

TOWNSHIP OF HARDYSTON

ORDINANCE #2013 - 04

AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 185, ZONING, OF THE REVISED GENERAL ORDINANCES TO ADDRESS SIGN CONTROLS ON ATOWNSHIP WIDE BASIS

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

Section 1. Chapter 185, Zoning, Section 185-4, Definitions, Subsection (C) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to amend and add the following definitions:

SIGN, BANNER - A temporary advertising sign made of lightweight material that is supported by a lightweight pole or frame, or is affixed to an existing sign, building or other structure by ties, screws, nails or other temporary means.

SIGN, ELECTRONIC MESSAGE - An illuminated sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means

SIGN, SANDWICH BOARD - A portable sign easily moved from place to place on a stand or A type frame and having no permanent attachment to the ground.

SIGN, SUSPENDED - A sign hanging from a marquee, awning, porch or canopy.

SIGN, TEMPORARY - A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time

Section 2. Chapter 185, Zoning, Article XIX, Signs, Section 185-68 thru Section 185-76 of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

Article XIX.

Signs

§ 185-68. Purpose.

Signs shall be permitted only in compliance with the following regulations which are intended to provide, coordinated, informative and efficient signs in the Township.

§ 185-69. General regulations.

The following regulations shall apply to all permitted and preexisting nonconforming signs:

- A. No sign shall be constructed, displayed or erected unless written application has been made to the Zoning Officer by the owner of the property and a permit issued upon

payment of a fee as set from time to time by the Township Council. *Editor's Note: See Ch. 88, Fees.*

- B. When a sign is a temporary sign as permitted in §185-71, the property owner or applicant shall submit a plot plan or survey indicating the location of the sign. The Zoning Officer will determine if the proposed location is safe and out of the public right of way. In the event that the Zoning Officer has concerns regarding the location of the proposed sign the Township Engineer will make a determination, and if necessary, recommend an alternative location.
- C. When a permanent sign is not included as part of an approved site plan, the property owner or applicant shall obtain site plan approval from the appropriate land use board. An application to replace existing conforming signs shall not require a board approval.
- D. All signs and supporting structures shall be maintained in a structurally safe condition and in good repair, including the maintenance of legibility and all lighting elements. The owner of the premises shall be responsible for the maintenance of the ground area surrounding signs in a neat and clean condition and all landscaping shall be maintained in good repair.
- E. Directional signs having areas of less than two square feet are exempt from area and location regulations except they shall be located a minimum of five feet from any property line, and further provided that they do not constitute a hazard to the traveling public as determined by the Township Zoning Officer or the Township Engineer.
- F. Applicant shall comply with all applicable county, state and federal sign regulations.
- G. No sign shall constitute a hazard to the traveling public as determined by the Township Zoning Officer or the Township Engineer.
- H. Whenever the Zoning Officer shall determine that there is a violation of any sign regulation, he or she shall direct that the sign shall be removed or brought into compliance within a specified time.

§ 185-70. Prohibited signs.

The following signs shall be prohibited in all zoning districts:

- A. Any sign which does not pertain to an occupant, service or product actually occupying or provided on the premises where such sign is located.
- B. A sign attached to any building which projects more than six inches from the wall to which it is attached or which extends above the wall to which it is attached.
- C. Roof signs which extend above the highest point of the roof to which it is attached.
- D. Marquees and canopy signs except as permitted in § 185-73.
- E. Banners, streamers, advertising flags, twirlers and like objects except as permitted for temporary signs in §185-71.
- F. Signs posted on fences, posts, utility poles or trees. (Except for no trespassing, no hunting signs and similar restrictive signs.)

- G. Signs posted on municipal property without the consent of the governing body.
- H. Signs standing, installed or painted on sidewalks or curbs.
- I. Exterior moving, rotating, blinking or flashing signs of any nature except for electronic message signs as permitted in §185-76.1.
- J. Pole signs except as permitted in §§ 185-73 and 185-74.
- K. Sandwich boards, banners, placards, or other forms of advertisements except as permitted for temporary signs in §185-71.
- L. Sandwich boards, banners, placards, or other forms of advertisement which are carried by, worn by, or otherwise held by one or more individuals.
- M. Signs posted within a public right-of-way without the consent of the public agency which controls the affected right-of-way.

§ 185-70.1. Exempt signs.

