

**BOROUGH OF MONTVALE
ORDINANCE NO. 2024-1558**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on the first reading at the regular meeting of the Mayor and Council on May 28, 2024 and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on June 25, 2024 at 7:30pm or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Frances Scordo, Municipal Clerk
Borough of Montvale

AN ORDINANCE OF THE BOROUGH OF MONTVALE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE CHAPTER 400 “ZONING”, ARTICLE IX “SIGNS” TO AMEND REGULATIONS RELATED TO SIGNS IN THE OR-1, OR-2, OR-3, AND OR-4 ZONING DISTRICTS

WHEREAS, the Borough of Montvale is desirous of allowing greater flexibility for non-residential tenants and owners to have exterior signage in the OR-1, OR-2, OR-3, and OR-4 Districts; and

WHEREAS, On March 19, 2024, the Site Plan Review Committee discussed potential changes to Section 400-67 of the Borough Code and provided recommended Ordinance changes to the Borough Administrator; and

WHEREAS, the Borough Council accepts the recommendations of the Site Plan Review Committee and wishes to enhance signage opportunities in the OR-1, OR-2, OR-3, and OR-4 Districts.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Montvale, County of Bergen, State of New Jersey as follows:

SECTION 1. The Borough Code, Chapter 400 “Zoning,” Article IX “Signs,” Section §400-67 “Signs in nonresidential districts,” shall be amended to add the following underlined text and delete the following text in ~~strikeout~~:

A. In the instance of any use permitted in any nonresidential zoning district, there shall be permitted the location of one sign to be erected on any parcel or lot on which there is a building, which sign may be freestanding or affixed to said structure as hereinafter provided.

(2) Freestanding signs in the OR-1, OR-2, OR-3, and OR-4 Zoning Districts shall be subject to the following regulations: Any freestanding sign in the OR-1, OR-2, OR-3 and OR-4 Zoning Districts, which sign may be two-sided, shall not be located more than 2 1/2 feet above the lowest grade elevation below it. The height of the sign shall not exceed six feet, nor shall its width exceed 12 linear feet. The maximum area of any such sign shall not exceed 32 square feet.

(a) Any freestanding sign, which sign may be two-sided, shall not be located more than 2 1/2 feet above the lowest grade elevation below it. The height of the sign shall not exceed six feet, nor shall its width exceed 12 linear feet. The maximum area of any

such sign shall not exceed 32 square feet, which shall be calculated exclusive of the base.

- (b) A second freestanding sign shall be permitted on a site which has either two or more driveways separated by a distance of at least 300 feet along a single public right-of-way or on a site located on the corner of two intersecting public rights-of-way and has one access driveway on each public right-of-way. The second freestanding sign shall be a maximum of 32 square feet, which shall be calculated exclusive of the base..
- (c) The street address number of a site may be added to a freestanding sign, provided that the number height shall not exceed four inches and an additional two square feet of sign area shall be permitted to accommodate the street address number.
- (d) No freestanding sign shall have more than four colors, black and white shall be considered colors. Components of a freestanding sign subject to this color limitation include its background, frame, and decorative parts.

SECTION 2. The Borough Code, Chapter 400 "Zoning," Article IX "Signs," Section §400-70 "General regulations for signs," shall be amended to add the following underlined text and delete the following text in ~~strikeout~~:

- G. No directories or listings of occupants and users within a building shall be permitted on any freestanding sign; provided, however, that in the instance of such freestanding signs being located within the OR-1, OR-2, OR-3 and OR-4 Districts on properties being used for the purposes allowed in said districts ~~and on which property there is located a single principal structure of at least 55,000 square feet,~~ the name of up to four tenants any tenant occupying 40% or more of the gross floor area of the principal building may be displayed on said freestanding sign.
- J. No sign, except for freestanding signs in the OR-1, OR-2, OR-3, and OR-4 Zoning Districts, shall have more than two colors, inclusive of its background, frame and decorative parts. For the purposes of this chapter, black and white shall be considered colors. Notwithstanding anything herein to the contrary, in such instance where black or white shall be used in the formation of a sign as aforesaid, then in such instance either of such may be used as a third color. The allowance of a third color is intended as a vehicle to encourage creativity in the arrangement of a sign, which expression is not dissonant with other signage in the area and does not exceed the limits necessary to afford a reasonable identity to the use for which the sign is intended.
- ~~L. No sign shall be illuminated externally by more than one floodlight per surface of said sign.~~
- LM. No sign shall contain any letter, word, name, number, model, insignia, emblem, message or representation that is composed of gas-filled tubes.
- LN. No sign shall be illuminated by a light source which is partially visible from any place other than on the premises where the sign is located, nor shall any light source, either internal or external to the sign itself, exceed 0.5 footcandle in intensity when measured at any point on the property line of the premises upon which the sign is located.
- NO. No sign shall be artificially illuminated after 11:00 p.m. or before 7:00 a.m., unless said premises are occupied and attended.

- OP. No sign shall be placed or located or displayed upon any sidewalk or area between sidewalk and curb, nor shall any sign project on or over a sidewalk.
- PQ. No freestanding sign shall be located less than 10 feet from any property boundary line; provided, further, that such sign shall be constructed at a location so as not to obscure the line of sight at intersections or points of access to the premises being served or adjacent premises, as determined in the reasonable judgment of the enforcing official or approving authority and as otherwise may be prescribed by local, county or state regulations.
- QR. Freestanding signs shall be supported by such means as are capable of preventing injury.
- RS. A sign affixed to a building wall shall be securely affixed, and where the surface of the same shall extend more than 3 1/2 inches from the face of said wall, said sign shall not be located less than 10 feet above the average ground elevation below.
- ST. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- TU. No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause an optical illusion or be confused with any authorized traffic sign, signal or device or which makes use of words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse traffic.
- UV. All signs shall be constructed in accordance with the requirements of the Uniform Construction Code and such other requirements that may be adopted therein by reference.
- VW. The enforcing official shall require the proper maintenance of all signs and shall inspect every sign for which a permit is issued within 30 days after it is erected. All signs, together with all of their supports, shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The enforcing official may order the removal of any sign that is not maintained in accordance with the provisions of this chapter.
- WX. Unless specifically approved by the governing body in accordance with this chapter or placed by the Borough itself for a public purpose, no sign shall be permitted to be placed on any public property, publicly owned property or within any public right-of-way.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 4. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 5. This Ordinance shall take effect upon final publication as provided by law.