

ORDINANCE #2196

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 – THE COMPREHENSIVE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF OCEAN

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

Section 21-44 shall be amended to read:

21-44 Sign Permit Required.

It shall be unlawful for any person to erect, replace or alter any advertising sign or structure as defined in this chapter without first obtaining a sign permit. After a sign permit has been obtained, the copy, wording, color or pictures may be changed without the necessity of obtaining a new permit or paying any additional fees, so long as the new copy, wording, color or pictures comply with the provisions of this section and any specific approvals by the Planning Board or the Board of Adjustment, but no change shall be made in the size or shape of a sign nor shall any structural alterations be made without first obtaining a new sign permit. Where a use is a permitted use in the C-4 Zone or a conditionally permitted use subject to the approval of the Planning Board and the requirements of this section conflict with those specifically listed in those sections of this ordinance, those specific requirements shall govern.

21-44.1 General.

- a. All principal buildings in all districts shall be clearly identified as to house number or street number by means of a small unobstructed sign clearly visible and legible from the main abutting street.
- b. Any signs not specifically permitted are hereby prohibited.
- c. Wall signs are not permitted. For the purposes of this section, a wall sign is 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.
- d. No signs except window or special event signs shall be placed on private property except for the purpose of identifying a use or uses actually conducted upon the premises upon which such signs are erected and for no other purpose.
- e. Sign Area Measurement. The area of a sign shall be computed as the total square foot content of the background upon which the lettering illustration or display is presented. If there is no background, the sign area shall be computed as the product of the largest horizontal width and the largest vertical height of lettering illustration or total display. This shall not be construed to include the supporting members of any sign which are used solely for such purpose. For signs with two sides the maximum area requirement shall be permitted on each side. Signs with more than two sides are prohibited.
- f. Sign Height Measurement. The largest vertical height of the background upon which the lettering illustration or display is presented. If there is no background, the height shall be the largest vertical height of the lettering, illustration or total display. If the letters, illustrations or displays are attached directly to the face of the building, the height of the sign shall be the height of the largest letter illustration or total display, whichever is greater. No sign of any type shall be permitted to obstruct driving vision, traffic signals and signs, or similar safety devices or other places of business.
- g. Illumination. All illuminated signs may be either internally or externally illuminated in accordance with the standards found in Subsection 21-46A.
- h. Projecting. No façade or building mounted sign as permitted shall extend or project at any point above or outside the limits of the roof, the highest elevation of the wall to which it is attached, or

above the height of the principal building as defined in this chapter. No signs shall be permitted on accessory buildings.

- i. Line of Sight. No sign shall be located in such a manner as to materially impede the view of any street or intersection. Signs and sign structures of all types shall be set back or elevated sufficiently to allow a clear, unobstructed line of sight from points of ingress or egress for at least 1,000 feet along all abutting streets and highways.
- j. Nonresidential Uses. Nonresidential uses shall be permitted a maximum of two directional signs for each street frontage designated "entrance" or "enter" and "exit". Such directional signs shall be no larger than two square feet each; the top of the sign shall be no more than 30 inches from ground level; and the signs may be internally illuminated. No external illumination shall be permitted. No business names, logos or similar features may be displayed on the directional signs. Directional signs shall have no setback requirements.
- k. Construction; Maintenance. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- l. Stationary. All signs shall be stationary with no moving parts. Signs with a digital message which change more than once every 24 hours shall be considered as signs with moving parts and signs with a digital message that change no more than once every 24 hours shall not be considered to have moving parts. This timing restriction can be waived by the Township of Ocean Chief of Police when required for a public emergency.
- m. Residential. On a lot in a residential district, one sign shall be permitted not to exceed two square feet in area. If illuminated, the direct source of light shall be shielded in such a manner that it is not visible from the street or any adjoining residential property, unless a porch light or lamp post light. A church, school or other public or institutional building may have a monument sign of not more than 60 square feet. Up to 20 square feet of that monument sign may be used as a bulletin board sign. If not attached to the building, all such freestanding signs shall be at least 15 feet from all property lines.
- n. Removal. Removal of business signs shall be within 30 days of the closing of such business at the expense of the owner of said property. Real estate signs shall be removed within seven days after signing the contract of sale, or the signing of a sale transaction, or the execution of a lease. Signs announcing that the premises or portion thereof have been sold, rented or leased may remain for ten days after above transaction.

