

ORDINANCE NO. 2015-24

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 490,
PLANNING AND DEVELOPMENT REGULATIONS, PERTAINING TO
SIGNS

offered the following ordinance and moved its introduction on first reading:

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 490 of the Revised General Ordinances of the Borough of Red Bank, Monmouth County is hereby amended and supplemented as follows:

SECTION 1. §490-6, Definitions, is hereby amended to supplement or revise the following definitions (text to be deleted with ~~strikethrough~~, additions and revisions in underline):

EXEMPT DEVELOPMENT

Site plan and/or subdivision approval shall not be required prior to issuance of a development permit for the following:

- A. Construction, additions or alterations related to single-family or two-family detached dwellings on individual lots.
- B. Interior alterations which do not increase the required number of off-street parking spaces.
- C. Exterior alterations which are not otherwise restricted by this chapter and, in the opinion of the administrative officer:
 - (1) Do not materially change the means of access;
 - (2) Do not substantially change the architectural design or appearance of a structure; and
 - (3) Do not substantially increase the apparent size, shape or mass of a structure.
- D. Any change in occupancy which is not a change in use (as herein defined) and is not part of a development previously approved for shared parking pursuant to **§490-98P(3)** of this chapter.
- E. Any increase in the total number of employees, number of employees in any shift, or the number of vehicles to be stored or parked on the site not exceeding 25% of the amount existing at the time of passage of this chapter or as set forth at the time of a previous site plan approval.
- F. Construction or installation of underground facilities which do not alter the general use, appearance or grade of the site.
- G. Divisions of property, and conveyances so as to combine existing lots, which are not considered to be subdivisions in accordance with the definition of "subdivision" contained within this section.
- H. Erection of a sign classified as an exempt development pursuant to §490-104D(2) a Minor Sign, as defined in §490-104D of this chapter.
- I. Individual applications for accessory mechanical equipment, accessory storage structures and accessory uses not exceeding 100 square feet in area, whose operation and location conform to the design and performance standards of this chapter and whose installation is on a site already occupied by an active principal use for which site plan approval is not otherwise required.

GRAPHIC CONTENT OF SIGN

All words, letters, numbers, symbols, colors, shapes, etc., which appear on the sign face and are intended to convey a visual message. Total graphic content coverage of a sign shall be measured

by computing the area of the smallest geometric figure which can encompass all words, letters, figures, logos and other elements of the sign message. The use of decorative light fixtures to illuminate the sign shall not be included in the total graphic content coverage calculation, so long as the fixtures are not part of the specific visual message of the sign.

NONCONFORMING SIGN

Signs that do not meet the classification of a Permitted Conforming Sign that are either:

- A. Not permitted by the zoning district as an accessory use in Schedule B; or
- B. Do not meet the details and design standards described in 490-104C and for the particular sign type in Schedule A

PERMITTED CONFORMING SIGN

Signs listed as a permitted accessory use in Schedule B of this Chapter and conform in all respects to the details for each sign type pursuant to Schedule A of this chapter, shall be considered a conforming sign.

REVERSE CHANNEL BACKLIT SIGN

A sign exposed to artificial lighting by lights reflected off of rear surface(s).



SHADOW LIT SIGNS

See "Reverse Channel Backlit Sign"

SIGNABLE AREA

That portion of a building fronting a public roadway or public parking facility extending from the finished grade of the building to the bottom of the lowest second-floor windowsill or to a height of 20 feet, whichever is less, and along the entire length of the building which fronts a the public street or public parking area facility.

SPECIAL EVENTS SIGN

A temporary sign advertising coming events, civic or political activities or other similar functions. A special events sign shall not exceed the dimensions of 36 inches by 72 inches.

SECTION 2. §490-104, Signs, is hereby amended as follows (text to be deleted with strikethrough, text to be added with underline):

[Amended by Ord. No. 1988-21; Ord. No. 1992-28; Ord. No. 1999-6; Ord. No. 2002-17; Ord. No. 2003-41]

All signs shall conform to the provisions of this section and to the applicable requirements

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A. General objectives:

- (1) To provide a pleasing overall environmental setting and good community appearance, deemed vital to the continued economic attractiveness of Red Bank by:
 - (a) Encouraging signs in areas of high sign concentration, such as downtown, neighborhood retail areas, and highway corridors, so that the placement, color, shape, brackets, support structures, mountings, design and lighting promote good civic design that supports the visual quality and positive collective impact and image of such areas;
 - (b) Promoting signs that, in addition to the standards herein, are also integrated with the overall design of their host building in a way respectful of and complimentary to the historic and architectural character of the building;
 - (c) Permitting signs that not only identify the "presence" of the business or use on a thoroughfare, but also generate a positive collective impact upon the streetscape of an area;
 - (d) Encouraging flexibility that permits creative and innovative designs, while being generally consistent with the community character of Red Bank; and
 - (e) Ensuring that signs in designated historic districts are designed to protect and preserve the historic character of the district.
- (2) To create a more productive, enterprising, professional business atmosphere.
- (3) To allow signs appropriate to the architectural and planned character and development of each zoning district.
- (4) To promote the design of signs in pedestrian corridors that focus upon pedestrian viewers and not automobile operators.
- (5) To facilitate fire and police protection by proper sign identification.

(1)(6) To protect the public health, safety and welfare by restricting signs which impair the public's ability to receive information, violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision.

(2)(7) To encourage signs which promote a desirable visual environment through creative yet orderly design arrangements.

(3)(8) To encourage signs which aid orientation, identify activities, describe local history and character or serve other educational purposes.

(4)(9) To encourage the replacement of nonconforming signs by conforming signs through the strict enforcement of the procedures and requirements of this section.

(10) To protect and enhance the value of properties by eliminating visual chaos and pollution.

B. Application procedures.

(1) Application for development permit.

(a) Application shall be made to the administrative officer for the issuance of a development permit by any person wishing to erect, alter, modify, or expand any sign, except minor signs as described in Subsection D(1) Section D of this section.

(b) If the administrative officer determines that a sign requires the issuance of a

development permit and is an exempt development a permitted conforming sign, the officer shall

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issue a development permit. The applicant may then apply for a sign construction permit and any other permits that may be required.

(c) If the administrative officer determines that the proposed sign is not ~~an exempt development~~ **a permitted conforming sign or is part of a subdivision or site plan**, the officer shall instruct the applicant that Planning Board or Board of Adjustment approval of an application for development is required, and the officer shall further advise the applicant which Board has jurisdiction in accordance with the following schedule:

Sign Type	Board Jurisdiction
Permitted conforming sign:	Administrative Officer
Signs requiring the issuance of a conditional use permit only	Planning Board
Signs indicated on plats which are part of a development application before the Planning Board	Planning Board
Signs indicated on plats which are part of a development application before the Board of Adjustment	Board of Adjustment
Signs not permitted	Board of Adjustment

(d) If the sign is located in a district that is under the jurisdiction of a supplementary review board in addition to the ones enumerated in B(1)(c), the administrative officer shall send a copy of the application to the following boards, who will have 7 business days to review and provide comments to the administrative officer:

[1]. If the proposed sign will be located in the Washington Street Historic District, the Central Business Zone Historic District, or is located on the Borough's inventory of historic sites, the administrative officer shall send the application to the Historic Preservation Commission and the Historic District Committee of the Planning Board for review and comment.

[2]. If the proposed sign will be located in the Red Bank RiverCenter district, the administrative officer shall send the application to the River Center Visual Improvement Committee. These entities will have 10 days to provide comments to the administrative officer.

(2) Content of application for development. All applications for development which involves only signs shall be submitted in accordance with the requirements of §§ 490-60 and 490-62.

(3) Variances and waivers.

a. The administrative officer shall observe the following in determining the need for approval of variances and waivers in connection with development applications for signs:

Nonconformity	Approval Required	Jurisdiction
(a) Sign not permitted, including a sign in excess of the number permitted and/or exceeding the maximum size or height allowed for any permitted or conditional use sign	Special reasons variances pursuant to § 490-8K(1)(d)	Board of Adjustment

Nonconformity		Approval Required	Jurisdiction
(b) Failure to conform to particular standards for a sign which is a conditional use		Variance pursuant to § 490-8K(1)(d)	Board of Adjustment
(c) Failure to conform to size, height or (b) setback requirements NOTE: If the size and/or height requested exceeds that allowed for any permitted or conditional use sign, Paragraph (a) hereof applies.		Variance pursuant to § 490-7K(9)(a)[1] or 490-8K(1)(c)	Planning Board or Board of Adjustment
(d) Failure to conform to particular design standard details other than those included in Paragraph (c) above		Design deficiency waiver pursuant to § 490-79E	Planning Board or Board of Adjustment

(b) When the sign is indicated on a plat which is part of a site plan, variance or subdivision application, the provision of Subsection B(1)(c) shall control with respect to Paragraphs (c) and (d) [within Subsection D(4)(a) above]. Paragraphs (b) and (c) [within Subsection above].

C. General standards. The following general standards shall apply to all signs:

(1) Prohibited signs. All signs not specifically permitted are prohibited.

(2) **A sign must be on the tax lot, building, or storefront with which it is identified.** Signs to shall relate to use of property. All signs, unless specifically stated otherwise in this section, shall relate to the use or occupancy of the property upon which the sign is located.

(3) **Upon vacation of the property, signage will be removed, as described in Subsection H (Abandonment).**

(4) **No sign shall extend more than three feet (3') into a public right-of-way or between the street curb and a sidewalk, other than an easel sign, projecting sign, or awning sign without obtaining an easement from the borough.**

(3) **(5) Modification of graphic content.** The graphic content of a sign may be modified without obtaining a development permit, provided that the proposed graphic content complies with all applicable provisions of this section, except that any condition of approval contained in a resolution of either the Planning Board or Board of Adjustment, which specifies graphic content of the sign, shall require that a new or amended approval be issued by said Board prior to graphic content modification.

