

ORDINANCE NO. O.2213-2024

AN ORDINANCE AMENDING CHAPTER 37, “ZONING,” BY AMENDING THE FOLLOWING SUBSECTIONS: §37-62, SIGN REGULATIONS TO ADD LANGUAGE PERTAINING TO OFF-PREMISE / BILLBOARD GUIDELINES

WHEREAS, the Township of Edison (hereinafter referred to as the “Township”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, Chapter 37, “Zoning” of the Township of Code of General Ordinances (hereinafter referred to as the “Code”) provides definitions, rules, regulations, and standards to conserve the value of property and encourage the most appropriate use of the land in the Township; and

WHEREAS, the Township recognizes the unique impact of off-premise advertising on public safety, visual aesthetics, and quality of life and the Township has a significant government interest in establishing zoning guidelines which promote public safety, visual aesthetics and general welfare of the municipality and residents of the municipality; and

WHEREAS, the Township desires to amend the following subsections of Chapter 37, “Zoning,” to update definitions and separate off-premise signs as its own subsection:

- §37-62.3, Definitions
- §37-62.11, Signs in R-I, L-I, ROL and E-I Districts

WHEREAS, the Township desires to add the following subsections to Chapter 37, “Zoning,” to add certain guidelines pertaining to the use and construction of off-premise signs and billboards:

- §37-62.12, Off-Premise Signs & Billboard Regulations

WHEREAS, prior to the Municipal Council hearing on the adoption of this Ordinance, it shall be referred to the Township Planning Board as required under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64; and

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey amend Chapter 37, “Zoning” of the Code as follows:

Deletions are noted by ~~strikethrough~~

Additions are indicated by **bold underline**

Language that remains unchanged is not highlighted in anyway.

SECTION I

§ 37-62.3 Definitions.

[no change to definitions from Abandoned Sign through Awning Sign...]

BILLBOARDS

See outdoor display structures off-premise signs.

[no change to definitions from Changeable Sign to Nameplate Sign...]

NITS

A measurement of the brightness of light. One nit is equal to one candela (one candlepower) per square meter (1cd/m²).

[no change to definitions from Nonconforming Sign to Open House Sign...]

~~OUTDOOR DISPLAY STRUCTURES~~ OFF-PREMISE SIGNS AND BILLBOARDS

Means a sign which directs attention to a business, industry, profession, commodity, service or entertainment not necessarily sold or offered upon the premises where the sign is located.

Billboards shall be freestanding in nature.

[no change to definitions from Parapet through Wall Sign...]

SECTION II

§37-62.7 Prohibited Signs

The following signs are prohibited:

[no change to sections a – c]

d. Except as provided for in subsection ~~37-62.11~~ **37-62.12 “Off Premise Signs & Billboard Regulations”**, freestanding or billboard signs advertising a product or service not sold on the premises, freestanding or billboard signs advertising or directing attention to another premises, and any sign unrelated to the premises on which the sign is erected.

SECTION III

§ 37-62.11 Signs in R-I, L-I, ROL and E-I Districts.

a. Attached signs: the same regulations as specified for commercial districts.

b. Freestanding signs shall be permitted as follows:

1. No freestanding sign shall exceed fifteen (15) feet in height; the maximum width of any one (1) side of the sign shall not exceed twenty (20) feet and the total square footage of any such sign shall not exceed two hundred (200) square feet in area or one (1) square foot for each five (5) feet of street frontage, whichever is less. The total area of all signs on the subject property shall not exceed five hundred (500) square feet in area in the aggregate, and the signs shall not be closer to one another than one thousand six hundred (1,600) feet.

2. Such signs shall be set back at least fifteen (15) feet from the street line and no such sign shall encroach upon the required side yard or rear yard setback.

3.—~~Freestanding Signs in LI Zone.~~

- ~~(a) Freestanding or billboard signs advertising products or services not sold on the premises, freestanding or billboard signs advertising or directing your attention to another premises, and any other sign unrelated to the premises on which the sign is erected, shall only be permitted in the LI zone. No such sign shall exceed fifteen (15) feet in height; such signs shall be only one sided; and such signs shall not exceed two hundred fifty (250) square feet in area, and no sign permitted by this subsection shall be erected within two thousand five hundred (2,500) feet of any other sign permitted in this subsection;~~
- ~~(b) No signs permitted by paragraph b1 shall encroach upon the required front yard, rear yard or side yard setbacks.~~