The following signs shall be exempt from obtaining a zoning permit but shall comply with all placement and size requirements for the type of sign category under which they are classified (temporary, window signs & lettering, specific uses, multi-use/multi-tenant structures, residential, and non-residential):

- A. Political Signs (Not to exceed 4 square feet)
- B. Public Signs or Notices (Sign on behalf of a Municipal, County or State Agency)
- C. Sign Face changes on existing legally conforming signs.
- D. Directional signs such as No Parking, No Loading@ , Entrance@
- E. Community Organization Signs (Neighborhood Association, Church, Civic Organization)
- F. Real Estate signs for residential sales and rent in all residential zones. (Not to exceed 4 square feet.)
- G. American, State, County and Township Flags
- H. Yard Sale/ Garage Sale Signs (such signs shall be removed within 24 hours of the end of the event.)

§ 185-71. Temporary signs in all zones.

Temporary signs as defined in §185-4 shall be permitted as follows:

- A. Temporary signs shall be permitted identifying architects, builders, brokers and contractors on premises where a building is being constructed, altered or repaired. No sign shall be displayed for a period exceeding the time required for such construction, alteration or repair or for one year, whichever is less. Unless affixed to the principal building, such signs shall be set back at least 10 feet from all property lines. There shall be no more than one such sign on any property. Said sign shall not exceed six square feet in size and shall not stand more than four feet above ground level.

- B. One temporary sign shall be permitted announcing that the property on which it is located is for sale or rent, provided that such sign shall be displayed for only so long as such property is for sale or rent and shall be removed within seven days after such sale or rental. Unless such sign is attached to the principal building, it shall be no closer than 10 feet to any property line. Such sign shall not exceed six square feet in size, nor stand more than four feet above ground level.
- C. Signs locating and advertising subdivisions of land projects requiring site plan approvals, which have received preliminary or final approval by the Township, provided that each such sign shall not exceed 24 square feet in area, shall not exceed two in number and shall not be located closer than 20 feet to any property line. Such sign permits shall be valid for not more than one year. All such signs shall be renewed annually by January 31st. Such signs shall be removed, in the case of land subdivision, when either 75% of the lots created have been built upon or after 75% of the lots have been sold by the developer or any combination thereof. , In the case of projects receiving site plan approval such signs shall removed upon the issuance of a certificate of occupancy.
- D. Grand opening signs, shall be considered temporary and include; suspended signs, banners, streamers, advertising flags, twirlers and like objects in non-residential zones. They may be allowed by permit from the Township Zoning Officer for a period not to exceed 90 Days for new business grand openings. Grand opening signs shall be erected no more than 30 days prior to the grand opening, and shall be removed not more than 60 days after the grand opening. Grand opening signs must be a minimum of 10 feet from any property line.
- E. Special promotion and event signs including banners, streamers, advertising flags, twirlers, suspended signs and sandwich board signs in non-residential zones may be granted by permit from the Township Zoning Officer. Special promotion and event signs may be displayed for not more than fourteen consecutive days in any 3 month period, and not more than fifty-six days in any calendar year. Alternatively, special promotion and event signs may be displayed 1 day per week throughout the year. Permits for weekly promotional displays shall be renewed with the Township Zoning Officer on a quarterly basis. Special promotion and event signs shall be erected no more than fourteen days prior to the event, and shall be removed not more than two days after the event. A waiver from the above requirements and restrictions can be requested from the Township Council. Special promotion and event signs must be a minimum of 10 feet from any property line and shall not impede with sight distance.
- F. Sandwich board signs as defined in §185-4 shall not exceed 36 inches in height, and each side of the sign shall not exceed seven square feet in area. Sandwich board signs may only be displayed during business hours and shall not have internal or external illumination, contain moving parts or have balloons, streamers, pennants or similar adornment attached to them. Sandwich board signs must be a minimum of 10 feet from any property line.
- G. Suspended signs as defined in §185-4 shall not exceed 60 inches in width and 30 inches in height. The bottom edge of the suspended sign shall be a minimum of 7 feet from the ground/sidewalk to avoid obstructing the entrance to the establishment.

§ 185-72. Window lettering and window signs.

