

**TOWNSHIP OF LAFAYETTE
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2010-10

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XIII (ZONING) OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII of the Township of Lafayette Code, being the Zoning Chapter, shall be and is amended as follows:

Section 1. Section 13-5 shall be and is hereby amended by the addition of the following new definitions:

“**Sign, A-frame** shall mean a sign typically mounted on an A-frame with copy on both sides, directing attention to products sold or services supplied.”

“**Sign, window** shall mean a sign that is applied to or attached to the exterior or interior of a window or placed within three (3) feet of an exterior window, but excludes merchandise in a window display.”

“**Sign, LED** shall mean digital signage that uses Light Emitting Diode (LED) screens as the digital display where content is displayed as an image.”

“**Sign, political** shall mean a temporary sign presenting information expressing support for or opposition to a candidate or candidates for public office, a political party, or ballot measure, presenting an issue to be voted upon, or pertaining to protected speech or an upcoming election.”

“**Sign, projecting** shall mean a sign other than a wall sign that is attached to or projects more than eight (8) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.”

“**Sign, roof** shall mean a sign erected, constructed, maintained, and/or mounted on or over the roof of any building, principally supported by the roof of the building.”

“**Sign, wall** shall mean a sign that is any manner affixed to any exterior wall of a building or structure and that projects no more than eight (8) inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.”

“**Silo** shall mean a tall cylindrical structure utilized for storage, related to agricultural uses only.”

Section 2. Section 13-5 shall be and is hereby amended by the revision of the following definition:

“**Sign, window** shall mean a sign that is applied to or attached to the exterior or interior of a window or placed within three (3) feet of an exterior window, but excludes merchandise in a window display.”

Section 3. Section 13-5 shall be and is hereby amended by the deletion of the definition of “Sign, portable” in its entirety.

Section 4. Section 13-17 shall be deleted in its entirety and the following new Sign Regulations adopted:

13-17 SIGNS; GENERAL REGULATIONS.

13-17.1 Purpose.

Lafayette Township is a rural community, and in order to preserve the Township as a desirable area in which to live and do business, a pleasing, visually attractive rustic environment is of foremost importance. The regulation of signs within the Township is a highly contributive means by which to achieve this desired end. These sign regulations are prepared with the intent of enhancing the rural environment and promoting the continued well-being of the Township.

The purpose of this Ordinance is to protect the safety and orderly development of the community through the regulation of signs and sign structures. Lafayette Township has a legitimate interest in aesthetics and safety, justifying the regulation of signs. This Ordinance promotes the substantial governmental goals of safety and aesthetics, without burdening substantially more speech than necessary to further government's legitimate interests. It is also the function of this Ordinance to promote public health, safety, and general welfare through a comprehensive system of reasonable, consistent and non-discriminatory sign standards and requirements. These sign regulations are intended to:

- a) Enable the identification of places of residence and business.
- b) Allow for the communication of information necessary for conducting business.
- c) Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs that compete for the attention of pedestrians and vehicular traffic.
- d) Enhance the attractiveness and economic well being of the Township as a place to live and conduct business.
- e) Protect the public from the dangers of unsafe signs.
- f) Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
- g) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- h) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
- i) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
- j) Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
- k) Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists, or pedestrians.
- l) Require signs to be constructed, installed and maintained in a safe and satisfactory manner.
- m) Preserve and enhance the natural, rural, and scenic characteristics of the Township.

Any sign erected shall conform to the provisions of this Ordinance and the provisions of any ordinance or regulation within the Township of Lafayette.

13-17.2 General Provisions.

a. Signs in rights-of-way. No sign other than an official sign shall be erected within two (2) feet of any street line, or within any public way, unless specifically authorized by other ordinances, statutes or regulations of the Township of Lafayette or by specific authorization of the Zoning Officer or other governmental entity.

b. Traffic visibility. No signs or sign structures shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

c. Maintenance, repair and removal. Every **sign** and **sign structure** permitted by this ordinance shall be kept in good condition and repair. The re-painting, re-lettering or repair of an existing sign shall not constitute a new sign or change in a sign as long as the area of the sign is not increased. When any sign or sign structure becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 14 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 14 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

d. Obsolete Sign Copy. Any sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must be removed within 90 days from the date of termination of such use, unless approval for any extension of time is requested from and granted by the code official. Upon failure to comply in a timely manner, the code official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which the sign is located.