21-44.2 Subdivision Developments. Subdivision developments involving six or more residential lots may contain signs advertising the sale of the dwelling contained therein as approved by the Planning Board as follows:

- a. One non-illuminated sign no larger than 30 square feet is permitted at each entrance of the development. In addition, customary non-illuminated trade and professional signs no larger than four square feet are permitted on the lots being developed.
- b. All signs permitted under this section shall be removed by the owner within seven days after signing the contract of sale or signing of a sale transaction or the execution of a lease of the last house in the development.

21-44.3 Signs in the Commercial Zones (C-4RSSF, C-2, C-3, C-4, C-5), and Office and Industrial Zones (O-1/20, O-1/40, O-1/80, O-2, I-1). In the foregoing commercial, office, and industrial zones, no sign shall be permitted which is not accessory to the business conducted on the property. Such sign may only be erected providing that it is shown on an approved site plan and all of the requirements of this chapter are met:

- a. Each individual lot in any commercial, office, or industrial zone shall be permitted one free standing sign, provided:
 - 1. The height of the sign structure, including the supporting members, shall not exceed the height of the building plus 20 percent, but at no time shall the height exceed 25 feet.

2. The sign must be set back a minimum of 15 feet from the front street right-of-way line but outside of any required sight triangle easement area.
 3. The area of one side of the sign shall not exceed one square foot for each linear foot the business building sits back from the front street property line, provided that no sign shall exceed 100 square feet in area.
 4. Said sign must be placed within a curbed area of no less than 20 square feet. This area shall be landscaped.
 5. Where a sign is located on the frontage of a site on Route 35, it must be located on the "upstream" side of the entrance drive or drives in order to facilitate safe traffic flow. Signs fronting on southbound Route 35 shall be located north of the entrance drive or drives, and signs located on northbound Route 35 must be located on the south side of the entrance drive or drives.
 6. Corner lots shall be permitted to have one sign for each frontage, but each sign may be no larger than 75% of the maximum total area of a permitted single sign on the property.
- b. Except as noted in paragraph b.5. below, each business shall be permitted one facade sign for each street frontage of the business, provided that:
1. The total sign area for the sign or signs, unless located on a canopy or a projecting sign, permitted on the face of any wall shall not exceed ten percent of the area of the face of the wall upon which such sign or signs are attached. In no case may the area of a sign exceed 150 square feet.
 2. No sign, unless located on a canopy or a projecting sign, shall extend further than 15 inches from the face of the building upon which it is attached, provided that where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than ten feet from the ground level below the sign.
 3. Projecting signs. Where signs project beyond a building façade or wall over a pedestrian way, the lowest part of the sign shall be at least eight (8) feet above the walkway and no higher than ten (10) feet above the walkway. Such a projecting sign would be allowed instead of a flat wall mounted sign. The total permitted area of the projecting sign may be up to six (6) square feet.
 4. In addition to wall signs, each tenant sign in a shopping center shall be allowed one (1) pedestrian oriented tenant identification sign in addition to an attached facade sign. The pedestrian oriented tenant identification sign must be perpendicular to the building façade. Such tenant sign shall be located at the front of the building and at a minimum height of eight (8) feet above the walkway and shall be placed only on or under a canopy or sidewalk cover and shall not exceed six (6) square feet in area.
 5. Signs located on canopies, whether such canopies are permanent or temporary, may extend more than 15" beyond the face of the building upon which the canopy is attached provided that the canopy does not extend more than 5' into the minimum required setback of the zone and shall not create a hinderance to either pedestrian or vehicular traffic. Such canopy sign shall not extend beyond the face of the canopy upon which it is attached. Awning signs may contain only the name of the business, logo and street number. Such messages shall be restricted to the drop leaf (fringe) of the awning and occupying an area no greater than forty (40%) percent of the total drop leaf-area. The drop-leaf of any awning used as an awning sign shall not exceed ten (10") inches in height. No portion of an ownning, other than the drop-leaf fringe may be used as a sign. More than one such awning sign is permitted.
 6. Where multiple businesses within a building are serviced by one or more common entrances, such as in an enclosed mall or office building, only one facade sign shall be permitted per entrance.
7. If there are more than one building on a site, the Planning Board, pursuant to site plan review and approval, may permit signs on more than one façade of a building, including those facades that lack a public entrance, if the applicant demonstrates and the Board finds that such additional signage

promotes a community interest in facilitating the identification of a building as seen by the public. When the Board approves additional identification wall signs, not more than one identification wall sign may be displayed on any one (building) façade.

