

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2527-19
ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE 6 OF THE DEVELOPMENT REGULATIONS
AND ZONING ORDINANCE, OF THE TOWNSHIP OF MILLBURN TO ALLOW TEMPORARY REAL
ESTATE DIRECTIONAL SIGNS FOR USE DURING AN OPEN HOUSE**

Statement of Purpose: The purpose of this Ordinance is to allow for and establish guidelines for the use of real estate directional or “trailblazing” signage for open houses.

WHEREAS, there exists a need to allow for temporary real estate directional signs for open houses as a tool for home buyers to identify homes for sale in Millburn Township;

WHEREAS, sensible regulation and guidelines will ensure that these wayfinding tools are properly placed and do not obstruct important areas of mobility within the Township; and

WHEREAS, the following revisions to the zoning ordinance on signage will provide consistency and fairness in the way that such temporary real estate directional signs are placed for all realtors;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN IN THE COUNTY OF ESSEX, AND STATE OF NEW JERSEY, as follows:

NOTE: The section of Article 6 that is to be amended by this Ordinance includes only section 609.10 “Street Graphics” and is specifically set forth below. All additions shown in ***bold italics and underlines***. Any deletions are shown as ~~***strikovers in bold italics***~~. Sections of section 609.10 will remain in normal type.

**609.10 Street Graphics
[Ord. 2471-16]**

The purpose of this section is to create the legal framework for a system of street graphics.

a. Table of Design Elements

A Table of Design Elements for street graphics is included herewith. Except in Areas of Special Control, as set forth in Section 609.10g., no street graphic shall be erected, displayed, substantially altered, or reconstructed except in conformance with the Table of Design Elements, hereinafter referred to as the Table.

TABLE OF DESIGN ELEMENTS				
	Zoning Districts			
	R-3 thru R-8, R-O	B-1, B-2	B-3, B-4	OR-1 thru OR-3, CMO, CD, C
Basic Elements				
Wall Graphic-Area	2 sq. ft.	20%	20%	10% (Note A)
Wall Graphic-Height	1 ft.	2 ft.	2 ft.	2 ft. (Note A)
Ground Graphic-Area	2 sq. ft.	(Note B)	20 sq. ft.	20 sq. ft.
Ground Graphic-Height	5 ft.	15 ft.	10 ft.	5 ft.
Auxiliary Elements				
Awnings (Note E)	N	Y	Y	N
Canopies	N	Y	Y	N
Marquees	N	N	Y	N
Time & Temperature	N	Y	Y	N
Window	N	(Notes C & D)		N
Surface Color	W + 1	All	All	W+2
Y = Yes; N = No; W = White [Ord. 12-93, 15-95]				

Notes:

Note A: In the OR-3 District, buildings which are 2 or more stories in height and have a front setback of at least 100 feet, may have wall graphics displayed on each street frontage, provided:

1. Graphics are not over 7 feet in height;
2. Graphics are at least 20 feet above any area used by the public;
3. Graphic area does not exceed 150 square feet;
4. Graphic area does not exceed 5% of the wall area to which attached;
5. Graphic does not project above roof line.

Note B: One ground graphic identifying the activities on the property may be displayed along each street or road which abuts the property, provided there exists at least 200 feet of unbroken frontage and a vehicular access. Ground graphics for individual businesses are not permitted. Area of graphic shall not exceed 50 square feet and height shall not exceed 15 feet above grade at street line. Setback shall be at least 20 feet from the street and all property lines.

Note C: Temporary window graphics must be removed within 5 days after close of the sale or special event and in no event may be displayed more than 40 days. Graphics must be attached flat against the window glass and not occupy more than 25% of the total area of the window in which displayed.

Note D: Permanent window graphics may not occupy more than 25% of the total area of the window in which displayed. Any lettering in the window which is less than 3 inches in height shall not be considered in this calculation.

Note E: Awnings shall be permitted on any retail use in any zoning district under any of the following conditions:

1. The use is specifically permitted in the zoning district; or
2. The use is permitted through the granting of a use variance; or
3. The use is a valid pre-existing nonconforming use. [Ord. 12-93]

Note F: In the R-3 through R-8 and R-O Districts, wall and ground graphics shall not be illuminated, except for those Areas of Special Control as set forth in Section 609.10g.(1) and (2). [Ord. 15-95]

b. Items of Information Allowed

1. Each land use is entitled to display street graphics containing up to 10 items of information on each street to which it has access. The name of the proprietor or the name of the business occupying the building and its premises shall count as only one item of information. The name may be displayed on each street frontage, even if the items of information use up the permitted 10 items.
2. An "item of information" means any of the following: a syllable of a word; an abbreviation; a number (whether one digit or more); a symbol; or a geometric shape. In addition, graphics combining several shapes are to be assessed one additional item for each non-continuous plane.
3. Lettering less than 3 inches in height, if contained in a wall graphic, is not included.

c. Ground Graphics

1. Any land use may display one or more ground graphics, provided:
 - (a) The face of the building or structure is set back at least 35 feet from the street line;
 - (b) The ground graphic shall not exceed 8 feet in height, measured from the grade at the street line;
 - (c) A ground graphic which is 6 square feet or more in area may be displayed only on a frontage of 100 feet or more;
 - (d) The ground graphic shall be set back from each property line and the street line a minimum of 10 feet, or 1.5 times the height of the graphic, whichever is greater.

d. Wall Graphics

1. The area permitted for wall graphics is shown in the Table of Design Elements.

2. "Signable area" of the building means an area of the facade of the building which is free of windows, doors, and major architectural detail. The percentage figures shown in the Table are based on the signable area. The following provisions apply in calculating the graphic area:
 - (a) If the graphic is enclosed by a box or outline, the total area of the graphic, including the background, is counted as part of the graphic area;
 - (b) If the graphic consists of individual letters, only the area of the letters is counted as part of the signable area.
 3. A graphic may not cover or interrupt major architectural features, such as frieze, string courses, or other decorative facade details.
 4. Wall graphics height limitations:
 - (a) Wall graphics placed in the space between windows may not exceed in height more than $\frac{2}{3}$ of the distance between the top of a window and the sill of the window above, or major architectural details related thereto;
 - (b) Wall graphics may not extend above the second floor line, nor above the roof line of the building to which attached. **[Ord. 9-87]**
- e. Projecting Graphics are Not Permitted
- f. Special Situations
1. Street graphics may be displayed on the side or rear of a building adjacent to an off-street parking area if the off-street parking area is 40 feet or more in width. However, the side or rear of the building may not be included when calculating the signable area.
 2. If a building has frontage on 2 or more streets, each side of the building is to be separately considered.
- g. Areas of Special Control
1. A church, school or other quasi-public land use in an R-3 through R-8, or R-O Districts may display one ground graphic not larger than 15 square feet in area. Golf courses and private clubs may display one ground graphic not to exceed 10 square feet in area and 5 feet in height for each vehicular entrance from a public street.
 2. Apartments in the R-8 District may have one ground graphic not larger than 12 square feet in area and 5 feet in height for each 200 feet of street frontage.
 3. Automobile service stations may have one pole mounted ground graphic not larger than 15 square feet in area, nor more than 20 feet in height, in addition to the provisions of the Table of Design Elements.

4. The following graphics are prohibited:
- (a) Billboards; except as a conditional use in the Commercial/Medical Offices District (CMO), subject to the conditions set forth under Section 606.9d.* **[Ord. 2305-07]**
Editor's Note: Codified per ordinance. Billboard provisions removed by Ord. 2326-08
 - (b) Portable graphics;
 - (c) Graphics with motion or which give the illusion of motion;
 - (d) Flashing or intermittent light for graphics.
 - (e) Temporary signs identifying architects, engineers, contractors, builders, painters, gardeners and any other tradesman or service providers engaged in construction, improvement, repair, refurbishing, landscaping or any other commercial activity relating to structures in residential zones. **[Ord. 2170-00]**
5. The following temporary graphics are permitted and do not require a permit:
- (a) Graphics identifying the sale, rental, or lease of the premises on which located, subject to a maximum graphic area of 4 square feet in the R-3 through R-8 and R-0 Districts, and 9 square feet in all other districts; ground graphic provisions shall apply; graphics shall be removed no more than 7 days after the date when the contract or lease is signed or the reason for the graphic has ceased; open house graphics shall be allowed only during the day when the open house is being conducted. **[Ords. 20-95, 2170-00]**
 - (b) Developments with 3 or more lots for sale shall be permitted one ground graphic not larger than 12 square feet in area or 5 feet in height;
 - (c) Temporary window graphics;
 - (d) Graphics on the grounds of churches, schools, or other quasi-public land uses provided they do not exceed 15 square feet and are not displayed for more than 14 days.
 - (e) Temporary real estate directional signs**
 - i. "Temporary real estate directional signs shall be defined as removable freestanding signs, to be in or on the ground, not to exceed 18 inches in height, 24 inches in width and no higher than 30 inches above existing grade that are used to direct potential home buyers to an active open house".**
 - ii. Signs may be placed in the public right of way; however, no sign shall create a site triangle obstruction for motorists or an obstruction**

to pedestrians. No sign shall be placed on private property without the written permission of the property owner.

iii. A temporary real estate directional sign may only be installed during the hours of 11:00am to 5:00pm on the day of the open house, Signs must be removed by 6:00pm on the same day of the open house.

iv. No more than four (4) temporary real estate directional signs shall be placed for a single open house. These signs must identify the broker sponsoring the open house and a phone number.

v. A temporary real estate directional sign, as defined herein, shall not include any illumination, nor shall there be affixed thereon any balloons, streamers or other decorative accessory.

vi. Any violation of this section will be enforced as defined in section 419.

6. Signs indicating the presence of a security device or system are permitted. Security device or system shall have the same meaning as a "local alarm" or a "private alarm system" as defined in Chapter IV, subsection 4-1.4 of the Revised General Ordinance of the Township of Millburn (1994). **[Ord. 2170-00]**
- h. Permits
 1. No street graphic other than temporary graphics as set forth in Section 609.10g.5, or those operations set forth in paragraph 3. below, shall be erected, altered, or relocated without a permit issued by the Zoning Officer.
 2. Applications for permits shall include a drawing showing the design, location, pertinent details, and the name and address of the owner and applicant.
 3. The following operations shall not require a permit:
 - (a) Changing copy on a theater marquee;
 - (b) Renovating an existing graphic where no change in copy is made.
- i. Auxiliary Elements

See Table.

 1. Awnings and canopies are permitted in the B-1 through B-4 Districts, and as otherwise permitted in accordance with Note E in the Table of Design Elements. Letters over 3 inches in height which are displayed are debited against the allowable graphic area.
 2. Temporary window graphics are not debited against the allowable graphic area.
 3. Indirect illumination, i.e. a light source not seen directly, is permitted.

4. Floodlight illumination is permitted, provided none of the light shines onto an adjoining property or in the eyes of motorists or pedestrians.
5. Bare bulb illumination is not permitted.

j. Advisory Board

The Design Review Committee shall act in an advisory capacity to the Planning Board, Board of Adjustment, and Zoning Officer relating to street graphics.

1st Reading and Introduction: 3/5/2019