(4) **(6) Illumination.**

(a) Unless specifically stated otherwise in this section, all signs may be either internally or externally illuminated in accordance with the standards found in § 490-54C(12) of this chapter.

(b) **Signs or lights reflecting or emitting a glaring light which could impair driver vision, reflected signs, and light-projected signs are prohibited.**

(c) **Illumination of a sign shall be arranged so that no substantial light or glare is directed or reflected onto adjacent streets or properties. The installation and assembly shall meet all applicable building and electrical codes.**

(b) **(d) An illuminated sign located on a lot adjacent to or across the street from any**

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of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours.

(e) (e) No sign shall contain blinking, flashing, flickering, tracer or sequential lighting and shall remain stationary and constant in intensity and color at all times.

(d) (f) All wiring for permanent illuminated signs shall be installed and maintained so that it is not within public view. The running of wiring or conduit along the exterior wall of a building to access a sign is specifically prohibited, except that the Construction Official may permit exterior conduit if in the judgment of the Official there is no practical way to run the conduit so that it is not within public view.

(g) The use of decorative light fixtures, such as gooseneck, hooded, historic reproduction, and alcove fixtures, complimentary to the design of building, sign, or site are permitted.

(h) Neon lights in designated historic districts should be used only where it was historically utilized as a primary signage element of the building, or on buildings with compatible architectural styling, as determined by the Historic Preservation Commission.

(i) Signs should be evenly lit with no isolated bright or dark spots.

(j) No substantial light or glare may be directed or reflected onto adjacent streets or properties.

(k) Internally illuminated box signs, i.e., light box or backlit signs, or illuminated signs which contain or utilize nonopaque material are only permitted in the Highway Business District, Light Industrial District and Industrial Districts. Internally illuminated signs that use individual channel letters are permitted, as are reverse channel backlit signs, otherwise known as shadow-lit signs, are however permitted.

(l) With the exception of an informational sign used to designate if a business is presently open, illuminated signs within a building and visible from a public street or public parking facility shall not be located within 24 inches of a window.

(e) Intensity of illumination. For purposes of illumination, existing areas are classified as either low or high illumination areas.

[1] A "low illumination area" is defined as places where, at night, the average maintained footcandle level is equal to or less than 1.5 footcandles.

[2] A "high illumination area" is defined as places where, at night, the average maintained footcandle level is greater than 1.5 footcandles.

[a] For externally lighted signs, the following shall apply:

Lamp Type	Maximum Illumination (watts/feet ²)	
	Low Illumination Area	High Illumination Area
Incandescent	7.1	14.3
Quartz	7.1	14.3
Fluorescent	2.1	4.2
Mercury vapor	2.1	5.7
Metal halide	1.6	3.2
High pressure sodium	1.4	2.9

[b] For internally lighted signs, the following shall apply:

Lamp Type	Maximum Illumination (watts/feet ²)	
	Low Illumination Area	High Illumination Area
Fluorescent	8.0	12.0
Incandescent	27.2	40.0

(5) (7) Obstruction of accessways. No sign or sign structure shall obstruct a fire escape, door, window, or other required accessway. No sign shall be attached to a standpipe or fire escape, except those signs required by the Municipal Authority.

(6) (8) Obstruction of window surface. No sign shall project over, occupy or obstruct any window surface required for light or ventilation by any application by any applicable law, ordinance or regulation.

(7) (9) Traffic safety.

(a) No sign shall be maintained at any location where, by reason of its position, size, shape, content or color, it may, in the opinion of the Chief of Police, obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.

(b) No sign which uses the words "stop," "look," "caution," "danger," or any similar wording, which may confuse or mislead the public, shall be permitted.

(c) No sign, nor any part of a sign, shall obstruct the sight triangle required by § 490-34 of this chapter.

(8) Signs in rights of way. No sign or any part of a sign, except Type J or U signs or publicly owned or authorized signs, shall be placed in or extend into or over any public right of way.

(9) (10) Sign permanency. All signs shall be securely affixed in a permanent manner to either the ground or building, unless specifically stated otherwise in this section.

(10) (11) Signs affixed to certain structures. No sign shall be affixed to any roof, tree, fence, utility pole, or other similar structure, nor placed upon motor vehicles which are continually or repeatedly parked in a conspicuous location to serve as a sign; however, nothing is intended to prohibit the placement of signs, not exceeding three feet in any dimension, directing traffic or identifying various parking locations within a lot on light poles and utility poles erected therein. Signs painted on pavement surfaces shall be restricted to traffic control markings only.

(11) (12) Advertising flags, banners, pinwheels. No advertising flags, banners, pinwheels, portable signs, or similar advertising devices shall be permitted, except in accordance with Subsection E(2) Subsection D(7) or Subsection F of this section or as directed or authorized by the municipality.

(12) (13) Animated or moving signs. No animated or moving signs shall be permitted, except for the required movement of time and temperature displays.

(13) (14) Painted signs. No sign may be painted directly on the surface of any building, wall, fence or similar structure.

(14) (15) Sparkling and glittering signs. No sign may utilize reflection-enhanced or fluorescent colors or contain any material which sparkles, reflects or glitters; however, nothing herein

is intended to prohibit the use of reflective paint on signs directing traffic or identifying various locations within a property.

(15) (16) Sign measurement.

~~(a) Area to be included. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign, unless such structure or bracing is made part of the message or sign face, and provided that such structure or bracing has a total horizontal projected width less than 20% of the sign width or six inches. Where a sign has two sign faces back to back and parallel to each other, the area of only one face shall be included in determining the area of the sign.~~

~~(b) Area of signs with backing. The area of all signs with backing shall be measured by computing the area of the sign backing.~~

~~(c) Area of signs without backing. The area of all signs without backing shall be measured by computing the area of the smallest geometric figure which can encompass all words, letters, figures, emblems and other elements of the sign message with a clearance of at least four inches from any such element.~~

~~(d) Area of signs with and without backing. The area of all signs formed by a combination of elements with and without backing shall be measured by combining the area of such elements measured in accordance with the foregoing subsections.~~

(a) Measurement of the sign area of any sign shall be computed by determining the area of the smallest quadrilateral into which the sign can be fit, inclusive of decorative borders and other design elements, as permitted by this chapter. In the case of double-sided signs, the sign area shall be measured by using the area of only one side of the sign. The sign structure shall not be included as a portion of the sign area, provided that no identifying or advertising message is displayed on the sign structure. The area of all signs formed by a combination of elements with and without backing shall be measured by combining the area of such elements measured in accordance with the foregoing subsections.

~~(e) (b) Permitted shape appurtenances to sign area. Notwithstanding the restrictions found elsewhere in this section concerning sign face shape and area, sign shape appurtenances, in accordance with the following standards, shall be permitted and excluded from the computation of permitted sign area:~~

A.[1] [1] Permitted sign shape appurtenances applicable to sign types as indicated in Schedule

[a] Sign appurtenances shall be permitted only when designed as an integral part of the sign, constructed of similar materials, and graphically compatible in color, shape, position, and scale with the permitted sign face.

[b] Sign appurtenances cannot increase the proposed sign area by greater than 15%.

[c] Sign appurtenances cannot extend above or below the sign face by a distance greater than 25% of the sign face height.

[d] Sign appurtenances cannot project outward beyond the face of the proposed sign **by more than 12 inches (12").**

[1]:Editor's Note: Schedule A is included at the end of this chapter.

(f) (c) Height of signs. Sign height shall be measured between average grade and the highest point of the highest element of the sign.

(17) Sign colors influence a sign's legibility, character, and general appearance. Colors should be compatible with the style and color scheme of the building and its neighbors. Color schemes should be kept simple, limited to two or three colors, and based on a host building's painted exterior detailing, such as window trim and cornices. Earth tones, primary colors, and pastels are appropriate and can be designed with subtle combinations and variations. Fluorescent, luminescent, and iridescent colors and tones should only be used for traffic safety signs. Signs with a strong color contrast are more legible. A sign with a dark background will make lighter lettering more visible. Additional standards apply in the design district overlay zone § 490-55 as determined by the Historic Preservation Commission and the Historic Preservation Committee of the Planning Board.

(18) Sign materials. High-quality materials will ensure that a sign will look attractive, reduce maintenance costs, and last longer. Sign materials and finished textures should complement the building materials and community character. Permanent signs should be made of wood, high-density foam simulating wood, medium-density overlay and finished plywood, brass, copper, or bronze. Cotton and mixed fabrics should be used for awning signs only. Plastic and lexan materials should be used for internally illuminated signs.

(19) Placement. Many buildings have spaces that are specifically designed for signs, such as the area below the second floor windowsill or on a building or sign fascia. Signs should be integrated with the building without obscuring important architectural details or storefront windows. Signs should be mounted so as to minimize damage to historic materials. Sign supports should be finished with architectural details to complement the sign, such as ornamental iron or brass supports and routed wood posts and edges to provide detail and relief. Window and door signs should avoid cluttering and blocking views. This will help increase customer interest and business visibility, viability, and safety.

(16) Multiple sign faces. No sign may contain more than one sign face, except that two sign faces back to back and parallel to each other (no angle between sign faces) (commonly known as a "double-faced sign") shall be permitted. No double-faced sign shall be greater than 18 inches in thickness as measured between sign faces.

(17) (20) Graphic content coverage. The maximum coverage of any sign face by graphic contents shall not exceed 60%-75%.

(18) (21) Billboards. Billboards, as defined in § 490-6 of this chapter, shall not be permitted within the Borough. Billboards existing prior to adoption of this section shall be permitted and may be repaired and maintained as required but may not be enlarged or moved from their foundation or support footings. No replacement of a billboard shall be permitted upon removal or demolition of an existing billboard.

(19) (22) Location. Except for all signs affixed to a building or some other structure, as permitted by this subsection, all other signs shall be erected no closer than eight feet from any curbline. For properties with a principal structure located less than eight feet from the curbline, a sign may be located no closer than 1/2 the distance between that structure and the curbline or may be affixed to that building or principal structure. In no case may any sign be located in the public right-of-way. [Added 4-14-2008 by Ord. No. 2008-3]

(23) Letter height. Signs shall meet the standards for minimum letter height as designated in Schedule A-Sign Regulations. Messages accessory to the primary sign title, such as a

slogan or the date the business was established, shall be exempt from the minimum letter height, but shall be included in the calculation of graphic content coverage.

D. Permitted signs. Minor Signs. The following signs shall be considered minor signs and shall be exempt from the requirement of obtaining a development permit:

~~(1) Minor signs. The following signs shall be considered minor signs and shall be exempt from the requirement of obtaining a development permit:~~

~~(a) (1) Governmental signs erected or authorized by a governmental unit.~~

~~(2) Historical identification signs, provided that such signs are limited to no more than one wall or ground sign per occupancy; are no more than six square feet in area; are not illuminated; and contain no commercial advertising. However, the installation of historic identification signs must receive a certificate of appropriateness from the Historic Preservation Commission.~~

~~(b) (3) Nameplate signs, provided that such signs are limited to no more than one wall or ground sign per occupancy; are no more than 75 square inches in area; are nonilluminated, or externally illuminated; and, if a ground sign, are no more than three feet in height.~~

~~(c) (4) Warning signs, provided that such signs are limited to no more than two wall or ground signs per occupancy; are no more than three square feet in area each; are nonilluminated; and, if a ground sign, are no higher than three feet in height.~~

~~(d) (5) Construction signs, provided that such signs are limited to no more than one wall or ground sign per parcel; are no more than 32 square feet in area; are nonilluminated; and are maintained for no more than 14 days following the conclusion of the construction in question.~~

~~(e) (6) Nonilluminated window signs visible in windows of business uses abutting a public roadway or parking facility that indicate if a business is presently open, provided that the total graphic content coverage area of a window sign shall not exceed 20% of the area of the window in which it is exhibited, and the aggregate area of all window signs shall not exceed 15% of the total window area of all windows containing any signs; provided, however, that a minimum of 20 square feet of window signs will be permitted regardless of window area covered.~~

~~(f) Special events signs, provided that there are no more than three places in any business at any given time and they are nonilluminated and are maintained for a period of no longer than 45 days before the applicable event nor more than three days after such event.~~

(7) Special sales and events signs, subject to the following:

(a) Special events signs, provided such signs:

- i. Are nonilluminated;
- ii. Are maintained for a period of no longer than 45 days before the applicable event;
- iii. Are removed no more than three days after such event;
- iv. Shall not exceed 36 inches by 72 inches in area; and,
- v. May be displayed for an aggregate period of not more than 45 days in any twelve month period.

(b) Private sale and event signs, provided such signs:

- i. Such signs are no more than six square feet in area;
- ii. Are located entirely on the premises where such sale or event is to be conducted or on other private property pursuant to the owner's consent;

- iii. Are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign;
- iv. Are erected not more than 36 hours in advance of such sale or 45 days in advance of such event;
- v. Are removed on the day following the conclusion of such sale or event; and,
- vi. No more than four signs may be placed on any business property nor more than one on any residential property.

(c) Special sales signs, provided such signs:

- i. Shall be permitted only in zoning districts where Type B signs are permitted (Schedule B);
- ii. Total of all special sales signs may not occupy more than 40% of the signable area;
- iii. Special sales signs may occupy any portion of any window subject to Subsection C(8) of this section; and,
- iv. May be displayed for a period of not more than 30 days for each sales event.

(g) (8) Real estate signs, provided that such signs:

[Amended 4-14-2008 by Ord. No. 2008-3]

~~[1] (a)~~ Are limited to no more than one nonilluminated, temporary wall or ground sign pertaining to the lease, rental, or sale of the same lot or building upon which it is placed;

~~[2] (b)~~ Are not more than six square feet in area per residential lot or 10 square feet in area per nonresidential lot;

~~[3] (c)~~ Are no higher than six feet if a ground sign;

~~[4] (d)~~ Are erected or displayed not less than eight feet from any curbline. For properties with a principal structure located less than eight feet from the curbline, the standards set forth in Subsection C(19) ~~C(22)~~ of this section shall apply;

~~[5] (e)~~ Must be removed from the premises within seven days after the property is sold or leased; and

~~[6] (f)~~ Use of the word "sold" or any other notation to indicate that the real estate is no longer on the market is specifically prohibited.

~~(h) (9)~~ On-site informational signs, provided that each sign is limited to a wall, window or ground sign of not more than two square feet in area and not more than seven feet in height above grade. The sign may include a business name or logo but shall not include any advertising message. In locations where more than one business share a common vehicular access, signs marking entrances and exits shall contain only the name of the shopping or business center. Multiple signs identifying each tenant or use are specifically prohibited.

~~(i) (10)~~ Flags and emblems of a government or of a political, civic, philanthropic, educational or religious organization.

~~(j) Private sale and event signs, provided that such signs are no more than six square feet in area; are located entirely on the premises where such sale or event is to be conducted or on other private property pursuant to the owner's consent; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than~~

~~36 hours in advance of such sale or 45 days in advance of such event; and are removed on the day following the conclusion of such sale or event. No more than four signs may be placed on any business property nor more than one on any residential property.~~

(k) (11) Portable signs, but only for motor vehicle service stations and subject to these restrictions:

[1] (a) Maximum size: 48 inches by 60 inches.

[2] (b) Maximum two per motor vehicle service station.

[3] (c) May only display price or special sale information.

[4] (d) May only be displayed when station is open for business.

(l) (12) Traffic signs and signals: temporary or permanent traffic signs and signals installed or authorized by the Borough, county, or state for the purpose of directing and regulating the flow of traffic.

(m) (13) Public transportation signs: signs indicating public transportation stops when installed or authorized by the Borough or a public transportation authority or agency.

(n) (14) Vacated property signs, provided that only one such sign shall be provided, either affixed to a building wall or located within a window, not exceeding six square feet in area, nor displayed for longer than 60 days following vacating the property.

(o) (15) Signs on machines: signs which are an integral part of vending machines, including gasoline pumps, milk and ice machines, provided that they do not collectively exceed three square feet in area per machine.

(p) (16) Interior signs: signs which are located within buildings and not within 18 inches of a window visible from a public street or public parking facility.

(q) (17) Political signs. Such signs shall not be more than 14 square feet in area per lot. Signs shall be located entirely on private property pursuant to the owner's consent and shall be clearly marked with the name, address and telephone number of the person responsible for the removal of such signs. Political signs directed towards elections shall be removed within 14 days following such election.

(r) ~~Special sales signs, meeting the restrictions of Subsection E(2)(a)[1] and [2] of this section, displayed not more than three days prior nor three days after these sale days:~~

[1] Washington's Birthday.

[2] Columbus Day.

[3] Any sale day or group of sale days designated as such by resolution of the Borough Council.

(2) ~~Exempt signs. The following signs, when listed as a permitted accessory use in a specific zone as stated in Article X of this chapter and conforming in all respects to the details for each sign type, shall be considered an exempt development under this section:~~

(a) ~~Sign types A, B, G1, G2, G3, G4, W1, W2, W3, P1, R1, R2, R3 (See Schedule A.[2]), when not requested as part of an application for site plan, subdivision, or conditional use approval before the Planning Board or Board of Adjustment.~~

~~[2]: Editor's Note: Schedule A is included at the end of this chapter.~~

~~(3) Nonexempt signs. The following signs are not exempt and require development permit approval:~~

~~(a) Signs that are not listed as a permitted accessory use in the zone.~~

~~(b) Signs that do not conform, in all respects, to the details and design standards for the particular type.~~

~~(c) Signs that require the issuance of a conditional use permit in accordance with the standards specified in § 490-133, including sign types R-C1, P-C1, W-C1, W-C2, G-C1, G-C2 and G-C3.[3]~~

~~[3]: Editor's Note: Amended at time of codification of the Planning and Development Regulations.~~

~~(d) All signs when requested as part of an application for site plan, subdivision, or conditional use approval before the Planning Board or Board of Adjustment.~~

~~(e) Signs not permitted.~~

~~(4) Variances and waivers.~~

~~(a) The administrative officer shall observe the following in determining the need for approval of variances and waivers in connection with development applications for signs:~~

Nonconformity	Approval Required	Jurisdiction
(a) Sign not permitted, including a sign in excess of the number permitted and/or exceeding the maximum size or height allowed for any permitted or conditional use sign	Special reasons variances pursuant to § 490-8K(1)(d)	Board of Adjustment
(b) Failure to conform to particular standards for a sign which is a conditional use	Variance pursuant to § 490-8K(1)(d)	Board of Adjustment
(c) Failure to conform to size, height or setback requirements NOTE: If the size and/or height requested exceeds that allowed for any permitted or conditional use sign, Paragraph (a) hereof applies.	Variance pursuant to § 490-7K(9)(a)[1] or 490-8K(1)(c)	Planning Board or Board of Adjustment
(d) Failure to conform to particular design standard details other than those included in Paragraph (c) above	Design deficiency waiver pursuant to § 490-79E	Planning Board or Board of Adjustment

~~(b) When the sign is indicated on a plat which is part of a site plan, variance or subdivision application, the provision of Subsection B(1)(c) shall control with respect to Paragraphs (c) and (d) [within Subsection D(4)(a) above].~~

E. Sign classification.

~~(1) Type A signs. The following signs shall be considered Type A signs:~~

(a) Memorial signs, provided that such signs are limited to no more than one wall or ground sign per occupancy; are made of durable materials, such as bronze, stone or concrete; are no more than four square feet in area; and are nonilluminated.

~~(b) Historical or architectural designation signs, provided that such signs are limited to no more than one wall or ground sign per occupancy; are no more than six square feet in area; are not illuminated; and contain no commercial advertising.~~

(b) (RESERVED)

(c) Religious institution bulletin signs, provided that such signs are limited to no more than one per site; are no more than 20 square feet in area; and are no greater than six feet in height.

(d) Multiple-family identification signs: identification signs accessory to a multiple-family dwelling, provided that such signs are limited to no more than one wall or ground sign per building; are not more than six square feet in area each; and, if a ground sign, are not more than five feet in height.

(e) Home occupation signs, provided that such signs are limited to no more than one wall sign per occupancy; are no more than one square foot in area; and are nonilluminated.

(f) Housing development signs: signs in conjunction with each housing development as follows:

[1] At the main entry to the development, one nonilluminated ground sign which shall state the name of the development and no other advertising message. The sign shall not exceed 20 square feet in area nor six feet in height.

[2] At the sales or rental office of the development, one externally illuminated or nonilluminated ground sign, advertising the office, not to exceed 10 square feet in area nor four feet in height.

[3] Path-marking signs, the sole purpose of which is to direct the public to the housing development. Four temporary, nonilluminated ground signs may be located within the Borough on private property, subject to written authorization of the property owner. Each sign shall not exceed eight square feet in area and six feet in height. Path-marking signs shall be permitted for a period of six months and may be renewed for additional periods of six months during the construction period.

~~(g) Signs erected in conjunction with a conditional use permitted within the zone, subject to the sign standards specified in Article IX, Conditional Uses, of this chapter.~~

(2) Type B signs. The following signs shall be classified as Type B signs:

~~(a) Special sales signs, subject to these restrictions:~~

~~[1] Total of all signs (including window signs) may not occupy more than 40% of the signable area or 100% of the window area within the signable area, whichever is greater.~~

~~[2] Window signs may occupy any portion of any window subject to Subsection C(6) of this section.~~

~~[3] May be displayed for an aggregate period of not more than 30 days [exclusive of those periods permitted by Subsection D(1)(r) of this section] in any twelve-month period.~~

(a) (RESERVED)

(b) Awning signs containing only the name of the business, logo, and street number, restricted to the drop-leaf (fringe) of the awning and occupying an area no greater than 40% of the

total drop-leaf area. The drop-leaf of any awning used as an awning sign shall not exceed ~~10 inches~~
12 inches in height. No portion of an awning, other than the drop-leaf (fringe), may be used as a sign.

(3) Other signs. All other permitted signs shall be classified as indicated in Schedule A (**Sign Regulations and Sign Type**) and permitted as indicated in Schedule B (**Zoning District Sign Guidelines**), attached hereto and made a part hereof. Also attached and made a part hereof is Schedule A-1, Historical Sign Colors, which supplements Schedules A and B.[4]

[4]: Editor's Note: Said schedules are included at the end of this chapter.

F. Sidewalk signs.

[Added 7-12-2010 by Ord. No. 2010-25; amended 12-22-2010 by Ord. No. 2010-40; 12-7-2011 by Ord. No. 2011-21[5]]

(1) Pursuant to the provisions of this subsection, signs may be placed in or extend to the public right-of-way or in entrance alcoves. Only one such sign shall be permitted per tax lot, located adjacent to the exterior of the business establishment, and can only be used to advertise the business located on the premises.

(2) Exemption from development permit. Sidewalk signs, including sandwich board signs, shall be considered minor signs and shall be exempt from the requirement of obtaining a development permit. However, no sidewalk sign shall be erected without a permit issued by Borough Clerk in consultation with the Fire Marshal, the Chief of Police and such other officials, or their designees, as may be desirable. An application fee of \$25 shall accompany each such permit application.

(3) Permitted zones and sign restrictions. Each business located within the NB, BR-1, BR-2, CCD-1, CCD-2 and HB Zones and having its own separate entrance onto the public sidewalk at street level may place upon the public sidewalk in front of the said place of business and solely during the hours the 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 10 feet to any side yard property boundary; provided, however, that, in the case of a property having a frontage of less than 20 feet, the sign shall be located as near to the center of the frontage as practicable. The sign shall be further located within four feet of either the curb face or the front of the building; provided further, however, that a sixty-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. 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) Signs located in the Historic District shall be limited to those colors contained in Schedule A-1, Historical Sign Colors, of this chapter[6];

[6]: Editor's Note: Schedule A-1 is included at the end of this chapter.

(e) Sidewalk signs located within the Business Improvement District shall be subject to design review by RiverCenter in accordance with its Design Bulletin No. 11.;

(f)It shall not include any lighting or sound-generation equipment; and,

(g)Applicant shall only be permitted to display one sign at a particular time.

(4) Notwithstanding anything contained in this subsection to the contrary, 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. Any violation of the provisions of this subsection shall be subject to punishment pursuant to the general penalty provisions at Chapter 1, Article II, General Penalty, of this Code.[7] Each day that a violation persists shall be considered a separate violation of this subsection.

[7]: Editor's Note: The codification of the ordinances of the Borough of Red Bank is currently in process. For the most recent penalty provisions, see Ord. No. 1987-8, as amended by Ord. No. 2004-38 and Ord. No. 2006-26, on file in the Borough offices.

(5) It shall be artistically designed with a theme related to the individual business or business district.

[5]:Editor's Note: This ordinance also provided that it shall expire on 12-31-2012.

G. MAINTENANCE

(1) The property owner shall be responsible for maintaining all signs erected on said property. This maintenance shall include repainting, repairing and cleaning, as necessary. No sign shall be permitted to exhibit:

- (a) Excessive chipped or peeling paint or lettering;**
- (b) Damaged or broken lettering or signboard;**
- (c) Illegible material due to fading, obliteration, or other condition; or**
- (d) Dirty, torn, broken, or otherwise damaged awning, canopy, projecting sign, or other sign support structure.**

(2) If the Administrative or Code Enforcement Officer determines that any sign is in a state of disrepair so as to no longer be reasonably capable of presenting its message, or abandoned or a danger to the public health or public safety, he shall give written notice of the condition of the sign to the owner of the sign and to the owner of record of the tax lot.

(3) The property owner shall thereafter have 10 days to repair or remove said sign.

(4) If said sign is not satisfactorily repaired or removed within the ten-day period, the Administrative or Code Enforcement Officer may thereafter take such actions as are permitted pursuant to § 490-11

H. ABANDONMENT: Abandoned signs and their supporting structures shall be removed within 30 days. The Borough may thereafter take such actions as are permitted pursuant to §490-11

I. ENFORCEMENT

(1) The Borough of Red Bank Code Enforcement Officer shall enforce this chapter.

(2) Upon the discovery of a violation of this chapter, the Administrative Officer and/or Code Enforcement Officer shall give written notice to the owner of the sign and to the owner of record of the tax lot that the sign is in violation of this chapter and to bring the sign into conformity with this chapter or to remove it or to apply for a sign permit to allow the sign as existing within 10 days of the notice.

(3) In the event that any sign continues to be in existence after notice, the Borough may file a Municipal Court complaint against the owner of the sign and the owner of record of the tax lot and take such other action as may be permitted by law.

J.PENALTIES: Failure to satisfactorily repair or remove a sign cited by the Administrative Officer or Code Enforcement Officer shall constitute a violation of this chapter as per § 490-11 and § 490-16.

SECTION 3. §490-133, Signs permitted as conditional uses, is hereby repealed in its entirety.

SECTION 4. Chapter 490, Planning and Development Regulations, "Schedule A Sign Regs," is amended as follows (SEE ATTACHMENT).

SECTION 5. Chapter 490, Planning and Development Regulations, "Schedule A Sign Type," is amended as follows (SEE ATTACHMENT).

SECTION 6. Chapter 490, Planning and Development Regulations, is amended to include "Schedule A Zoning District Sign Regs," (SEE ATTACHMENT).

SECTION TWO: A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION THREE: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION FOUR: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FIVE: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Murphy	()	()	()	()
Councilwoman Burnham	()	()	()	()
Councilwoman Horgan	()	()	()	()
Councilwoman Schwabenbauer	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilman DuPont	()	()	()	()