SECTION IV

§ 37-62.12 OFF-PREMISE SIGNS & BILLBOARD REGULATIONS

- a. **Intent and Purpose. It is the intent of these provisions to provide specific zoning conditions and standards for free-standing off-premise signs, referred to as “Billboards”, within the Township of Edison. This section aims to balance constitutionally protected free speech while recognizing the need to safeguard the public good and preserve the intent and purposes of the Township Zone Plan.**
- b. **Applicability: A sign shall be considered an off-premise sign used for the purpose of the business of outdoor advertising in the following circumstances:**
 - 1. **If the property owner or sign owner receives compensation for the use of the sign. However, if the payment of compensation for the use of the sign is a condition of a bona fide and principal use of the property and the compensation is paid by the entity whose use or activity is displayed on the sign, the sign shall be considered an on-premise sign; or**
 - 2. **If a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, conducted on the premises where the sign is displayed**
- c. **Zones Permitted. Billboards shall be permitted in the following locations:**
 - a. **L-I (Light Industrial) Zone**
- d. **Sign Type: All signs must be freestanding signs in nature and may not be attached to the external wall or otherwise affixed to any part of any building.**
- e. **Sign Size: Off-premises signs are subject to the following size restrictions according to the posted speed limit of the road that the off-premises sign faces.**

	Posted Speed Limit (Miles Per Hour)				
	< 36	36 – 45	45 – 55	56 – 65	Limited Access
Maximum Sign Height (ft.)	15	15	15	15	15
Maximum Sign Width (ft.)	20	20	20	20	20
Maximum Sign Area (sq. ft.)	60	100	150	200	300

- f. **Height and Clearance of Sign.**
 - 1. **Sign Height from Grade: Maximum forty (40) feet from grade.**
 - a. **Sign height shall be measured as the distance from the highest portion of**

the sign (including any sign copy) to the mean finished grade of the street closest to the sign. In the case of a sign located greater than one hundred (100) feet from a public street, height shall be measured to the mean grade at the base of the sign.

2. Sign Clearance from Grade: The lowest edge of an off-premise sign shall be at least eight (8) feet above the finished grade.
 - a. Sign clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between the finished grade and the lowest point of the sign, including any framework or other structural elements
- g. Buffers & Spacing: Off-premises signs and billboards will be subject to the following guidelines:
 1. Right of Way: The set back from any right of way shall be either the distance equal to the height of the sign or fifteen (15) feet, whichever is greater. No sign shall be placed further than one hundred and fifty (150) feet from the nearest right-of-way line of any interstate, state, county or local road.
 2. Setbacks: No signs permitted shall encroach upon the required front yard, rear yard or side yard setbacks.
 3. Property Line: Distance shall be measured to the nearest edge of the off-premise sign area, including any copy extensions. No billboard shall be located closer than twenty-five (25) feet from any property line.
 4. Buffers: The following buffers shall apply:
 - a. Proximity to Building, Structure or On-Premise Sign: Located no closer than fifty (50) feet from any building, structure, or on-premises sign located on the same property.
 - b. Proximity to Another Off-Premises Sign: Located no closer than two thousand five hundred (2,500) feet from another off-premises sign on either side of the road measured linearly.
 - c. Proximity to Intersection / Interchange: Pursuant to N.J.A.C. 16:41C-8.1, no sign shall be located within five hundred (500) feet from any intersection, interchange, or safety rest area.
 - d. District & Property Buffers: An off-premise sign shall be no closer than five hundred (500) feet to any of the following uses or zones;
 - i. Public Park or Playground
 - ii. Religious Institution
 - iii. Cemetery
 - iv. School

v. Residential District.

e. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines.

f. Not located on a bridge.

h. Signs Per Lot:

1. Total Number: There shall be no more than one (1) off-premise sign per lot.

2. Combined Area: The total area of all signs on the subject property shall not exceed four hundred (400) square feet in area in the aggregate.

i. General Guidelines

1. Copy Extension: Copy extension beyond the basic billboard sign are permitted provided they do not exceed four (4) feet above and two (2) feet on either side of the regular display area. Copy extension shall be considered part of the overall square footage of a billboard.

2. Stacked Signs: Vertically or horizontally stacked signs shall not be permitted.

3. Sign Faces: Signs may be double sided. Only one (1) side shall be considered when determining the sign area, provided that;

a. the faces are equal in size

b. the interior angle formed by the faces is less than forty-five (45) degrees, and

c. the two faces are not more than five (5) feet apart.

d. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

e. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area.

4. Sign Direction & Horizontal Angle:

a. Sign Direction: All signs shall be designed so that the display is visible only from a state highway or interstate highway. Off-premise signs shall not face local roadways or residential properties.

b. Horizontal Angle: A sign having two identical or different signs back-to-back or a V-shaped sign with a horizontal angle not greater than 45°.

