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TOWNSHIP OF BYRAM
NEW JERSEY

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 } Plca/zon.

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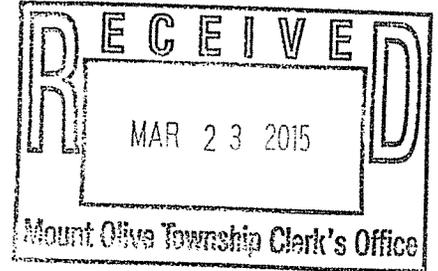
WEBSITE ADDRESS:
www.byramtwp.org

March 20, 2015

TO: Green Township Stanhope Borough
Andover Township Mt. Olive Township
Andover Borough Allamuchy Township
Sparta Township Roxbury Township
Hopatcong Borough Sussex County Planning Board

FROM: Doris J. Flynn, RMC, Township Clerk

RE: Land Use Ordinances



Pursuant to the provisions of N.J.S.A. 40:49-2.1, enclosed please find a copy of the following proposed ordinance:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 240 ZONING OF THE TOWNSHIP OF BYRAM CODE

Purpose Statement: The purpose of this Ordinance is to organize, consolidate and supplement signage regulation in the Byram Township Land Use Development Code, so as to facilitate compliance with said regulations and allow for more efficient review and enforcement by the Township.

NOTICE is hereby given that the above titled Ordinance was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 17th day of March, 2015. The said ordinance will be further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on the 21st day of April, 2015 at 7:30 p.m. at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies are available to the public at the Clerk's office between the hours of 8:30 a.m. and 4:30 p.m.

**BYRAM TOWNSHIP
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. X – 2015**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 240 ZONING OF
THE TOWNSHIP OF BYRAM CODE**

Purpose Statement: The purpose of this Ordinance is to organize, consolidate and supplement signage regulation in the Byram Township Land Use Development Code, so as to facilitate compliance with said regulations and allow for more efficient review and enforcement by the Township.

WHEREAS, the Township of Byram's Planning Board ("the Planning Board" or "the Board") recognizes that signage regulation under the Byram Township Land Use Code has historically proven problematic; and

WHEREAS, the Planning Board has advised the Byram Township Council ("the Township Council" or "the Council") on the need for various amendments to the signage provisions of the Byram Township Land Use Development Code; and

WHEREAS, the Planning Board, in consultation with the Township Planner, has proposed changes to the Land Development Code that will organize, consolidate and simplify the sign provisions of the ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Byram, County of Sussex, State of New Jersey, that:

SECTION 1. Article III Definitions - Section 240-7 Terms Defined shall include the following definitions.

AWNING - A roof-like structure of fabric or similar non-rigid material attached to a rigid frame that is supported completely or partially by either an exterior building wall or wall exterior to an individual tenant space.

SIGN -- Any device, fixture, placard or structure that uses color, form, picture, display, graphic, illumination, symbol or writing to advertise, attract attention to, announce the purpose of or identify a person, entity or thing or to communicate any information to the public.

SIGN, AWNING - A sign incorporated into or attached to an awning.

SIGN, CONTRACTOR - A temporary sign pertaining to the performance of contractor services (builder, roofer, landscaper, architect, general contractor, etc) on the premises, or a portion of the premises, on which the sign is located.

SIGN, DIRECTIONAL -- Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance" and "exit."

SIGN, DIRECTORY - A sign used to identify tenants and businesses in a multi-tenant building.

SIGN, FREESTANDING -- Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

SIGN, GROUND – Any sign in which the entire bottom is in contact with the ground.

SIGN, IDENTIFICATION – A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SIGN, NAMEPLATE -- A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

SIGN, PERMANENT -- Any sign that is painted directly on the window glass with permanent paint or that is mounted by bolts or screw, or otherwise in a permanent fashion, on a permanent structure.

SIGN, POLITICAL -- A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

SIGN, PROJECTING - A sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of a building.

SIGN, REAL ESTATE -- A temporary sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

SIGN, ROOF -- A sign that is mounted on the roof a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deckline of a building with a mansard roof.

