

ORDINANCE NO. 3449-18

AN ORDINANCE AMENDING CHAPTER 131, SECTIONS 7, 18, AND 19 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RUTHERFORD, RESPECTIVELY ENTITLED "SCHEDULE OF REGULATIONS", "SIGNS", AND "AWNINGS AND AWNING SIGNS"

BE IT ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen and State of New Jersey that Chapter 131, Sections 7, 18, and 19, of the Code of the Borough of Rutherford respectively entitled "Schedule of regulations", "Signs", and "Awnings and awning signs" shall be amended and that those portions of the Ordinances set forth below are hereby amended as follows and that those portions of the Ordinances not set forth below shall remain unchanged:

§131-7 Schedule of Regulations

D. Supplements to schedules of regulations. The following are supplemental schedules to the Table of General Use Regulations (§ 131-7A):

(1) The following is a detailed list of principal permitted local retail, office and service uses for the **B1, B-3, B3/SH and B4** Districts:

(a) Uses enumerated.

Ambulatory Surgical Centers

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Appliance and Electronics

Architects

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Physicians

...

Service stations

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Vacuum Sales and Repairs

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E. Supplements to schedules of regulations. The following are supplemental schedules to the Table of General Bulk Regulations for the B-3 District.

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(5) Design requirements for rehabilitation or renovation and alteration. All applications for approval shall comply with the following standards:

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(f) Awnings. ~~In addition to the provisions of Section 131-19 (“Awnings”), the following shall apply to all applicable buildings noted on Schedule A attached hereto:~~ Awnings are permitted in all zoning districts, and awning signs shall be permitted in the B-1, B-2, B-3, B-3/SH, B-4, ORD and PCD Districts. Awnings and awning signs that are located in a zoning district wherein awning signs are permitted, excepting one- and two-family dwelling structures, shall be subject to the following standards:

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[6] Awning signs shall be calculated as part of the permitted sign square footage for a property as provided in § 131-7E [5] (h).

[7] The minimum height above the sidewalk for awnings shall be seven feet six inches at its lowest point.

[8] Awnings shall not extend above the first story nor over 12 feet six inches above the sidewalk, whichever is less, except that the individual awnings may be erected over windows located on floors above the first floor.

[9] No awning or awning sign may project more than three feet over any part of any street or any street right-of-way nor extend more than five feet from the building or structure to which it is attached. The owner of the building and/or tenant with an awning or awning sign accepts all liability for such awnings, awning signs or signage installed over the right-of-way. Retractable awnings located within the Park Avenue

Business Improvement District may project five feet over any part of the street or any street right-of-way but may not extend more than five feet from the building or structure to which it is attached. The height of the awning, when fully extended, shall not exceed the length of its projection from the building.

[10] All awnings and awning signs must conform to the applicable building codes.

[11] No awning or awning sign shall be backlighted or be constructed of any material which permits the passage of light or allows light to be seen through the material so as to illuminate the exterior of the awning.

[12] No awning or awning sign shall have permanent illumination involving intermittent or flashing lights. This condition does not apply to temporary holiday/festive lighting decorations.

[13] All awnings, canopies or marquees shall be maintained in a clean and neat-appearing condition, and such maintenance, where applicable, shall include regular cleaning and removal and repainting of any chipped or blistered paint or replacement of fabric or material which is cracked, torn, ripped or otherwise disintegrating.

[14] Any awning, canopy or marquee which no longer identifies a bona fide business shall be taken down and removed or modified by the owner of the premises within 10 days after such business has ceased, and any permits or approvals therefor shall be deemed to have expired at such time.

[15] If the Construction Code Official finds that any awning, canopy or marquee has been erected in such a manner or has deteriorated to such a degree as to be unsightly or to constitute a hazard to the general public, the hazard shall be eliminated within 24 hours and the awning, canopy or marquee shall be removed or repaired to the satisfaction of

the Construction Code Official within 30 days after written notice of such condition has been served upon the owner, owner's agent, lessee or occupant. Failure to comply therewith shall be a violation of this chapter and subject the offender to its penalties.

[16] The lettering and logo portion of the awning sign shall be limited to the flap of the awning, not to exceed eight inches in height. There shall be no profane language on any display.

[17] Any building number on an awning sign shall be in Arabic numerals and English alphabet letters.

[18] The municipality reserves the right to establish licensing requirements for awnings which extend onto the borough right-of-way.

[19] All canopies, awnings or marquees in the Rutherford Business District set forth at § 131-7E (1)(a) shall be reviewed for compliance with this section.

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(h) Signage. ~~In addition to the provisions of 131-18 B (3),~~ the following shall apply to all applicable buildings noted on Schedule A attached hereto:

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[8] No sign of any type shall be permitted to obstruct driving vision, traffic signals, traffic directional and identification signs, other places of business, other signs or windows of the building on which they are located. Except for authorized public information and direction signs, no sign shall be attached to trees, fence posts, stumps, utility poles, bridges, culverts or other signs but shall be freestanding or attached to buildings in an approved manner.

[9] A freestanding sign shall not exceed five feet in height, except as permitted.

[10] Attached signs shall be mounted flush on the building and shall not project above the roofline or over sidewalk areas in the business districts, except as permitted.

[11] Uses on corner lots shall be construed as having frontage on both streets, and signs shall be permitted accordingly.

[12] No billboards shall be erected.

[13] Overhanging signs are prohibited, except as provided in Subsection E (5) (h) [16] [b] below.

[12] No flashing signs are permitted.

[13] All signs not specifically permitted are prohibited.

[14] Each business that shall have a sign designating the name of a business or the nature of a business using lettering or symbols of an alphabet other than the English language alphabet shall also convey on the sign such information in the English language alphabet with lettering at least four inches in height.

[15] Any sign which no longer identifies a bona fide business shall be taken down and removed by the owner of the premises within 10 days after such business has ceased, and any permits and approvals for such signs shall be deemed to have expired at such time. Before receiving any certificates of occupancy, any new business is required to meet the guidelines set forth at § 131-7E(5)(h).

[16] Permitted signs. The following signs are permitted for uses as specified in the various zone district regulations:

[a] Churches. One freestanding sign not exceeding 12 square feet in area and seven feet in height and set back at least 25 feet from all street rights-of-way and lot lines, plus one attached sign not exceeding 25 square feet in area.

[b] Garden apartment dwelling groups. Each development may have one sign along each arterial or collector road which the tract in question abuts, provided that there exists at least 150 feet of unbroken frontage. Such sign(s) shall not exceed 30 square feet in area and seven feet in height. In addition, each sign shall be set back from all street rights-of-way and lot lines a minimum of 30 feet and shall display only the development's name.

[c] B-3 and B-3/SH Business District uses.

(1) Each use located on the ground floor may have one nonflashing lighted or unlighted sign displaying the name of the use, attached flat to the front of the building, not exceeding an area equivalent to one square-foot per lineal feet of building frontage occupied by the use on that particular building face or 50 square feet, whichever is smaller. When the buildings are designed for rear or side entrances, one unlighted sign may be attached flat against the building at the rear and side entrances, each sign not to exceed an area equivalent to 1/2 that of the maximum sign area permitted on the front of the building.

(2) Projecting signs. Each building may have one projecting sign attached to the front of the building, not exceeding 15 square feet in area, and the greater dimension of the sign shall not exceed six feet. Said sign shall not extend more than three feet over any part of any street right-of-way nor extend more than five feet from the building to which it is attached. The bottom of a projecting sign shall be at least eight feet above the highest point of the finished grade along the applicable facade and shall

not extend above the roofline or parapet or project above the highest elevation of the wall to which it is attached.

(3) The only signs permitted above the ground floor shall be a single sign for each business establishment. The sign shall be painted on a single window in gold leaf, black or white. Each such sign shall be limited to two lines, and each line shall be limited to six inches in height. There shall be a maximum distance of separation of four inches between the two lines.

[18] Retail sale of goods and services, restaurants, banks, theaters and new car dealerships. Each use may have one freestanding sign not exceeding 100 square feet in area and 10 feet in height. This sign shall be set back at least 25 feet from all rights-of-way and lot lines. In addition, each use may have one attached sign not exceeding an area equivalent to 5% of the building front or 50 square feet, whichever is smaller. Where buildings are designed for rear or side entrances, one unlighted sign may be attached flat against the building at the rear and side entrances, each sign not to exceed an area equivalent to 1/2 that of the maximum sign area permitted on the front of the building.

[19] Office buildings and hotels: one sign used only to display the name of the office complex or hotel and not exceeding an area equivalent to 5% of the first-floor portion of the front facade or 100 square feet, whichever is smaller. Such sign may be either freestanding or attached and, if freestanding, shall be set back at least 25 feet from all street right-of-way and lot lines. Where an individual office unit has direct access from the outside, a sign not exceeding six square feet, identifying the name of the office, may also be attached to the building at the office entrance.

[20] Service stations. One freestanding sign and one attached sign are permitted. The freestanding sign shall not exceed 20 square feet in area and shall be set back at least 10 feet from all street rights-of-way and lot lines. The attached sign shall not exceed 30 square feet in area. In addition, the following special signs shall be permitted:

(a) One temporary sign inside the property line and specifically advertising special seasonal servicing of automobiles, provided that such sign does not exceed seven square feet in area.

(b) Directional signs of lettering over individual entrance doors or bays, consisting only of the words "washing," "lubrication," "repairs," "mechanic on duty" or other words closely similar in import, provided that there shall be not more than one such sign over each entrance or bay, the letters thereof shall not exceed 12 inches in height and the total of each sign shall not exceed six square feet.

(c) Customary lettering or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead-warning sign, a price indicator and any other sign required by law, and not exceeding a total of three square feet on each pump; and, if illuminated, such signs shall be nonflashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.

(d) A nonilluminated credit-card sign not exceeding eight square feet in area, placed on or near the gasoline pumps.

[21] Laboratories, industrial and manufacturing plants, wholesale distribution centers and warehouses. One sign not larger than the equivalent of 5% of the area of the front wall of the building or 100 square feet, whichever is smaller, is permitted. If attached, the sign shall be attached flat against the building and shall not be higher than

the roofline. If freestanding, the sign shall not exceed 10 feet in height and shall be set back from all street rights-of-way and lot lines at least 50 feet.

[22] Residential uses. One nameplate sign not to exceed one square foot may be placed anywhere in the front yard. In addition, one customary professional sign or nameplate not more than two square feet in area shall be permitted and shall be set back at least 1/2 the setback required for the principal building in the particular district.

[23] Clubs, lodges, community centers and nonprofit organizations. Each use may have one freestanding or attached name display sign not exceeding 10 square feet in area. This shall be set back at least 25 feet from all street rights-of-way and lot lines.

[24] Multifamily dwellings. Each use may have one attached name display sign not exceeding 10 square feet in area.

[25] University. Each university campus shall be permitted one name display sign along each collector or arterial street which the tract abuts. Such sign(s) shall not exceed 10 square feet in area and seven feet in height. In addition, each sign shall be setback a minimum of 30 feet from all street rights-of-way and lot lines. Other signs shall be permitted as determined necessary and reasonable by Planning Board site plan review.

[27] Miscellaneous signs.

(a) Real estate signs. Real estate signs, not exceeding six square feet in area in residential districts and 25 square feet in area in all other districts, shall be permitted. Such signs, advertising the sale, rental or lease of property, shall be maintained only on the premises to which they apply. Such signs shall be set back at least 15 feet from all street rights-of-way and lot lines. In cases where

the building setback is less than 25 feet, such signs shall be not more than five feet from the building. All real estate signs shall be removed upon closing of title of said sale.

(b) Construction signs. Signs which identify the architects, contractors, engineers and other parties involved with the construction activity shall be permitted. Such signs shall not exceed four square feet for each firm involved in residential districts and 10 square feet for each firm involved in all other districts. Such signs shall be restricted to the construction site for the construction period. They shall be removed immediately upon completion of the work by the named parties. Such signs shall not include the advertisement of any product.

(c) Window display signs. Such signs are permitted as integral components of the window display of merchandise. No signs, however, shall be attached in any manner to the outside of display windows. Window display signs, when attached to the inside of display windows, shall cover an aggregate maximum of 30% of such window area.

(d) Public signs. Signs of a noncommercial nature in the public interest are permitted, provided that they are erected by, or on the order of, a public official in the performance of his public duty. Such signs shall include safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs.

(e) Signs as part of a structure. Names of buildings, dates of erection, monumental citations, commemorative tablets, cornerstones and other similar signs are permitted as an integral part of the structure, provided that they are carved in stone,

concrete or similar material or made of bronze, aluminum or another permanent-type construction.

(f) Private traffic signs. Signs directing traffic movement onto or within a premises shall be permitted to a maximum area of three square feet for each sign. Horizontal directional signs on and flush with the pavement are exempt from these restrictions.

[28] For buildings containing more than one nonresidential tenant, one wall-mounted directory sign for each ground floor entrance to a building shall be permitted whether such entrance fronts on a street or a parking lot. The maximum size of a directory sign shall not exceed six square feet in area. Such sign may identify all building occupant names and their addresses; however, no individual businesses shall occupy greater than one square foot in area of such sign. A wall-mounted directory sign may not be illuminated. All lettering on wall-mounted directory signs shall have the same font style and color.

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§131-18 (Reserved)

§131- 19 (Reserved)

ATTEST:

BOROUGH OF RUTHERFORD

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk

Joseph DeSalvo Jr.

Joseph DeSalvo Jr., Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on February 27, 2018.

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk