

BOROUGH OF DUNELLEN

ORDINANCE 2022-01

The following Amendment to Dunellen Sign Ordinance is being Introduced for first reading on January 10, 2022. It will be presented for Public Hearing and Adoption on February 7, 2022 at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey, or at an appropriate time thereafter subject to Dunellen Planning Board review. Notice will be given in advance of the date for the Public Hearing and Adoption. Copies of this ordinance will be posted on the Municipal Bulletin Board, and will be available at the Office of the Borough Clerk for any interested members of the public.

**AMENDED SIGNAGE ORDINANCE FOR THE BOROUGH OF DUNELLEN**

- I. Purpose. The purpose of these sign regulations is to provide each business enterprise with reasonable identification and visibility, and:
  - A. To encourage the effective use of signs as a means of communication in the Borough of Dunellen
  - B. To maintain and enhance the aesthetic and historic environment and the Borough's ability to promote sources of economic development and growth
  - C. To improve pedestrian and vehicular traffic safety
  - D. To control the effect of signs on adjacent public and private property
  - E. To provide a means of enforcement of the sign regulations. Signs should provide each business enterprise with reasonable identification and visibility
  - F. To preserve and protect the public health, safety and welfare of the citizens of the Borough of Dunellen
  - G. To prevent property damage and personal injury from signs that are improperly constructed or poorly maintained
  - H. To promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development

- I. To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape that affects the image of the Borough of Dunellen.
  - J. To provide an improved visual environment for the citizens of, and visitors to, the Borough of Dunellen
  - K. To allow law enforcement sufficient visual access to a building and/or business.
- II. Applicability. A sign may be erected, placed, established, painted, created, or maintained in the Borough only in conformance with the standards, procedures, exemptions, and other requirements of this chapter. Signs promulgated by the Borough of Dunellen, or other government agencies, may be exempted from this ordinance.
- III. Interpretation: Where a particular type of sign is proposed in a sign permit application that is neither expressly allowed nor prohibited by this ordinance, or where a sign is proposed on a structure that is not a "building" as defined in the Land Use Ordinance, the Sign Code Enforcer, Code Enforcer, and/or Zoning Officer shall have discretion to approve or deny the proposed sign based on whether it is more similar to a type of sign that is expressly allowed or to one that is expressly prohibited.
- IV. Permits required. Unless otherwise provided in this section, no sign may be placed, constructed, erected, or modified without the issuance of a sign permit. Any application for a sign permit for a commercial use shall be accompanied by a Master Signage Plan in accordance with the requirements herein (Section XIII). Signs erected without a permit are subject to removal.
- V. Variance. If any of the conditions of the proposed sign application are not met in Chapter 238 "Signs" of the Borough's ordinance, the applicant may submit a variance application.
- VI. Permits or fees not required.
- A. In commercial zones, permits are not required for incidental signs, if they are one (1) square foot or less in area.
  - B. On any lot in any zoning district, permits are not required for the following signs:
    - 1. One (1) sign of two (2) square feet or less in area for each lot, erected for fifteen (15) day or less in connection with educational, charitable, philanthropic, civic, religious or like campaigns. The location of such signs shall be limited to circumstances that do not interfere with the safety or convenience of the public.

2. Flags of the United States, the State of New Jersey, the Borough, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. A flag's area, however, shall be in reasonable proportion to the length of the pole from which it is displayed. The top of the flagpole shall be no higher from the ground level than thirty-two (32) feet. Display of flags shall be in accordance with generally accepted standards of flag display etiquette.
3. Building marker signs.
4. Governmental signs and legal notices.
5. Signs displayed within the interior of a building that are not visible from the exterior of the building.
6. Address, numbers, provided they do not exceed one (1) square foot in area attached to a building or window.
7. Open/closed signs made of paper, vinyl, or neon and signs made of paper or vinyl indicating business hours. Such signs shall not exceed one (1) square foot and shall contain no other information than that necessary to highlight business hours and the open/closed status of a business.
8. A sign identifying the architect, engineer, or contractor, when placed upon a work site under construction, not to exceed twelve (12) square feet in area, provided the sign is set back at least fifteen (15) feet from the curb, and further provided that same are removed within twenty-four (24) hours after final certificate of occupancy is issued.

VII. Signs exempt from regulation under this section. The following signs shall be exempt from regulation under this chapter to the extent herein stated:

- A. In commercial zones, holiday lights and decorations with no commercial message within the interior of a window, but only from November 15 to the next January 15. Such lights shall not blink or flash. Establishments with existing lights as part of their permanent fixtures are exempt, but no new lights will be permitted except as per the time limitations noted.
- B. Any traffic control sign on private property, such as "Stop," "Yield," or similar signs, the face of which meet Department of Transportation standards and which contains no commercial message of any sort.

- C. Signs or banners no larger than two (2) square feet that promote educational, charitable, community, philanthropic, civic, or religious events or campaigns. They shall be displayed for a maximum of thirty (30) days before the event and shall be removed within three (3) days after the event; or for a maximum length of thirty-three (33) days.
- D. Political or Election signs. Provided that said signs are placed entirely on private property and shall be non-illuminated. No temporary political signs shall be permitted on Borough property.

VIII. Signs in the public right-of-way. The only signs allowed in the public right-of-way shall be the following:

- A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- B. Bus stop signs erected by a public transit company.
- C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
- D. Awnings, flags, and signs projecting over a public right-of-way in conformity with the provisions of this chapter.
- E. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- F. Free standing signs with two display surfaces such that no part of the sign is further than two (2) feet from the building entrance to which business is located nor within five (5) feet of the sidewalk curb or any sidewalk furniture or other fixed obstruction. Examples of this type of sign are sandwich boards. Only one sign per business is allowed. The sign can be no more than 4 foot by 2 foot on each side and the sign must be removed from the sidewalk at the end of the business day.

IX. Prohibited signs. All signs not expressly permitted under this chapter or not exempt from regulation hereunder in accordance with the two (2) preceding sections are prohibited in the Borough. Such signs include, but are not limited to:

- A. Signs located or worded to constitute a hazard to pedestrian or vehicular traffic.
- B. Signs in the public right-of-way, with the exception of those listed herein (Section VIII.)

- C. Inflatable signs and tethered balloons, except non-communicative decorative small balloons.
- D. Flashing, animated, fluttering, or rotating signs (with the exception of barber poles) or signs with the optical illusion of movement, including running lights having the primary effect of calling attention to a building or to elements of a building except of Electronic Message Center signs used by municipal, educational and places of worship.
- E. Strings of lights not permanently mounted, with the exception of holiday lights displayed within 12" of glass surface from November 15 to the next January 15. Such lights shall not flash or blink.
- F. Wind signs, such as flags, pennants, or spinners, except as permitted herein (Section XV.I).
- G. Permanent wall signs constructed of vinyl, paper, nylon, fabric, or any other type of nondurable material except awning signs, as permitted in this ordinance.
- H. Window signs above the first floor with the exception of professionally vinyl lettering on the window. Such lettering will include the business name only and shall not exceed 15% of the window's total area.
- I. Signs placed, inscribed, or supported upon the roof or upon any structure that extends above the roof of any building, except such directional devices as may be required by Federal aeronautical authorities.
- J. Billboards, except existing billboards as of the date of the enactment of this ordinance.
- K. Signs incorporating projected images such as from a movie projector, laptop, or other electronic device.
- L. Signs on standpipes or fire escapes.
- M. More than one sign, using gas, chemical, or fluorescent colors, including white, where tubing is visible. This includes all signs commonly described as "neon" signs, "neon-like" and/or fluorescent "neon" type. Neon used to border windows is also prohibited.
- N. Signs that cause glare on adjacent property.

- O. Signs for commercial purposes other than the use being made of the premises on which the sign is located.
- P. Beacons and searchlights.
- Q. Sign covers designed to slip over an existing sign rather than replace.
- R. Signs advertising an article or product not manufactured, assembled, processed, repaired, serviced or sold, or any service not provided upon the premises upon which the sign is located. This does not apply to Billboards that may be permitted by this Article.
- S. Signs that are in such a state of disrepair as to constitute an immediate threat to the public health, welfare and safety.
- T. Internally illuminated signs.

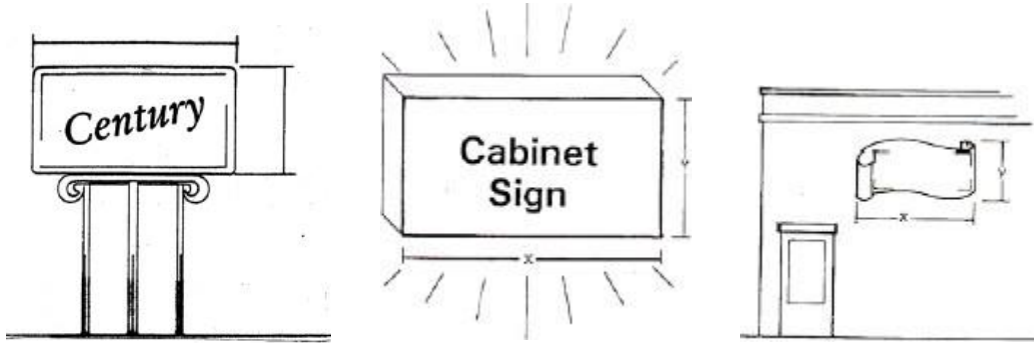
X. Construction, maintenance and lighting.

1. Except for banners, flags and signs to be displayed, under the terms of this chapter, for only a limited period of time, and window signs, all signs shall be constructed of permanent materials and shall be permanently attached to the ground or a building by direct attachment to a rigid wall, frame, or structure.
2. All signs shall be maintained in good structural condition and appearance, in compliance with all building and electrical codes, and in conformance with this chapter at all times.
3. If signs are illuminated, they must be externally illuminated. No internally illuminated signs are permitted. Such lighting shall properly be directed and shielded so as not to produce glare or offensive light off the property.
4. Lighting location. Freestanding illuminated signs and illuminated wall mounted signs shall have their light source located either on the ground shining up or mounted on the top of the sign shining down.

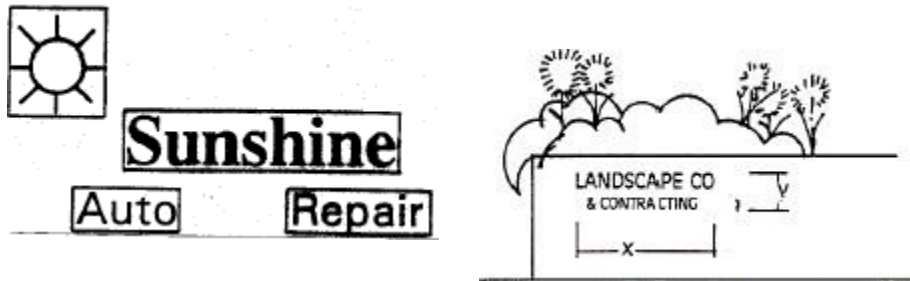
XI. SIGN MEASUREMENT CRITERIA.

- A. SIGN AREA MEASUREMENT. Sign area for all sign types is measured as follows:

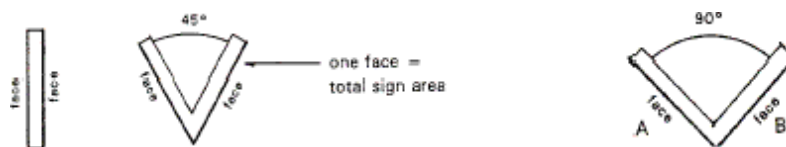
1. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose the sign copy and background.



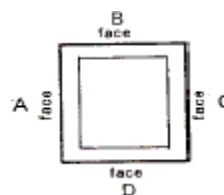
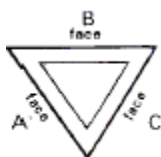
2. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.



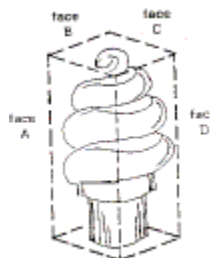
3. Multi-face signs are measured as follows: Two (2) face signs: If the interior angle between the two (2) sign faces is forty-five degrees ( $45^\circ$ ) or less, the sign area is of one (1) sign face only. If the angle between the two (2) sign faces is greater than forty-five degrees ( $45^\circ$ ), the sign area is the sum of the areas of the two (2) sign faces.



- Three (3) or four (4) face signs: The sign area is fifty percent (50%) of the sum of the areas of all sign faces.

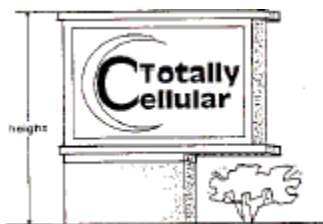


- Spherical, free-form, sculptural, or other non-planar sign area is fifty percent (50%) of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.



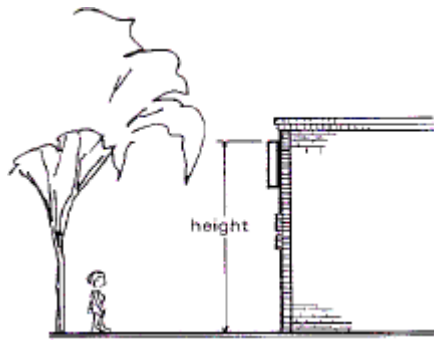
**B. SIGN HEIGHT MEASUREMENT.** Sign height is measured as follows:

- Freestanding Signs: Sign height is the distance measured from grade at the base of a sign to the topmost portion of a sign, excluding decorative embellishments as permitted in Section XIII.B of this ordinance. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.



- Building Mounted Signs: The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.





- XII. General permit procedures. The following procedures shall govern the application for and issuance of all sign permits and the submission and review of Master Signage Plans under this chapter.
- A. No sign shall be erected, altered, located or relocated within Dunellen except upon application and the issuance of a permit as hereinafter provided, or as excepted/exempted in this article.
  - B. Applications for sign permits of any kind and application approval of a Master Sign Plan shall be submitted to the Sign Ordinance Enforcer on an application form or in accordance with application specifications published by the Zoning Officer. The Sign Ordinance Enforcer will review the application and if satisfied that it is in conformance with the ordinance, refer it to the Zoning Officer for the issuance of a permit.
  - C. Fees. Each application for a sign permit or for approval of a Master Signage Plan shall be accompanied by the applicable fees, as set forth in Dunellen Code Section 150-3, or as otherwise set and established by the Council of the Borough.
  - D. Action. The Sign Ordinance Enforcer shall approve or reject the sign application within ten (10) business days after the submission of a completed application. The sign permit shall be referred to the Zoning Officer for issuance if the signs that are the subject of the application conform in every respect with the requirements of this chapter and, in the case of a commercial use, with the applicable requirements for a Master Signage Plan. In the case of rejection, the Sign Ordinance Enforcer shall specify the section or sections of the ordinance with which the sign and/or Master Signage Plan is inconsistent and forward the rejected application to the Zoning Officer who will notify the applicant. The applicant may appeal the decision to the Zoning Officer or the Dunellen Planning Board.
  - E. Signage on development applications. Before acting on development applications for a business use where installation or modification of any sign is proposed, the Planning Board shall immediately after receipt of a complete application refer the

Master Signage Plan to the Zoning Officer, who shall within ten (10) business days review the Master Signage Plan and submit his recommendations to the Board.

XIII. Master Signage Plan. Any application for a sign permit in a commercial zone shall be accompanied by a Master Signage Plan. A Master Signage Plan shall also be included in any development plan or site plan required by the Borough for a proposed development in which the installation or modification of any sign is proposed. The following information shall be included on a Master Signage Plan for each existing and proposed sign, with the exception of incidental signs:

- A. Size and area
- B. Letter style
- C. Lighting
- D. Color
- E. Construction and materials
- F. Height of sign above grade
- G. Location
- H. Scaled drawings with sign copy

The Master Signage Plan shall include a sketch or photograph showing the dimensions of each façade, window, and canopy of the building to which a sign is to be attached, in sufficient detail to show the location, dimension and area of all existing and proposed permanent signs affixed to the walls, windows, and awnings to the building. These dimensions shall be shown either on the sketch or on the photograph.

In addition, for lots with existing or proposed free-standing signs, a plot plan shall be submitted, showing the location of buildings, parking lots, driveways, and landscaped areas, as well as the existing or proposed signs.

XIV. Standards Generally

- A. No sign may be erected or maintained so as to obstruct free ingress or egress to building openings, driveways, sidewalks, or other passageways.
- B. No sign shall have more than six (6) colors, inclusive of its background, frame, and decorative parts. However, varying tones or gradients of the two main colors may be

utilized on a sign and shall not constitute additional colors. For the purposes of this ordinance, black and white shall be considered colors.

- C. Canopies, awnings and marquees with signage embossed upon them shall be considered to be a business sign.

XV. Commercial zones. The following signs are permitted

- A. Wall signs. Wall signs are permitted only on the facades of buildings fronting on a street, parking lot, or public right of way. The following restrictions shall apply:

- 1. Number and size.

- a) No more than one wall sign per façade shall be permitted except for the following and XVA.1.c). In order for the business premises to have two wall signs, said business must have frontage on side of the building where the wall sign is to be located such as a corner lot. The size shall not exceed two-thirds (2/3) or 66% of the length of the façade and/or sign band and three-quarters (3/4) or 75% of the height of the building's sign band. On a façade where no sign band is present, the wall sign shall not exceed twenty four (24) square feet in size.
- b) No more than one (1) externally illuminated wall sign per separate front façade shall be permitted.
- c) The wall sign may identify the building or the primary occupant and a non-illuminated directory sign not exceeding one (1) square foot per tenant may be permitted on the ground floor façade.
- d) For the purpose of this Subsection, in a building whose ground floor is divided side to side into separate units with separate front entrances, each unit shall be treated as having a separate front façade.
- e) Externally illuminated projecting signs are permitted with the requirement that the illumination spread cannot be beyond the boundary of the sign area.

- 2. Placement and projection. A wall sign shall not extend beyond the ends of the wall surface on which it is placed and shall be below the top of the first story, or below the top of the parapet of the premises, or not over seventeen (17) feet above grade, whichever shall be lower. No part of the sign shall be more than six (6) inches beyond the building façade. A business must have frontage on side of façade, in order for a wall sign to be located at this façade. For

example, a business on a corner lot with building frontage on the front and side may have two (2) signs.

3. Lighting. Lighting shall be prescribed herein (Section X)

B. Freestanding signs. The following restrictions shall apply:

1. Only one (1) freestanding sign shall be permitted on any single lot, regardless of the number of establishments on the property, except when the Planning Board authorizes the following:

- a) One (1) additional freestanding sign when the property has access from more than one public street.
- b) One (1) freestanding sign for each individual building on a lot occupied by condominium units.

2. Size. The area of freestanding signs is limited as follows:

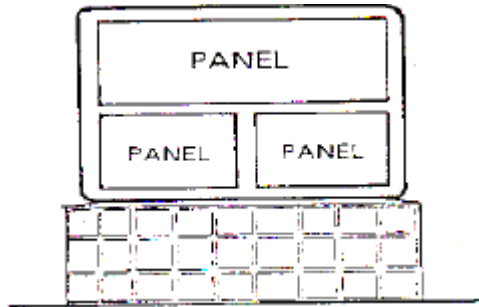
- a) If externally illuminated and constructed of wood, material resembling wood, or masonry materials, a sign may not exceed 24 square feet.
- b) If more than one (1) business is located on a lot, the sign area permitted shall be as follows:

- (1) The single freestanding sign may be a directory sign with a total area as regulated in this ordinance, or if that does not accommodate a minimum of one (1) square foot panel for each tenant, a sign area sufficient to do so shall be allowed; or

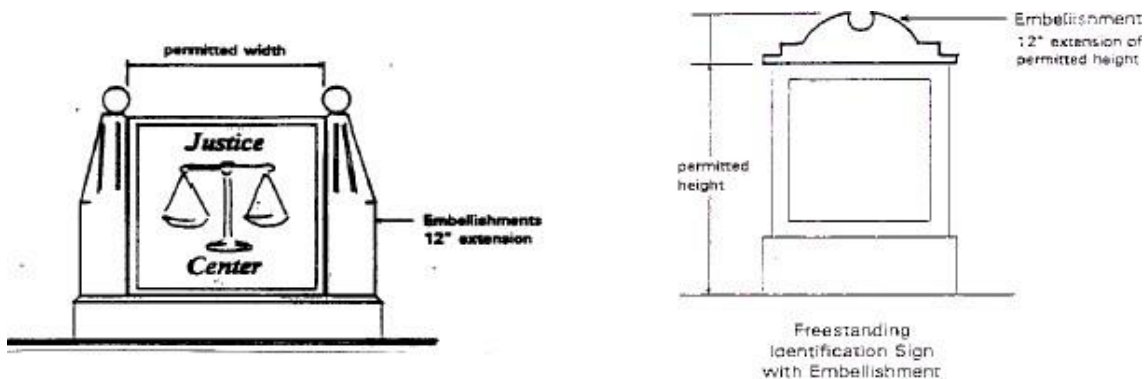
3. Height. The height of a freestanding sign shall not exceed twelve (12) feet, excluding structure enhancements and embellishments. Height shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (a) existing grade before construction, or (b) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavation solely for locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption:

- a) That the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road, or

- b) The grade of the land at the principal entrance to the principal structure of the lot, whichever is lower.
4. Landscaping. A landscaped area located around the base of the sign equal to two and one-half (2.5) square feet for each square foot of sign area, is required for all freestanding signs. The landscape area shall contain living landscape material consisting of shrubs, and/or perennial ground cover plants placed throughout the required landscape area having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen trees, installed in a manner that frames or accents the sign structure is encouraged.
  5. Sign panels. A freestanding sign may consist of more than one (1) sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed that does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure.



6. Sign structure enhancements and embellishments. Freestanding sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of sign structure enhancement or embellishment, provided such extension does not exceed a maximum of twelve (12) inches on any side.



7. Sign location.

- a) The leading edge of any freestanding sign is required to be set back a minimum of ten (10) feet from the street side property line, and the sign structure a minimum of ten (10) feet from any interior side lot line. Where site design and/or specific circumstances of a site are such that sign setbacks may not be met, reductions to the setback requirements may be requested and granted upon documentation that such need exists. And provided that in any case, the horizontal distance between freestanding signs on adjacent lots must be not less than the height of the taller sign.
- b) Should there be less than twelve (12) feet between the street front line property line and the building foundation, the sign shall be centered between the building and the property line, but in no case closer than three feet from the sidewalk or, if there is no sidewalk, the property line.
- c) Signs shall not be placed within the area at a street corner where there should be a sight easement as described in this chapter.
- d) Freestanding signs shall not be installed within thirty (30) feet of any residential district.

C. Side or rear entrance signs. When a business, in addition to a front entrance, also has a public entrance at the side or rear of a building and no other side or rear wall sign, a non-illuminated or externally illuminated sign identifying the occupant shall be permitted at such an entrance, provided it does not exceed six (6) square feet in area.

D. Awnings.

- a) Only one (1) awning with signage per façade and establishment is permitted.
- b) Awning shapes. Awnings may be boxed, round, barreled-shaped, or pitch topped. They shall be constructed of canvas or non-glossy vinyl.
- c) No awnings shall extend more than five (5) feet from the building façade, nor have less than a minimum height of seven (7) feet from the base of the door they are covering. No awning shall extend into the second floor line.

d) Awning signage.

(1) Signage on awnings may not exceed 30% of the size of the awning

(2) Up to two lines of lettering and one (1) logo shall be permitted. Such lettering and logo may not exceed eighteen (18) inches in height on the first line and twelve (12) inches in height on the second line.

(3) The valance face shall be no more than 40% of the total awning height.

e) Illuminated awnings are permitted only by lighting that shines downward, and cannot be transparent or translucent.

f) In the event that a building has more than one awning, then all awnings shall be uniform in color, shape, and design.

g) An awning with signage is not to be permitted in conjunction with a wall mounted or projecting signage.

E. Projecting signs. One (1) projecting sign per premises shall be permitted. The projecting sign shall be hung from the ground floor façade at least ten (10) feet above ground level, shall project no more than three (3) feet from the building façade, have a total area not exceeding four (4) square feet, and illumination shall only be external.

F. Incidental signs. Incidental signs of one (1) square foot or less in area are allowed, require no permit, and are not included in any maximum total sign area or number of signs allowed on a single lot. No more than two (2) incidental signs may appear in any single storefront. Examples of incidental signs include but not limited to “no parking”, “open”, “loading only”.

G. Window signs. In addition to the signs allowed elsewhere in this ordinance, first floor windows signs shall be permitted to be attached to windows on the interior of the business. The total area of all signs in a window shall not exceed twenty percent (20%) of the total area of the window on which it is located. Not more than one illuminated (neon) sign per business occupant shall be placed in any one (1) window. In calculating maximum window coverage as described herein, the figure used for any illuminated sign will be fifteen percent (15%) of the total window area.

H. Temporary signs. All temporary signage, except as specifically exempted under this Article, shall require a permit. Said permit shall be valid for a period not to exceed

thirty (30) days from the issuance thereof and may be renewed for a period not to exceed sixty (60) days. No temporary sign shall exceed an area of eight (8) square feet.

- I. Special event displays. Non-communicative decorative flags, spinners, strings of pennants, and banners of no more than ten (10) square feet shall be permitted as a display for a period of not more than fourteen (14) days at a time. Such displays shall be permitted for any business on no more than two (2) occasions in any calendar year, providing that a letter of intent shall be reviewed by the Sign Ordinance Enforcer and approved by the Zoning Officer.
- J. Decorative flag. One (1) decorative flag per business premises displaying only a generic logo or design (no lettering) and composed only of a lightweight fabric or woven material (no plastic). No such flag shall be larger than three by five (3 X 5) feet and must be hung from the ground floor façade at least ten (10) feet above ground level and project no more than three (3) feet from the building façade.

XVI. Residential zones. In addition to those signs enumerated in Section V (Permits not Required) and Section VI (Signs exempt from regulation under this section), the following signs are permitted in residential zones and on wholly residential use lots in non-residential zones.

- A. Nameplates. Nameplates mounted flush on the wall near an entrance and bearing the name of the family unit residing on the premises are allowed without a sign permit. Not more than one (1) sign shall be permitted for each family unit on the premises, and each sign may not exceed seventy-two (72) square inches in area.
- B. Home professional occupation. A nameplate bearing the name and/or business of the person engaged in a home occupation and residing on the premises, provided that such signs shall not exceed one (1) square foot in area. This nameplate may be attached to a building or to a post, which post shall not exceed five (5) feet in height. Such signs may be externally lit if the Sign Ordinance Enforcer or the Zoning Officer determines that the proposed illumination is reasonable for the public convenience. Conditions may include the prevention of glare and the requirement that such illumination be extinguished at a particular time.
- C. Real estate, work in progress, and garage sale signs. One (1) sign not exceeding four (4) square feet pertaining to the lease or sale of, or work in progress on, or a garage sale upon the lot or building, which sign shall be placed no nearer the street than three (3) feet from the sidewalk or, if there is no sidewalk or, no nearer the street than three (3) feet from the front line of the property. Any such sign shall be removed after the signing of a lease or purchase agreement for the purchase of the premises, or completion of the work in progress, or completion of the garage sale. However, a garage sale sign may be displayed for no more than three (3) days on a property no more than three (3) times per year, in accordance with the Yard Sale ordinance, 2015-04, and must be removed within 24 hours after conclusion of the yard sale.



XVII. Individual signs of historic or cultural significance. Signs that may be unusual, significant, or meaningful to the Dunellen streetscape and its history may be worthy of special recognition and consideration. The purpose of identifying individual signs with historic or unique characteristics within the Borough of Dunellen, is to prevent the unintentional loss of significant cultural or historic resources and where possible, to provide a means for their retention and restoration.

A. Applicability. A sign located within commercial zone boundaries of the Borough of Dunellen, which is found to meet the criteria for historic designation as listed in "B2" below, is a candidate for special consideration.

B. Permits. The Planning Board may declare a sign or group of signs to be "historic" or "unique." Application for special consideration under this provision shall be made by the property owner having control over the sign that meets the criteria of this section, or may be initiated by the borough. Notwithstanding safety, maintenance, or structural regulations of the Sign Code, or currently adopted Uniform Building Code, a sign designated by the Planning & Zoning Board will be deemed to conform to this ordinance. Individual signs proposed for retention and restoration shall meet the following criteria:

1. The sign has been in continuous existence at its present location for not less than forty (40) years, and;
2. The sign is of exemplary technology, craftsmanship, or design for the period in which it was constructed; uses historic sign materials or means of illumination; and/or is unique in that it demonstrates extraordinary aesthetic quality, creativity or innovation;
3. The sign is structurally safe or is capable of being made so without substantially altering its historical character or significance. If the sign has been altered, it must be restorable to its historic function and appearance; and
4. The sign complies with movement, bracing, and illumination requirements contained in other sections of this Chapter and/or the Land Use Code.

C. Designation. Once a sign is designated to be of historical significance, and is restored to its historic function and appearance, the historic sign will be included on a list of historic structures within the Borough of Dunellen. Nothing in these provisions shall have the effect of prohibiting the owner of a designated sign from removing or altering such sign, subject to review by the appropriate review body.

XVIII. Non-conforming signs

- A. All wall and freestanding signs that are not in conformity with this chapter but were erected prior to May 15, 2005 and not thereafter modified, or were thereafter erected or modified pursuant to a proper sign permit or other municipal approval may remain, subject to being maintained in good structural condition and appearance, and in compliance with all building and electrical codes.
  - B. Non-conforming signs may not be modified and/or changed unless the modification brings them into conformity with the regulations in this chapter.
  - C. If a change of use occurs for a business premises, all signs on that business premises or relating to it must be brought into conformance with this chapter.
  - D. If any construction or modification occurs relating to or affecting any sign on a business premises for which a building or sign permit is or should have been issued, all signs on that business premises or relating to it must be brought into conformance with this chapter.
  - E. Routine maintenance. Routine maintenance for any nonconforming sign shall be permitted. The term "routine maintenance" is intended to include such activities as cleaning, replacement of light bulbs, removal of rust and corrosion and repainting. Specifically prohibited is the replacement of the sign structure or message, in whole or in part.
- XIX. Abandoned signs. Except as otherwise provided in this section, any sign that is located on property that becomes vacant and is unoccupied for a period of three (3) months or more, or any sign that pertains to a time, event, or purpose that no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises within thirty (30) days.
- XX. Sign maintenance. It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signage thereon, in conformance with the Land Use Code and this ordinance. Failure to maintain signs and/or property constitutes a violation of the Dunellen Land Use Ordinance and this ordinance.
- A. MAINTENANCE. Complete maintenance is required for all signs, whether or not in existence before adoption of this ordinance. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or

broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation and provisions of this ordinance.

B. **LANDSCAPE MAINTENANCE.** Replacement of plant materials that do not survive after installation in required landscaped areas is required within the next planting season or within six months of the plant's demise. Required landscaped areas contained by a fixed border, curbed area, or other perimeter structure shall receive regular repair and maintenance.

C. **REMOVAL OF OBSOLETE SIGNS.** Signs which conform to the provisions of this ordinance, but which reflect obsolete sign copy may remain in place, provided the sign copy is left unlit and/or blank, for a time period up to ninety (90) consecutive days after the use or activity it identified has ceased and/or the property has become vacant. A one-time extension of ninety (90) days may be granted by the Zoning Officer, provided the copy has been left unlit and/or blank, and when such extension is requested by the owner or person in control of the vacant property.

D. **REMOVAL OF UNSAFE SIGN STRUCTURES.** In addition to remedies provided by the Land Use Code, the Sign Ordinance Enforcer or the Zoning Officer shall have the authority to order the repair, maintenance, or removal of any sign or sign structure that has become dilapidated or represents a hazard to safety, health, or public welfare. If such a condition is determined by the Sign Ordinance Enforcer or the Zoning Officer to exist, those Officers shall give notice thereof by certified mail, return receipt requested, to the sign owner at the address shown on the sign permit, unless information that is more recent is available. If, within fourteen (14) calendar days from service of notice, the order is not complied with, the Sign Ordinance Enforcer or the Zoning Officer may cause the sign to be removed or repaired, and the cost of such removal or repair to be charged against the sign owner and/or the property owner.

XXI. **Enforcement.** If any sign that is in violation of this Section shall remain for fourteen (14) calendar days, or reappear within one (1) year after the Sign Ordinance Enforcer or the Zoning Officer shall have given written notification to any owner, or occupant of the property, or to the owner of any agent or employee of the owner of the sign, that such sign is in violation, such owner or occupant of the property, or the owner of the sign, as the case may be, shall be subject to prosecution under this chapter and to the penalties set forth in Section XXI..

XXII. **Fees and Enforcement.** The fee for all new or revised Sign Applications will be \$5.00 per square feet as set in Dunellen Code Section 150-3, Dunellen Construction permit fees. Any person or persons who violate any provision of this section is subject to penalties of not more than \$2,000.00, also as set in Dunellen Code Section 150-3, Dunellen Construction permit fees.

XXIII. Severability. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

XXIV. Sign Regulations for Particular Zones and Uses

- A. Table 1 dictates the types of signs that are permitted for particular uses or within particular zone, and establishes the standards for those uses
- B. Any signs which are identified as exempt from permits and fees in are also permitted in zones and uses where applicable even if not identified in Table 1.

Zone	Permitted Sign Type	Max. # of Signs	Max. Sign Area	Other Regulations
Commercial	Wall Sign	One (1) per facade	<ol style="list-style-type: none"> <li>1. 2/3 or 66% of the length of façade and or sign band</li> <li>2. 3/4 or 75% of the height of the buildings sign band</li> <li>3. 24 square feet where no sign band is present</li> </ol>	<ol style="list-style-type: none"> <li>1. No more than one (1) externally illuminated wall sign per separate façade</li> <li>2. Business must have frontage on where wall sign is located</li> <li>3. The wall sign may identify the building or the primary occupant and a non-illuminated directory sign not exceeding one (1) square foot per tenant may be permitted on the ground floor façade</li> <li>4. In a building whose ground floor is divided side to side into separate units with separate front entrances, each unit shall be treated as having a separate front façade</li> <li>5. Externally illuminated projecting signs are permitted with the requirement that the illumination spread cannot be beyond the boundary of the sign area</li> <li>6. Sign shall not extend beyond the ends of the wall surface on which it is placed and shall be below the top of the first story, or below the top of the parapet of the premises, or not over seventeen (17) feet above grade, whichever shall be lower</li> <li>7. No part of the sign shall be more than six (6) inches beyond the building façade</li> <li>8. Not more than six (6) colors including black and white</li> </ol>
	Freestanding	Only one (1) freestanding sign shall be permitted	Twenty four (24) square feet	<ol style="list-style-type: none"> <li>1. Planning Board can authorize one (1) additional free standing sign when the property has access from more than one</li> </ol>

<p><b>Commercial</b></p>		<p>on any single lot, regardless of the number of establishments on the property</p>		<p>public street and one (1) freestanding sign for each individual building on a lot occupied by condominium units</p> <ol style="list-style-type: none"> <li>2. If more than one (1) business is located on a lot the single freestanding sign may be a directory sign with a total area as regulated in this ordinance, or if that does not accommodate a minimum of one (1) square foot panel for each tenant</li> <li>3. Height shall not exceed twelve feet, excluding structure enhancements and embellishments</li> <li>4. A landscaped area located around the base of the sign equal to two and one-half (2.5) square feet for each square foot of sign area, is required</li> <li>5. A freestanding sign may consist of more than one (1) sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed that does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure</li> <li>6. Structure enhancements and embellishments may extend above the allowable height and/or permitted horizontal dimension for the purposes of sign structure enhancement or embellishment, provided such extension does not exceed a maximum of twelve (12) inches on any side</li> </ol>
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<b>Commercial</b>				<ul style="list-style-type: none"> <li>7. Sign location is required to be set back a minimum of ten (10) feet from the street side property line, and the sign structure a minimum of ten (10) feet from any interior side lot line.</li> <li>8. Should there be less than twelve (12) feet between the street front line property line and the building foundation, the sign shall be centered between the building and the property line, but in no case closer than three feet from the sidewalk or, if there is no sidewalk, the property line</li> <li>9. Signs shall not be placed within the area at a street corner where there should be a sight easement</li> <li>10. Freestanding signs shall not be installed within thirty (30) feet of any residential district</li> <li>11. Not more than four (4) colors including black and white</li> </ul>
	Side or Rear Entrance	One (1) per side or rear entrance	Six (6) square feet	<ul style="list-style-type: none"> <li>1. Sign can be non-illuminated or externally illuminated</li> </ul>
	Awnings	One (1) per business premises	<ul style="list-style-type: none"> <li>1. Signage on awnings may not exceed thirty (30) % of the size of the awning</li> <li>2. Up to two lines of lettering and one (1) logo are permitted. Such lettering and</li> </ul>	<ul style="list-style-type: none"> <li>1. Awnings may be boxed, round, barreled-shaped, or pitch topped. They shall be constructed of canvas or non-glossy vinyl</li> <li>2. No awnings shall extend more than five (5) feet from the building façade, nor have less than a minimum height of seven (7) feet from the base of the door</li> </ul>

<b>Commercial</b>			<p>logo shall not exceed eighteen (18) inches in height on the first line and twelve (12) inches in height on the second line</p> <p>3. The valance face shall be no more than 40% of the total awning height</p>	<p>they are covering. No awning shall extend into the second floor line</p> <p>3. Illuminated awnings are permitted only by lighting that shines downward</p> <p>4. In the event that a building has more than one awning, then all awnings shall be uniform in color, shape, and design</p> <p>5. An awning with signage may not be permitted in conjunction with a wall mounted or projecting signage</p> <p>6. Not more than four (4) colors including black and white</p>
	Projecting	One (1) per business premises	Four (4) square feet	<p>1. Projecting sign shall be hung from the ground floor façade at least ten (10) feet above ground level</p> <p>2. Shall project no more than three (3) feet from the building façade</p> <p>3. Not more than four (4) colors including black and white</p>
	Incidental	No more than two (2) incidental signs may appear in any single storefront	One (1) square foot	<p>1. Does not require a permit</p> <p>2. Are not included in any maximum total sign area or number of signs allowed on a single lot</p>
	Window		The total area of all signs in a window shall not exceed twenty percent (20%) of the total area of the window on which it is located	<p>1. Shall be located on interior of business</p> <p>2. Not more than one illuminated (neon) sign per business occupant shall be placed in any one (1) window</p> <p>3. In calculating maximum window coverage, the figure used for any</p>



<b>Commercial</b>				illuminated sign will be fifteen percent (15%) of the total window area 4. Not more than four (4) colors including black and white
	Temporary	One (1) per business premises	Eight (8) square feet	<ol style="list-style-type: none"> <li>1. All temporary signage, except as specifically exempted under this Article, shall require a permit</li> <li>2. Permit shall be valid for a period not to exceed thirty (30) days from the issuance thereof and may be renewed for a period not to exceed sixty (60) days</li> <li>3. Not more than four (4) colors including black and white</li> </ol>
	Special event displays	One (1) per business premises	Ten (10) square feet	<ol style="list-style-type: none"> <li>1. Displays shall be non-communicative decorative flags, spinners, strings of pennants, and banners</li> <li>2. Display shall be permitted as a display for a period of not more than fourteen (14) days at a time</li> <li>3. Such displays shall be permitted for any business on no more than two (2) occasions in any calendar year</li> <li>4. Not more than four (4) colors including black and white</li> </ol>
	Decorative flag	One (1) per business premises	Three (3) by five (5) feet	<ol style="list-style-type: none"> <li>1. Displaying only a generic logo or design (no lettering) and composed only of a lightweight fabric or woven material (no plastic)</li> <li>2. Must be hung from the ground floor façade at least ten (10) feet above ground level</li> </ol>

