

ORDINANCE NO. 205

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD,
MONROE COUNTY, PENNSYLVANIA, SETTING FORTH
AN AMENDMENT TO THE CODE OF ORDINANCES OF THE
TOWNSHIP OF MIDDLE SMITHFIELD, AS HERETOFORE
AMENDED, AMENDING PART II, "GENERAL LEGISLATION",
CHAPTER 200 "ZONING", ARTICLE IX "SIGNS", DIVISION 90
"SIGN PROVISIONS", AND CONSTITUTING A COMPREHENSIVE
REVISION OF THE EXISTING DIVISION 90 "SIGN PROVISIONS";
AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS.

WHEREAS, the Board of Supervisors of the Township of Middle Smithfield has heretofore adopted a comprehensive compilation of ordinances of the Township entitled the "Code of the Township of Middle Smithfield" (the "Code"); and

WHEREAS, any and all additions, amendments, deletions, or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes; and

WHEREAS, whenever such additions, amendments, deletions, or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General Powers", authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township, and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers; and

WHEREAS, Section 1516 of the said Second Class Township Code, found at 53 P.S. 66516, entitled "Land Use Regulations," authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code"; and

WHEREAS, pursuant to such authority, the Township has enacted the Middle Smithfield Township Zoning Ordinance of 2010-A, including Article IX "Signs", Division 90 "Sign Provisions", which is codified in the Code of the Township of Middle Smithfield, as heretofore amended, as Part II, "General Legislation", Chapter 200 "Zoning" (the "Zoning Ordinance"); and

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and re-enacted by the Act of December 21, 1988, P.L. 1329, No. 170, found at 53 P.S. 10609, entitled "Enactment of Zoning Ordinance Amendments", sets forth provisions for the enactment of amendments to zoning ordinances pursuant to certain procedural formalities;

WHEREAS, the Board of Supervisors finds that it is in the best interests of the health, safety and welfare of Township residents to make a comprehensive revision to Article IX "Signs", Division 90 "Sign Provisions", of the Township's Zoning Ordinance, for one or more of the following purposes : (i) creation and maintenance of an attractive and harmonious community; (ii) establishment of reasonable and impartial regulations for all signs and street graphics; (iii) reduction of traffic hazards caused by distracting and confusing signs and street graphics; (iv) assurance of the effectiveness of public traffic signs and signals; (v) protection of property values; (vi) preservation of the beauty and unique character of the Township; (vii) furtherance of economic development; (viii) fair and consistent enforcement of the sign regulations throughout the Township; and (ix) repair and/or removal of substandard signs and outdated sign messages; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1: Article IX "Signs", Division 90 "Sign Provisions", of the Township's Zoning Ordinance is hereby amended so as to state in its entirety as set forth in Exhibit "A" hereto, the provisions of which are incorporated by reference as though set forth at length.

SECTION 2: 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 remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of the amended Article IX "Signs", Division 90 "Sign Provisions", are the same as any provisions of the Article IX "Signs", Division 90 "Sign Provisions" in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.

SECTION 4: This ordinance shall take effect five (5) days after the date of its enactment.

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ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania this 28th day of December, 2015.

TOWNSHIP OF MIDDLE SMITHFIELD BOARD OF SUPERVISORS



(TOWNSHIP SEAL)

Quinton Otterson
Chairperson

Michael J. O'Day
Vice Chairperson

Mitchell K. Marcus
Supervisor

Michelle J. Clowell
Township Secretary

EXHIBIT "A" TO ORDINANCE

Amended Article IX "Signs", Division 90 "Sign Provisions", of the Township's Zoning Ordinance (attached hereto).

ARTICLE IX
Signs
Division 90 -Sign Provisions

§090-10 SIGN PURPOSES AND APPLICABILITY.

- A. Purposes.** This Article is intended to create and maintain an attractive community, while avoiding nuisances. Signs affect the use of adjacent streets, sidewalks, and property. This Article establishes reasonable and impartial regulations for all signs, in order to: a) protect the general public health, safety and convenience, b) reduce traffic hazards caused by distracting and confusing signs; c) ensure the effectiveness of public traffic signs and signals; d) protect property values; e) preserve the scenic beauty, unique character and residential neighborhoods of the Township; f) further economic development; g) enable the fair and consistent enforcement of sign regulations; and h) require the repair and/or removal of sub-standard signs and outdated sign messages.
- B. Applicability.** A sign shall only be placed, established, painted, created, or maintained in Middle Smithfield Township in conformance with the standards, procedures and other requirements of this Article. This Article serves:
 - (1) To establish a permitting system to allow a variety of sign types in the various zoning districts, subject to the standards of this Article;
 - (2) To allow various types of less obtrusive signs that are limited in dimensions and type so as to be incidental to the principal land use of the property on which the signs are located, but without a requirement for permits;
 - (3) To ensure that all signs comply with the provisions of this Article; and
 - (4) To establish a process for the Zoning Officer to assess the status of nonconforming signs.

§90-20 SIGN DEFINITIONS AND INTERPRETATION. Words and phrases used in this Article shall have the meanings set forth in this Section. Words and phrases not defined in this Section but that are defined in other provisions of this Ordinance, shall be given the meaning as set forth in those other provisions. All other words and phrases shall have their plain and ordinary meaning within the context of the provision. Diagrams and photos are for illustrative purposes only or to provide examples, and in case of direct conflict between a diagram or a photo and ordinance text, the text shall govern.

Advertising Sign. A sign used to advertise or announce a business. Advertising Signs shall include Awning, Canopy, Ground, Location, Marquee, Neon, Projecting, Blade, Vehicular Directory, Shopping Cart Corral, Pedestrian Information Sign Plaza, Wall, and Window and Door Signs.

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene; or any sign that utilizes mechanical movement.

Auto Dealer Vehicle Sign. A sign used as part of motor vehicle sales use to provide information on a particular vehicle.

Awning. Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to the exterior of a building.

Awning Sign. Any sign that is part of or attached to an awning (See Figure 9-2).

FIGURE 9-1 – EXAMPLES OF AWNING SIGNS



Backlighting. The use of a light source behind an awning, canopy, or other semi-transparent material to illuminate or intensify the effect of that material.

Banner. A flexible plastic or fabric-type device intended to be hung with or without frames that displays a message. A flag of a level of government or a flag that only has decorative colors shall not be considered to be banners. A banner is a type of "Special Event Sign." (See Figure 9-2).

FIGURE 9-2 – EXAMPLES OF A BANNER



Bare Bulb Illumination. Illumination by bulbs without shading or shields.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; any light with one or more beams that rotate or move.

Billboard. See "off-premise sign."

Blade Sign. A sign suspended from a marquee, canopy, awning, or porch roof or ceiling. (See Figure 9-3). See also "Projecting Sign."

FIGURE 9-3 – EXAMPLES OF A BLADE SIGN

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Building Marker. individual indicating name of a building date and incidental

information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material and attached to the building.

Business Nameplate. An On-Premises Sign attached to the front facade of a non-residential building giving the name(s) of the individual businesses/occupants of the non-residential building.

Canopy. An extension of the roof of a building or a freestanding structure that has a roof with ground support, but no walls.

Canopy Sign. Any sign that is part of or attached to a canopy (See Figure 9-4).

FIGURE 9-4 – EXAMPLE OF A CANOPY SIGN



Changeable Sign. A sign that is designed to have its sign message content changed by manually means (such as by physically changing letters) or that is an "Electronically Changeable Message Sign".

Charitable Special Event Street Banner. A sign advertising an occasional special event that benefits a charitable or public service purpose (such as to benefit volunteer fire service or a school parent-teacher organization) and that extends into or over a public street right-of-way. Approval shall be provided by the Board of Supervisors or their designee, as provided in Section 090-130A.(4) of this Article.

Commercial Area. The C1 and C2 Zoning Districts, and land area that has been approved to be part of a Resort Complex/Commercial Resort.

Construction Sign. A temporary individual sign identifying an architect, contractor, subcontractor, engineer, financial institution, or material supplier involved in the construction, reconstruction, or repair of a building or buildings on a lot.

Damaged Sign. Any sign or sign structure that has been substantially damaged and which has not been repaired within forty-five days after written notice from the Zoning Officer that the sign constitutes a "Damaged Sign".

Decorative Flags. Flexible fabric flags that do not display an advertising message or logo.

Electronically Changeable Message Sign. A Sign that uses electronically changing images,

including, but not limited to, light emitting diode signs, fiber optics, light bulbs or other illumination devices within the sign display area to communicate information.

Facade. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Farm Product Sign. A temporary individual sign used to advertise the sale of agriculture products when used in a zoning district where agricultural use is permitted.

Flag. A flexible fabric item that is designed to be able to fly with the wind on a flagpole, but which may also be hung.

Flame Illumination. Illumination using open flame as the source of the illumination.

Flashing Sign. Any sign which has intermittent or changing lighting or illumination.

Floodlight Illumination. Illumination using floodlights to direct light to a desired location.

Fluorescent Sign. Any sign containing fluorescent colors in the text, graphic, or background.

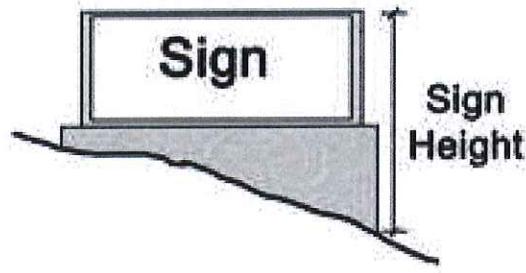
For Sale Sign. A personal use and identification sign used to announce the sale of a used product personally owned by the seller.