SIGN, SANDWICH BOARD – A two-sided sign that is not affixed to a building, structure or the ground and therefor portable. Sign shall not be illuminated, animated or have moving parts.

SIGN, SPECIAL EVENT – A temporary sign advertising a grand opening, new tenancy or a special event. Sign shall not be illuminated, animated or have moving parts.

SIGN, TEMPORARY -- Any sign designed or intended to be displayed for a short period of time. Sign shall not be illuminated, animated or have moving parts.

SIGN, WALL -- Any sign attached parallel to, but within ten (10) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW -- Any sign that is placed within 24 inches of a window or upon the window panes or glass and is visible from the exterior of the window.

SECTION 2. ARTICLE VIII SIGNS shall be a revised article with new sections. Repeal current Article VIII and sections 46, 47, 48, 49 & 50 and replace with new text as follows.

ARTICLE VIII SIGNS

240-46 Permit Required

No individual, firm, partnership or corporation shall construct within the Township any signs, as defined in § 240-7, except as herein provided. An application for a permit to construct or erect a sign shall be made to the Zoning Officer and Construction Official, which application shall include plans of sufficient detail to administer this article.

240-46.1 Sign Measurement

- A. Area of sign shall be computed by means of the smallest square, circle, oval, rectangle, triangle that will encompass the extreme limits of the writing, graphic illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign used to differentiate the sign from the backdrop or structure against which it is placed.
- B. Where the sign is supported by a post or pylon the surface of which is illuminated and/or

being used for advertising purposes, the area of the post, pylon or other supporting member will be included when calculating the total sign area.

- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other geometric shape, which encompasses all letters and symbols.
- D. Height of sign shall be the vertical distance from grade plane to the top of the highest point of the sign structure for freestanding, directory and ground signs and the highest point of the material or color forming an integral part of the background of the sign for wall, projecting, awning and window signs.

240-46.2 Sign Illumination

- A. Internally illuminated signs shall have characters, letters, figures and designs that are illuminated by electric lights as part of the sign proper, with dark or translucent background, and shall not blink or flash.
- B. Externally lit signs shall be located in such a manner so as not to cause glare on any adjacent property or residential uses. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located.
- C. External lights used for the illumination of a sign on a building, whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than 18 feet above the street level of the premises, whichever is less.
- D. Illuminated signs shall be illuminated only during the hours of operation of the business which it advertises.

240-46.3 General Sign Standards

- A. Signs shall be in harmony with and consistent with the architectural style of the building. Signs shall relate to the architectural features of the building in terms of location, scale, colors, and materials.
- B. There shall be consistent sign design throughout a particular project. The design elements include style of lettering, construction material, size and illumination.
- C. Freestanding signs shall be integrated with the landscaping on site.
- D. No signs shall be erected, placed on, or attached to a structure or erected independently for any purpose other than to advertise a permitted business or use conducted on the same premises. Signage for a business or other purpose located off-site is not permitted.
- E. Signs shall be considered accessory uses in all zones and shall be subordinate to a use on the same property.
- F. No sign except infrastructure and traffic control devices of a duly constituted government shall be erected within the public street right-of-way. No sign shall be placed upon any property without the consent of the property owner.
- G. No sign shall be erected so that any part of the sign or its supporting members project over a permitted setback line or height limit.
- H. Signs shall be either ground mounted, freestanding or attached to a building in an approved manner. Freestanding signs shall be supported by one (1), but not more than two (2), columns or uprights firmly imbedded in the ground. Exposed guy wires, braces or other connections shall not be permitted.
- I. Wall signs shall not obscure, conflict with or cover any architectural element and must be aligned with major building elements such as windows, trim and structure lines.

- J. No sign shall extend or project above the highest elevation of the wall to which it is attached or above the lowest part of the roofline of the building, whichever is less. Where signs project beyond a building facade or wall over a pedestrian way, the lowest part of the sign shall be at least eight (8) feet above the walkway.
- K. Wall, fascia or attached signs shall be firmly attached to the exterior wall of a building and shall not project more than fifteen (15) inches.
- L. No electric wiring associated with a sign shall be visible to public view.
- M. Business buildings located on corner lots shall be construed as having frontage on both streets, and signs as regulated in this section shall be permitted accordingly.
- N. Any sign deemed necessary to the public welfare may be approved by the Township Council upon receipt of prior recommendation from the Planning Board.