- c. In addition to the above regulations, all signs permitted in the residential zones are also permitted in the commercial, office and industrial zones.

21-44.4 Signs in the Transitional Office/Residential Zone (T-1). The following signs shall be permitted in the Transitional Office/Residential Zone, provided that:

- a. No sign shall be permitted which is not related to the use on the premises.
- b. One free-standing sign is permitted provided that:
 - 1. All such freestanding signs must be monument style signs. No sign structure shall exceed 5 feet in height.
 - 2. The area of said sign shall not exceed twenty square feet.
 - 3. Said sign shall be set back a minimum of 15 feet from the front street right-of-way and side property lines.
- c. One facade sign shall be permitted on each building per street frontage of the building provided that:
 - 1. The total sign area for the sign or signs permitted on the face of any wall shall not exceed five percent of the area of the face of the wall upon which such sign or signs are attached.
 - 2. No sign, unless located on a canopy, shall extend further than 15 inches from the face of the building upon which it is attached, provided that where a sign extends more than three inches from the face of said wall, the bottom of said sign shall not be closer than ten feet from the ground level below the sign.
 - 3. Signs located on canopies, whether such canopies are permanent or temporary, may extend more than 15" beyond the face of the building upon which the canopy is attached provided that the canopy is not in violation of the setback provisions of the ordinance. Such canopy sign shall not extend beyond the face of the canopy upon which it is attached.
 - 4. The maximum height of any single sign shall not exceed three feet, and the maximum width shall not exceed fifty percent of the width of the wall to which the sign is attached. In no case, may the area of a sign exceed 50 square feet.
- d. Signs shall not be illuminated between the hours of 10 PM and 6 AM.
- e. In addition to the above regulations, all signs permitted in the residential zones are also permitted in Transitional Office/Residential Zones.

21-44.5 Temporary Signs

- a. Any person or organization desiring to erect a temporary sign or signs as set forth hereinafter shall apply for a sign permit from the Township of Ocean for which there shall be a fee of fifteen dollars (\$15.00). No temporary signs of any type shall be erected in any State, County or Township right-of-way.
- b. Temporary Signs for special events may be erected by certain non-profit organizations subject to the following regulations:
 - 1. No sign shall be larger than 4' X 8'.
 - 2. All signs shall have a professional appearance. A draft of the sign shall be submitted to the Zoning Officer for approval to ensure a professional appearance.

3. A no fee permit shall be obtained from the Zoning Officer.
4. No more than three signs shall be displayed and they shall be limited to the following locations:
 - (a) South west corner of Deal Road and Roller Road
 - (b) North west corner of West Park Avenue and the municipal pool exit road
 - (c) East side of Monmouth Road, midway between Brown Place and Lake Avenue
 - (d) North side of Deal Road opposite Logan Road
 - (e) East side of Wickapecko Drive opposite Bimble Boulevard.

Only one sign may be erected at any one time at any of the above locations unless specifically approved by the Township Manager or his designee. In addition to the option of erecting one sign at up to three of the above locations, sign requests for usage of the public message boards will be considered and signage will be permitted on property owned by the non-profit organization subject to the size and time limitations set forth herein.