Dated: August 12, 2015

PLANNING AND DEVELOPMENT REGULATIONS

490 Attachment 1

Borough of Red Bank

Schedule A
Sign Regulations

Sign Type ¹	Form ⁶	Number of Signs		Sign Face Configuration				Method of Support Permitted		Sign Height		Sign Setbacks		Minimum Letter Height (inches)	Sign Shape Appurtenances Permitted	Permitted Method of Illumination		
		Per Property	Per Public Entry to Building	Required Shape	Permitted Area	Required Height (feet)	Length (feet)	On Ground	Pole-Mounted	Permitted Height (feet)	Required Clearance (feet)	Minimum Front Setback (feet)	Minimum Side Setback(s) (feet)	Permitted Colors ³		Internal	External	
G1	Ground	1	—	Geometric	Up to 50 SF	—	—	No	Yes	Maximum 18	Minimum 8	15	20	a	10	No	Yes	Yes
G2	Ground	1	—	Geometric	Up to 30 SF	—	—	No	Yes	Maximum 15	Minimum 8	10	20	a	8	No	Yes	Yes
G3	Ground	1	—	Rectangular	Up to 10 SF	—	—	No	Yes	Maximum 6	Minimum 2 1/2	10	10	b	4	Yes	No	Yes
G4	Ground	1	—	Rectangular	12 1/2 SF	2 1/2 ²	5	Yes	No	Maximum 2 1/2 ²	—	10	10	b	4	Yes	No	Yes
W1	Wall	1 ⁵	—	Geometric	17% of signable area; 120 SF maximum	—	—	—	—	Within signable area		—	—	a	8	Yes	Yes	Yes
W2	Wall	1 ⁵	—	Rectangular	10% of signable area; 80 SF maximum	—	—	—	—			—	—	a	6	Yes	No	Yes
W3	Wall	1 ⁶	—	Rectangular	6 SF	Maximum 3	Maximum 4	—	—			—	—	b	2	Yes	No	Yes
P1	Projecting ⁶	—	1	Square	Up to 6 SF	Maximum 3	Maximum 3	—	—	10	8	—	—	a	1 1/4 (2 pref.)	Yes	No	No
R1	Rear wall ⁷	—	1	Geometric	Up to 20 SF	—	—	—	—	Maximum 16	—	—	—	a	6	Yes	No	Yes
R2	Rear wall ⁷	—	1	Rectangular	Up to 10 SF	—	—	—	—	Maximum 12	—	—	—	a	4	Yes	No	Yes
R3	Rear wall ⁷	—	1	Rectangular	Up to 6 SF	—	—	—	—	Maximum 8	—	—	—	b	2	Yes	No	Yes
G-C1	Ground	1	—	—	Up to 80 SF	—	—	No	Yes	Maximum 22	Minimum 8	20	20	c	10	No	Yes	Yes

RED BANK CODE

Sign Type ¹	Form ²	Number of Signs		Sign Face Configuration				Method of Support Permitted		Sign Height		Sign Setbacks		Permitted Colors ⁴	Minimum Letter Height (inches)	Sign Shape Appurtenances Permitted	Permitted Method of Illumination	
		Per Property	Per Public Entry to Building	Required Shape	Permitted Area	Required Height (feet)	Length (feet)	On Ground	Pole-Mounted	Permitted Height (feet)	Required Clearance (feet)	Minimum Front Setback (feet)	Minimum Side Setback(s) (feet)				Internal	External
G-C2	Ground	1	—	—	Up to 60 SF	—	—	No	Yes	Maximum 18	Minimum 8	15	20	c	10	No	Yes	Yes
G-C3	Ground	1	—	Geometric	Up to 25 SF	—	—	Yes	Yes	Maximum 3 1/2 ⁴	—	10	10	b	6	Yes	No	Yes
W-C1	Wall	1 ⁵	—	—	20% of signable area; 150 SF maximum	—	—	—	—	Within signable area		—	—	c	8	Yes	Yes	Yes
W-C2	Wall	1 ⁵	—	Geometric	5% of signable area; 15 SF maximum	—	—	—	—			—	—	b	2	Yes	No	Yes
P-C1	Projecting ⁶	—	1	Geometric ⁸	Up to 6 SF	—	—	—	—	Maximum 12	Minimum 7	—	—	a	1 1/4 (2 pt.)	Yes	No	Yes
R-C1	Rear wall	—	1	—	Up to 25 SF	—	—	—	—	Maximum 16	—	—	—	a	6	Yes	No	Yes

NOTES:

- Sign types G-C1, G-C2, G-C3, W-C1, W-C2, P-C1 and R-C1 are conditional uses.
- Sign height may be increased to a maximum height of four feet if the increased height is used for landscaping at the base of the sign.
- Sign shape may be graphic representation of a generic product or service offered by the business to which the sign relates, provided that the area of the sign, as measured in accordance with the method found in § 490-104C(15)(c), does not exceed six square feet.
- Sign height may be increased to a maximum height of five feet if the increased height provides for landscaping at the base of the sign.
- No rear wall sign may project more than one foot beyond the building wall to which it is affixed, nor may it extend above or beyond the surface area of the wall. The contents of the sign shall be limited to the name of the business, business logo, and identification of the building entry. Only one rear wall sign shall be permitted per public entrance into the building. When more than one business shares a common building entry, no additional sign shall be permitted; however, each business receiving access via that entrance may list its name and logo on the sign permitted.
- Permitted colors are as follows:
 - white + 3 colors + exempt logo
 - white, any 3 selected historical colors (see Schedule A-1) + exempt logo
 - unrestricted

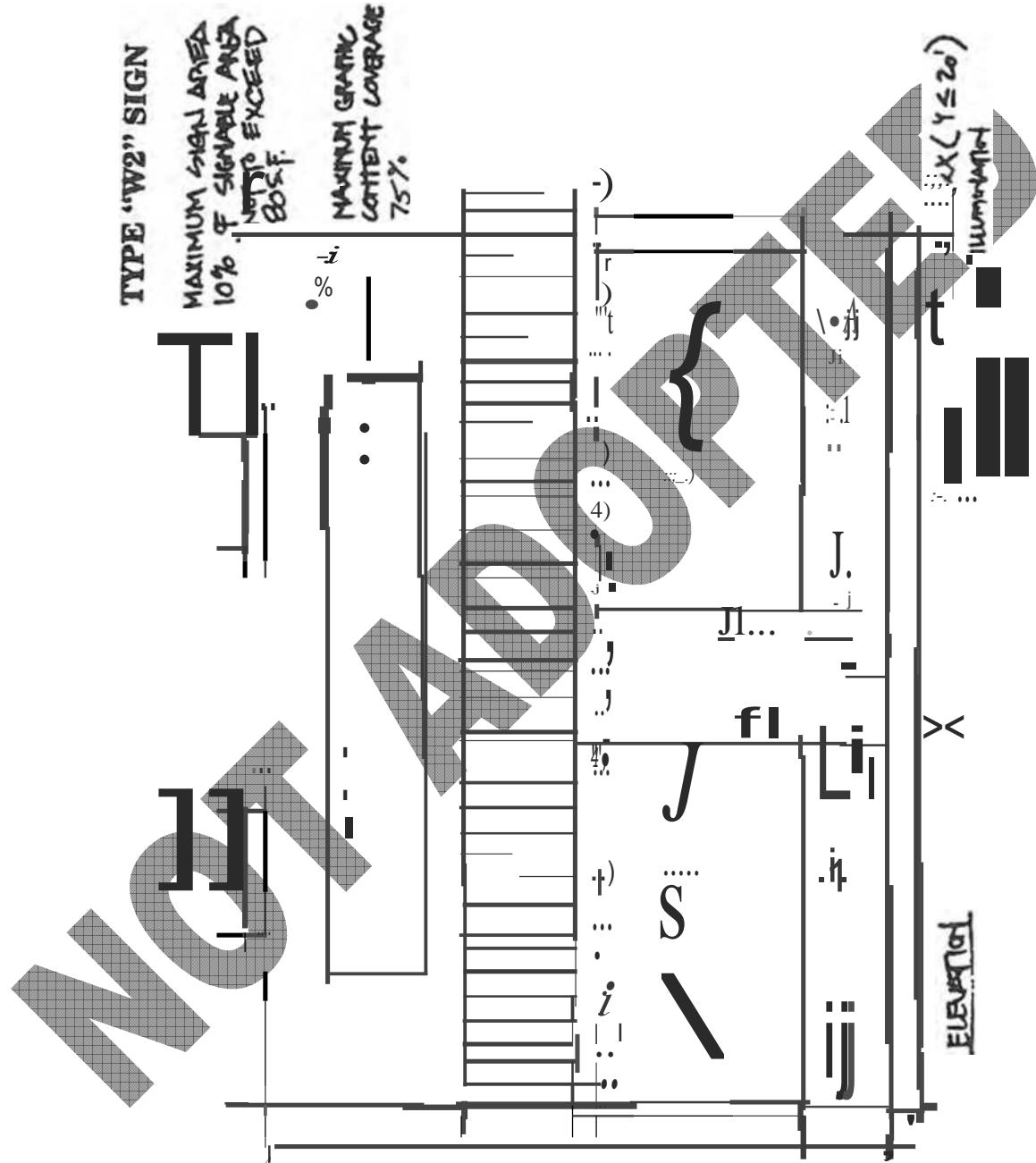
Note: Shades or "tones" of the same colors are considered different colors.
- Only one projecting sign shall be permitted for each public entrance to a building.

Where a building is so situated that it fronts on two or more public roads, one wall sign may be affixed to each wall fronting on a public roadway or public parking area in accordance with the requirements of §490-104, Signs, provided that such additional walls do not front a residential zone.

- A maximum of one sign of any permitted form (i.e., ground or wall) shall be permitted per property or public entry in accordance with this Schedule A, except:
 - As specified in Note 5 above; and
 - Separate wall signs may be provided for each occupancy or tenant, provided that the total sign area may not exceed that set forth in this Schedule A.