				3. May not project no more than three (3) feet from the building façade
<b>Residential</b>	Family unit nameplate	One (1) per family dwelling	Seventy two (72) square inches	
	Home professional occupation nameplate	One (1) per home professional occupation dwelling	One (1) square foot	<ol style="list-style-type: none"> <li>1. Shall be attached to a building or a post not exceeding five (5) feet in height</li> <li>2. Signs may be externally lit if the Sign Ordinance Enforcer or the Zoning Officer determines that the proposed illuminate is reasonable for the public convenience</li> </ol>
<b>Residential</b>	Real estate, work in progress, and garage sale sign	One (1) sign	Four (4) square feet	<ol style="list-style-type: none"> <li>1. Sign shall be placed no nearer the street than three (3) feet from the sidewalk</li> <li>2. If there is no sidewalk, no nearer the street than three (3) feet from the front line of the property</li> <li>3. Any such sign shall be removed after the signing of a lease or purchase agreement for the purchase of the premises, or completion of the work in progress, or completion of the garage sale</li> <li>4. A garage sale sign may be displayed for no more than three (3) days on a property no more than three (3) times per year, in accordance with the Yard Sale ordinance, 2015-04, and must be removed within 24 hours after conclusion of the yard sale</li> </ol>

## **DEFINITIONS**

**AWNING** – A roof-like cover that projects from the wall of a building for the purpose of signage, or shielding a doorway or window from the elements.

**AWNING FIXED** – An awning constructed with a rigid frame that cannot be retracted, folded or collapsed.

**COMPLETED APPLICATION** – A completed application is one that includes all requirements of the Master Signage as per Section XIII of this ordinance.

**SIGHT EASEMENT AT INTERSECTION** – A triangular shaped area established in accordance with the requirements of this chapter in which no grading, planting or structure shall be erected or maintained higher than two (2) feet in height, except for street signs, fire hydrants and light standards.

**SIGN** – A visible device, object, display or structure or part thereof appearing on or apparent from a building or structure that displays or uses letters, symbols, color, or form to advertise or announce the purpose of a person or entity, or to communicate information of any kind to the public.

**SIGN ANIMATED** — Any sign that includes action or motion or any changes in physical position of its whole or parts or a change in light intensity by rotation or movement.

**SIGN AREA** – The dimensions or area of a sign shall be considered as being the smallest rectangle enclosing all letters, symbols, and other devices, or the area of its background if distinguishable from a larger background such as the wall of a building. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of one of the faces. See Sign Measurement Criteria (Section 0.)

**SIGN AWNING** – A sign that is mounted, placed, or attached to an awning.

**SIGN BAND:** A horizontal area above a building's entrances, architecturally designed to accommodate signage.

**SIGN, BUILDING MARKER** – Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**SIGN COPY**

The wording or graphics on a sign surface.

**SIGN, DIRECTORY** – A sign listing names of businesses or offices in a building or complex, and containing two or more names within a single sign.

**SIGN, ELECTRONIC MESSAGE CENTERS** – A sign whose alphabetic, graphic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments either by means of preprogramming or by computer-driven electronic impulses.

**SIGN, EXTERNALLY ILLUMINATED** – An externally illuminated sign is one where the surface of which receives light from outside the sign. All external light sources for signs shall be white.

**SIGN, FLASHING** — Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not defined as "flashing signs."

**SIGN, FLUTTERING** — A sign which flutters or is made of flexible materials which moves with the wind or by some other artificial means, including, but not limited to, pennants, banners, balloons, spinning devices, streamers, and flags other than official and trademark flags.

**SIGN, FREE STANDING** – 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, GOVERNMENT** – A sign erected and maintained pursuant to an in discharge of any governmental functions or required by law, ordinance, or other governmental regulations.

**SIGN, INTERNALLY ILLUMINATED** – An internally illuminated sign is one where the surface of the sign receives light from within.

**SIGN, INCIDENTAL** – A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

**SIGN, MODIFICATION AND/OR CHANGE** – Changing of surface sign space, sign insert, ornamental molding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, or other embellishments.

**SIGN, NEON** — An illuminated sign, typically constructed of a glass discharge tube that has been shaped to form letters or symbols, and which contains a gas or vapor (typically neon or mercury) that emits light when voltage is applied across electrodes at either end of the tube.

**SIGN, POLITICAL** – A sign expressing support for or opposition to a candidate for political office or an issue specific to a current election cycle or referendum or any matter of public interest.

**SIGN, PORTABLE** – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless any such vehicle is used in the normal day-to-day operations of the business.

**SIGN, PROJECTING** – Any sign affixed to a building or wall in such a manner that its leading edge extends beyond the surface of such building or wall. Said sign shall project no more than three (3) feet from the building façade, and have a total area not exceeding four (4) square feet.

**SIGN, TEMPORARY** — Any sign intended for a limited or intermittent period of display.

**SIGN, WALL** – Any sign attached parallel to, but within twelve (12) 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 (1) sign surface.

**SIGN, WINDOW** – A sign, as herein defined, placed inside within one (1) foot of, or upon the inside of any glass or translucent material in, a wall opening of a building. Each such opening separated by a vertical supporting structural member shall be considered a separate single window, regardless of the number of lights or panes, or whether it is a window or a door.