Window lettering and signs shall be permitted only in the business zones. For the purpose of enforcing this chapter, window lettering and signs shall not be construed as signs, but shall be subject only to the following restrictions:

- A. All window lettering and window signs shall be inside the window.
- B. Permanent window lettering and window signs shall be permitted only if the space confining such lettering and signs or the background upon which it appears does not exceed 40% of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.
- C. Window lettering or window signs shall pertain only to that establishment occupying that portion of the premises where the window is located.
- D. Temporary window lettering or window signs, advertising special sales or events, shall be permitted subject to the following restrictions:
 - (1) Such lettering or window signs shall be subject to the length of time restrictions established for temporary grand opening and special sales or events signs pursuant to § 185-71;
 - (2) Such window lettering or window signs, in conjunction with permanent window lettering or sign, shall not cover, in the aggregate, more than 40% of the window area.
- E. Illuminated window lettering and window signs which are not continuously lit, blink, flash, flicker, use sequential lighting, have a revolving message display or which otherwise produce a glare that interferes with pedestrian or vehicular traffic are prohibited.
- F. All window lettering and signs shall be maintained in good repair.

§ 185-73. Sign regulations for specific uses.

- A. Marquee and canopy signs. In addition to those other signs generally permitted under this section, theaters may display the following signs:
 - (1) Removable lettering on the front and/or sides of a canopy or marquee, which may be backlighted and which shall advertise current or coming attractions only.
 - (2) Not more than two additional signs, each not more than 12 square feet in size, may be attached to the front wall of the theater and which shall be used to advertise coming of current attractions only.
 - (3) Ticket booth signs shall be governed by regulations affecting window lettering and window signs.
- B. Service station signs. Automotive service stations and public garages shall be permitted to display only the following signs:
 - (1) One temporary sign, located at a minimum of 5 feet from the property line, specifically advertising special or seasonal servicing of motor vehicles, provided that each face of such sign does not exceed eight square feet.

- (2) One nonmoving, freestanding pole sign advertising the name of the station or garage and/or the principal products sold, including any special company or brand name, insignia or emblem, provided that the actual sign area does not exceed 30 square feet for each face, and further provided that the bottom of each sign face shall be at least 10 feet above ground level and the total height of the sign from the ground to the top of the sign face shall not exceed 20 feet. .The sign shall be located no closer than five feet to any property line.
 - (3) Additional signs or lettering displayed over individual entrance doors or bays, bearing legends, essentially the same or similar to the following: "washing, lubrication, repairs, mechanic on duty." There shall be no more than one such sign over each entrance or bay, such signs shall not exceed six square feet in size, nor shall the lettering on such signs be greater than 12 inches high.
 - (4) Customary lettering or other insignia which are an integral part of a fuel pump and consisting only of fuel name, lead warning sign, price indicator and any other sign or signs as required by law. Such sign shall not exceed three square feet in aggregate area on each pump.
 - (5) A single, non-illuminated credit card sign, not exceeding four square feet in size, may be placed on or near each pump island.
 - (6) Other signs that may be required by law.
- C. Signs accessory to parking areas, private and public. In all zones, signs designating entrance or exit, and/or street address, to or from a parking area shall be limited to one sign with a maximum area of four square feet for each exit or entrance. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 32 square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such signs shall not exceed four square feet. All such signs shall be located five feet from a property line and have a maximum height of 4 feet.

§ 185-74. Signs for multi-use or multi-structure developments on 10 acres or more.

Shopping centers, industrial parks, multifamily developments, multi-tenanted structures or multi-structure developments shall be governed by the following regulations:

- A. Each such development as part of its site plan shall submit a signing plan to the Planning Board. Such signing plan shall include details on:
 - (1) Letter style.
 - (2) Lighting.
 - (3) Color.
 - (4) Construction and materials.
 - (5) Height of sign.
 - (6) Height above grade or below roofline.

(7) Locations.

(8) Standards.