240-47 Signs in Residential Districts

In the residential districts, the following signs shall be allowed without a permit so long as such signs are erected and located in such a manner so as not to create a safety hazard as determined by the Zoning Officer.

- A. No-trespassing signs not more than two square feet in area.
- B. No-hunting signs not more than two square feet in area.
- C. One customary nameplate sign not more than two square feet in area which may be either non-illuminated or indirectly illuminated provided that the source of light is shielded in such a manner that it does not shed glare onto the street or any other adjoining property.
- D. Real Estate Signs advertising the sale or rental of the premises upon which said sign has been erected or a sign indicating that said premises have been sold or rented, provided that:
 - 1. Such temporary signs shall be erected only on the premises to which they relate. They shall not be permitted on any other property.
 - 2. The area of any such temporary sign shall not exceed six (6) square feet.
 - 3. Not more than one such temporary sign shall be placed on any property held in single and separate ownership.
 - 4. Such temporary signs shall be removed promptly within ten (10) days after an agreement of sale or rental has been entered into. A "sold" sign may be then located on the site for a period not to exceed fifteen (15) days.
- E. Political Signs advertising political preference, parties, propositions, referendums or candidates for election may be posted thirty (30) days prior to Election Day. The sign shall not be lighted, shall not exceed six (6) square feet, shall not be located in any sight triangle and must be removed within seven (7) days after Election Day.
- F. Contractor Signs identifying architects, builders, and contractors working on premises shall be permitted on the property during the time their work is actively being performed at the site. The sign shall not be lighted, shall not exceed six (6) square feet, shall not be located in any sight triangle and shall be removed within 7 days after the work is completed.

240-47.1 Number of Signs in Non-Residential Districts

- A. A maximum of three permitted signs or space on permitted sign types, in combination, shall be allowed for each permitted nonresidential use in any one structure, for any new development or change of use, or upon renovation of existing uses or structures.
- B. There shall only be one of each of the permitted signs or space on permitted sign types dedicated to each permitted use on any one façade or ground space.

- C. When more than one business is proposed or exists in any one structure or on any one property, all proposed signage shall be uniform, with the same combination of sizes, types and materials used.
- D. When more than one business is proposed or exists in any one structure or on any one property, there shall be allowed only one directory sign, freestanding sign or ground sign on the property which shall be shared by each business or to identify the property by name. The single directory sign, freestanding sign or ground sign shall count toward the maximum of three permitted signs per use.
- E. Mixed-use or residential structures containing more than two dwelling units are permitted only one identification sign no larger than six square feet.
- F. Signs advertising a commercial use are prohibited above the first floor of any structure where residential uses exist on the second floor.
- G. Restrictions on the number of signs shall not pertain to signs located within a Family Theme Recreation Park, when not visible from the property line of said lots upon which the park is located, except that they shall be subject to the approval of the Planning Board upon site plan review.

240-47.2 Permitted Signs in Non-Residential Districts

- A. Any sign permitted in Residential District per 240-47
- B. Awning Signs
 - 1. Permitted in all Commercial and Mixed Use Zones
 - 2. Limited to the business name and/or logo and street address, which shall not cover more than 25% of the total square footage of the surface of the awning, including the flap.
 - 3. Signage is only permitted on one surface or side of the awning.
 - 4. Stretched plastic or vinyl awnings are prohibited.
- C. Directional Signs
 - 1. Permitted in all Commercial and Mixed Use Zones
 - 2. Shall not count toward the total number of signs permitted
 - 3. Limited to two signs per ingress or egress and two signs per drive-thru lane, if necessary
 - 4. Maximum area of sign of 2 square feet and a height of sign of 3 feet.
 - 5. Minimum setback from the property line is one foot.
- D. Directory Signs
 - 1. Permitted in Village Center, Village Business, Neighborhood Commercial and Industrial Professional Recreational Zoning Districts
 - 2. Limited to the business name and/or logo, whose area of sign shall not be more than two square feet per tenant and shall not to exceed 20 square feet in total.
 - 3. Maximum height of sign of 6 feet.
 - 4. Directory signs are permitted in addition to a freestanding sign or ground sign only if a lot contains 3 or more uses.
 - 5. Minimum setback from the property line is ten feet
 - 6. One directory sign is permitted per lot.
- E. Freestanding Signs
 - 1. Permitted in Village Business; Commercial Recreation, Industrial Professional Recreational and Golf Course Zoning Districts.
 - 2. Limited to the business name and/or logo and street address, whose area shall not

