers which includes flashing.

(6) Scroll. A mode of message transition on an Electronic Message Display Sign where the message appears to move vertically across the display surface.

(7) Transition. A visual effect used on an Electronic Message Display Sign to change from one message to another.

(8) Travel. A mode of message transition on an Electronic Message Display Sign where the message appears to move horizontally across the display surface.

(c) Area Standards.

(1) The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(2) The area of a sign, painted upon or applied to a building, shall be considered to include all lettering, wording and accompanying designs or symbols together with any backing associated with the sign.

(3) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

(d) Permitted Signs - All Zoning Districts. These signs are permitted in all zoning districts and are subject to the following standards, provisions and specifications.

(1) Official traffic control signs and other official, Federal, State, County or Township government signs.

(2) Temporary signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, provided such sign shall not exceed twelve (12) square feet in area and shall be removed immediately upon the completion of the campaign, drive or event.

(3) Business signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be placed on the property unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.

(4) Temporary signs of contractors, developers, architects, engineers, builders and artisans erected and maintained on the premises where the work is being performed, provided that the area of such sign shall not exceed twelve (12) square feet, and provided that such sign shall be removed upon completion of the work.

(5) Trespassing signs, signs indicating the private nature of a road, driveway or premises, and signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed two (2) square feet.

(6) Signs directing patrons or members of an audience to temporary exhibits, shows or events and signs erected in conjunction with a political election, provided that such a sign shall not exceed six (6) square feet and shall be removed within a reasonable period of time not to exceed seven (7) days after the election.

(7) Political signs, being signs erected in conjunction with a political election, naming a candidate or slate of candidates for a primary or general election or referencing a position in support of or opposition to an issue placed in referendum, shall be installed so as to comply with all other terms of this Chapter and shall be removed within seven (7) days after the election.

(8) Temporary signs utilized for commercial display shall be permitted provided it does not exceed twenty-five (25) square feet and is not located within the street right-of-way. In addition, all temporary signs shall be displayed on-site and only during normal business hours.

(e) Permitted Signs - Residential Districts. The following signs are permitted in the RC (Rural Conservation), LDR (Low Density Residential), MDR (Medium Density Residential) and the MHP (Mobile Home Park) zoning districts.

(1) Home occupation or name sign displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling, provided that not more than one (1) such sign shall be erected for each permitted use or dwelling, provided that the area of such sign shall not exceed two (2) square feet and provided that such sign shall be fixed flat on the main wall of such building or may be erected in the front yard, but not within ten feet (10') of the cartway.

(2) Sign, bulletin, announcement board or identification sign for schools, churches, clubs, multi-family dwellings or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.

(3) Signs offering the sale of farm products, nursery products or livestock produced or raised on the premises, provided the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be erected on any one (1) street frontage.

(4) Signs denoting membership in agricultural associations or cooperatives or indicating specialization in a particular breed of cattle, hogs, etc., or in a particular hybrid or strain of plant, provided that such sign is limited to six (6) square feet and not more than one (1) sign per ten feet (10') of road frontage.

(5) Developments containing a total of twenty-five (25) or more dwelling units may provide a sign for the purposes of identifying the name of the development. All such signs shall be limited to one (1) sign per entrance to the development and a maximum of thirty-two (32) square feet per sign.

(6) All illuminated signs, signs which emit light or Electronic Message Display Signs shall not be permitted for any use in a residential district with the exception of municipal, school, public safety or church use.

(f) Permitted Signs - Multi-Family/Planned Residential Developments. The following signs are permitted in Multi-Family and/or PRD's:

(1) Free-standing temporary real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that the total area of any one (1) side of the sign does not exceed thirty-two (32) square feet, that there shall be no more than one (1) such sign on each street frontage, and that no sign shall be erected so as to stand higher than one (1) of the buildings it advertises. For the purposes of this Chapter, multi-family dwelling premises shall not be advertised by temporary real estate signs for more than twelve (12) months after building construction is completed.

(2) Directional signs, not to exceed two (2) square feet each, erected within the project itself to direct persons to a sales or rental office or sample apartment.