e. Illuminated signs. Illuminated signs shall be permitted only in nonresidential zones, and such signs shall be externally illuminated and the light source for such signs shall be above the sign and such light source shall be concealed; except that in residential zones no more than one (1) reasonable illuminated street address sign or combination nameplate and street address sign containing no advertising copy and not exceeding two (2) square feet in area shall be permitted.

f. Design. Signs shall be based on an integrated design theme, the design of which shall be in harmony and consistent with, the architecture and materials of the principal structures and the landscaping plan.

g. **Wall signs**. Such signs shall not project beyond the wall on which they are mounted in any direction and shall not project more than eight (8) inches from the façade of the building.

h. **Projecting signs**. Such signs shall not extend more than four (4) feet from the face of the structure on which mounted and in no case shall such a sign project beyond any property line or over any public rights-of-way. The bottom of the sign shall be at least eight (8) feet above ground level.

i. Wiring. All wiring, whether electrical or otherwise, for freestanding signs shall be underground and in accordance with all codes.

j. **Window Signs**. Window signs designed to promote the sale of any merchandise or business activity shall not exceed 20% of any total window area.

13-17.3 Existing Signs.

Any sign legally existing at the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

a. All legal nonconforming signs shall be removed or shall be altered to conform to the provisions of this Section when any such sign is changed or modified in shape, size, illumination or structure.

b. All legal nonconforming signs may be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50% of the replacement cost of the sign as determined by the code official.

c. Legal nonconforming signs may be temporarily removed for maintenance, cleaning, painting or repair, provided that the sign is re-attached in the same location within 60 days of its removal. If the sign is not re-attached in the location or within the 60 day time period, the sign shall be required to conform to the provisions of this section.

13-17.4 Permits Required.

Unless specifically exempted, a permit must be obtained from the Zoning Officer for all signs erected, altered or relocated within the Township of Lafayette. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner involved from the responsibility for the erection and maintenance of the sign in a safe manner and in a manner in accordance with all other provisions of this Ordinance.

13-17.5 Construction Documents.

Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required.

13-17.6 Changes To Signs.

No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

13-17.7 Permit Fees.

Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within the Township of Lafayette.

- a. The requirement for a permit fee shall not apply to:
 - i. **Window signs**
 - ii. **Political signs**
 - iii. Temporary Real Estate signs
 - iv. **Temporary sign** for public use or nonprofit organization purposes
 - v. **A-frame signs**
 - vi. Temporary construction signs

13-17.8 Prohibited Signs.

The following signs shall be specifically prohibited:

- a. No signs shall be attached to any utility pole, public light standard or any other public facility located within the public right-of-way.
- b. **Temporary signs**, except as permitted for in 13-17.10.
- c. Moving or revolving signs and signs using waving, blinking, flashing, vibrating, flickering and/or sequential lighting.
- d. **Roof signs**.

- e. Signs causing interference with radio or television reception.
- f. Signs obstructing doors, fire escapes or stairways or keeping light or air from windows used for living quarters.
- g. Signs placed on awnings, fences or signs attached to other signs.
- h. Signs shall not be painted on or affixed to water towers, storage tanks, silos, smokestacks or similar structures or to trees, rocks or other natural things.
- i. The use and display of strings or streamers of flags, pennants, banners (except if a permit is approved and obtained for special promotions, events and grand openings as set forth in 13-17.10b), balloons, spotlights or spinners or similar objects and devices across, upon, over or along any premises or building, whether as a part of any sign or for advertising or public attraction or otherwise, are prohibited in any zone; provided, however, that this provision shall not apply to decorations customarily used for holiday display or Township celebration.
- j. Advertising display signs attached to vehicles with the exception of temporary signs as provided in 13-17.10 unless required by law.
- k. **Neon signs**
- l. All billboards and all signs or advertising devices not expressly related to the business being conducted on the premises.

m. **LED signs**

13-17.9 Exempt Signs.

The following signs shall be exempt from the provisions of this chapter, other than Sections 13-17.2 and 13-17.8:

- a. Official signs or official notices authorized by a court, public body or public safety official.
- b. Directional, warning or information signs authorized by federal, state or municipal governments.
- c. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
- d. The flag of a government or noncommercial institution such as a school, and one (1) flag per lot, a maximum of five (5) square feet in area, with such sign's copy limited to designating the business or that it is open.
- e. Religious symbols and seasonal decorations within the appropriate public holiday season.
- f. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
- g. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed two (2) square feet in area. There shall be no more than one (1) sign per lot and such sign may be reasonably illuminated.
- h. Signs approved and/or required by the Farmland Preservation Program designating the property as an approved preserved farm.
- i. No Hunting, No Fishing, No Trespassing and Garage Sale signs provided that each sign shall be a maximum of four (4) square feet in area.

j. **Political Signs**, subject to 13-17.10d.

k. **A-frame Signs**, subject to 13-17.10f.