be more than 32 square feet.

3. Maximum height of sign of 12 feet.
4. Minimum setback from the property line is 15 feet.
5. One freestanding sign is permitted per lot.
6. If the sign is to be double sided, both sides of the sign shall have the same graphics and any one side shall not exceed 32 square feet.

F. Ground Signs

1. Permitted in Village Business, Commercial Recreation, Industrial Professional Recreational and Golf Course Zoning Districts.
2. Limited to the business name and/or logo and street address, whose area shall not be more than 32 square feet.
3. Limited to a height of sign of 8 feet.
4. Minimum setback from the property line is 10 feet.
5. One ground sign is permitted per lot.
6. If the sign is to be double sided, both sides of the sign shall have the same graphics and any one side shall not exceed 32 square feet.

G. Projecting Signs

1. Permitted in Village Business, Village Center and Industrial Professional Recreational Zoning Districts.
2. Limited to the business name and/or logo and street address, whose area shall have a maximum square footage of four feet.
3. Only one projecting sign is allowed per business and it must occur on the same side of the building as the main entrance for the business.

H. Wall Signs

1. Permitted in all Commercial and Mixed Use Zones
2. Limited to the business name and/or logo and street address, whose area shall not be more than 15% of the total square footage of the façade for a single use building and not more than 15% of the first floor facade of the storefront to be advertised in a multi-use building.
3. Only one wall sign is allowed per business and it must occur on the same side of the building as the main entrance for the business.

I. Window Signs

1. Permitted in all Commercial and Mixed Use Zones
2. Area shall not be more than 25% of the total square footage of a single window.
3. Sign is only allowed on the same side of the building as the main entrance for the business.
4. Shall not count toward the total number of signs permitted.

- J. Family Theme Recreation Park - There shall be no restrictions on the placement or size of signs within a Family Theme Recreation Park, when not visible from the property line, except that they shall be subject to the approval of the Planning Board upon site plan review. Signs visible from the property line shall conform to size and placement of the signs existing at the time of the adoption of this ordinance.

240-48 Temporary Signs in Non-Residential Districts

A. Special Event Signs will be permitted subject to the following:

1. A sign permit must be granted by the Zoning Officer prior to the installation of any special event sign.

2. Special Event Signs in the Neighborhood Commercial, Village Business and Industrial Professional Recreational Zoning Districts shall be no larger than 16 square feet. Temporary signs in any other zone district shall be no larger than 6 square feet.
 3. One Special Event Sign shall be permitted per property or tenant at any one time.
 4. Special Event Sign permits are limited to no more than 4 times per property or tenant per calendar year.
 5. Special Event Signs may remain for no longer than 30 days and shall be removed within seven (7) days of any special event.
 6. Special Event Signs may not be displayed on any trees, telephone poles or lighting stanchions, shall not be located in any public right of way or create any visual obstruction as to be a traffic hazard.
- B. Sandwich Board Signs will be permitted for pedestrian traffic, not highway traffic, subject to the following:
1. A sign permit must be granted by the Zoning Officer prior to the installation of any sandwich board sign.
 2. Sandwich Board Signs shall be permitted in the Neighborhood Commercial, Village Center, Village Business and Industrial Professional Recreational Zoning Districts.
 3. One Sandwich Board Sign shall be permitted per property or tenant at any one time.
 4. Sandwich Board Signs shall be displayed only during the hours of operation of the business which it advertises. Sandwich Board signs for businesses with 24 hour operations shall only be displayed from 7 am to 12 am.
 5. Sandwich Board Signs shall be no larger than 8 square feet, and shall not exceed two linear feet in width, with a maximum height of 48 inches.
 6. Sandwich Board Signs must be located in such a manner as to leave a minimum of 4 feet of clearance for pedestrian traffic, and should be no more than 15 feet from the building and 2 feet from the curb.
 7. No Sandwich Board Signs may be located in any parking space, drive aisle or other paved element of site parking or circulation.
- C. The following signs shall not require a sign permit and shall be permitted as provided below:
1. All signs located within buildings that are not visible to the public outside said building.
 2. Temporary signs of a non-profit or charitable organization for a specific event, which shall be removed within seven (7) days of any special event.
 3. Temporary Signs permitted in Residential Zones.

