

**ORDINANCE 2009-12
RADNOR TOWNSHIP**

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 280, ZONING, OF THE CODE OF THE TOWNSHIP OF RADNOR, ARTICLE XXI, SIGNS, TO PROVIDE FOR OFF-PREMISES SIGNS WITHIN CERTAIN ZONING DISTRICTS OF RADNOR TOWNSHIP IN ORDER TO COMPLY WITH THE DECISIONS OF THE PENNSYLVANIA SUPREME COURT.

WHEREAS, the Pennsylvania Supreme Court in *Township of Exeter v. Zoning Hearing Board of Exeter Township and Land Displays*, 962 A.2d 653 (Pa. 2009), determined that a municipality may not lawfully exclude off-premises signs within the geographic confines of its township; and

WHEREAS, Radnor Township has determined that certain types of off-premises signs must be permitted within the township in order to comply with the Supreme Court's decision in the *Exeter Township* case.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** that the Board of Commissioners does hereby amend Chapter 280, Zoning, Article XXI, Signs, as follows:

Section 1. §280-118. Definitions is amended by deleting the following definitions and revising the definition of OFF-PREMISES SIGN, to read as follows:

OFF-PREMISES SIGN - Any commercial sign advertising a product, service, business or activity sold, located or conducted elsewhere than on the premises on which the sign is located.

Section 2. §280-119. Prohibited signs, is hereby amended deleting Subsection C. and Subsection E.

Section 3. §280-122. Signs in Commercial Districts, Subsection B.(4) is hereby amended to read as follows:

B. (4) Off-premises signs advertising the sale, rental or development of premises shall be prohibited within these districts, except as provided for in §280-127.

Section 4. §280-127 is hereby revised to read as follows:

§ 280-127. Off-premises signs.

- A. Off-premises signs shall be permitted within the following zoning districts when authorized as a special exception by the Zoning Hearing Board subject to the general standards prescribed in §280-145:
- (1) The Wayne Business Overlay District (WBOD); and
 - (2) The C-3 Zoning District provided that it has frontage on the Amtrak/SEPTA right-of-way line.
- B. In addition to permitted signs within Commercial Districts as set forth in §280-122. of this Chapter, only one off-premises sign may be erected per parcel. Off-premises signs may only be permitted when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in §280-145, and the Zoning Hearing Board may, in approving any such special exception application, modify §280-125.A. and C. as necessary to permit a reasonable use of a property for an off-premises sign under this Article.
- C. Off-premises signs may be permanent free-standing signs erected upon the ground or may be erected upon, applied to, attached to, and/or supported by a building or other structure. No painted off-premises signs are permitted.
- D. Setbacks.
- (1) Within the WBOD District, no off-premise signs or part thereof shall be erected or maintained closer than 100 feet from any adjacent residential zoning district.
 - (2) Within the C-3 Zoning District as described in Paragraph A. of this Section, the setback for off-premises signs shall be 100 feet from any adjacent residential zoning district and a minimum of 20 feet from the Amtrak/SEPTA right-of-way line.
 - (3) No off-premises sign shall be located within the right-of-way of any street and shall be set back a minimum distance of 10 feet from the street cartway. No signs shall be so located as to present a hazard to motorists or pedestrians.
- E. No off-premises signs shall be located closer than 100 feet to any other off-premises outdoor advertising sign, such measurement to be made between the two nearest points located on any portion of the signs.
- F. No off-premises sign shall be permitted to exceed a maximum area of 64 square feet, including border and trim, but excluding supports. A sign having two identical or different signs back-to-back or a V-shaped sign with a horizontal angle not greater than 45 degrees is permitted to have a maximum area of 64 square feet on each side for a total maximum area of 128 square feet.

- G. No off-premises sign or part thereof shall be taller than 15 feet if a free-standing sign as measured from existing grade, and no taller than 15 feet if erected upon, applied to, attached to, and/or supported by a building or other structure.
- H. An off-premises sign structure may contain only one sign or advertisement per face.
- I. Lighting. Off-premise signs shall conform to the lighting standards as set forth in §280-125. D.
- J. No revolving or electronic off-premises signs, including, but not limited to, flashing signs, signs with intermittent illumination, signs with mechanically or electronically changing messages, or electronic digital signs shall be permitted. No mobile off-premises signs shall be permitted.
- K. Design Review Board. All off-premises sign applications shall be reviewed for a recommendation by the Design Review Board prior to special exception application to the Zoning Hearing Board.
- L. All off-premises signs shall be maintained in good condition. The structural components of the sign shall be maintained to ensure their integrity and to prevent the possible collapse of the sign. Any damage to the structural components shall be repaired within 24 hours. Signs having ripped, defaced, or partial advertisements shall be immediately repaired by having the advertisement restored to its original condition, removed, or covered.

Section 5. §280-127, §280-128 and §280-129 are renumbered as follows:

§280-128. Permits.

§280-129. Structural requirements, maintenance, and illumination.

§280-130. Violations and penalties.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

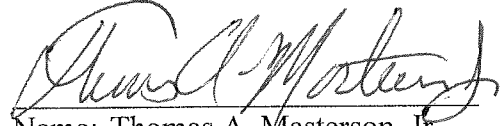
Section 7. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioner of Radnor Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

Section 8. Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

ENACTED AND ORDAINED this 26th day of May A.D., 2009.

RADNOR TOWNSHIP

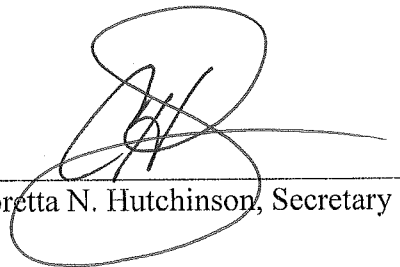
By:



Name: Thomas A. Masterson, Jr.

Title: President

ATTEST:


Coretta N. Hutchinson, Secretary