PLANNING AND DEVELOPMENT REGULATIONS

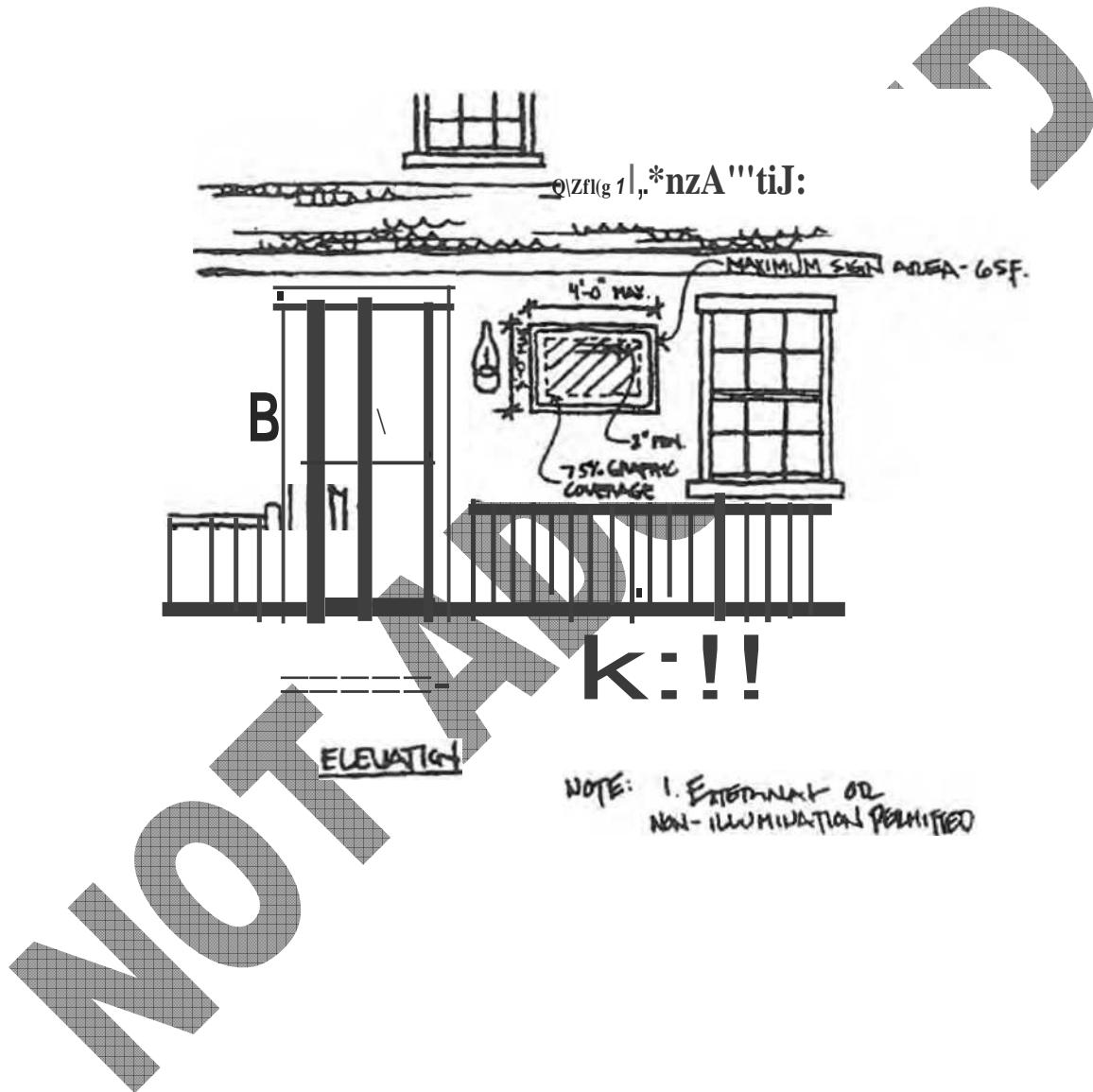
Figure VIII-SE



RED BANK CODE

Figure VJII-8F

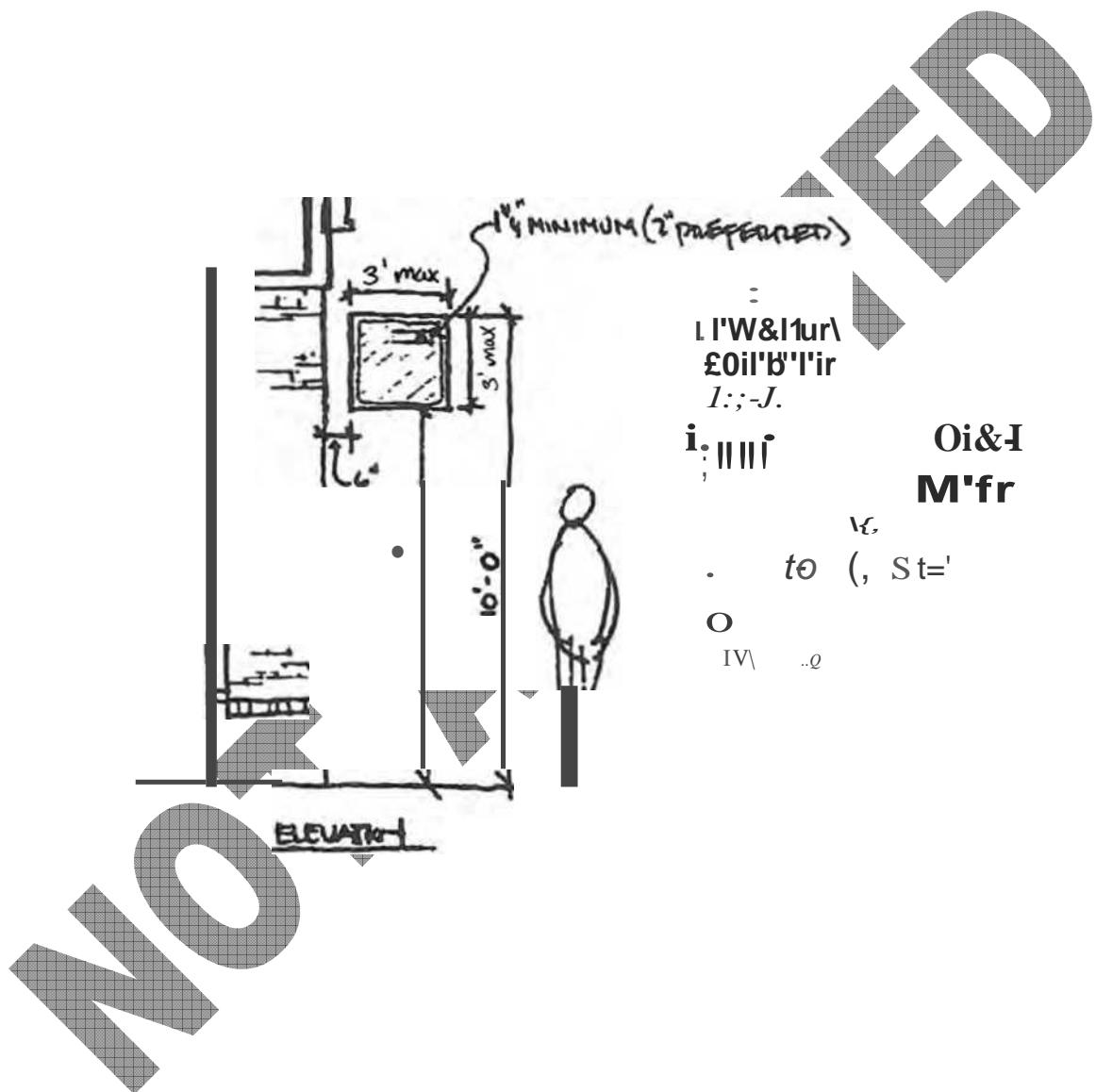
TYPE ..W3" SIGN



PLANNING AND DEVELOPMENT REGULATIONS

Figure VIII-8G

TYPE ..PI" SIGN



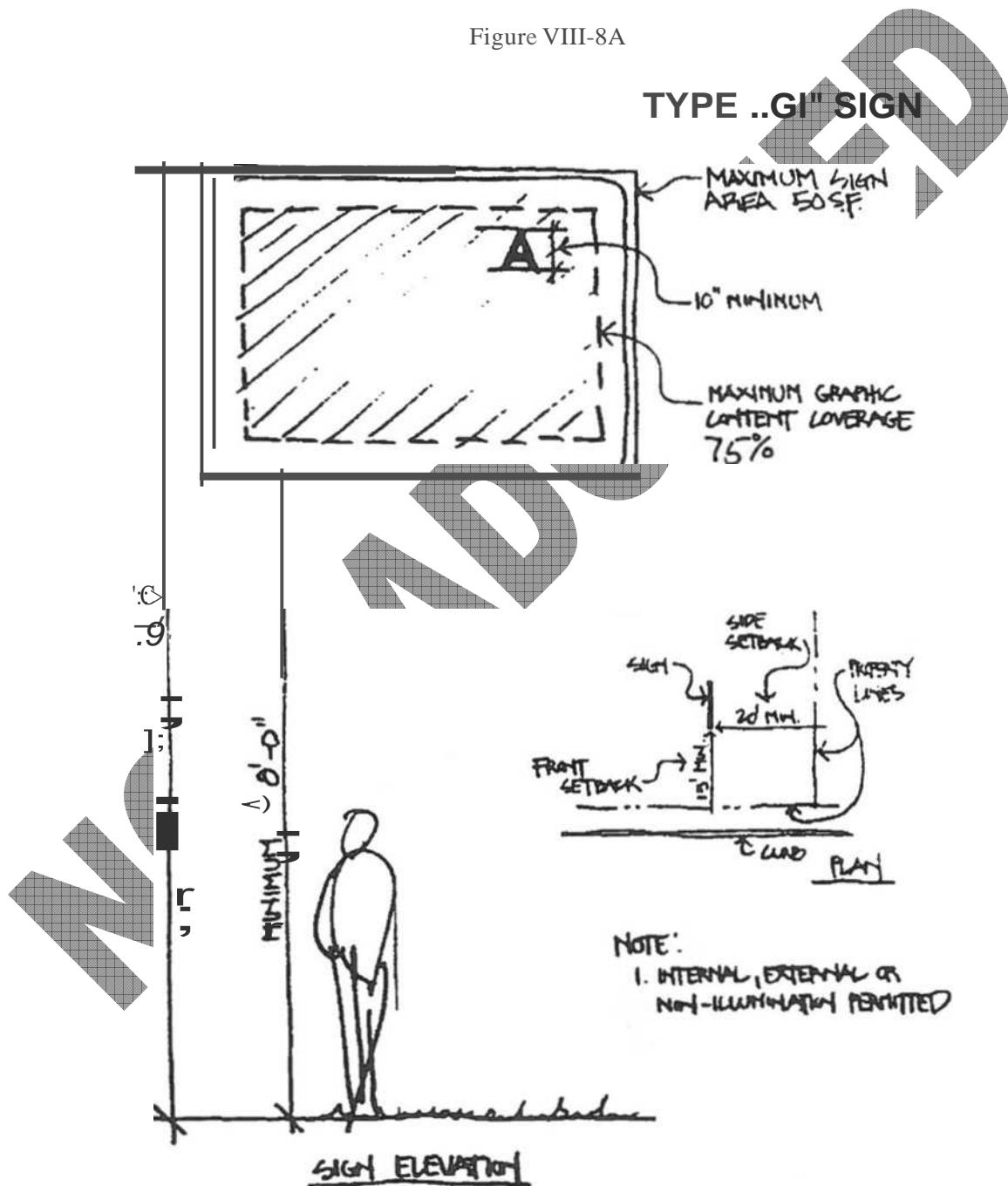
PLANNING AND DEVELOPMENT REGULATIONS

490Accachmenc2

Borough of Red Bank

Schedule A
Sign Types

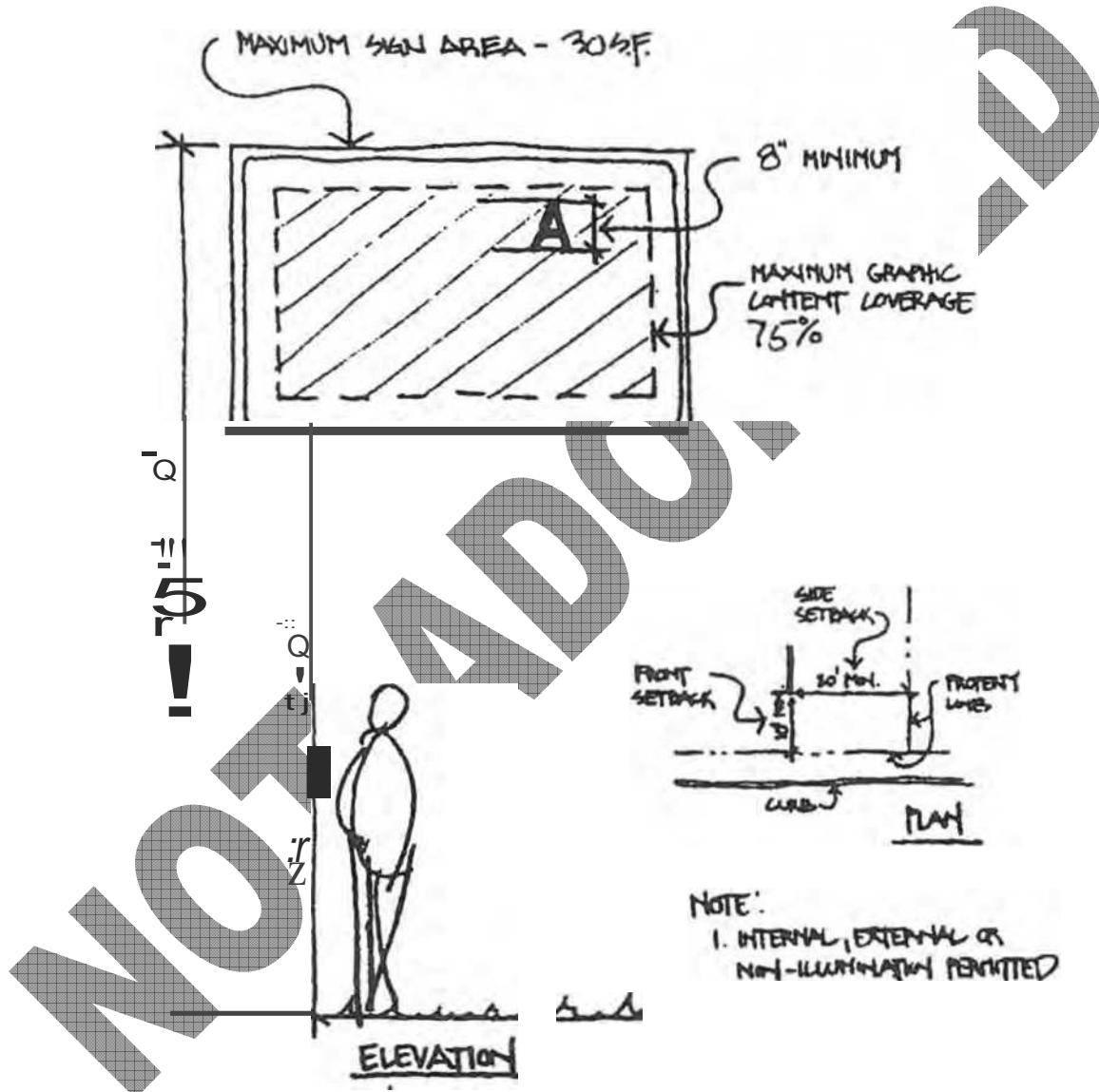
Figure VIII-8A



RED BANK CODE

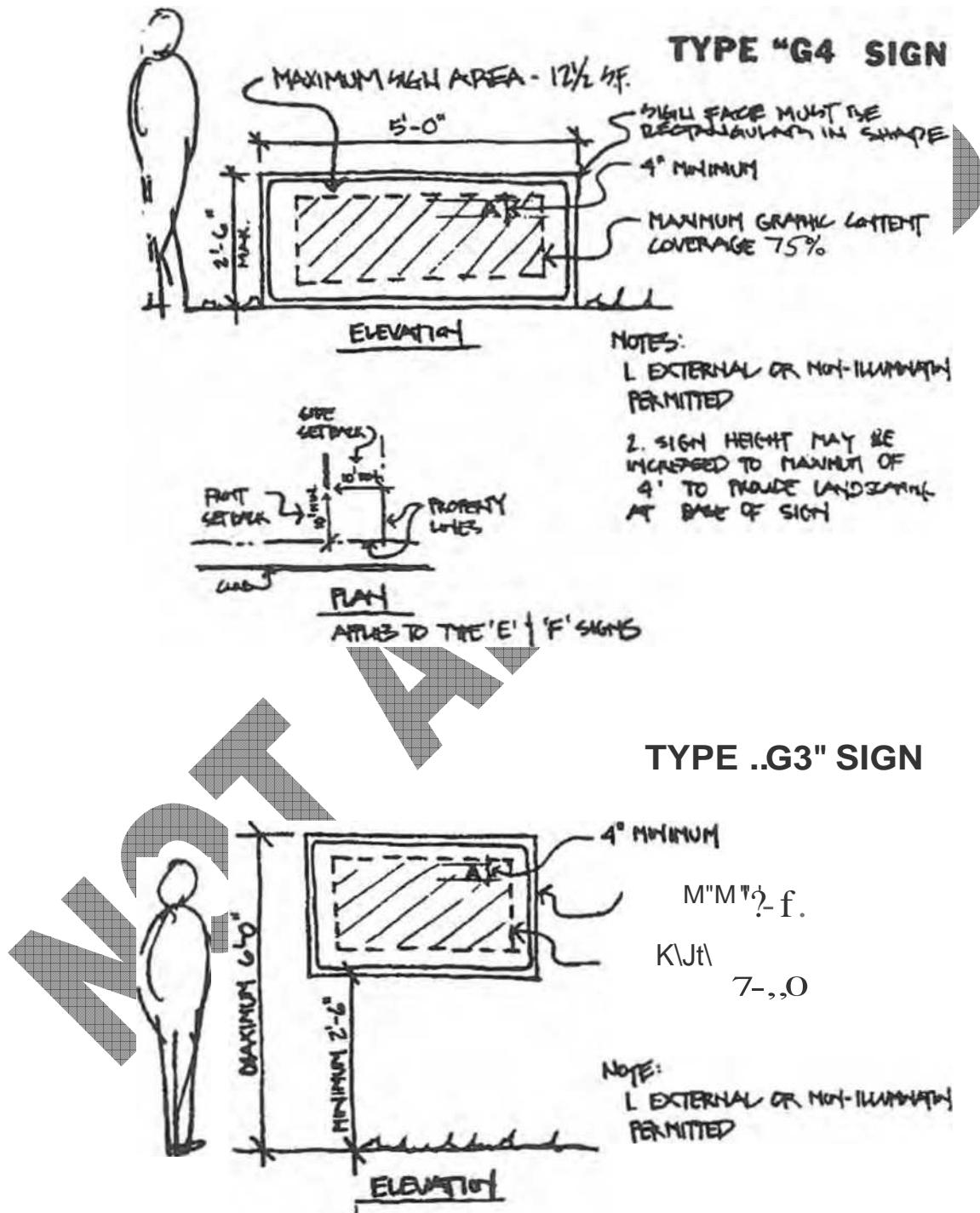
Figure VIII-8B

TYPE ..G2" SIGN



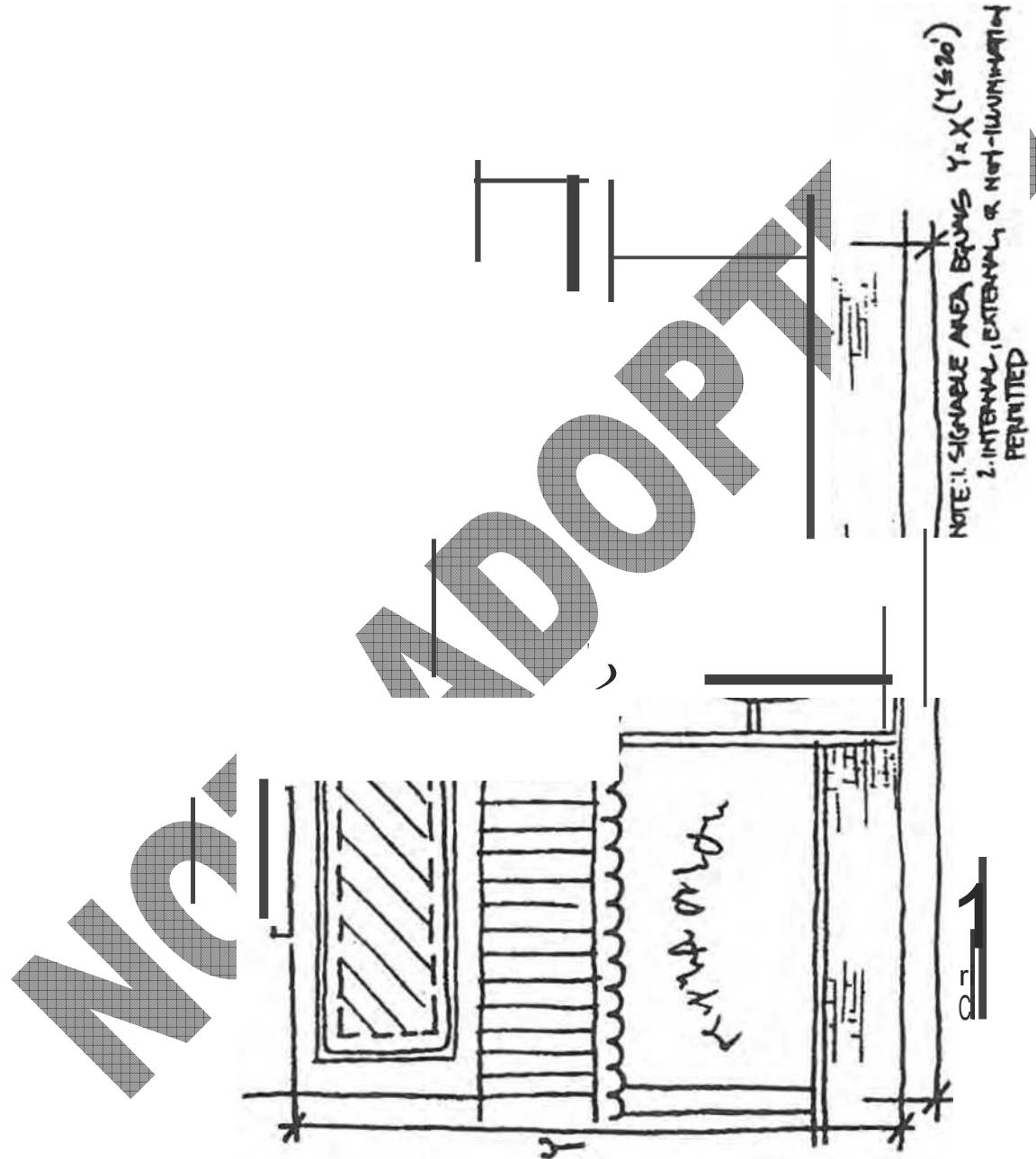
PLANNING AND DEVELOPMENT REGULATIONS

Figure VIJ1-8C



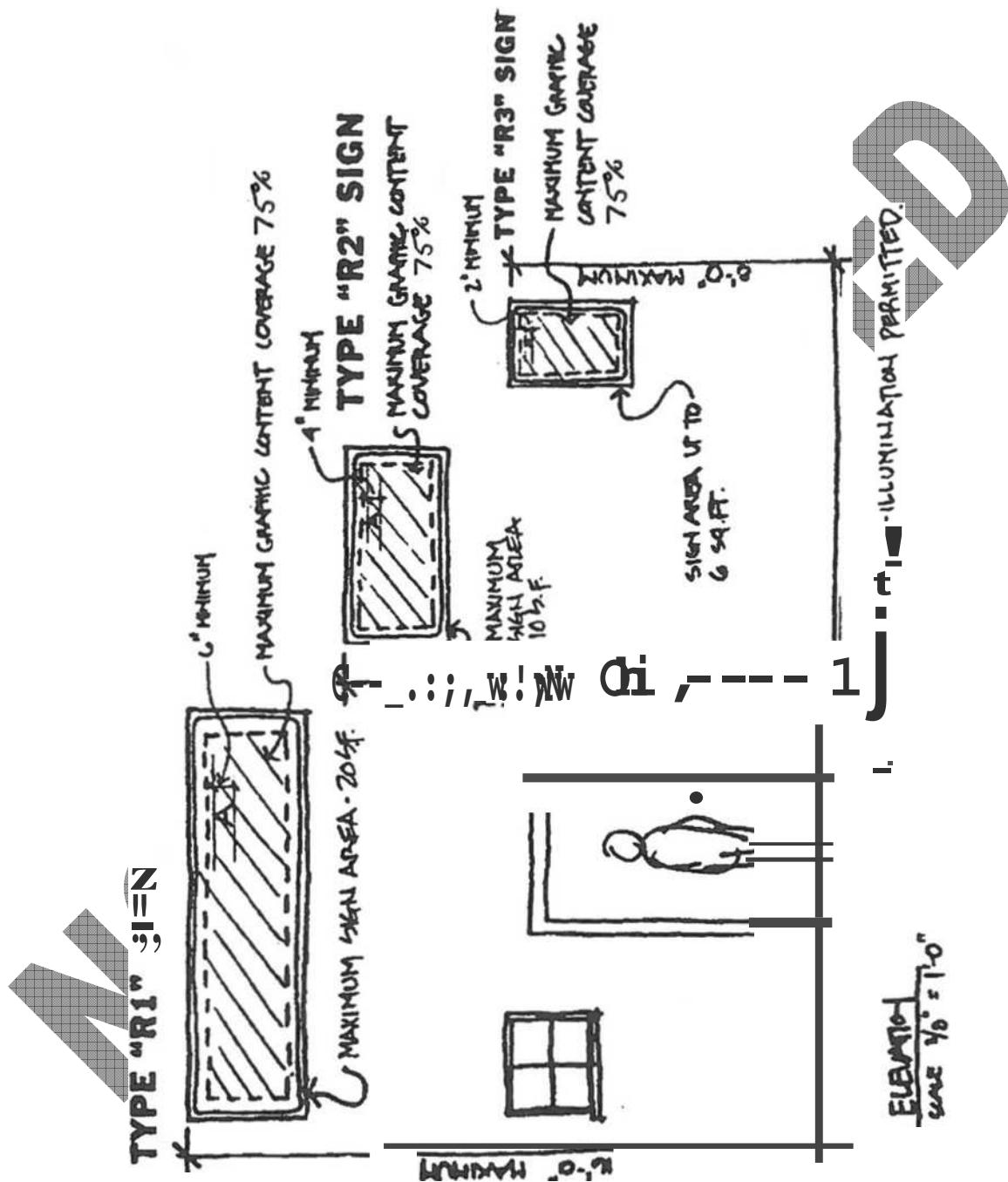
RED BANK CODE

Figure Vlll-8D



RED BANK CODE

Figure VIII-SH



Schedule A: Zoning District Sign Regulations

Zoning District		Sign Types												
		Minor	A	B	G1	G2	G3	G4	W1	W2	W3	P1	R1	R2
Class A Residence	RA	P	P											
Class B Residence	RB	P	P											
Class B-1 Residence	R-B1	P	P											
