

Egg Harbor Township

Ordinance No. 34

2018

An ordinance to amend Chapter 225 of the Township Code entitled “Zoning”, specifically Article VIII entitled “Signs”

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, in the County of Atlantic, State of New Jersey as follows:

SECTION 1: Chapter 225 of the Code of the Township of Egg Harbor, specifically Article VIII entitled “Signs” is hereby deleted in its entirety and replaced as follows:

Article VIII Signs

§ 225-57 Permit required.

It shall be unlawful for any person to erect or alter any sign or other advertising structure as defined in this chapter without first obtaining a permit from the Zoning Officer.

§ 225-58 Exemptions.

The following signs are declared exempt from the requirements of § 225-57:

- A. Professional signs indicating the name and profession of the occupant of a dwelling, provided that such signs do not exceed two (2) square feet on any one (1) side.
- B. Temporary signs inside windows of commercial establishments not covering more than twenty-five percent (25%) of the window area.
- C. Any signs forbidding trespassing, hunting, fishing or trapping as authorized by the fish and game laws.
- D. Temporary signs indicating a political preference or a political cause, provided that such signs do not exceed thirty-two (32) square feet on any one (1) side. Signs are permitted to be displayed for a period of sixty (60) days prior to a primary, general or special election and they shall be removed within fifteen (15) days following the election.
- E. Temporary charitable signs, provided that such signs do not exceed sixteen (16) square feet on any one (1) side.
- F. Real estate sign ("for sale," "for rent" or "sold"), provided that the sign is temporary and for the purpose of marketing and selling of property and removed within thirty (30) days of closing, shall be exempt. The following temporary real estate signs are permitted:
 - (1) In a residential zone, one (1) sign per lot is permitted, with a maximum sign area of four (4) square feet. The sign shall be setback a minimum of twelve (12) feet from the edge of pavement.

- (2) A residential major subdivision under construction with approval from the Planning Board, one (1) sign advertising the sale of lots in the development is permitted and shall have a maximum sign area of sixteen (16) square feet. The sign shall be removed upon the sale of the last lot in the development.
- (3) In a commercial zone, one (1) sign per street frontage is permitted, and shall have a maximum area of sixteen (16) square feet and a minimum setback of 10 feet from the edge of pavement.
- G. Traffic directional and traffic control sign located on private property, provided that said sign does not exceed two (2) square feet in surface area.
- H. All signs erected by the Township of Egg Harbor.

§ 225-59 Certain features prohibited.

- A. No sign shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the State of New Jersey, by any county or municipality thereof or by any public utility or similar agency concerned with the protection of the public health or safety.
- B. No neon sign or similar illuminated advertisement shall be of such color or located in such a fashion as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.
- C. The following advertisements are specifically prohibited: any advertisement which uses a series of two (2) or more signs placed in a line parallel to the highway or in similar fashion, all carrying a single advertisement or message, part of which is contained on each sign.
- D. No sign shall have flashing lights or exposed flashing lights or exposed high-intensity illumination, except that signs using a digital lighted display panel shall not be classified nor considered as a flashing, exposed or exposed high-intensity illumination device.
- E. No sign may obstruct any window, door, fire escape, stairway or opening intended to provide light or ingress and egress to or from any building or structure, with the exception that twenty-five percent (25%) of any window may be occupied by a sign or signs subject to the further provisions of this chapter.
- F. No sign may be placed in a position such as to cause a danger to traffic by obscuring visibility.

§ 225-60 Prohibited signs.

- A. The following types of signs are not permitted within the Township of Egg Harbor:
 - (1) Billboards and outdoor display structures, except as per the requirements of § 225-63C of this article. [Amended 12-8-1993 by Ord. No. 53-1993]
 - (2) All roof signs.
 - (3) Signs tacked, pasted, painted or otherwise attached to poles, posts, trees, fences, sidewalks or curbs unless classified as exempt under § 225-58.
 - (4) Exterior signs using moving parts, except clocks.

- (5) No sign other than official traffic control devices or street signs shall be erected within or encroach upon the right-of-way lines of any street unless specifically authorized by other ordinances or regulations of the Township.
 - (6) Rotating or moving signs.
- B. Additional sign restrictions.
- (1) No sign, other than warning or safety signs, which is designed or intended to attract attention by sudden, intermittent or rhythmic movement or physical or lighting change shall be permitted.
 - (2) No sign, other than warning or safety signs, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation shall be permitted.
 - (3) No outdoor off-site commercial advertising sign, other than billboards as per the requirements of § 225-63C of this article or signs advertising agricultural commercial establishments in accordance with N.J.A.C. 7:50-6.109(a)2 shall be permitted in the Pinelands Area.

§ 225-61 General requirements.

- A. Illumination. Illumination devices, such as but not limited to floor lights or spotlights, shall be so placed and so shielded as to prevent the rays of illumination thereof from being cast into neighborhood dwellings and approaching vehicles.
- B. Signs over public right-of-way. No portion of any sign shall be located within or suspended over a public right-of-way.
- C. Setback from residential district. No sign for a business use shall be located closer than twenty-five (25) feet to any residential zone boundary.

§ 225-62 Signs in residential districts.

Signs in residential districts shall be in accordance with the following regulations:

- A. One (1) nonilluminated residential nameplate sign, situated within the property lines and not exceeding two (2) square feet on any one (1) side.
- B. One (1) nonflashing sign advertising a farm or nursery activity situated not less than ten (10) feet from any street or property line and not exceeding ten (10) square feet in area on any one (1) side.
- C. One (1) temporary sign advertising the lease or sale of a lot or construction of the building on which it is placed. Such signs shall be nonflashing, shall be situated within the property lines of the premises to which it relates and shall not exceed eight (8) square feet in total area. Nevertheless, no signs shall be erected or placed on any lot or lots in a proposed subdivision prior to final approval of the plat by the Planning Board.
- D. One (1) nonflashing sign identifying a church, or other such permitted use, not exceeding thirty-two (32) square feet in area and located not less than twenty-five (25) feet from any street or property line.

- E. One nonflashing sign identifying a permitted golf course and not exceeding thirty-two (32) square feet in area on any one (1) side and located not less than twenty-five (25) feet from any street or property line.
- F. One (1) nonflashing sign to identify a permitted professional office which does not exceed six (6) square feet on any one (1) side and located not less than ten (10) feet from any street or property line.
- G. A nonflashing sign(s) identifying a major subdivision or development shall be permitted not less than twenty-five (25) feet from any property line. The entire area of a monument sign shall not exceed thirty-two (32) square feet, and the height shall not exceed six (6) feet. If identification signs are not requested at the time of Board approval, an amendment for the approval is needed and the applicant must appear in front of the Board. The number of freestanding signs permitted is dictated by the number of homes, as follows: [Added 10-11-2006 by Ord. No. 51-2006]
 - (1) Fewer than fifty (50) homes: one (1) sign.
 - (2) Fifty (50) to one hundred (100) homes: two (2) signs.
 - (3) Greater than one hundred (100) homes: to be determined by the Planning Board.

§ 225-63 Signs in business, commercial and industrial districts.

The following signs shall be permitted in business, commercial and industrial districts as an accessory structure to the principal use:

- A. Building mounted signs attached to the main building advertising a business conducted on the premises, subject to the following regulations:
 - (1) One (1) sign per tenant shall be permitted. On lots that front on more than one (1) street, driveway or access drive, additional signs are permitted, providing the total area does not exceed that which is permitted based on the building facade oriented to the primary street frontage, based on street hierarchy.
 - (2) Such sign shall not exceed two (2) square feet in area for each one (1) foot width of the front (based on primary street frontage) building facade which is devoted to the business and to which it is attached; and in no case shall any such sign exceed two hundred fifty (250) square feet on any one side.
 - (3) Such sign shall not project more than fifteen (15) inches from the building facade to which it is attached; provided, however, that where a sign extends more than three (3) inches from the face of said wall, the bottom of said sign shall not be closer than ten (10) feet from the ground level of said sign.
 - (4) Such sign shall not have a vertical dimension in excess of eight (8) feet.
 - (5) Maximum sign height shall be a minimum of one (1) foot below the topmost portion of the structure to which it is attached.
- B. Freestanding signs, subject to the following conditions and regulations:
 - (1) Such signs shall not exceed a height of fifteen (15) feet or the height of the principal building, whichever is the greater, measured from the ground level

to the topmost portion of the structure. Supporting frames for all freestanding signs shall be of permanent materials, such as steel, concrete or masonry. The base of the freestanding sign shall be constructed of masonry block at a height not to exceed thirty-six (36) inches above grade. Landscaping shall be provided around the base.

- (2) The maximum area of any freestanding sign shall be one (1) square foot of surface area on any one (1) side for each five (5)-foot interval of street frontage, except that no freestanding sign shall exceed two hundred fifty (250) square feet in area on any one (1) side.
- (3) Not more than one freestanding sign shall be permitted for each three hundred (300) feet of street frontage on the primary street frontage based on street hierarchy. Freestanding signs shall not be permitted on the secondary street.
- (4) Such sign may be internally lighted with nonglaring lights or may be illuminated by shielded floodlights. No lights of intermittent or flashing type shall be permitted.
- (5) Such signs shall advertise only such businesses as conducted on the premises.
- (6) All freestanding signs shall be located within a curbed area, and no portion of any freestanding sign shall project beyond the curblines of the sign location.
- (7) No freestanding sign shall be located closer to any property line than twenty-five (25) feet.
- (8) A changeable message sign is one where the characters, letters or illustrations can be changed or rearranged without altering or changing the face of the sign. A changeable message sign cannot be animated with any flashing colors. Each changeable message shall be fixed for a minimum of ten (10) seconds before changing to the next message. After dusk, a dimmer light shall be used. No change in the message is permitted from 10 pm to 6 am.
- (9) The project street address number shall be provided on the freestanding sign, and the address is not computed in the sign area computation. The maximum vertical dimension of the street address number shall not exceed twelve (12) inches. (10) Freestanding signage for drive-thru restaurants shall be permitted, subject to the following regulations:
 - (a) Directional signage, limited to signage indicating entrance, exit, thank you, do not enter, or similar language, shall not exceed an area of two square feet.
 - (b) A maximum of two menu boards shall be permitted and the area of each sign shall not exceed 32 square feet and a maximum height of 8 feet measured from grade.
- (10) Temporary signs, banners, flags, balloons, pennants, and the like, shall be permitted, subject to the following:

- (a) The applicant shall be required to obtain a permit from the Zoning Officer for the temporary signage or banner. The applicant is permitted a maximum of three (3) temporary sign per year for promotional events or sales, with a minimum of thirty (30) days between each permit.
- (b) Signage announcing a promotional event or sale may remain on the site for a maximum of fourteen (14) days.
- (c) A temporary sign shall not exceed a maximum height of ten (10) feet.
- (d) No temporary signs may be located closer than twenty-five (25) feet to any property line.
- (e) The temporary signs shall be spaced at intervals of no less than fifty (50) feet, with a maximum of five (5) temporary signs per site.
- (f) Signage for the purposes of announcing a grand opening shall be removed within thirty (30) days of that opening.

C. Billboards and off-premises advertising signs shall be additional permitted principal uses in the GC, M-1 and RCD Zoning Districts, subject to the following regulations:

- (1) The maximum gross surface area per sign face shall be one thousand (1,000) square feet. The advertising surface of the sign shall not exceed a maximum height of twenty-five (25) feet and a maximum length of sixty (60) feet.
- (2) The maximum sign height permitted in the GC, M-1 and RCD Zoning Districts, measured from the adjacent street grade, is sixty (60) feet.
- (3) No sign shall be located closer than twenty-five (25) feet to a property line and an existing or proposed right-of-way line.
- (4) Billboards or off-premises advertising signs shall not be located:
 - (a) Within fifty (50) feet of a structure on the same lot.
 - (b) Within five hundred (500) feet of any residential district.
 - (c) Within one thousand (1,000) feet of an interchange or intersection.
 - (d) Within one thousand (1,000) feet of any other such sign on the same side of the highway. The measurement of one thousand (1,000) feet shall be along the nearest edge of the pavement between points directly opposite the edge of the sign face nearest the pavement edge and shall apply only to signs on the same side of the highway. The point of measurement for back-to-back signs shall be the midpoint between the nearest edge of the back-to-back sign faces.
- (5) A digital or LED billboard is permitted in the GC, M-1 and RCD Zoning Districts. A digital or LED billboard shall conform to the lighting standards as established by the Outdoor Advertising Association of America Brightness criteria (www.oaaa.org) and is subject to any future revisions to those standards. No change in the message shall be permitted between 10 pm and 6 am.

- (6) In addition to the standards in (1) through (5) above, a billboard shall be permitted in the Pinelands Area provided that:
 - (a) For any new billboard, the applicant can demonstrate that, for each new sign, a non-conforming off-site sign pursuant to N.J.A.C. 7:50-6.108(b) has been removed;
 - (b) If a new or existing conforming billboard proposes to have a digital or LED display, it shall meet the following requirements:
 - (i) The electronic message display is programmed to freeze in one position if a malfunction occurs;
 - (ii) The transition of one displayed message to another displayed message is accomplished within one second or less;
 - (iii) The duration of the interval between the end of any transition and the start of its subsequent transition is at least eight seconds; and
 - (iv) The brightness of the display is automatically adjusted based on ambient light conditions through the use of an integrated light sensing device.
 - (c) Except as provided in (b) above, billboards or other off-site signs shall not contain, include, or be illuminated by any flashing, intermittent, scrolling or moving light or lights. All sources of illumination shall be shielded or directed such that light is not directed towards the sky.

D. Any sign permitted in the residential zones.

§ 225-63.1 Public signs in any district.

- A. Signs for any county or municipal owned park, playground, public facility or public building shall be subject to the following standards:
 - (1) In any residential district, one (1) nonflashing sign is permitted which shall not exceed thirty-six (36) square feet in area and shall be located not less than twenty-five (25) feet from any street or property line.
 - (2) In all other zoning districts, one (1) freestanding sign is permitted which shall have a sign area calculated in accordance with §225-63B(2).

SECTION 2: All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD JUNE 20, 2018 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON JULY 18 2018.

Dated: June 20, 2018

Eileen M. Tedesco, RMC
Township Clerk