(3) Developments containing a total of twenty-five (25) or more multi-family dwelling units may provide a sign for the purposes of identifying the name of the development. All such signs shall be limited to one (1) sign per entrance to the development and a maximum of thirty-two (32) square feet per sign. Signs identifying the individual buildings within the project shall not exceed two (2) square feet.

(4) All illuminated signs, signs which emit light or Electronic Message Display Signs shall not be permitted in any planned residential developments or multi-family developments.

(g) Permitted Signs - Commercial and Industrial Districts. The following signs are permitted in the HC (Highway Commercial), SCC (Shopping Center Commercial) and LI (Light Industrial) zoning districts and no other.

(1) Business or industrial wall or freestanding signs on the same lot as the use to which it relates, in accordance with the following standards and specifications:

(i) The total area of such signs shall be limited to two (2) square feet for each lineal foot of horizontal building front façade length, however not to exceed one hundred sixty (160) square feet for any one use.

(ii) All freestanding signs shall be of the monument type as depicted as Diagram 1204 in Section 1204 hereof and shall not exceed fifteen feet (15') in height. The monument style sign(s) shall be included in the total sign square footage permitted herein.

(iii) No more than two (2) freestanding monument style signs shall be permitted per lot.

(iv) Electronic Message Display Signs on the same lot as the use to which it relates are permitted in the HC (Highway Commercial) and SCC (Shopping Center Commercial) zoning districts. Electronic Message Display Signs on the same lot as the use to which it relates are permitted in the portions of the LI (Light industrial) zoning district which immediately adjoin United States Route 422 (either East or West bound) and for an area of one hundred fifty feet (150') from the edge of the cartway of said road. Such Electronic Message Display Signs shall be no larger than fifty (50) square feet or twenty-five percent (25%) of the total allowable signage for a property pursuant to Section 926(g)(1) hereof, whichever is less. Such Electronic Message Display Signs shall also conform to the standard and specifications as set for the in Section 926(h)(6).

(2) Special temporary promotional devices, signs or displays shall be permitted on the outside of a building provided they are not on display for a total period of thirty (30) cumulative days in any given year.

(3) Off-site advertising signs may be erected and maintained within the HC (Highway Commercial), SCC (Shopping Center Commercial) and LI (Light Industrial) zoning districts which immediately adjoin United States Route 422 (Either East or West bound) and for an area of one hundred fifty feet (150') from the edge of the cartway of said road. In addition the following standards and specifications shall apply:

(i) All off-site advertising signs shall have a maximum display area of two hundred (200) square feet per sign face with a maximum width of twenty-five feet (25'), inclusive of any border, and shall have no more than one (1) in each direction.

(ii) Two (2) sign faces may be utilized only in the back-to-back arrangement, in which case they shall be parallel and directly opposite sign faces oriented in opposite directions located not more than fifteen feet (15') apart.

(iii) All off-site advertising signs shall be constructed on a steel unipole support meeting the industry-wide standards and shall be designed and certified as accurate and of sound construction quality by a registered and certified professional engineer whose signature and seal shall appear on the face of said plan along with said certification.

(iv) All off-site advertising signs shall conform to the building height restrictions of the district controlling the location of the structure. The height shall be measured from the bed of the street, road, highway or alley to the highest part of the sign or supporting structure.

(v) No off-site advertising sign shall be erected within one thousand feet (1,000') in any direction of any other advertising sign.

(vi) No off-site advertising sign shall be erected closer than twenty feet (20') to the cartway or as specified by the Pennsylvania Department of Transportation.

(vii) All off-site advertising signs shall be maintained in good and safe structural condition. The painted portion of all off-site advertising signs shall be kept in good condition.

(viii) The general area in the vicinity of all off-site advertising signs shall be kept free and clear of sign material and debris and adhere to any and all Township ordinances, including the Weed Control Ordinance now in effect or as hereinafter amended.

(ix) All newly erected off-site advertising signs shall conform to all applicable federal, state and local laws, rules and regulations.

(x) Off-site advertising signs may be illuminated provided that the lighting shall be arranged in a manner which shall protect neighboring properties and streets or roadways from direct glare, beams or rays and shall not be of such intensity or brilliance to cause impairment of the vision of any driver or operator of any vehicle nor create hazardous interferences of any kind.

(xi) No off-site advertising signs shall be erected within one hundred fifty feet (150') of any intersection of any public roadway with United States Route 422, and no off-site advertising sign shall be erected or placed in any manner so as to interfere with or impede the unobstructed vision of a motor vehicle operator attempting to enter on or exit from any intersection with a public or private roadway, any driveway or any parking facility adjacent to U.S. Route 422.

(xii) No off-site advertising sign shall be erected or maintained without the owner thereof having first obtained a permit from the Township, which shall be issued by the Zoning Officer or other party designated by the Board of Supervisors, only upon receipt of a written application completed in duplicate, signed by the applicant and accompanied by five (5) copies of a plan of the property or tract of land, prepared to scale, depicting dimensional limits of the sign face, the perimeter boundaries as taken from the deed for said tract, identifying the current owner of the tract, all adjacent owners, the location and dimensions of United States Route 422 in relation to the tract, the next closest intersecting public roadways and any driveways or parking areas within one hundred fifty feet (150') of the site, the proposed location of the sign area to be transferred in fee or controlled by lease and any and all easements or utility installation affecting such site and accompanied by five (5) copies of a plan of the sign prepared to scale depicting the supporting structure and the specifications of the materials and methods of construction and maintenance to be employed, signed and certified by a registered licensed professional engineer.

(xiii) Permit applications shall be reviewed by the Zoning Officer and the Township Engineer for compliance with this Chapter and, upon approval by both, a permit shall be issued to remain in effect for a period of three (3) years from the date of issuance of the permit, subject to renewal for additional three (3) year intervals upon written reapplication and presentation of documentation establishing applicant's continued compliance with the terms and conditions of

this Chapter concerning weed control, maintenance, illumination and other terms not to include the location of the site itself but to include any terms or conditions appearing on the face of the permit.

(xiv) Permit applications shall be accompanied by a check or cash in full satisfaction of an initial application fee to be established by resolution of the Board of Supervisors in an amount not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or a reapplication fee to be established by resolution of the Board of Supervisors in an amount not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

(xv) Electronic Message Display Signs as off-site advertising signs shall be in accordance with the standards and specifications as set forth in Section 926(g)(3) and Section 926(h)(6).

(h) Supplementary Sign Regulations. The following supplementary sign regulations shall apply to all zoning districts in the Township.

(1) Projection. No sign shall project more than twelve inches (12") from the building facade to which it is attached. No freestanding sign may project beyond the lot line or beyond a street right-of-way.

(2) Height. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Freestanding signs shall meet the height requirements of the particular district in which they are located.

(3) Illumination. Signs, other than Electronic Message Display Signs, may be lighted with nonglaring lights; provided, however, that no red, green or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing or animated types shall be permitted.

(4) Placement. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way. No portion of any freestanding sign shall be located within five feet (5') of any side lot line.

(5) Construction. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated may, after thirty (30) days'

notification, be removed by the Township at the expense of the owner or lessee of the property on which it is located.

(6) Electronic Message Display Signs. The following standards and specifications shall apply to Electronic Message Display Signs:

(i) Penndot Regulations. 36 P.S. Section 2718.101 et seq., 67 Pa Code, Chapter 445 and Penndot Strike-off letter 430-02-16, dated April 24, 2002.

(ii) Operational Limitations. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing or varying of light intensity.