Class B-2 Residence	R-B2	P	P											
Class D Residence	RD	P	P				P*	P*						
Neighborhood Business	NB	P	P	P						P	P	P		
Business/Residential-1	BR-1	P	P	P†			P	P	P†	P†	P†	P†	P†	P†
Business/Residential-2	BR-2	P	P	P†			P	P	P†	P†			P†	P†
Highway Business	HB	P	P	P	P	P	P	P	P			P	P	P
Central Commercial District-1	CCD-1	P	P	P						P	P	P		P
Central Commercial District-2	CCD-2	P	P	P						P	P	P		P
Professional Office	PO	P	P				P	P			P			P
Waterfront Development	WD	P*‡§	P*‡§	P§			P*‡§	P*‡§		P§	P‡§			P‡§
Medical Service	MS	P	P	P		P	P	P	P	P	P		P	P
Light Industrial	LI	P	P	P		P	P	P	P	P		P	P	P
Industrial	I	P	P	P		P	P	P	P	P		P	P	P
Affordable Housing Overlay	AH													
Affordable Housing Overlay	AH-1	Complies with all other development regulations applicable to underlying zones.												
Design District Overlay Zone	DDO**	Signs in the DDO shall comply with the underlying zone district and must meet the historic sign colors outlined in Attachment 3.												
Train Station Overlay	TS	P	P	P					P	P	P		P	P

*Permitted as an accessory use for a multifamily dwelling.

†Permitted as an accessory use for all permitted uses, except for multifamily dwellings.

‡ Permitted as an accessory use for professional offices, business offices, and home professional offices.

§ For primary food-services establishments, hotels and motels, bed-and-breakfasts, and mortuary and funeral homes.

**The Central Business Zone Historic District encompasses all properties in the Design District Overlay Zone (approximately 80 buildings.) According to § 490-55D(8), "Signs shall be appropriate to the concept of the Historic District and shall be selected with a view to both historical appropriateness and conformance with Borough's sign regulations. See Figure III [Also known as Attachment 3]." See Attachment 3 here, which details the approved historical sign colors: <http://www.ecode360.com/documents/RE2655/RE2655-490c%20Sch%20A-1%20Sign%20Regs%20Sel%20Hist%20Colors.pdf>