5. Eligible non-profit organizations must either be based in the Township of Ocean or be conducting an event at a Township of Ocean public facility.
 6. Sign requests cannot be made earlier than sixty (60) days prior to the scheduled start date of the event, will be considered on a first come/first serve basis, cannot be erected for longer than two weeks, and must be removed within 48 hours after the conclusion of the two week period.
- c. Temporary signs may be erected in any commercial, office or industrial zone (C-4RSSF, C-2, C-3, C-4, O-1/20, O-1/40, O-1/80, O-2, I-1) as follows:
1. Temporary signs announcing "sales" of merchandise sold on the premises, are permitted for business establishments other than an automotive gasoline station or automotive service station, in addition to approved permanent signs. The total area of the sign or signs may not exceed ten percent of the front wall area of the establishment and the sign(s) must be removed within seven days after the "sale" is completed. No such sign shall remain in place for a period exceeding 30 days. Only four such "sales" shall be permitted in any calendar year.
 2. Temporary signs are permitted inside windows of commercial establishments not covering more than 25 percent of the total window area. Such temporary signs shall remain in place for a period of not greater than 21 days. Service organization posters shall be exempt from this provision. When temporary signs announcing "sales", as permitted in paragraph "1." above, are located within a window, they shall be included in the calculation of the maximum 25% of total window area permitted under this paragraph.
 3. Free standing signs for such purposes as special sale days. Such signs shall not exceed 16 square feet in total area and shall be erected for no longer than seven days. Said signs may only be erected upon the property of the business holding such sale and no more than one sign shall be permitted per event. No more than five permits may be granted per year per applicant. Said signs shall be set back five feet from front property lines and 15 feet from any side property line.
 4. A temporary sign shall be permitted for grand openings in commercial zones together with flags and banners for no more than 30 days. No more than one sign per street frontage shall be allowed which shall not exceed 16 square feet. Said signs shall be set back five feet from front property lines and 15 feet from any side property line.
 5. Lighter than air balloon and inflatable signs shall be permitted in all commercial zones. Said signs shall be anchored in accordance with the Building Code at a location approved by the Township. They shall be permitted for special sales, grand openings and special events. They shall be permitted for no more than five times a year per property, but never more than once a year for each business on any site. Such signs may not be erected for more than seven days. They must be flown higher than any structure on the property or adjacent property and there must be a person in attendance at all times that the balloon is flown. They may not have

a surface area of more than 750 square feet and they must not be illuminated, nor filled with a flammable gas and no flags or streamers may be attached to same. A certificate of insurance must be provided naming the Township of Ocean as an additional insured in the minimum amounts of three hundred thousand/five hundred thousand (\$300,000/\$500,000) dollars. Heavier than air balloons shall comply with the requirements of lighter than air balloons except that: no certificate of insurance need be provided; they shall be ground mounted; and the surface area shall not exceed 100 square feet.

6. Banners which are primarily decorative in nature and not designed to convey a sales message are permitted on light poles within an off-street parking lot during the holiday sales season between November 15 and January 15. Such banners shall be hung vertically pendant from the light poles and shall not be fashioned to create horizontal spans across the parking lot. A decorative banner shall not exceed 30 square feet in area nor exceed three feet in width. Not more than two such banners shall be hung from any one pole.
7. Sidewalk signs may be erected in front of each business having its own separate entrance onto a sidewalk at street level. Such signs may be placed upon the sidewalk in front of the place of business and solely during the hours said business is in operation, one sign meeting all of the following restrictions:
 - (a) The sign shall have a maximum width of 30 inches, maximum height of 42 inches and maximum depth of 20 inches;
 - (b) The sign shall be located no closer than ten (10) feet to the side lease area or property line or building wall of a business (whichever is less), however, in the case of a business or building having a front wall of less than twenty (20) feet, the sign shall be located as near to the center of the structure as practicable. The sign shall be further located within four (4) feet of either the outside edge of the sidewalk or the front of the building, provided further, however, that a sixty (60) inch wide unobstructed path shall be maintained at all times on the sidewalk;
 - (c) The sign shall be constructed of weather resistant materials (no paper, fiberboard, foamcore board, corrugated paper or unfinished wood materials shall be permitted), and shall be constructed and/or weighted so as to be impervious to the effects of strong winds as approved by the Zoning Officer or his designee. The sign shall be maintained at all times in good repair and shall not be permitted to weather, fade, peel, crack or otherwise deteriorate;
 - (d) The sign is subject to the issuance of an annual permit which may be renewed.
 - (e) The Fire Marshal and/or Chief of Police shall have the right to prohibit or further restrict the location of any sidewalk sign which, in their sole discretion, they deem by virtue of the sign's construction or location, to constitute a safety hazard to the public.
8. Each shopping center shall be permitted to display one temporary freestanding or "A" frame (sandwich board) sign under the control of the property owner. The applicant desiring to display such a sign shall obtain an annual temporary sign permit from the Zoning Officer. The Zoning Officer shall issue a permit number and an expiration date for the sign which the applicant shall clearly display on the sign face; thereafter, the applicant shall notify the Zoning Officer of the proposed location and duration of display of the temporary sign. The permit may be renewed annually upon review by the Zoning Officer. Not more than one annual permit shall be issued to a site. The maximum area of the sign shall not exceed 20 square feet. In addition, the sign must be located a minimum of 10' from any property line and must be located on a sidewalk or within a curbed landscaped area. If the sign is located on a sidewalk, a sixty (60) inch wide unobstructed path shall be maintained at all times on the sidewalk.