Freestanding Sign. A sign that is mounted on pole(s), post(s), column(s) or similar feature and that is not attached to a building.

Garage Sale Sign. A type of personal use and information sign advertising a garage or yard sale that complies with Township ordinances.

Grade Level. The ground elevation at the base of a sign. The ground level shall not be artificially increased at the sign base, such as through use of berming or retaining walls, to increase the total allowed height of a sign. If a sign is located on a sloped site, the grade level shall be based upon the side of a sign that is closest to the nearest street. (See Figure 9-5).

FIGURE 9-5 – GRADE LEVEL ON A SLOPED SITE



Graphic. A lettered, numbered, symbolic, pictorial, or illuminated visual display that is visible from a public right-of-way.

Ground Sign. A free standing sign that has a maximum total height of 8 feet. (See Figure 9-6).

FIGURE 9-6 – EXAMPLES OF GROUND SIGNS



Historical Marker. An individual sign erected by a public agency and intended to mark or honor a historical site, structure, or event located on or near to the location of the sign.

Holiday Decorations. Any combination of lights, posters, or other material temporarily displayed on traditionally or legally accepted civic, patriotic, or religious holidays related to observance of that civic, patriotic, or religious holiday.

Illegal Sign. A sign which does not meet the requirements of this Article and is not lawfully nonconforming. An Illegal Sign specifically includes: a) a sign that remains standing when the time limits set by the permit are exceeded, and/or b) any sign not removed after notification from the Zoning Officer that a sign needs to be removed.

Incidental Sign. An on-premise sign for the convenience of the public giving directions, instructions, facility information, or other assistance around the site, such as location of exits, entrances, one-way signs, parking lots, driveways, delivery or service area entrances, specific locations within a specific non-residential development or lot or a multi-family housing development in order to direction and/or orientation to pedestrians and/or vehicles to assist in proper circulation.

Indirect Illumination. A light source not seen directly.

Individual Sign. A sign allowed for a specific purpose and subject to standards allowing the purpose and intent of the sign to be fulfilled without adversely impacting the public health, safety, or welfare. Individual signs include, but are not necessarily limited to, Auto Dealer Vehicle Signs, Construction Signs, Farm Product Signs, Flags, Incidental Signs, Murals, Charitable Special Event Street Banner, Personal Use and Information Signs, Political Signs, Business Nameplate Signs, Real Estate Signs, Special Event Signs, Subdivision Identification Signs, and Vending Machine Signs.

Industrial Area. The I Zoning District.

Inflatable Sign. An inflated balloon or other device 18 inches or greater in diameter or length used to attract attention to a business or activity.

Interior Sign. A sign which is fully located within the interior of any building or stadium or within an enclosed lobby or court of any building and which provides information relevant only to the interior of the building and/or provides information which can only be read from inside the building.

Internal Illumination. A light source concealed or contained within the sign and which becomes visible in darkness through a translucent surface.

Marquee. A roofed structure attached to and extending from the front façade of a building and which projects at least 3 feet from the building, and which is erected over a customer doorway(s) to provide protection from the weather, such as at a theater.

Marquee Sign. Any sign that is part of or attached to a marquee (See Figure 9-7).

FIGURE 9-7 – MARQUEE SIGN



Master Sign Plan. A site plan and accompanying documentation that identifies all existing and proposed signage for a non-residential development.

Mechanical Movement. Refers to animation, revolution, vertical and/or horizontal movement.

Memorial Sign. Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.

Multi-Family Complex Sign. See Subdivision Identification Sign.

Mural. A picture painted directly on a wall.

Neon Illumination. Illumination caused by neon and similar electrically-charged gases within a glass or plastic tube, specifically including cold cathode and other similar light sources but not fluorescent light sources.

Neon Sign. Any sign using neon illumination to form letters, symbols, or other shapes.

Nonconforming Sign. A Sign, Sign structure, or any part thereof that does not comply with the provisions of this Article, but which lawfully existed prior to the effective date of this Article. In order to be lawfully nonconforming, a sign that required a Township permit at the time the sign was placed shall have received a Township permit.

Obstructive Sign. Any sign erected or maintained at the intersection of roads in such a manner as to obstruct free and clear vision of the intersection; any sign located in a sight triangle. (see definition in Section 200-020-020)

Off-Premise Sign. A sign advertising a land use or promoting a commercial or noncommercial message unrelated to the activity conducted on the lot, development or site where the sign is located; or a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than on the same lot or development where the sign is located.

On-Premise Sign. Signs accessory to commercial, industrial, or institutional activities, the purpose of which is to sell or index a product, service, or activity or to provide information regarding a commercial, industrial, or institutional facility. On-premise signs are located on the same lot, development or site as the advertised use. If a sign relates to an activity or use within a Resort Complex or Commercial Resort, a business subdivision or multi-family development, and that sign is placed within that same Complex, Resort, Subdivision or Development, such sign shall be considered an on-premises sign, even if the sign is on a different lot than the activity or use advertised by the sign.

Pedestrian Information Sign Plaza. A freestanding On-Premises Sign, not attached to the exterior of a building, that lists the tenants or occupants of a group of non-residential buildings

and which directs pedestrians to the various locations, and which may include a map.

Pennant. Any lightweight plastic, fabric, or otherwise flexible or reflective material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Person. Any individual, association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Personal Use and Information Sign. An individual sign installed on a private residential lot by the owner or tenant of that lot for the purposes of displaying the following types of information: street addresses, nameplates, private street signs, home occupation signs, property names, for sale signs, warning signs, garage sale signs, alarm company signs, No Trespassing signs, No Soliciting signs, Beware of Dog signs, No Parking signs, No Dumping signs, No Hunting or Fishing signs, and signs for closely similar purposes.

Political Sign. Signs used to advertise an individual candidate or slate of candidates for any public office or a statement of an opinion on a political matter or referendum. Political signs are not Personal Use and Information Signs.

Portable Sign. Any sign, magnetic or otherwise, not permanently attached to the ground or other permanent structure; a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, signs converted to A or T -frames, menu and sandwich board signs, balloons used as signs, and umbrellas used for advertising (See Figure 9-8).

FIGURE 9-8 – EXAMPLE OF PORTABLE SIGN

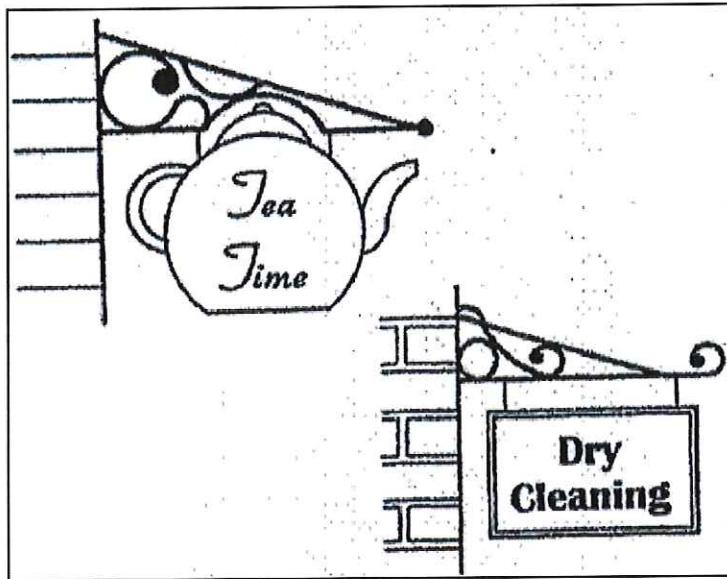


Premises. A lot or adjacent lots in common ownership, together with the buildings and structures thereon.

Private Drive Sign. A personal use and identification sign located at the entrance of a private drive and denoting that access as private.

Projecting Sign. A sign which extends perpendicularly to a facade (See Figure 9-9), and which is not a Blade Sign.

FIGURE 9-9 – EXAMPLES OF PROJECTING SIGNS



Public Notification Sign. A temporary public use and information sign installed by a government employee that provides public notice of a government event.

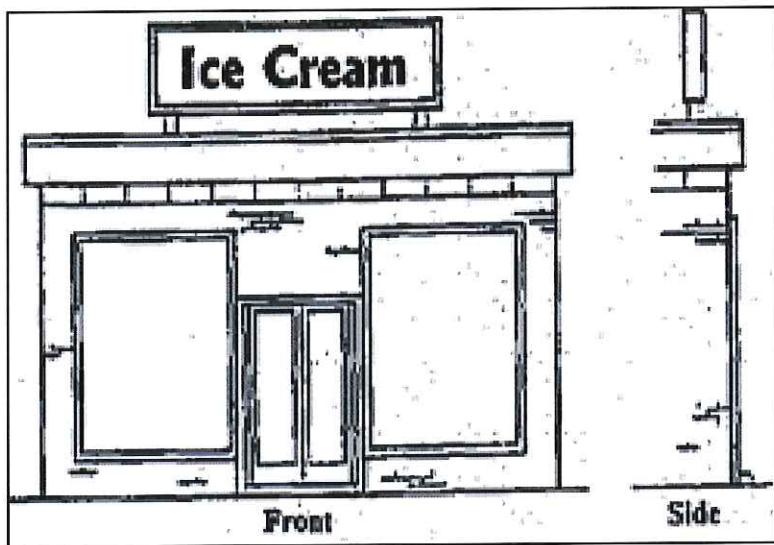
Public Use and Information Sign. Signs installed by a public entity (such as the Township, Commonwealth, School District or Federal Government). Public use and information signs include, but are not limited to: street signs, traffic control signs, public notification signs, and any other sign required by the Township to provide services to its residents. Public Use and Information Signs also include, but are not limited to, off-premises signs specifically authorized by PennDOT regulations to direct persons to tourism attractions.

