

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **20-047**

1ST READING September 15, 2020

DATE TO MAYOR _____

2ND READING & PUBLIC HEARING Oct. 6, 2020

DATE RESUBMITTED TO COUNCIL _____

WITHDRAWN _____ LOST _____

DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART III, LAND USE LEGISLATION, CHAPTER 550, LAND DEVELOPMENT, ARTICLE IV, GENERAL REGULATIONS AND DESIGN STANDARDS, § 550-124, SIGNS

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Part III, Land Use Legislation, Chapter 550, Land Development, Article IV, General Regulations and Design Standards, § 550-124, Signs*, as amended and supplemented, be further amended and supplemented as follows:

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Chapter 550

LAND DEVELOPMENT

Article IV. General Regulations and Design Standards

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§ 550-124. Signs.

A. General provisions. No sign may be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted business occupant, service, address, use or product offered, sold or conducted on the same premises or off-site premises designated by this chapter. Outdoor advertising signs may be erected in designated areas. No signs shall be erected, altered or replaced which are not in accordance with the standards established in this chapter. Unless otherwise specified in this chapter, the erection of any sign shall require a construction permit. No sign shall be attached to trees, fence posts, stumps, utility poles or other signs but shall be freestanding or attached to buildings in an approved manner. Coming events, community bulletin boards and time-and-temperature signs shall be permitted.

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G. Outdoor advertising signs.

(1) Notwithstanding any other provision of this chapter, outdoor advertising signs shall be considered a permitted use in the following designated areas on properties bordering I-195 or I-295:

(a) Along the south side of I-195 in the Highway Commercial Zone within 1,000

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feet west of the Route 206 overpass.

- (b) Along the north side of I-195 in the Research Development Zone within 1,500 feet east of the Yardville-Hamilton Square Road overpass.
- (c) Along the north side and south side of I-195 in the Research Development Zone within 1,500 feet east of the Klockner Road overpass.
- ([c]d) Along the north side of I-195 in the Research Development Zone within 1,500 feet east of the railroad bridge abutment for the railroad underpass of I-195.
- ([d]e) Along the west side of I-295 in the Highway Commercial Zone within 1,000 feet north of the Independence Avenue overpass.
- ([e]f) Along the east side of I-295 within 1,000 feet north of the Kuser Road overpass in the Government Services Center Zone and along the east side of I-295 within 1,000 feet south of the Klockner Road overpass in the Research, Engineering and Office Zone.
- ([f]g) Along the east side of I-295 in the Industrial Zone within 1,500 feet south of the Sloan Avenue overpass.
- ([g]h) Along the east side of I-295 in the Government Services Center Zone within 1,000 feet south of the Cypress Road overpass.
- (i) Along the north side of I-195 in the Research Development Zone within 3,200 feet east of the U.S. HWY 130 overpass.

(2) All new outdoor advertising signs shall comply with the following:

- (a) Outdoor advertising sign faces shall be primarily directed to motorists on I-195 or I-295.
- (b) Outdoor advertising signs shall be no less than five feet from the I-195 or I-295 right-of-way and 10 feet from any other bordering property line.
- (c) No outdoor advertising sign shall exceed 60 feet in height measured from the top of the sign to the grade at the base of the sign; provided, however, where topography or vegetation requires additional height in order for the sign to be adequately seen from I-195 or I-295, a height waiver of up to 90 feet shall be available.
- (d) Each outdoor advertising sign may have up to two advertising faces, placed either back to back or in a V-shaped configuration on a sign. Each face shall be no more than 14 feet high or 48 feet long for a maximum square footage of 672 square feet per face excluding temporary cutouts or extensions.

EXPLANATION Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.

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- (e) All outdoor advertising signs shall comply with revised and current New Jersey Department of Transportation regulations (N.J.A.C. 16:41C-1.1 et seq.) concerning outdoor advertising signs.
- (f) All outdoor advertising signs shall be spaced no less than a 500-foot radius from any other outdoor advertising sign and 1,000 feet apart on the same side of the interstate highway, measured along the nearest edge of the advertising sign face nearest the pavement edge. No outdoor advertising sign shall be developed within a 500-foot radius of a conservation of arts and culture zone.
- (g) For each new fixed (non-EMC) outdoor advertising sign constructed or placed along I-195 or I-295, prior to the issuance of a certificate of approval the applicant shall remove or cause to be removed two existing outdoor advertising signs with each sign face having a minimum of 250 square feet of outdoor advertising sign area. Each removed sign must have a current outdoor advertising permit from the New Jersey Department of Transportation. For each new EMC outdoor advertising sign placed along I-195 or I-295, prior to the issuance of a certificate of approval the applicant shall remove or cause to be removed three existing outdoor advertising signs with each sign face having a minimum of 250 square feet of outdoor advertising sign area. Each removed sign must have a current outdoor advertising permit from the New Jersey Department of Transportation. The existing sign structures shall be removed within 30 days after construction is completed on a new sign structure. Additionally, the permits from the New Jersey Department of Transportation for the removed sign shall be cancelled upon removal. Failure to remove an existing sign within 30 days after construction of a new sign structure shall be cause to issue penalties, including withdrawal of the approval of the new sign.
 - 1. Whenever any applicant or affiliate of the applicant certifies in its site plan application that it has no inventory of existing outdoor advertising signs to comply with this subsection, the Planning Board or other board having jurisdiction shall waive this provision.
 - 2. Whenever any applicant or affiliate of the applicant certifies in its site plan application that it has less inventory of existing outdoor advertising signs than the applicant or affiliate of the applicant is required to remove pursuant to this subsection, the applicant or affiliate of the applicant shall be required to remove whatever existing inventory of outdoor advertising signs it has in its inventory.

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3. “Affiliate of the applicant” is defined herein as any entity which has any ownership or control interests in common with the applicant.
- (h) The lighting of outdoor advertising signs shall be permitted and restricted to the hours of operation from sunset to 12:00 midnight. Each sign face shall be illuminated by no more than three four-hundred-watt fixtures that shall be placed at the bottom of the sign face and angled upwards toward the sign face.
- (i) Electronic message centers (EMCs) shall be permitted and shall comply with New Jersey Department of Transportation regulations (N.J.A.C. 16:41C-8.8, Off-premises multiple message signs).
- (j) Outdoor advertising signs shall not be considered a principal use or structure on a lot and shall be allowed on lots that already have principal uses or structures.
- (k) The erection of any outdoor advertising sign shall require a site plan application to the Planning Board or other board having jurisdiction.
- (l) For the conversion of any existing fixed (non-EMC) outdoor advertising sign to an EMC outdoor advertising sign along I-195 or I-295, prior to the issuance of a certificate of approval the applicant shall remove or cause to be removed one existing outdoor advertising sign with each sign face having a minimum of 250 square feet of outdoor advertising sign area. Each removed sign must have a current outdoor advertising permit from the New Jersey Department of Transportation.

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All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

OK D. 3
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PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓					✓	ANTHONY P. CARABELLI, JR.						
NANCY PHILLIPS	✓						NANCY PHILLIPS						
CHARLES F. WHALEN	✓						CHARLES F. WHALEN						
PASQUALE "PAT" PAPERIO, JR.	✓				✓		PASQUALE "PAT" PAPERIO, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE

AYE _____

NAY _____

EXPLANATION Matter UNDERLINED thus in this legislation is new matter.
Matter contained in **BRACKETS [thus]** is to be omitted from the law.