5. Rear Face of Sign: The rear face of a single-face, off-premises advertising sign shall be painted and maintained with a single neutral color as approved by Township of Edison.

j. Prohibited Features

1. Content: Off-premises signs shall not display any message or graphic of an obscene or pornographic nature as determined by Township of Edison.
2. Sign / Advertisement Per Face: Any sign classified in this subsection shall be limited to one sign or advertisement per face.
3. Electronic Changeable Copy or Imagery: No billboard or portion thereof shall have any electronic, digital, or other animated characteristics resulting in an automatically changing depiction.
4. Electronic Imagery: No sign shall give the illusion of movement, display video or other changing imagery, automatically change, or be animated, flashing, scrolling or blinking.
5. The message and/or graphic content displayed on the billboard shall not be changed more than once per day.
6. Message Sequencing: Message sequencing is prohibited.
7. Moving Vehicles: Off-premise advertising signs shall not be permitted on moving vehicles.
8. Interactive: Interactive signs shall not be permitted. Electronic or animated signs that react to the behavior or electronic signals of motor vehicle drivers are prohibited.
9. Additional Restrictions: No off-premise sign or portion thereof shall rotate, move, produce noise or smoke, steam, visible vapors or particles.

k. Construction and Maintenance.

1. Certification by Engineer: All plans for off-premises signs shall be certified by a licensed engineer registered in New Jersey.
 2. Construction: All off-premises advertising signs shall be structurally sound and maintained in good condition and in compliance with the New Jersey Uniform Construction Code.
 3. Annual Inspection: On a three (3) year basis, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in New Jersey and shall provide to the Township of Edison a certificate certifying that the billboard is structurally sound.
1. Identification of Sign Owner: All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such Sign.

m. Landscaping.

1. Landscaping shall be provided at the base of all off-premises signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity, to the satisfaction of the applicable board and that board's professionals.
 2. Trees: Replacements shall be made in accordance with the Township of Edison tree replacement guidelines.
- n. Application/Plan Requirements. Plans submitted for off-premises advertising signs shall show the following:
1. Any and all information as stated in section 37-62.8 "Administration and Filing Procedure."
 2. A light study must be conducted and submitted in addition to the required information under 37-62.8.
 3. The location and species of existing trees.
 4. The distances to the nearest right-of-way, property line, building, structure, on-premises sign, off-premises sign, intersection, interchange, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.
 5. Site plan containing all of the applicable requirements set forth in the Township of Edison zoning code, as amended.
 6. Certification under the seal by a licensed engineer that the off-premises sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
- o. Illumination and Changeable Copy of Off-premises Signs.
1. Off-premises signs may incorporate manual changeable copy signs.
 2. The following illumination types shall be permitted subject to any other lighting guidelines established in the zoning code:
 - a. External illumination
 - i. External illumination lighting must be provided by a steady, stationary light source that is shielded and directed solely at the sign. The light source must be static in color.
 - b. Internal illumination
 - i. Internal illumination lighting must be provided by non-glaring lights or may be illuminated by shielded floodlights.
 - c. No sign shall be illuminated by means of intermittent, flashing or blinking lights.

d. External Light Sources

- i. All light sources shall be designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties.
- ii. Light sources shall not be visible from any street or adjoining properties.
- iii. Light sources shall be shielded from view of all vehicular traffic and shall be arranged so that there exists no glare to any vehicular traffic.
- iv. Light sources shall only be permitted to be arranged on the base margin of any billboard display area.

e. Digital

- i. Digital Display Cone Angle: The maximum cone angle allowed for digital displays shall be thirty (30) degrees, measured from the centerline of the structure.
- f. Brightness Guidelines: Sign brightness shall not exceed two-tenths (0.2) foot candles over ambient light.
 - i. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
 - ii. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
 - iii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change. to comply with the limits set here within. Brightness adjustments must be in effect from 30 minutes after sunset to 30 minutes before sunrise.
- g. Time Guidelines: Off-premises message boards and signs located on a lot within five hundred (500ft.) feet of a residential zone district, and visible from such residential zone district, shall not be illuminated between the hours of 11:00 pm and 7:00 am unless the use to which the sign pertains is open for business during those hours or at the request of the Township in the event of emergency announcement communication needs.
- h. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed off-premises sign will not create a public health or safety hazard in the location that it is proposed and in the manner by which it is to be operated.

- i. In addition to all of the above conditions, all billboards shall meet all of the requirements as set forth pursuant to the following additional guidelines. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply:
1. NJAC Title 16, Chapter 41C, Subchapter 1.1 through 11.3, as may be amended from time to time;
 2. NJSA Title 27, Section 5-5 et seq, as may be amended from time to time;
 3. Any other Township of Edison zoning regulations, county, state and/or federal laws and applicable regulations related to the construction of structures and/or billboards;
- j. All billboards shall be required to have the capability to override the displayed message in order to permit the posting of emergency messages by the Township. The owners of the billboard shall in no way be held liable for any injury suffered by the Township or any other person during an emergency if for any reason the Township is unable to make full use of the billboard as contemplated herein. Changing of the displayed message in this manner shall not violate any other section of this chapter.

SECTION V

SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION VI

REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION VII

EFFECTIVE DATE. This ordinance shall take effect immediately upon this passage and publication in accordance with the law.

FIRST READING March 27, 2024
FINAL READING May 08, 2024