240-49 Nonconforming Signs

- A. Nonconforming signs may not be enlarged or otherwise altered.
- B. Existing nonconforming signs may continue to exist until modified in shape, size, illumination or structure; any modification shall require conformance to the provisions of this section.
- C. Any nonconforming sign that is damaged by any means can only be built to its original condition. Any modification in shape, size, illumination or structure shall require

conformance to the provisions of this section.

240-50 Prohibited Signs

- A. Billboards and any other off-site advertising. All signs must be for a use on the property.
- B. Signs on accessory structures/buildings, street furniture (e.g. benches, tables, bike racks, etc.), fences, utility poles, trees, railway or road bridges, bridge supports or abutments, retaining walls or water towers.
- C. A sign, device or object installed or placed on the roof of any structure for the purpose of advertising.
- D. Signs lit by means of a flashing light, or that are moving, mobile, revolving, electrically and/or mechanically activated in whole or in part.
- E. Signs with the optical illusion of movement by means of a design that presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy.
- F. LED, LCD or other electronic scrolling or video signs, including all moving pictures, text and/or animation.
- G. Inflatable signs and/or tethered balloons or neon or gas-filled decorations that outline facade elements or windows
- H. Commercial signs in a window that serves a residential use.
- I. The use and display of portable signs, windsocks, banners, strings, streamers of flags, pennants, spinners, or similar objects and devices across, upon, over or along any premises or building, whether as part of a sign or for advertising or public attraction, or otherwise, except for:
 - 1. Real Estate Signs, Political Signs, Contractor Signs, Special Event Signs, and Sandwich Board Signs as provided for in this section.
 - 2. Temporary decorations customarily used for holidays or for special events, as may be approved by the Township.
- K. Signs that are placed on, or affixed to, vehicles and/or trailers parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way, to advertise a product, service or activity or direct people to a business or activity located on the same or nearby property. This is not intended to prohibit signs placed on or affixed to vehicles or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, the latter may not be parked on commercial property overnight or for more than a twenty-four-hour period for advertisement purposes.
- L. Signs that obstruct any window or door opening used as a means of egress, or interfere with an opening required for ventilation, or are attached to or obstruct any standpipe, fire escape or fire hydrant.
- M. Signs that obstruct the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare.
- N. Any other sign not specifically permitted.

SECTION 3. SEVERABILITY.

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 4. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

	Councilwoman Raffay	Councilman Gray	Councilman Olson	Councilwoman Kash	Mayor Oscovitch
Motion	x				
2nd			x		
Yes	x	x	x	x	x
No					
Abstain					
Absent					

INTRODUCED: March 17, 2015

ADOPTED:

ATTEST:

TOWNSHIP OF BYRAM

Doris Flynn, Clerk

James Oscovitch, Mayor

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Byram, in the County of Sussex, New Jersey, held on March 17, 2015 introduced and read by title and passed on the first reading and that said Township Mayor and Council will further consider the Ordinance for second reading and final passage thereof at a meeting to be held on April 21, 2015 at 7:30 p.m., at the Township of Byram Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey, at which time and place a public hearing will be held thereon by the Township Council and all persons and citizens interested shall have an opportunity to be heard concerning same. Copies of this Ordinance will be available in the Clerk's office, Monday through Friday, 8:30 a.m. to 4:30 p.m.