Real Estate Sign. A temporary individual sign announcing the proposed sale or lease of part or all of a structure or land.

Residential Area. The PRD, R-1, R-2 and R-3 Zoning Districts.

Roof Sign. A sign that is mounted on the roof of a building and which extends in height above the total structural height of the building roof (See Figure 9-10).

FIGURE 9-10 – EXAMPLE OF ROOF SIGNS



Rural Area. The CON and RR Zoning Districts.

Shopping Cart Corral Sign. A sign fastened to a shopping cart corral structure designating the structure for the return of shopping carts.

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign Alteration. Any change to any feature of a sign, including, but not necessarily limited to, location, area, height, or physical design features excluding, however:

- (1) changes in copy and/or the advertising message;
- (2) regular maintenance of the sign, including electrical, repainting, or cleaning of a sign; or
- (3) the repair of a sign.

Snipe Sign. An off-premises sign that is attached to a tree, pole, stake, fence or similar object, and which is readable from a street, and which is not allowed in that location by this Article as a different type of sign.

FIGURE 9-11 – EXAMPLE OF A SNIPE SIGN



Special Event Sign. Individual signs announcing special events, including but not limited to: a) auctions, grand openings, new management, going out of business and similar purposes, b) events sponsored by religious, charitable, or public service groups, c) festivals within a Resort Complex or Commercial Resort, or d) festivals sponsored by the Township.

Street Access. Access to a publicly owned road by a permitted driveway.

Street Sign. A Public Use and Information Sign identifying the name of a street or road.

Subdivision Identification Sign. A type of Ground Sign located at the entrance of a Township-approved subdivision or multi-family complex and identifying the name of the development. A subdivision identification sign is not a Freestanding Sign.

Traffic Control Sign. A public use and information sign used to direct traffic, control direction or speed, or warn pedestrians and motorists of hazards or unusual road conditions.

Vehicular Directory Sign. A sign containing one or two sides which displays smaller signs, often of equal size, to provide directions to motorists within a non-residential lot, development or site. For the purposes of this Article, drive-through menu signs are also classified as vehicular directory signs.

Vehicular Sign. Any Sign of more than 40 square feet of sign area that is displayed within clear view of a public street on a parked vehicle or trailer or that is transported by a vehicle, where the primary purpose of such vehicle, trailer or transported Sign is to advertise a product, service or business or to direct people to a business or activity. If a vehicle or trailer is used on a daily basis to transport persons and materials off of the site, it shall not be considered to be a vehicular sign.

Vending Machine Sign. An individual sign that was incorporated into the design of a vending machine and cannot be removed from the machine. These signs advertise either the distributor that stocks the machine or the major supplier of the machine's contents.

Wall Sign. A Sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the Sign.

Warning Sign. See Personal Use and Information Sign.

Window Sign. A sign painted or attached to a window or transparent door, and which can be read from outside the building and which provides advertisements or information to persons standing outside the building.

Yard Sale Sign. See Garage Sale Sign.

§090-30 SIGN ADMINISTRATION. The Administrator of this Article shall be the Zoning Officer, which shall include any appointed Assistant Zoning Officers. The Zoning Officer shall have the responsibility and authority to administer and enforce all provisions of this Article, except those provisions with powers specifically reserved to the Board of

Supervisors or the Zoning Hearing Board.

§090-40 SIGN PERMIT PROCEDURES AND MASTER SIGN PLANS. No sign shall be erected, displayed, altered, relocated, or replaced, until the Township issues a zoning permit, except as provided in Section 090-50 (Signs Not Requiring a Permit), and Section 090-150 (Nonconforming Signs). A complete application for a sign permit or approval of a Master Sign Plan shall only be denied if the applicant does not show compliance with the requirements in this Article or other requirements of this Ordinance.

A. **Master Sign Plan Requirements.** A Master Sign Plan shall be submitted to the Zoning Officer for any land development, building or lot proposed to include three or more new principal non-residential uses and that is submitted for zoning approval after the effective date of the Ordinance enacting this Article. Where such a master sign plan is required, all subsequent signs requiring a zoning permit shall comply with the master sign plan, unless a revision to such plan is first approved by the Zoning Officer.

- (1) When submission and approval of a master sign plan is required, the master sign plan shall include the following information, which shall be submitted to the Zoning Officer prior to the issuance of a zoning permit for a sign(s) that needs a permit:
 - (a) Two (2) copies of a site plan clearly and legibly drawn at a scale of one (1) inch being equal to fifty (50) feet or less, showing the location of all existing, proposed and future sign of any type, except that incidental signs need not be shown, and with the sign's dimensioned setbacks from the nearest lot line.
 - (b) Two (2) copies of building elevations drawn to scale of each side of the building on which a sign is located or will be placed showing the sign dimensions and proportions, location of each existing and proposed sign on the building, material, color scheme, lettering or graphic style, and lighting, if any.
 - (c) Two (2) sets of drawings of the planned signs clearly indicating the dimensions of all signs, including height above finished grade, types of lettering, logos and other graphics, colors, materials, and method of illumination, if any. If the tenants are not known, typical sign designs shall be shown.
 - (d) Two (2) copies of the type and total number of signs proposed, plus any existing signs that will remain, and a computation of the maximum total sign area and the maximum area for individual signs compared to the signage allowed.
 - (e) Two (2) copies of the landscaping plan, if one is required for the type of sign proposed.
 - (f) The property owner or developer is encouraged to include guidelines to assure reasonable consistency among signs of various uses.
 - (g) Additional submittals or amendments to the master sign plan will be necessary as changes to a sign(s) in such land development, building or lot occur. Any amendments to a master sign plan must be signed and approved by the property owner(s) and Zoning Officer before such amendment will become effective.
- (2) Where a master sign plan is required, no zoning permit shall be issued for a sign requiring a zoning permit and no sign shall be erected until a master sign plan, or amendment thereto, has been approved by the Zoning Officer.
- (3) A required master sign plan should be submitted as part of a Final Land Development Plan, to show signs that are known at that time.

B. Permit Application. Applications for zoning permits for signs shall be completed and submitted using forms provided by the Township. Applications shall include the following information in either written or graphic form:

- (1) Location of the sign in relation to lot lines, buildings, sidewalks, streets, public rights-of-way, street intersections and existing signs of more than 5 square feet. The following features shall be shown where they may be directly impacted by the proposed sign: wooded areas, trees greater than 24" trunk diameter at 4.5 feet above ground level, wetlands, and watercourses. In addition, information on similar features on immediately adjacent properties may be required by the Zoning Officer if they may be directly impacted by the proposed sign, such as if wooded areas are proposed to be removed on an adjacent lot.
- (2) Type of sign (such as ground or wall) and general description of structural design and construction materials.
- (3) Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter, area, dimensions, type of lettering, text, color, means of support, method of illumination, and any other significant characteristics of the proposed sign.
- (4) Letter acknowledging and approving the construction and use of the sign by the property owner or his/her authorized representative, or written evidence that the applicant (such as a tenant) is authorized to submit a zoning application.
- (5) Specific additional information that the Zoning Officer determines is necessary to determine compliance with a requirement of this Article.
- (6) The required sign permit fee as established under separate resolution by the Board of Supervisors. Permit fees are intended to cover the cost for administering this Ordinance.
- (7) A landscaping plan, if required by this Zoning Ordinance.

C. Permit Review and Action. The Zoning Officer shall review the permit application for the sign and issue or deny the permit in conformance with this Ordinance.

- (1) Official Date - The official date of submission shall be the day the Zoning Officer determines the completed application with all required or necessary data has been properly prepared and submitted, and the fees have been paid.
- (2) Time to Decide - The Zoning Officer shall determine whether the proposed sign will or will not be in compliance with the requirements of this Article, and shall within thirty (30) calendar days of the official date of a complete submission, issue or deny the permit for the sign, unless the application is dependent upon another Township approval that has not yet been obtained. The Zoning Officer should notify an applicant within five (5) business days if an application is incomplete, and should highlight information that is missing.
- (3) Photograph - When the sign installation has been completed, the Applicant shall photograph the completed sign and forward the photograph to the Zoning Officer with a request for a Final Zoning Permit. The photograph shall be in a format specified by the Zoning Officer.
- (4) Inspection for Compliance - Upon completion of the work, the Zoning Officer shall perform a final inspection of any approved sign. Where the sign has been constructed in accordance with the Permit, the Zoning Officer shall issue a final Zoning Permit. The final dimensions of the sign will be noted by the Zoning Officer on the Final

Zoning Permit and a photograph of the sign shall be attached to the Permit.

(5) **Discrepancies** - When there is a discrepancy between an approved sign permit and the sign as constructed, the Zoning Officer shall notify the owner in writing that a discrepancy has been identified. The Zoning Officer may also issue a Stop Work Order regarding the installation of an unauthorized sign. The Zoning Officer shall issue an Enforcement Notice and require that the sign shall be removed or brought into compliance within 20 days.

(6) **Complaints** - The Zoning Officer shall investigate complaints of alleged violations of these regulations and may revoke any permit if there is any violation of these regulations or if there was any mis-representation of any material fact in either the sign permit application or the plans.

D. Expiration of Zoning Permits for Signs. If the sign authorized by any zoning permit has not been erected or completed within one year from the date of issuance of that permit, the permit shall be deemed expired and a new application must be submitted, unless otherwise provided under State law.

E. Revocation of a Sign Permit. All permits and privileges acquired under the provisions of this Article are revocable by the Zoning Officer for failure to comply with the Zoning Ordinance, including this Article.

F. Maintenance of Signs. Signs must be properly maintained, be properly painted, and be kept free from all hazards, including but not limited to faulty wiring, loose fastenings, being in an unsafe condition, or being detrimental to the public health or safety.

G. Enforcement. When a violation of this Article of the Zoning Ordinance has occurred, the Zoning Officer shall initiate enforcement action through issuance of an Enforcement Notice.

(1) **Violations.** The following signs shall be in violation of this Article of the Zoning Ordinance and shall be subject to enforcement action as allowed by this Ordinance:

- (a) Any sign not properly permitted as required by this Article.
- (b) Any sign which presents immediate peril to persons or property.
- (c) Any "damaged sign" as defined by this Article, or any sign that could present an imminent threat to persons or property because of the sign's condition or placement.
- (d) Any sign, other than an official governmental sign or a public use and information sign, that is located in a public street right-of-way and that does not meet one of the following standards: 1) it was specifically authorized by this Article, 2) it was posted in compliance with State regulations within a State right-of-way, or 3) it is lawfully nonconforming.
- (e) Any other sign not in conformance with any section of this Ordinance, and which is not lawfully nonconforming.

(2) **Enforcement Notice.** The Enforcement Notice shall be sent to the property owner of record of the parcel on which the sign is located and should also be sent to any tenant who is using the sign, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any agent who the landowner has

designated in writing to the Township. An enforcement notice shall meet the requirements for such notice in the Municipalities Planning Code.

(3) **Enforcement Remedies.** When an Enforcement Notice has been issued and an appeal to the Zoning Hearing Board has not been filed in a timely manner, or the Zoning Hearing Board has found in favor of the Township, the Township may file a civil complaint with the Magisterial District Judge seeking the imposition of a fine for the violation(s), and other costs. In addition, the Township may at any time institute legal proceedings in the Courts to prevent or restrain any violation of this Article. If an unauthorized sign is located within a public street right-of-way or represents an imminent threat to persons, property or public safety, the Township may remove the sign, with the costs of removal being charged to the sign owner.

§090-50 SIGNS NOT REQUIRING A PERMIT. The following signs are allowed in all zoning districts, and do not need a zoning permit, provided the signs meet the requirements of this Ordinance.

- A. Any sign required by law and which is required to be posted outdoors.
- B. Auto Dealer Vehicle Signs as accessory to an on-site lawful vehicle sales use.
- C. Business Nameplates not exceeding one (1) square foot in area per non-residential establishment. See Section 090-130.A.
- D. Building Markers not exceeding four (4) square feet and not exceeding four (4) feet in height.
- E. Decals not exceeding an aggregate of two (2) square feet per building entrance.
- F. Historical Markers erected by a historical agency or association and approved by majority vote of the Board of Supervisors at a regular meeting or by a State agency.
- G. Interior Signs.
- H. Flags of levels of government or Decorative Flags.
- I. Memorial Signs located in an approved cemetery.
- J. Construction Signs, Real Estate Signs and Political Signs of sixteen (16) square feet or smaller in sign area.
- K. Vending Machine Signs.
- L. Incidental Signs.
- M. Public Notification Signs for hearings to be held by a Middle Smithfield Township Board.
- N. Personal Use and Information Signs.
- O. Public Use and Information Signs.
- P. A sign that is physically carried by a person and does not rest upon the ground or a building. However, such person shall not enter into the travel lanes or shoulder of a public street or obstruct a vehicle driveway while actively displaying the sign.
- Q. Shopping Cart Corral Signs within a C1, C2 or I district.
- R. Window Signs that are not illuminated and that are ten (10) square feet or smaller in sign area.
- S. On-premises signs that are not readable from any highway, street or lot line, and which are not internally illuminated, and which have a total height of less than 10 feet shall not be regulated in number, type or sign area size by this Article.
- T. Signs that existed within a Resort Complex or Commercial Resort Development at the time of approval of such use, or that are within the scope of the Master Plan submitted and approved for such use under a prior Township Zoning Ordinance.

U. Signs within an approved Resort Complex or Commercial Resort Development that cannot be read from any public street and from any lot located outside of the Resort Complex or Commercial Resort Development. See also the definition of “On-premises Signs” in regards to resorts.

§090-60 PROHIBITED SIGNS. Any sign that is not specifically allowed by this Ordinance is hereby prohibited. The following signs are also specifically prohibited:

- A. Freestanding Signs greater than twenty (20) feet in height.
- B. Changeable Signs that are manually changed and that involve more than 60 square feet of sign area per side.
- C. Snipe Signs.
- D. Vehicular Signs, involving vehicles parked on private property within 50 feet from a public street right-of-way and that are within clear view of a public street.
- E. Off-premises signs that do not meet the requirements for such signs in this Article.

§090-70 RESERVED FOR FUTURE USE.

§090-80 ALLOWED SIGNS IN EACH ZONING DISTRICT.

SCHEDULE I – ALLOWED SIGNS IN EACH ZONING DISTRICT

The following types of signs are allowed in the following zoning districts, provided there is compliance with the provisions of this Article. All of the signs listed in this Section 090-80 shall need a zoning permit, except as provided in Section 090-50.

- A. The following signs are allowed in all zoning districts:
 - (1) Construction Signs.
 - (2) Decorative Flags or Flags of a level of government.
 - (3) Farm Product Sign (limited to a principal agricultural use where accessory retail sales have been approved).
 - (4) Political Signs that are sixteen (16) square feet or smaller in sign area.
 - (5) Subdivision Identification Signs.
 - (6) Charitable Special Event Street Banners.
 - (7) Incidental Signs.
 - (8) Personal Use and Information Signs.
 - (9) Real Estate Signs.
 - (10) Vending Machine Signs.
 - (11) Business Nameplate Signs which do not exceed the dimensions set forth in Section 090-50.B.
 - (12) A sign that is physically carried by a person and does not rest upon the ground or a building. However, such person shall not enter into the travel lanes or shoulder of a public street or obstruct a vehicle driveway while actively displaying the sign.

- (13) Window Signs that are not illuminated and that are ten (10) square feet or smaller in sign area.
- (14) Principal Institutional Use Directional Sign.
- (15) Signs that are not readable from any highway, street or lot line, as provided in Section 090-50.S.

B. The following signs are only allowed in the C1, C2 or I districts, or in an approved Resort Complex, or Commercial Resort, or for a lawful principal non-residential use in another district:

- (1) Auto Dealer Vehicle Signs.
- (2) Awning Sign.
- (3) Blade Signs.
- (4) Business Nameplate Signs which exceed the dimensions set forth in Section 090-50(b).
- (5) Canopy Signs.
- (6) Ground Signs.
- (7) Individual Sign, unless otherwise provided herein.
- (8) Freestanding Sign.
- (9) Marquee Signs.
- (10) Murals.
- (11) On-Premise Sign.
- (12) Pedestrian Information Sign Plazas.
- (13) Political Signs, which may be more than sixteen (16) square feet in sign area.
- (14) Special Event Signs.
- (15) Vehicular Directory Signs.
- (16) Wall Signs.
- (17) Window Signs.

C. The following signs are only allowed in the C1, C2 or I districts for a principal non-residential use:

- (1) Projecting Sign.
- (2) Shopping Cart Corral Signs.
- (3) Neon Signs, and which shall only be allowed if they are window signs.

D. The following signs are only allowed in the C1 district and shall need conditional use approval:

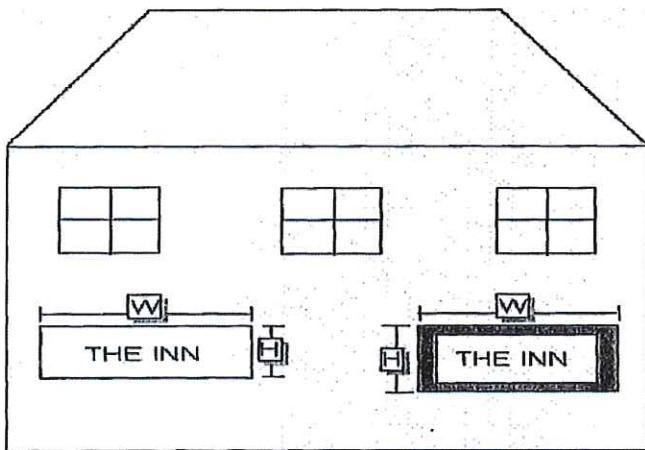
- (1) Off-Premise Signs.

§090-90 GENERAL STANDARDS AND CRITERIA FOR SIGNS. The regulations of this section specify the area and heights of signs that are allowed within the Township and which require a permit.

A. **Determination of Sign Area.** The following criteria shall be used to determine the area of a sign:

- (1) The entire face of the sign (one side only) including all lettering, wording, and accompanying designs and symbols, together with the background, whether open or closed and any framing, bracing, or wall work incidental to its decoration shall be included (See Figure 9-12).

FIGURE 9-12 – DETERMINING SIGN AREA



- (2) Where a sign structure has more than one sign face, one sign face shall be used to calculate the sign area. Where sign faces on the same sign structure differ in size, the largest sign face shall be used to determine the sign area.
- (3) Where the sign face consists of individual raised and/or recessed letters, logos, symbols, and/or graphics, the sign area shall be the area of the smallest rectangle that can encompass those letters, logos, symbols, and/or graphics (Figure 9-13). Where the sign consists of a sign face of irregular shape, the sign area shall be the area of the smallest rectangle that can encompass the sign face, background, and frame. However, if a sign is a perfect circle, the sign shall be allowed to be measured based upon the square feet within the circle. An irregular sign may be measured based upon two rectangles. Such calculation shall also apply to a sign placed on a canopy or awning.

FIGURE 9-13 -- DETERMINING SIGN AREA II



Sign Area = total width multiplied by total height within a rectangle. In the above examples, the sign area would be A multiplied by B, and C multiplied by D.

B. Determination of Sign Height. Sign height shall be based upon the vertical distance from the "Grade Level" (as defined by this Article) and the total height of the sign. If a sign is directed towards to an adjacent street and the nearest segment of that street has an elevation of pavement that is more than 10 feet higher than the grade level under the sign, then the sign height may be measured from that elevation of pavement.

§090-100 GENERAL SIGN REQUIREMENTS. All signs shall meet the following additional requirements:

A. Sign Materials and Construction. All Signs shall be constructed and installed in compliance with the current Construction Code(s).

B. Maintenance. Every sign, including signs that do not need a permit, shall be maintained in good repair and in a safe, clean, and attractive condition.

C. Design. Except as otherwise allowed herein, no part of a sign or other commercial display shall contain or consist of pennants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices. No sign shall utilize mechanical movement or sequin or sparkle effects, unless otherwise allowed by this Article.

- (1) Fluorescent and/or Neon Signs. No sign shall be permitted that is comprised of exposed fluorescent tubing or neon or similar lighting, except that an allowed principal commercial use may have a single Neon Sign if it is located in a window in compliance with this Article and where allowed under Schedule I.
- (2) Sign Emissions. No sign which emits smoke, visible vapors, particles, sound, or odor shall be permitted.
- (3) Sign Projections. Except as otherwise permitted by this Article (such as for a projecting sign), signs shall have no projecting elements greater than eighteen (18) inches.
- (4) Mirrors. No mirror type device shall be used as a part of a sign.
- (5) Holographic Images. Signs shall contain no parts that are holographic or that are able to produce any holographic image.
- (6) Clear Sight Triangle. No sign shall be located within a clear sight triangle or shall otherwise create a traffic visibility hazard.

D. Setbacks and Signs in the Right-Of-Way and on Public Property.

- (1) Except as otherwise permitted by this Ordinance, all signs shall be set back at least ten (10) feet from a street right-of-way line, or from a street cartway where a right-of-way line does not exist. Only official governmental signs and signs authorized under PennDOT regulations to be located within a public right-of-way shall be allowed within a public right-of-way.
- (2) A person or non-governmental entity shall not post any sign upon public property without written permission from the governmental entity that owns or controls that property, except for customary information utility companies place on utility poles. Political and commercial advertising signs shall not be allowed on public property except for: a) political signs on election days where allowed outside of a polling

place, and b) signs authorized by a governmental entity to recognize a sponsor of a festival or recreation association, provided such signs are not designed to be readable from a public street or dwelling.

- a. A sign posted on Township property or within a public street right-of-way without governmental permission may be removed and discarded.
- (3) Freestanding signs of more than ten (10) square feet in sign area shall be setback a minimum of ten (10) feet from any adjacent lot line of a lot that is not in common ownership with the lot where the sign is located.

E. Signs on Private Property. No person shall post a non-governmental sign upon private property without permission from the property owner. A non-governmental sign posted on private property without permission of the property-owner may be removed and discarded by the property-owner or his/her designee.

F. Signs and Traffic Safety. All signs shall meet the following minimum traffic safety standards:

- (1) No sign shall be erected so as to obstruct any of the following: a) the clear sight triangle at any street intersection, b) safe sight distances at vehicle driveways, or c) views of a traffic control sign or a traffic signal.
- (2) No signs or outdoor graphics shall by color, location, or design resemble or conflict with traffic control signs or traffic signals.

§090-110 OFF-PREMISE SIGNS.

A. Regulations for Off-Premise Signs (which includes signs commonly known as Billboards).

- (1) An off-premise sign may be a principal or accessory use of a lot.
- (2) An off-premise sign shall only be allowed in the C-1 district and shall need conditional use approval, and shall also meet the following additional requirements:
 - (a) The lot shall contain no more than one off-premises sign (which may include two sides in compliance with subsection (7) below).
 - (b) The lot must be a conforming lot.
- (3) The sign shall comply with the minimum setbacks for principal buildings for the district in which the sign is proposed.
- (4) All off-premise signs shall comply with the requirements set forth in Section 090-100.
- (5) Off-premise signs adjacent to Route 209 shall not exceed the following size requirements:
 - (a) Maximum area = 300 square feet.
 - (b) Maximum height above ground = 25 feet, except 30 feet shall be allowed for a sign that is a full 300 square feet in size.
- (6) Off-premise signs adjacent to any street other than Route 209 shall not exceed the following size requirements:
 - (a) Maximum area = 72 square feet.
 - (b) Maximum height = 10 feet.
- (7) Off-premise signs shall contain a maximum of two faces, but shall only have one face

if the interior angle inside the two sign faces is greater than 45 degrees.

- (8) No off-premise sign structure of more than 72 square feet of sign area shall be located within a 2,640 foot (1/2 mile) radius of any other off-premise sign structure of more than 72 square feet of sign area.
- (9) No off-premise sign shall be located within a 100 feet wide radius of any on-premise sign or within 100 feet from a residential district.
- (10) No off-premise sign shall be located within a 300 feet wide radius of any existing residence.
- (11) Extensions or add-ons beyond the rectangular perimeter of the sign are prohibited.
- (12) No off-premise sign shall be located along a scenic byway, street or highway as designated by the Township, County, or PennDOT.
- (13) Illumination of off-premise signs is prohibited between midnight and 6:00 AM. New lighting shall be installed on top of the sign facing downwards.
- (14) A site plan showing the same information as is listed for a Sketch Plan in the Subdivision and Land Development Ordinance shall accompany an application for an off-premise sign.
- (15) Wood support structures are prohibited for new off-premises signs of more than 72 square feet of sign area.
- (16) An engineering certification shall accompany any application for an off-premise sign. The certification shall indicate under seal of a Professional Engineer licensed in Pennsylvania that the sign has been designed in accordance with acceptable engineering practices, including wind resistance.
- (17) Off premise signs shall be landscaped in accordance with Section 090-120.C.
- (18) Trees greater than four (4) inches in trunk diameter at 4.5 feet above ground level that are removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree, using native species no less than four (4) inches in diameter.
- (19) Brightness. The illumination and/or intensity of the display shall be so controlled so as to not create glare, hazards or nuisances, and shall comply with Section 090-140.
- (20) An off-premises sign shall not be an Electronically Changeable Message Sign.
- (21) These regulations shall not apply to signs allowed in subsection "B" below or to non-illuminated "Tourist-Oriented Directional Signs" within a public right-of-way that are approved under PennDOT regulations, and which are allowed in all districts.

B. Principal Institutional Use Directional Signs.

- (1) These signs shall be permitted by right in all districts, for the purposes of telling motorists which way to travel to reach an institutional use.
- (2) A maximum of two (2) signs of sixteen (16) square feet each shall be allowed to be used to direct persons to the location of a place of worship, primary or secondary school, or similar principal institutional use that is located within Middle Smithfield Township.
- (3) The owner of the lot shall provide written permission for the sign, which may be off-premises.
- (4) The sign shall not be illuminated and shall not be within a public street right-of-way.

C. See also the definition of "On-Premises Signs," which affects resorts and certain other developments.

§090-120 ON-PREMISE SIGNS. All on-premise signs shall meet all general sign requirements in Section 090-100 and are subject to the following specific regulations, provided there is compliance with the other requirements of this Article:

- A. Blade Signs.** Where Blade Signs are permitted as provided in Schedule I of this Article, any principal non-residential use may display one (1) Blade sign in front of the main entrance building facade provided that:
 - (1) The minimum height of a blade sign shall be eight (8) feet and the maximum height of blade sign shall be twelve (12) feet measured from the walking surface below the sign to the bottom of the sign.
 - (2) The maximum sign area for each face of a blade sign shall not exceed six (6) square feet.
 - (3) Blade signs shall not be internally illuminated.
 - (4) Blade signs shall be mounted perpendicular to the building entrance.
- B. Sign Bonus for Signs that appear to have relief-cut wood.** The maximum sign area for any sign may be increased by twenty (20) percent for a sign that has an appearance of relief-cut wood, and which is not internally illuminated. (Note - the Construction Code may require the use of artificial materials for fire-safety purposes.) This sign bonus and the sign bonus provided in subsection C. may be added together if the requirements for each are met.
- C. Sign Bonus for Freestanding Signs of Less than 8 Feet Height.** Where a freestanding sign is allowed to have a height of fifteen (15) feet or greater or an existing freestanding sign of more than 15 feet height is replaced, and the new freestanding sign will have a total height of less than 8 feet, then the freestanding sign shall be allowed to have a sign area twenty (20) percent greater than would otherwise be allowed.
 - (1) In order to receive this sign area bonus, the sign shall be surrounded by a landscaped area covering a minimum ground area equal to 50 percent of the sign area of the sign.
 - (2) The minimum number of planting units for the landscaped area of a this sign shall be equal to not less than one (1) planting unit per four (4) square feet of landscaped area. Planting units shall include a mixture of annuals, perennials, ornamental grasses, shrubs, evergreen and/or shade trees. No less than fifty (50) percent of the total number of planting units shall be a mixture of perennials, shrubs, evergreen and/or shade trees. If annuals are used, they must be re-planted each year.
 - (3) The perimeter of the landscaped island shall be formed from materials such as, but not limited to, stone, brick, or landscape timbers.
 - (4) The area of the landscaped island shall be mulched or otherwise maintained as necessary to keep it free of weeds, brush, trash and deteriorating material.
 - (5) The proposed landscape plan shall be approved by the Zoning Officer.
- D. Vehicular Directory Signs.** Where Vehicular Directory Signs are permitted under Schedule I of this Article, a non-residential lot or development may display one (1) Vehicular Directory Sign adjacent to intersecting interior driveways or an interior driveway nearest the principal building or buildings, and one (1) sign for each use having a drive-

through food service lane, provided that:

- (1) Such sign shall not exceed a height of eight (8) feet.
- (2) Each such sign shall not exceed an area of thirty-five (35) square feet.
- (3) All Vehicular Directory Signs shall be surrounded by quality landscaping subject to compliance with the landscaping requirements of this Ordinance and Section 090-120.C.

E. Freestanding Signs. Where a lot contains one or more principal non-residential uses, the lot shall be permitted to have one (1) Main Entrance Freestanding Sign and, if applicable, one (1) Secondary Entrance Freestanding Sign subject to the following regulations:

- (1) **Main Entrance Freestanding Sign.** A Main Entrance Freestanding Sign shall be located within one hundred (100) feet of the main vehicle entrance to the non-residential lot in question and shall conform to the following regulations. For the purposes of this Article, the main vehicle entrance shall be where the majority of vehicles enter and exit the lot or development in question:
 - (a) The maximum sign area of a Main Entrance Freestanding Sign shall be determined in accordance with the following table.

MAIN ENTRANCE FREESTANDING SIGN

Gross Building Floor Area of Non-Residential Development on Lot:	Maximum Sign Area of Main Entrance Freestanding Sign Per Sign Face:
0 to 25,000 sq. ft.	40 sq. ft. per face, except 60 sq.ft. for a lot with 3 or more principal non-residential establishments
25,001 to 50,000 sq. ft.	60 sq. ft. per face, except 80 sq.ft. for a lot with 4 or more principal non-residential establishments
50,001 to 100,000 sq. ft.	80 sq. ft. per face, except 100 sq.ft. for a lot with 5 or more principal non-residential establishments
100,001 to 150,000 sq. ft.	120 sq. ft. per face, except 160 sq.ft. for a lot with 8 or more principal non-residential establishments
150,001 and above sq. ft.	160 sq. ft. per face

- (b) A Main Entrance Freestanding Sign shall be permitted to have up to two (2) sign faces.
- (c) Illumination of the sign shall comply with Section 090-140 of this Article.
- (d) See Section 090-100.
- (e) The location of the Main Entrance Freestanding Sign shall be shown on the land development plan.
- (f) The height of a Main Entrance Freestanding Sign face and structure shall not exceed twelve (12) feet, except a 20 feet maximum height shall apply for a sign of eighty (80) square feet or larger. For purposes of this Section the height of a Main Entrance Freestanding Sign face and structure shall be measured from the grade at the base of the Main Entrance Freestanding Sign.

- (g) A Main Entrance Freestanding Sign structure may contain an interior storage compartment or area that shall only be utilized for the storage of spare parts, provided that (a) the size of the storage area or compartment shall not exceed fifty (50%) percent of the aggregate Sign area; (b) the storage area or compartment is integrated in an architecturally harmonious and unified manner with the structure of the Sign; and (c) the storage area or compartment is fully enclosed.
- (h) The exterior finish(es) of a Main Entrance Freestanding Sign support structure shall be constructed of natural or synthetic brick or stone, stucco and/or exterior insulation and finish systems (EIFS) or materials with a closely similar appearance.

(2) **Secondary Entrance Freestanding Sign.** In addition to the Main Entrance Freestanding Sign, a non-residential development, lot or site served by more than one permitted motor vehicle entrance from a public road shall be allowed one (1) Secondary Entrance Freestanding Sign within one hundred (100) feet of each such entrance. The Secondary Entrance Freestanding Sign shall conform to the following standards:

- (a) The maximum width of a Secondary Entrance Freestanding Sign shall not exceed eight (8) feet. The maximum height of a Secondary Entrance Freestanding Sign shall not exceed five (5) feet. For purposes of this section, the height of a Secondary Entrance Freestanding Sign shall be measured from the grade at the base of the Secondary Entrance Freestanding Sign.
- (b) The maximum Sign area of a Secondary Entrance Freestanding Sign shall not exceed twenty (20) square feet per sign face.
- (c) Only the name and logo, if applicable, of the non-residential development, lot or site in question shall be depicted on a Secondary Entrance Freestanding Sign.
- (d) The exterior finish(es) of a Secondary Entrance Freestanding Sign support structure shall be constructed of natural or synthetic brick or stone, stucco and/or exterior insulation and finish systems (EIFS) or materials with a closely similar appearance. The sign architecture shall be the same as the Main Entrance Freestanding Sign.
- (e) A maximum of two (2) faces per Secondary Entrance Freestanding Sign shall be permitted.
- (f) Each Secondary Entrance Freestanding Sign may be illuminated internally and/or externally. If internally illuminated, only the individual letters, logos and symbols shall be illuminated. If externally illuminated, the sign illumination shall comply with Section 090-140 of this Article.
- (g) See Section 090-100.
- (h) A Secondary Entrance Freestanding Sign shall be set forth on the land development plan.

(3) Resort Complex Freestanding Signs – See Subsection M. below.

F. Projecting Signs. Where Projecting Signs are permitted as set forth in Schedule I of this Article, any non-residential use may display one (1) projecting sign on the main entrance building facade provided that:

- (1) The sign is counted toward the lot's Wall Sign area limit as set forth in this Article. The maximum projecting sign area shall be sixteen (16) square feet per side.
- (2) The projecting sign shall conform to the Wall Sign Regulations set forth in Section 090-120.H. hereof, except that a projecting sign may extend up to four (4) feet from a building wall.
- (3) The minimum clearance height of a projecting sign shall be eight (8) feet measured from the walking surface below the sign to the bottom of the sign, and the maximum height of a projecting sign shall be twelve (12) feet.
- (4) The sign shall not project into any public or private right-of-way and shall not be internally illuminated.

G. Shopping Cart Corral Signage. Where allowed by Schedule I and where Shopping Cart Corrals are shown on a Township-approved Site Plan or Land Development Plan, each Shopping Cart Corral may have affixed to it a Shopping Cart Corral Sign conforming to the following standards:

- (1) The maximum height of a Shopping Cart Corral Sign shall not exceed seven (7) feet.
- (2) The maximum sign area for each face of a Shopping Cart Corral Sign shall not exceed four (4) square feet.
- (3) Shopping Cart Corral Signs shall not be illuminated, but may be manufactured from reflective vinyl or other reflective materials.

H. Wall Signs.

- (1) In the PRD, CON, RR, R1 and R2 Districts, the following sign regulations shall apply to allowed principal non-residential uses (including lawful principal nonconforming uses), other than approved Resort Complexes/Commercial Resorts:
 - (i) Up to two (2) wall signs shall be permitted on each side of a building that faces onto a street or parking lot, with all wall signs having a combined total maximum wall sign area of thirty (30) square feet, except a total of fifty (50) square feet shall be allowed along a building side that is longer than one hundred (100) feet.
- (2) In the C1, C2, R3 and I Districts and approved Resort Complexes and Commercial Resorts, the following sign regulations shall apply to all non-residential uses:
 - (i) The total of all wall signs on each side of a principal building shall not exceed one square foot for each linear foot of building length on which the signs are attached. Wall signs may be attached to a sloped roof provided they do not extend above the roofline of the building.
 - (a) Wall signs on a shopping center or strip mall: Whenever an applicant proposes a row or series of adjoining signs to be placed upon a wall surface having a common roofline, such signs shall be of the same general design and material so as to create uniformity among the series of signs.
 - (ii) Within the allowed size limits of wall signs, a live or movie theater may install a marquee sign with a mechanically or electronically changeable message.
 - (iii) Awning or canopy signs: Awnings and canopy signs shall be allowed on a principal commercial building, subject to the following:

- (a) The permitted area of awning or canopy signs shall be one square foot for each two linear feet of awning or canopy, up to a maximum of 16 square feet.
- (b) No awning or canopy sign shall extend above the top of the awning or canopy.
- (c) The sign area of an awning or canopy sign shall be counted towards the allowed maximum wall sign area.

J. Window Signs (see definition, which includes Door Signs). The total of all Window Signs shall not exceed more than fifty (50) percent of the area of all of the windows and transparent doors along the side of the building on which they are displayed.

K. Neon Signs. Where Neon Signs (including signs that are internally lit with similar chemicals) are permitted under Schedule I, an allowed principal commercial use shall display no more than one (1) neon sign. Such sign shall only be allowed if placed in a window.

- (1) The Sign area of the Neon Sign shall be included within the maximum Sign area of Wall Signs permitted by this Article.
- (2) The Sign does not exceed a sign area of ten (10) square feet.
- (3) Neon signs may only be illuminated during business hours.

L. Pedestrian Information Sign Plazas. Pedestrian Information Signs Plazas are permitted as provided in Schedule I of this Article, provided that:

- (1) The maximum height of each Pedestrian Information Sign Plaza shall not exceed seven (7) feet.
- (2) The maximum sign area for each face of a Pedestrian Information Sign Plaza shall not exceed thirty-two (32) square feet.
- (3) Any lighting shall comply with the glare regulations of this Ordinance.
- (4) Pedestrian Information Sign Plazas shall be located to serve pedestrians within a non-residential development or lot. However, the Plaza shall be located so that a substantial portion of its sign information shall not be visually readable from any public street.
- (5) Pedestrian Information Sign Plazas shall have a maximum total height of eight (8) feet.

M. Resort Signs. Within an approved Resort Complex or Commercial Resort, the following additional signs shall be allowed:

- (1) One freestanding sign may identify the development at each vehicle entrance, with a maximum sign area of seventy-five (75) square feet on each of two sides and a maximum height of twelve (12) feet.
- (2) One directional sign shall be allowed at each street intersection with a maximum sign area of four (4) square feet and a maximum height of six (6) feet.
- (3) One freestanding sign with a maximum sign area of twenty (20) square feet and a maximum height of six (6) feet shall be allowed at each housing or community unit

cluster.

- (4) Each dwelling unit and building may display a Personal Use and Information Sign, as provided in this Article.
- (5) One directory sign may be located at each housing or amenity cluster to identify the establishments located in buildings, with a maximum sign area of sixteen (16) square feet and a maximum height of six (6) feet.
- (6) One amenity identification sign shall be allowed at each development amenity, with a maximum sign area of sixteen (16) square feet and a maximum height of ten (10) feet.
- (7) Other types of Resort Complex signs are addressed in subsection H.2. above.

§090-130 MISCELLANEOUS INDIVIDUAL SIGNS.

- A. The following miscellaneous types of "Individual Signs" shall be permitted where allowed by Schedule I of this Article, provided the sign complies with the other requirements of this Article. See Section 090-50 concerning whether a zoning permit is required.
 - (1) **Automobile Dealer Vehicle Sign.** Such signs are permitted as allowed in Schedule I of this Article provided that:
 - (a) The sign shall be attached to a vehicle.
 - (b) No vehicle shall display more than three such signs.
 - (c) No Automobile Dealer Vehicle Sign shall exceed two (2) square feet in area.
 - (2) Reserved for future use.
 - (3) **Business Nameplate Signs.** Business Nameplate Signs are permitted as allowed in Schedule I of this Article provided that:
 - (a) One square feet of sign area shall be allowed per non-residential establishment in a non-residential building. No Business Nameplate Sign shall exceed eight (8) feet in height.
 - (b) Business Nameplate Signs shall not include information pertaining to an off-site activity.
 - (4) **Charitable Special Event Street Banners On or Above a Public Right-of-Way.** A Charitable Special Event Street Banner, on or above a public right-of-way, is permitted, as allowed in Schedule I of this Article, provided that:
 - (a) The bottom of the sign shall have a minimum clearance of seventeen and one-half (17.5) feet above the street surface. The application shall specify the exact location and the method that will be used to attach the sign.
 - (b) The sign may be double-faced with seventy-five (75) square feet on each face.
 - (c) PennDOT approval shall be required if a State right-of-way is involved, approval by the Board of Supervisors or their designee is needed over a Township right-of-way. A certificate of insurance shall be supplied to the Township that provides a minimum of \$1 million of liability protection to the Township and its officials, unless the sign is for a Township program.
 - (d) Such sign shall be posted for a maximum of thirty (30) days.
 - (e) At the Township's option, the Township may require that Township staff or their designee post and remove the sign, with the costs of such work required to

be reimbursed by the applicant, unless the sign is for a Township program.

(5) Construction Sign.

- (a) One (1) temporary, non-illuminated, sign may be placed on any lot, development or site where construction, repair, or renovation is in progress. Such sign shall have a maximum sign area of sixteen (16) square feet for a lot containing up to 4 dwelling units and thirty (30) square feet for other uses. If the sign is not attached to a building wall, the sign shall have a maximum total height of six (6) feet.
- (b) Construction Signs shall be removed upon: (1) the issuance of the last Certificate of Occupancy, where required, or (2) the end of the related work on the lot where a Certificate of Occupancy is not required.
- (c) The Construction Sign shall be removed if construction in question does not commence within ninety (90) days of the installation of said Construction Sign.
- (d) No Construction Sign shall be erected for more than eighteen (18) consecutive months from the date of issuance of a zoning permit for the installation of the Construction Sign.

(6) Farm Product Sign. Signs announcing the availability of seasonal farm products are permitted as allowed in Schedule I of this Article, provided that:

- (a) The number of farm product signs shall not exceed two (2) per lot.
- (b) The total area of all farm product signs shall not exceed twenty (20) square feet.
- (c) No single farm product sign shall exceed ten (10) square feet.
- (d) No farm product sign shall exceed five (5) feet in height.
- (e) The farm product signs shall not be erected more than fifteen (15) days in advance of the sales.
- (f) All farm product signs shall be removed within five (5) days of the end of the sales.
- (g) The sign shall be located on the same lot as the sale of the seasonal farm product.

(7) Flag. Flags are permitted in all districts provided that:

- (a) No single flag shall exceed forty (40) square feet in area (except the U.S. flag), and no single lot shall fly more than six (6) flags, except individual households may fly their own U.S. flag.
- (b) Flagpoles shall not exceed forty (40) feet in height.
- (c) Wall-mounted flags shall not exceed twelve (12) feet in height.
- (d) Note - Federal law stipulates many aspects of etiquette for the U.S. flag, including through the Flag Code. Some guidelines from the Flag Code include:
 - (i) The flag should be lighted at all times at night.
 - (ii) The flag should not be used for any decoration in general. Bunting of blue, white and red stripes is available for these purposes. The blue stripe of the bunting should be on the top.
 - (iii) The flag should never be used for any advertising purpose.
 - (iv) The flag should be cleaned and mended when necessary.
 - (v) When a flag is so worn it is no longer fit to serve as a symbol of our

country, it should be destroyed by burning in a dignified manner.

- (e) If a flag has an advertising message, it shall be regulated as a type of freestanding sign.

(8) **Incidental Sign.** Incidental Signs are permitted in all districts under the following additional standards:

- (a) Each incidental sign shall not exceed a sign area of three (3) square feet.
- (b) An incidental sign shall not exceed a height of five (5) feet if attached to a pole or post, or eight (8) feet if attached to a building wall.
- (c) An incidental sign shall not include advertising.
- (d) Any illumination shall meet Section 090-140. The use of reflective materials is encouraged.

(9) **Mural.** Murals are permitted as allowed in Schedule I of this Article, provided that:

- (a) No mural shall cover any windows, doors, or other architectural features.
- (b) No mural shall exceed a height of fifteen (15) feet.
- (c) No mural shall exceed an area of thirty-two (32) square feet and no more than one (1) mural shall be permitted on a building.
- (d) A mural visible to the public shall be integrated into the design of the building and not involve nudity or sexual explicit images.
- (e) No mural shall contain a commercial message or shall advertise a use located in the building on which the mural is located, unless the mural meets all of the regulations for the applicable type of sign.
- (f) The area of a mural shall be included within the maximum sign area of Wall Signs permitted by this Article.

(10) **Personal Use and Information Signs (includes Home Occupation Signs).** Except as otherwise provided herein, Personal Use and Information Signs are allowed in all districts and shall meet the following additional standards:

- (a) No Personal Use and Information sign may exceed two (2) square feet in area.
- (b) The aggregate area of all Personal Use and Information Signs on a lot that are readable from a street shall not exceed eight (8) square feet.
- (c) No Personal Use and Information sign may exceed five (5) feet in height.
- (d) Commercial messages in a residential district shall be limited to an on-premises use, such as an approved home occupation.
- (e) Building address numbers shall be posted within clear view of a street in compliance with Chapter 85 of the Middle Smithfield Township Code of Ordinances, in order to provide adequate visibility for emergency responders in vehicles. Such ordinance covers such matters as the height, location, size and visibility of such address numbers.

(11) **Political Signs.** Political Signs are permitted in all districts, provided that:

- (a) No political sign shall be displayed more than fifteen (15) days after the election or vote to which the sign pertains, if it pertains to an election or vote.
- (b) A political sign shall not be posted on Township property, except as may be allowed outside of a polling place on election day.
- (c) The maximum sign size shall be sixteen (16) square feet on each of 2 sides. Any larger sign shall be regulated as an off-premises sign (such as on a billboard).
- (d) A political sign for any candidate or issue shall not be located within one

hundred (100) feet of any other sign for the same candidate on the same lot that is readable from the same street.

(12) **Real Estate Signs.** Except as otherwise provided herein, Real Estate Signs indicating the availability of real property for lease or sale are in all districts if they meet the following additional provisions:

- (a) The real estate sign must be located on the premises being leased or sold.
- (b) Display of real estate signs shall be limited to one (1) per street frontage.
- (c) No real estate sign shall exceed six (6) feet in height unless attached to the side of a building.
- (d) A real estate sign in a CON, PRD, RR, R1, R2 or R3 District or for an individual dwelling unit shall not exceed sixteen (16) square feet in sign area.
- (e) Except as provided in subsection (d) above, a real estate sign shall have a maximum size of thirty-two (32) square feet. In addition, a lawful existing sign may be temporarily used as a real estate sign.
- (f) All real estate signs shall be removed within seven (7) days after settlement, lease of the property, or expiration of the listing term.

(13) **Special Event Sign (includes "Banners").** Signs announcing special events including but not limited to: auctions, grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service organization or occasional festivals within a Resort Complex/Commercial Resort are permitted as allowed in Schedule I of this Article, provided that:

- (a) A zoning permit shall be obtained at least once a year that lists the dates or weeks when the special event signs will be displayed. Such signs shall not be displayed on one lot a grand total of more than sixty (60) days per calendar year, except a maximum total of ninety (90) days shall apply where subsection (c) below applies.
- (b) A maximum of two (2) special event signs are permitted on-site, except four (4) special events signs shall be allowed where subsection (c) below applies.
- (c) No special event sign may advertise an off-site event, except an event that benefits a charitable or public service organization or that is within a Resort Complex or Commercial Resort.
- (d) The signs shall comply with Sections 090-100.D., E. and F.
- (e) The signs shall comply with the following requirements:
 - (i) Maximum sign area of ten (10) square feet in Residential Areas or Rural Areas.
 - (ii) Maximum sign area per sign of twenty-five (25) square feet in all other areas or within a Resort Complex or Commercial Resort.
 - (iii) Maximum sign height of ten (10) feet.

(14) **Subdivision Identification Sign.** Unless otherwise noted herein; Subdivision Identification Signs are permitted as allowed in Schedule I of this Article provided that:

- (a) The subdivision contains a minimum of six (6) lots.
- (b) The subdivision has received preliminary plan approval from the Board of Supervisors.
- (c) The subdivision identification signs are located on-premises.

- (d) The subdivision identification sign must be landscaped in accordance with Section 090-120.C.
- (e) There is a maximum of two (2) one-sided subdivision identification signs or one (1) two-sided subdivision identification sign at each entrance to the subdivision.
- (f) The maximum aggregate square footage of subdivision identification signage allowed for each subdivision shall be thirty-two (32) square feet. Such sign may be attached to a decorative masonry wall with a maximum height of six (6) feet and a maximum length of twelve (12) feet. Such wall shall be treated as a sign for the purposes of setbacks.
- (g) The maximum height for a subdivision identification sign shall be six (6) feet.

(15) **Vending Machine Sign.** Vending Machine Signs are permitted provided that:

- (a) The sign does not extend in height or area beyond the vending machine.
- (b) The sign is an integral part of a vending machine and cannot be used apart from the vending machine.

§090-140 SIGN ILLUMINATION. Sign illumination applies to all signs and shall be subject to the following regulations:

A. Prohibited Sign Illumination. The following types of sign and graphic illumination are prohibited in all areas:

- (1) Bare Bulb Illumination,
- (2) Flame Illumination, and
- (3) Beacons or strobe lights.

B. Types of Sign Illumination.

- (1) **Indirect Illumination.** Indirect illumination of signs is permitted in all districts.
- (2) **Internal Illumination.** Internal illumination of signs is permitted in all districts, except the PRD, CON, RR, R1, R2 and R3 districts. Where allowed, internal sign illumination shall involve one of the following methods:
 - (a) Only the letters, logos, and/or symbols are illuminated, shining through a solid non-white background (as seen in Figure 9-15), or

FIGURE 9-15 - INTERNAL ILLUMINATION



(b) Illuminated channel letters, logos, and/or symbols are utilized (as seen in Figure 9-16)

FIGURE 9-16 - INTERNAL ILLUMINATION II



(3) **Floodlight Illumination.** Floodlight illumination is permitted in all areas but residential.

C. Regulations on Sign Illumination, Electronically Changeable Message Signs, and Movement of Signs.

- (1) Lighting shall be aimed and shielded so that no light directly shines on residential properties.
- (2) Lighting shall be aimed and shielded so that no light shines in the eyes of motorists or pedestrians.
- (3) The lighting shall not be located more than fifteen (15) feet from the sign.
- (4) Shielding shall be provided to prevent glare. All sign illumination must comply with regulations of this Ordinance regarding glare. See Section 200-100-080.
- (5) On-premise signs may be illuminated whenever a business is open plus one-half (1/2) hour prior to opening and one-half (1/2) hour after closing, provided, however, there shall be no restriction on illumination necessary for the security and/or safety of the facility in question and its premises.
- (6) Signs shall not include electronically or digitally moving or flashing or animated or flickering images or letters. Electronically changing messages shall not change more often than once every fifteen (15) seconds, except that signs with an electronically changing image of more than thirty (30) square feet shall not change more often than once every 30 seconds. An off-premises sign shall not be an electronically changeable message sign.
- (7) An electronically changeable message sign shall not have an illumination level between sunset and sunrise of more than 250 nits, except the maximum level shall be 150 nits in a CON, RR, R1, R2, R3 or PRD district. The maximum luminance between sunrise and sunset shall be 5,000 nits. Such sign shall have a light sensing device that will automatically adjust the brightness of the display as the natural light conditions change, to comply with this lighting level. Prior to receiving a final permit for the sign, the applicant shall provide written evidence from a qualified independent professional that these maximum lighting levels are being met. The qualifications of such professional shall be submitted in writing.

§090-150 NONCONFORMING SIGNS.

A. Registration of Nonconforming Signs; Illegal Signs.

- (1) If the applicant presents sufficient information to the Zoning Officer to determine that a non-conforming sign is lawful, or if Township records show that such sign is lawful, then upon a written request, the Zoning Officer may issue a Certificate of Nonconformity to the applicant regarding an existing sign.
- (2) The Zoning Officer shall have the authority to document some or all existing signs and to investigate whether or not any sign is legal. If the Zoning Officer determines that a sign is not legally allowed and is not lawfully non-conforming, then the Zoning Officer shall have the authority to issue an Enforcement Notice and to follow the allowed process to have the sign removed or brought into conformity with this Ordinance, as provided in Section 090-40 above.

B. The right to continue to display a Nonconforming Sign shall become void if a lawful nonconforming sign has been discontinued for one (1) year or more. In such case, the sign shall be presumed to be abandoned, and any subsequent use of such sign shall be in conformity with the regulations of this Article applicable to the District in which it is located.

C. Removal of Nonconforming Signs. A nonconforming sign, together with its panel cabinet, supports, braces, anchors, and electrical equipment, shall be removed or brought into compliance at the expense of the owner within sixty (60) days of notice from the Township to the owner in any of the following situations:

- (1) When a nonconforming sign has been considered abandoned under subsection B. above; or
- (2) When the sign becomes a Nuisance Sign as defined by Section 090-20.

D. Alteration of Nonconforming Signs. Any sign lawfully existing or under construction on this Ordinance and which does not conform to one (1) or more provisions of this Ordinance may be continued in operation and maintained indefinitely as a legal nonconforming sign subject to compliance with the provisions of this Section 090-150 and the following requirements:

- (1) **Maintenance.** The sign shall be adequately maintained and continue to advertise an active use.
- (2) **Area.** The total area or height of a non-conforming sign shall not be increased except if the increase would conform with this Article. A nonconforming sign shall not be moved or relocated, unless the new location would make the sign less non-conforming.

E. Replacement. Nonconforming signage may be replaced in its entirety provided that there is no additional nonconformity or increase in the degree of nonconformity of the replacement signage.

F. Temporary Removal. Nonconforming signage may also be temporarily removed from the lot or structure to which it is affixed for a period of up to one hundred eighty (180) consecutive days to make repairs to or modernize the signage or structure. A sign removed for a longer period of time shall no longer be considered to be nonconforming.

G. Moving. A nonconforming sign shall not be moved to another position on a structure or lot unless the new location is less nonconforming or unless an immaterial change in location occurs following modernization of the sign.

- H. Nonconforming Signs Not Kept in Proper Repair.** All nonconforming signs and/or sign structures that are not kept in proper repair (such as having missing or broken components) shall be identified by the Zoning Officer. The Zoning Officer shall notify the property owner of the sign's condition. The owner shall repair or remove the sign within sixty (60) days of receipt of notification from the Township, unless the Zoning Officer specifies a shorter time period in the notice because of hazards or a longer time period for reasons of necessity. If an appeal is not submitted, and the sign is not repaired or removed such time period after notification from the Township, the Township may order the removal of the sign at the expense of the owner.
- I. Voluntary Removal or Replacement of Nonconforming Signs.** A lawful existing nonconforming sign may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign.
 - (1) The application fee for a zoning sign permit application that would replace a nonconforming sign with a conforming sign shall be waived.