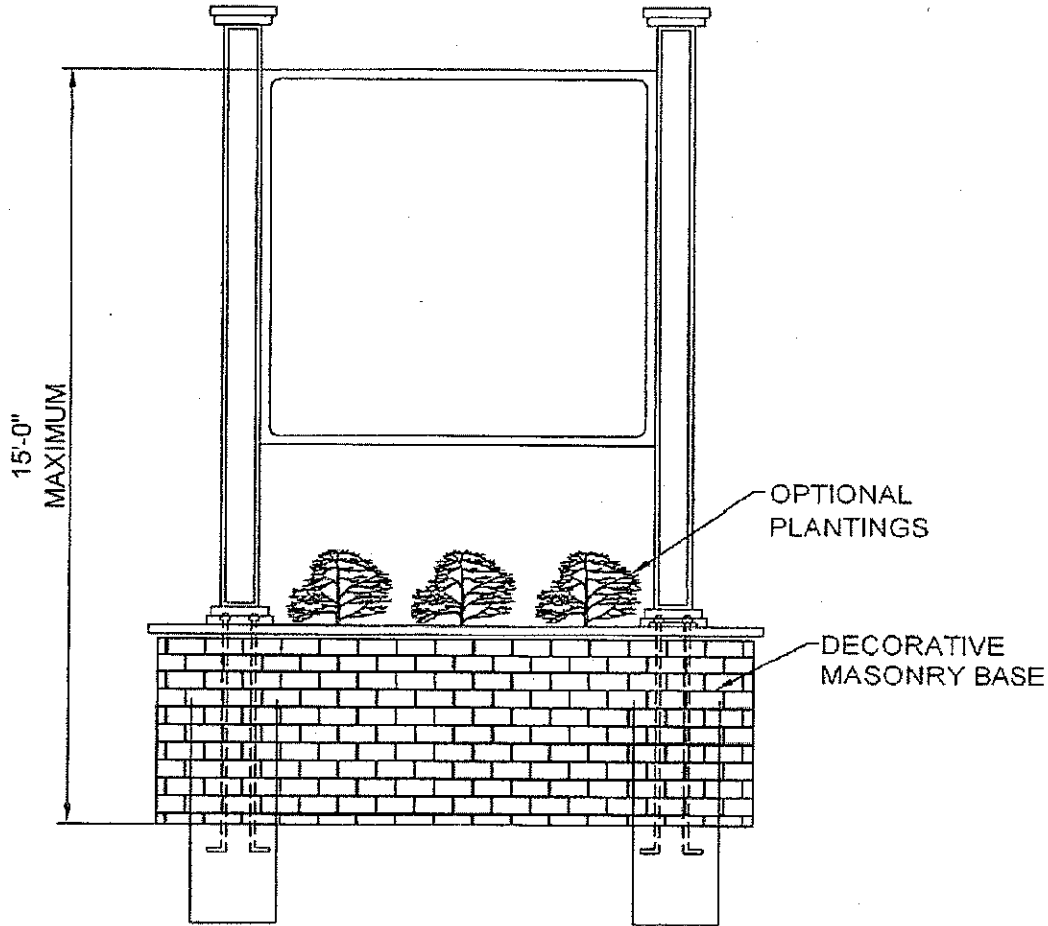
(iii) Minimum Display Time. Each message on the sign must be displayed for a minimum of five (5) seconds.

(iv) Message Change Sequence. A maximum of 0.3 seconds of time with no message displayed shall be provided between each message displayed on the sign and there shall be no scrolling, traveling, frame effects, flashing, fading or dissolving of the image as herein defined."

SECTION 2. Part 12, entitled "Diagrams and Zoning Map", of Chapter XXXII, entitled "Zoning", of the Township of Amity Code of Ordinances is hereby amended by adding thereto the following new diagram:

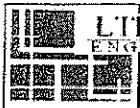
Section 1204. Diagram - Monument Signs.

DIAGRAM 1204



MONUMENT SIGN

SCALE: NTS



LTL CONSULTANTS, LTD.
 ENGINEERS & LAND SURVEYORS
 100 BOND ST.
 SUITE 2000 WILMINGTON, DE 19801

SHEET TITLE: MONUMENT SIGN		DATE: 05/25/06
PROJECT: ZONING ORDINANCE		PROJECT NO.: 0262-0119
PROJECT LOCATION: AMITY TOWNSHIP		SHEET NO.: 01
DRAWN BY: AFC	APPROVED BY: JW	SCALE: AS SHOWN

MUNICIPAL CERTIFICATION

I, JoAnne Sowers-Smith Secretary of the TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance 037 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in the Township of Amity, on May 23, 2007, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on 6/5/07.

(SEAL)

JoAnne Sowers-Smith
Secretary

Date: 6/5/07, 2007