13-17.10 Temporary Signs.

a. Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

i. Real estate signs located on a single residential lot shall be limited to one (1) sign except that on a corner lot one (1) sign may face each street. The sign(s) shall not be greater than six (6) square feet in area and must otherwise conform to the general sign requirements set forth in 13-17.2. Such real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease or the closing of the sale in the event of a purchase.

ii. Real estate signs advertising subdivisions of land and projects requiring site plan approval which have received preliminary or final approval shall be limited to one sign per entrance to the subdivision or site provided that no such sign shall exceed 24 square feet in area, nor be located closer than 20 feet to any street line. Such sign permits shall be valid for a period of six (6) months and then such signs shall be removed, unless the permit is renewed. Such signs shall be removed in the case of land subdivisions, when 75% of the lots created have been sold and in the case of projects receiving site plan approval, upon the issuance of a certificate of occupancy

iii. Real estate signs advertising the sale or lease of space within commercial or industrial buildings or the sale or lease of vacant commercial or industrial land shall be no greater than 32 square feet and shall be limited to one sign per street front. Such real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

iv. Not more than one (1) additional real estate sign shall be displayed on any property scheduled for an open house. The sign may only be displayed seven (7) days in advance of the open house and must be removed immediately after the event is concluded. The sign shall not exceed six (6) square feet in area and must otherwise conform to the general sign requirements set forth at 13-17.2.

b. Special promotion, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for approved uses in all non-residential zones only, subject to the following limitations:

i. Such signs shall be limited to one (1) sign per street front.

ii. Such signs may be displayed not more than 14 consecutive days in any 3-month period, and not more than 56 days in any calendar year. The signs shall be erected no more than 12 days prior to the event or grand opening, and shall be removed not more than two (2) days after the event or grand opening.

iii. The total area of all such signs shall not exceed 24 square feet.

iv. No sign displayed to advertise special promotions, events and grand openings shall be erected until the proper permit is obtained.

c. **Public use or Nonprofit organization** purposes. Signs temporarily displayed to advertise public or charitable purposes or events shall be permitted in any zone subject to the following limitations:

i. No such sign shall advertise, promote or be for the special advantage or benefit of any individual, company, business use or establishment or product.

ii. No sign shall be erected more than 30 days before the event is to take place; and all signs shall be removed within 7 days after the event.

iii. Permits are required, but the fees shall be waived for any public organization or a non-profit organization that has been approved for a 501(c)(3) designation. The application for the sign shall contain the signature of the owner of the property, indicating consent, and the signature of an authorized representative of the organization, indicating the organization is responsible for the sign.

iv. The sign may be attached to a vehicle but such sign shall conform to all other requirements for signs in the zone in which the sign is located.

v. The total area of all signs on any lot advertising a public use or nonprofit organization event shall not exceed 24 square feet in area, and no more than four (4) signs for any one (1) event may be placed upon any lot.

d. Political Signs.

Political signs may be placed in any zone, subject to the following requirements:

i. No more than four (4) political signs may be placed upon any lot.

ii. No **political sign** shall exceed four (4) square feet in area.

iii. No **political sign** shall be erected more than 60 days before the political event is to take place and all signs shall be removed within seven (7) days after the political event.

e. Construction Signs.

Signs pertaining to the construction, repair and/or remodeling of any building may be placed in any zone, subject to the following conditions:

i. There shall be only one (1) sign and it shall be located at the principal entrance to the lot.

ii. The sign will not exceed 16 square feet in area.

iii. The sign shall be removed within seven (7) days after completion of the construction work.

f. A-frame Signs. Temporary signs which are typically mounted on an A-frame and have copy on both sides which direct attention to products sold or services supplied may be placed in all but residential zones subject to the following conditions:

i. All **A-frame signs** shall be located within five (5) feet from the main entrance of the business.

ii. The total area of the sign shall not exceed six (6) square feet per side.

iii. One (1) sign for each lot is permitted except for lots with multi-businesses which are limited to one (1) A-frame sign per business.

iv. All **A-frame signs** must be removed nightly and may not interfere with pedestrian or vehicular traffic.

13-17.11 Sign Area Measurement.

The area of any sign shall be computed as the total square foot content of the background upon which the lettering, illustration or display is presented, including in such background, any decorative motif or moldings and also including any enclosed open space, such as space between name panels or open space which is part of an ornamental design. Where a sign has a double face, only one (1) side of the sign will be used when computing the total square footage of the sign. If the lettering, illustration or display is not affixed to a background but is affixed directly to the wall of a building or other structure, the area of a sign shall be computed as the product of the largest horizontal distance and the largest vertical distance of the lettering, illustration or display. The supporting members of any sign, which are used exclusively for such purpose, shall not

be included in the computation of the area of the sign. Window signs shall not be included in calculating the total sign area of a building.

13-17.12 Signs permitted in the R-5, R-4, R-2.5 and AH-1 Zones.

The following signs shall be permitted:

- a. Temporary Real Estate signs as per regulations in 13-17.10a.
- b. Temporary Public use or nonprofit organization purposes signs per regulations in 13-17.10c.
- c. **Political signs** per regulations in 13-17.10d.
- d. No more than one (1) street address sign or combination nameplate and street address sign per lot that contains no advertising copy and which does not exceed two (2) square feet in area, and may be reasonably illuminated.
- e. For agricultural uses the following signs are permitted:
 - i. One (1) identification sign, not more than 18 square feet in area, identifying the farm, the address and the type of farm.
 - ii. For agricultural products produced and sold on site, not more than two (2) additional signs that advertise the availability of the agricultural products are permitted, the total area of which will not exceed 16 square feet per sign.
- f. In residential zones permitting cluster development, one (1) sign, not exceeding 18 square feet in area, publicizing the name of the cluster development.
- g. One (1) free standing sign advertising professional services or home occupations, not exceeding two (2) square feet in area and one attached building sign not exceeding three (3) square feet in area.
- h. Signs permitted in the front yard area of residential zones shall be set back at least ten (10) feet from the street line and shall not exceed six (6) feet in total height nor be closer to the ground than three (3) feet, except as may be hereinafter specifically permitted. Signs in all other yards shall conform to the setbacks required for all structures.

13.17-13 Signs permitted in zones other than the R-5, R-4, R-2.5 and AH-1 Zones.

The following signs shall be permitted:

- a. All signs permitted in the R-5, R-4, R-2.5 and AH-1 Zones.
- b. Any business establishment may display one (1) or more signs relating to its business. The maximum area of any single sign shall not exceed twenty-four (24) square feet and the maximum area of all signs on a single lot shall not exceed fifty (50) square feet.
- c. In the case of a shopping center or industrial park development, the maximum area of any single sign shall not exceed twenty-four (24) square feet and the maximum area of all signs for each use located in the shopping center or industrial park shall not exceed twenty-four (24) square feet.
- d. The total area of all signs permitted on the face of any wall shall not exceed five (5%) percent of the area of the face of the wall, including windows and doors, upon which such signs are attached and the maximum height of any such sign shall not exceed ten (10%) percent of the height of the wall, except that such sign can be at least two (2) feet in height. The maximum width of any sign shall not exceed fifty (50%) percent of the width of the wall to which it is attached or twelve (12) feet in width, whichever is less.
- e. Where a sign extends more than three (3) inches from the face of the wall, the bottom of such sign shall be at least eight (8) feet above ground level. Signs overhanging

any public or private walkway shall not extend more than three (3) inches from the face of the wall to which it is attached.

f. No more than one (1) sign shall be permitted on one (1) façade of a building for each use, business or person coming within the provision of this section.

g. One (1) free standing sign may be permitted on each lot, in the front yard area, not exceeding eighteen (18) square feet in area.

13-17.14 Enforcement.

a. Inspection. The code official shall inspect each sign for which a permit is required upon completion of its installation.

b. Violations. In the event any sign is found to be in violation of this Ordinance the code official shall notify the owner of such sign and the owner of the property on which the sign is erected of such violation in writing, and the owner shall within 14 days correct such violation.

c. Penalties. Noncompliance with any of the provisions or requirements of this Ordinance shall constitute a violation thereof, and any person who so violates this Ordinance and does not correct such violation within 14 days of notice of such may be subject to a fine not to exceed \$50 per day. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

13-17.15 Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 5. Section §8-1.3(a)(4) shall be amended by the addition of the following:

The fee for a permit for a **temporary sign** shall be fifty (\$50) dollars, which shall be valid for a maximum of six (6) months.

Section 6. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 7. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 8. This Ordinance shall take effect after publication and passage according to law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed by the Lafayette Township Committee at a meeting held on May 4, 2010 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on June 1, 2010.

Mayor:

Municipal Clerk: