

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Burgess and Town Council of the Borough of Pottstown shall hold a public hearing on Monday, September 11, 2017, at 7:30pm in the Council Meeting Room, Pottstown Borough Hall, 100 E. High Street, Pottstown, Montgomery County, Pennsylvania, on an ordinance which, if enacted, would amend various sections of Chapter 27, Zoning of the Code of Ordinances of Pottstown Borough to modify and create certain regulations involving signs and, more specifically, murals.

A synopsis of the proposed ordinance is as follows:

SECTION 1. This section deletes the definitions for “Signs” and “Signs as Defined by Form – Mural” contained in Section 702, Definitions, of Chapter 27, Zoning, and replaces said definitions with the following new definitions: “Mural;” “Signs as Defined by Form – Mural, Large-Scale;” “Signs as Defined by Form – Mural, Traditional;” “Sign;” and “Text.”

SECTION 2. This section replaces “Murals” with “Murals, Large-Scale” as a conditional use within Section 707, Conditional Uses, of Chapter 27, Zoning.

SECTION 3. This section creates Section 713, Special Regulations for Murals, of the Zoning Ordinance, which will provide as follows:

1. **Composition.** This section establishes that murals shall only be created using paints and/or mosaic tiles.
2. **Painted Murals.** This section establishes regulations which shall serve as the minimum acceptable standards for murals created in whole or in part with paint.
3. **Mosaic Tiled Murals.** This section establishes regulations which shall serve as the minimum acceptable standards for murals created in whole or in part with mosaic tiles.
4. **Maintenance Agreement.** This section establishes that the property owner and Borough of Pottstown shall enter into and record an agreement which addresses maintenance of the mural, including but not limited to potentially escrowing of a reasonable amount to provide for such care; enforcement rights of the Borough; and the property owner’s right to remove or cover the mural.
5. **Distance Between Murals.** This section shall establish that murals shall not be located within a 600 foot radius of any other mural.

SECTION 4. Severability.

SECTION 5. Reenactment.

SECTION 6. Effective Date.

The Burgess and Town Council of the Borough of Pottstown, at the conclusion of the public hearing, intends to adopt and enact the proposed ordinance. A complete copy of the proposed ordinance has been provided to the Montgomery County Law Library and the Pottstown Mercury, is posted on the Borough of Pottstown’s website, and is available for inspection without charge, at the Pottstown Borough Hall, 100 E. High St., Pottstown, PA 19464, during normal business hours, and a copy may be obtained for a charge not greater than the cost thereof.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

Charles D. Garner, Jr., Esquire
Wolf Baldwin and Associates, P.C.
Solicitor

Mark Flanders, Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS SECTIONS OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, THE POTTSTOWN BOROUGH ZONING ORDINANCE A/K/A, TO MODIFY AND CREATE CERTAIN REGULATIONS RELEVANT TO MURALS, BOTH LARGE-SCALE AND TRADITIONAL SCALE, WITHIN THE BOROUGH.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of same as follows:

SECTION 1. The existing definitions for “Sign” and “Signs as Defined by Form - Mural” established in Section 702, Definitions, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, are hereby deleted in their entirety. The following new definitions are created and shall provide as follows:

MURAL – This term shall encompass both Traditional Murals and Large-Scale Murals.

SIGNS AS DEFINED BY FORM - MURAL, LARGE-SCALE – Also known as a Large-Scale Mural, it is a hand-produced sign which depicts artistic imagery painted or affixed upon the exterior façade of a building, freestanding wall, or solid fence constructed of cementitious or similar material, which fails to conform to the definition of “Traditional Mural” (e.g., exceeds the limitation on percentage of text).

SIGNS AS DEFINED BY FORM - MURAL, TRADITIONAL – Also known as a Traditional Mural, it is a hand-produced sign which depicts artistic imagery painted or affixed upon the exterior façade of a building, freestanding wall, or solid fence constructed of cementitious or similar material, which contains equal to or less than ten percent (10%) text. For the purpose of this calculation, the text area shall be the aggregate of the area of the smallest circle, square, or rectangle which can encompass any text. A Traditional Mural on a building shall be less than 2,000 square feet and shall not occupy more than 50% of the surface area of the exterior building facade on which it is painted or affixed. A Traditional

Mural on a freestanding wall or solid fence shall be less than 500 square feet of the side on which it is painted or affixed.

SIGN - A name, identification, image, description, display, or illustration that is affixed to, painted, displayed, or otherwise represented directly or indirectly upon a building, structure, or piece of land, for the purpose of communicating a message; or a name, identification, image, description, display, or illustration which is otherwise made visible from any street, right-of-way, sidewalk, alley, park, or other public property, for the purpose of communicating a message. A sign includes the sign faces as well as any sign structure.

TEXT - Words, letters, or numbers of any typeface or number set.

SECTION 2. Section 707, Conditional Uses, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, is hereby amended to replace “Murals” with “Large-Scale Murals” as a conditional use.

SECTION 3. A new section 713, Special Regulations for Murals, of Part 7, Signs, of Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, also known as the Pottstown Borough Zoning Ordinance, is hereby created and provides as follows:

§ 713 Special Regulations for Murals.

1. Composition. Murals shall only be created using paint and/or mosaic tiles.
2. Painted Murals. The following regulations are to serve as the minimum acceptable standards for mural created in whole or in part with paint:
 - A. The mural may be painted either directly on the exterior surface of the building, freestanding wall, or fence, or on super-flex material stretched over a space on the exterior surface.
 - B. Painting of the mural shall incorporate, but not be limited to, the following steps:
 - (i) Power washing and/or an appropriate chemical cleaning of the wall area and all affected surfaces;
 - (ii) Use of an exterior grade primer, allowing an appropriate drying time in accordance with manufacturers' recommendations;

- (iii) Use of exterior grade paint; and
 - (iv) Application of an exterior grade, anti-graffiti sealer (after an appropriate curing time, as recommended by manufacturer).
3. Mosaic Tiled Murals. The following regulations are to serve as the minimum acceptable standards for mural created in whole or in part with mosaic tiles:
- A. Mosaic tile may be installed only over masonry, stone, concrete or cement backer board surfaces in areas devoid of standing water. Installation over wood or metal surfaces shall require ¼ inch thick cementitious backer board affixed to the structure in accordance with the manufacturers' recommendations.
 - B. Installing mosaic tile on the structure shall incorporate, but not be limited to, the following steps:
 - (i) Scouring of the wall area and all affected surfaces with a wire brush to remove any loose material, paint, contaminates or concrete sealers that may otherwise interfere with bonding of the thinset;
 - (ii) Application of exterior grade thinset to appropriate depth and texture in accordance with manufacturers' recommendations;
 - (iii) Use of glass, glazed ceramic or similar exterior grade mosaic tile;
 - (iv) Use of exterior grade thinset or epoxy based mortar for grout in accordance with manufacturers' recommendations (after an appropriate curing time, as recommended by manufacturer); and
 - (v) Application of exterior grade clear penetrating pore sealer (after an appropriate curing time as recommended by manufacturer).
4. Maintenance Agreement. The property owner and Borough of Pottstown shall enter into and record an agreement wherein the property owner will provide for the maintenance of the mural, and may include the escrow of a reasonable amount to be determined by the Borough sufficient to provide for such care. The agreement shall provide the Borough with certain rights to assure that the mural is properly maintained including but not limited to enforcement rights as provided for in this Chapter, and the right for the Borough to seek reimbursement from the property owner for necessary

remediation or removal performed by the Borough if the property owner fails properly maintain the mural. The agreement shall also address the property owner's right to remove or cover the mural or otherwise restore the affected façade.

4. Distance Between Murals. No mural shall be located within a radius of 600 feet any other mural.

SECTION 4. 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 part of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

SECTION 5. Reenactment. All other parts of the Pottstown Borough Zoning Ordinance and Chapter 27, Zoning, of the Code of Ordinances of the Borough of Pottstown, as amended, to the extent not inconsistent herewith are hereby re-enacted and reordained and shall remain in effect as previously adopted.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED and ORDAINED this ____ day of _____, 2017.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

BY: _____
Dan Weand, President

ATTEST: _____
Virginia L. Takach, Secretary

Approved this ____ day of
_____, A.D., 2017.

Sharon Valentine-Thomas, Mayor