21-44.6 Prohibited Signs.

- a. No sign of any type, temporary or permanent, shall be erected which is of a form, character, or shape, so as to confuse or dangerously detract the attention of the operator of a motor vehicle. A mannequin, costumed individual, sign walker or animated device located at roadside for the purpose of attracting attention shall be considered such a sign and is expressly prohibited.
- b. Signs placed on trees, utility poles, light poles, signs attached to other signs and signs placed upon motor vehicles which are continuously or repeatedly parked in a conspicuous location to serve as a sign shall be prohibited.

- c. Any series of two or more signs placed along a street or highway carrying an advertising message, part of which is contained on each sign shall be prohibited.

21-44.7 Exempt Signs. The following signs shall be permitted only in accordance with the following standards and shall not require a permit.

- a. Temporary election signs, not to exceed four feet by four feet, may be erected in all zones. No more than one such sign per candidate or issue shall be permitted on any single property. Such signs shall not be installed sooner than one month prior to the election on the same calendar day as the election. For example, if an election is to be held on November 4, election signs may not be erected prior to October 4. Such signs must be removed within five days following said election by the candidate or organization erecting same at his or its expense.
- b. A temporary non-illuminated sign advertising the sale or rental of a premises or portion thereof shall be, if not attached to the building, set back at least 10 feet from all street lines. Corner lots are permitted to have up to two such signs, but each sign must be located on a different street frontage. The maximum allowable area of such signs shall not exceed the following:
 - 1. In all residential zones, the area shall not exceed five (5) square feet.
 - 2. In all non-residential zones where there is no frontage on either Highway 35 or Highway 66, the area shall not exceed nine (9) square feet.
 - 3. For all properties that have frontage on either Highway 35 or Highway 66, the area shall not exceed twelve (12) square feet plus inserts of 6" X 24".

The maximum height of any such sign in any zone shall not exceed six (6) feet. These provisions shall further apply to all signs announcing that the premises or portion thereof have been sold, rented or leased. Such signs must be removed within a period of seven days after conclusion of sale or rental transaction. The total number of signs shall not exceed one such sign per lot in any residential zone, or one such sign per business or vacant parcel in any other zone.

- c. A temporary non-illuminated job sign shall be permitted on residential property. Such job sign shall provide information related to work which is actively being engaged in on the property. Such signs shall include, but not be limited to, building contractors, roofers, painters, and landscapers. This shall not be construed to include signs for work of a very limited duration or of a repetitive nature, for example, lawn maintenance services or chimney cleaning services which shall not be permitted. Job signs shall not exceed four square feet and must be set back a minimum of ten (10) feet from any street line. The total number of signs shall not exceed one such sign per lot. Such signs must be removed immediately upon the completion of the work, but in no case may the sign of any one contractor be displayed for more than thirty days in any calendar year.
- d. For all non-residential property where one or more businesses or uses occupy a single building, side and rear entrances may contain a sign indicating the occupant of that space. Such signs shall be stenciled or professionally lettered. Each individual letter shall be 3" to 5" tall. No information other than the name of the occupant may be included in the sign. Upon the change of the occupant, the sign must be removed or re-lettered with the new name of the subs.

All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.

If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

This ordinance shall take effect following the final adoption and publication pursuant to the law and subject to the filing of a copy of same with the Monmouth County Planning Board.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved		X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused	X				

CERTIFICATION

*I hereby certify that this is a true copy of a Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **January 23, 2013**.*

 Vincent Buttiglieri, RMC/CMC/MMC
 Township Clerk