- B. The signing plan shall be based on an integrated design theme to include all of the elements in Subsection A (1) through (8) above. All of the above elements shall be designed to be in harmony and consistent with each other, the architecture and materials of principal structure and the landscaping plan. The Planning Board or Zoning Board, in its sole discretion, shall determine if a proposed signing plan meets the goals and objectives of this section.
- C. The total area of all signs affixed to nonresidential structures shall not exceed 20% of the building facade of the structure. The total area of all signs affixed to residential structures shall not exceed 2% of the building facade of the structure.
- D. Freestanding signs.
- (1) A standing pole sign shall be permitted in a nonresidential multi-use development. It shall not exceed 50 square feet in area for each face, the bottom of each sign face shall be at least 10 feet above ground level and the total height of the sign from the ground to the top of the sign face shall not exceed 20 feet, and shall be no closer than five feet to any property line.
- (2) A freestanding monument sign shall be permitted in a multi-structure residential development not exceeding 10 feet in height and 50 square feet in area on each face, or there may be two single-face signs, each of which shall not exceed 50 square feet in area. Said sign or signs shall be at least 15 feet from any property line and shall be placed in such a way as to not impose on the line of sight. Nonresidential multi-use developments may erect the above-described monument signs in place of the pole sign permitted in Subsection D(1).
- (3) Only one such freestanding sign shall be permitted on any single property, regardless of the number of establishments on the property, except that the Planning Board may authorize an additional freestanding sign if the property has access from more than one public street. The freestanding sign shall comply with all setback requirements of the zone.

§ 185-75. Signs in residential districts.

The following types of signs shall be permitted in residential districts:

- A. Signs accessory to parking areas for institutional uses. Signs designating entrance or exits to or from a parking area shall be limited to one sign for each such exit or entrance, with a maximum size of four square feet for each sign. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 32 square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such signs shall not exceed four square feet.
- B. Nameplate and identification signs for single-family dwellings. A sign indicating the name or address of the occupant may be permitted, provided that the sign shall be no larger than two square feet on each face. A permitted home occupation may be included with the name of the occupant.

- C. Institutional signs. Signs of schools, colleges, churches and other institutions of a similar public or semipublic nature may be erected and maintained, provided that:
- (1) The size of any freestanding sign shall not exceed 100 square feet and not more than one such sign is placed on a property, unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage.
 - (2) Signs may be affixed to a maximum of two walls of a structure. The total sign area on each wall shall not exceed 2% of the wall, whichever is less.

§ 185-76. Signs in other nonresidential districts.

The following signs shall be permitted in nonresidential districts not regulated by § 185-74 of this article.

- A. Number and size of exterior wall signs. Exterior wall signs shall not exceed 20% of the facade of the building upon which they are located. Each establishment shall be allotted its proportionate share of the total sign area in a ratio of its frontage to the total building frontage.
- B. Rear and side wall signs. No signs shall be permitted on rear or side walls.
- C. Freestanding signs. There shall be permitted one freestanding pole or monument-type sign, provided that:

[Amended 3-1-2011 by Ord. No. 2011-01]

- (1) Pole signs shall:
 - (a) Have a sign face that is at least 10 feet above the ground level and a total height of the sign shall not exceed 20 feet above the ground level.
 - (b) Be at least five feet from any property line.
 - (c) Not exceed 60 square feet of area on each face.
- (2) Monument signs shall:
 - (a) Not exceed 10 feet in height.
 - (b) Be at least 15 feet from any property line and shall be placed in such a way as to not impose on the line of sight.
 - (c) Not exceed 50 square feet in area on each face.
- (3) The base of said signs shall be appropriately landscaped and maintained.

Section 3. Chapter 185, Zoning, Article XIX, Signs, of the aforesaid mentioned Revised General Ordinances is hereby amended as follows to add §185-76.1, in order to establish regulations and standards for electronic message signs.

§ 185-76.1. Electronic Message Signs.

Electronic signs as defined in §185-4 shall be permitted in the B-1, B-2, and R-C zones subject to the following conditions and shall require approval by the appropriate land use board.

- A. Shall be consistent with the requirements set forth for freestanding signs in § 185-76, including height, setbacks, and maximum area.
- B. Shall contain block letters only and shall consist of only one color on a neutral color background.
- C. Shall be no more than 24 square feet.
- D. Messages shall change at no less than 20 second intervals and shall not blink, flash or flicker rapidly when changing as to cause a distraction to drivers.
- E. Messages shall contain no more than 3 lines of text.
- F. Illuminated signs shall be turned off between the hours of 9:00 p.m. and 6:00 a.m. on lots located immediately adjacent to residential districts.

SECTION 4. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 6. This Ordinance may be renumbered for purposes of codification.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on April 16, 2013. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on May 7, 2013, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.

**JANE BAKALARCZYK, RMC/CMC
TOWNSHIP CLERK**