

Sign Regulations in the Pinelands

Policy & Implementation Committee
March 24, 2016



Agenda

1. Background
2. The CMP & Signage
3. Signage & the Courts
4. Recommendations
5. Next Steps

Background

- Outdoor Advertising Signs
 - Digital/LED Signs
- U.S. Supreme Court decision (June 2015)
- New complex issues encompassing digital/LED signage
- Decisions need to be made on the big picture first, digital/LED signs will follow

New Jersey Pinelands Commission

Comprehensive Management Plan



The Fourth Progress Report on Plan Implementation

September 2014

Nancy Wittenberg, Executive Director



The CMP & Signage

The CMP & Signage Overview

- Scenic Management Program
- Limited changes over time
- Signage Regulations and Standards
 - Regulations for all management areas
 - Additional regulations for PAD & SAPA management areas
 - Additional “guidelines” that may be used elsewhere
- Application Process
 - On-site signs are exempt from Commission review
 - Off-site commercial signs (billboards) require Commission review

7:50-6.106 Signs

Each municipality shall adopt provisions governing signs in its municipal master plan and ordinances. N.J.A.C. 7:50-6.107 contains provisions which must be included in all municipalities; N.J.A.C. 7:50-6.108 contains mandatory provisions for municipalities in the Preservation Area District and Special Agricultural Production Areas; and N.J.A.C. 7:50-6.109 contains suggested guidelines for additional sign provisions for other areas of the Pinelands:

7:50-6.107 Mandatory sign provisions

(a) No sign, other than warning or safety signs, which is designed or intended to attract attention by sudden, intermittent or rhythmic movement, or physical or lighting change, shall be permitted in any area.

(b) No sign, other than warning or safety signs, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation shall be permitted in any area.

(c) No outdoor off-site commercial advertising sign, other than those off-site signs specifically authorized in N.J.A.C. 7:50-6.108 and 6.109, shall be permitted in the Pinelands except as follows:

1. Off-site outdoor signs advertising agricultural commercial establishments shall be permitted in Agricultural Production Areas and Special Agricultural Production Areas and may be permitted in any other management area. All such off-site signs shall be subject to the following conditions:

i. A maximum of two signs may be placed in any one direction along each road directly approaching the stand; and

ii. Each sign along four lane State or U.S. highways shall be limited to a maximum of 50 square feet in area; each sign along all other roads shall be limited to a maximum of 32 square feet in area.

2. Off-site outdoor directional signs may be permitted in any management area, provided that such signs do not contain advertising and are restricted to the name of the public or private use and any necessary directions, the number of signs per use is the minimum necessary to give adequate directions and the size of such signs does not exceed that necessary to convey directions.

3. Existing lawful off-site commercial advertising signs, in existence as of January 14, 1981, shall be permitted in:

i. Regional Growth Areas;

ii. Pinelands Towns; and

iii. Certified municipal non-residential zones in Rural Development Areas and Villages in existence as of December 5, 1994 if the sign is located within 1,000 feet

of a Regional Growth Area or Pinelands Town and is located on a United States Highway.

(d) Any existing sign that violates (a) or (b) shall be removed immediately. Any existing off-site commercial advertising sign which does not conform to (c) shall be removed no later than December 5, 1996.

(e) To the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.

Amended by R.1988 d.405, effective September 19, 1988.

Sec: 20 N.J.R. 716(a), 20 N.J.R. 2384(a).

In (c), changed "roadside stands" to "commercial establishments" and added "offsite outdoor signs ..." and 1 and 2.

Amended by R.1994 d.590, effective December 5, 1994.

Sec: 26 N.J.R. 165(a), 26 N.J.R. 4795(a).

7:50-6.108 Mandatory sign provisions in the Preservation Area District and Special Agricultural Production Areas

(a) No sign shall be constructed, repaired or maintained except in accordance with the provisions of N.J.A.C. 7:50-6.107 and this section.

(b) The following signs are permitted in the Preservation Area District and the Special Agricultural Production Areas:

1. Official public safety and information signs displaying road names, numbers and safety directions;

2. On-site signs advertising the sale or rental of the premises, provided that:

i. The area on one side of any such sign shall not exceed 12 square feet;

ii. No more than one sign is located on any parcel of land held in common ownership.

3. On-site identification signs for schools, churches, hospitals, or similar public service institutions, provided that:

i. The size of any such sign shall not exceed 12 square feet;

ii. No more than one sign is placed on any single property.

4. Trespassing signs or signs indicating the private nature of a road, driveway or premises, and signs prohibiting or otherwise controlling fishing or hunting, provided that the size of such signs does not exceed 12 square feet;

5. On-site professional, home occupation, or name signs indicating the profession and/or activity and/or name of the occupant of the dwelling, provided that:

i. The size of any such sign shall not exceed 12 square feet;

ii. No more than one sign is permitted for any individual parcel of land.

6. On-site business or advertising signs, provided that:

i. No more than two signs are located on any one premise or on the premises leased or utilized by any one business establishment;

ii. The total area of such signs shall not exceed 20 square feet per side, with the maximum height to the top of the sign not to exceed 15 feet from ground level.

7. Temporary signs advertising political parties or candidates for election, provided that the size of any such sign does not exceed four square feet.

8. Temporary on and off-site signs advertising civil, social or political gatherings and activities, provided that the size of such signs does not exceed four square feet.

7:50-6.109 Guidelines for sign provisions outside the Preservation Area District and Special Agricultural Production Areas

(a) The following guidelines may be used in formulating municipal sign ordinances:

1. Official public safety and information signs displaying road names, numbers and safety directions may be permitted;

2. On-site signs advertising the sale or rental of the premises may be permitted, provided that:

i. The area on one side of any such sign does not exceed 12 square feet;

ii. No more than one sign is located on any parcel of land held in common ownership.

3. On-site identification signs for schools, churches, hospitals, or similar public service institutions may be permitted; provided that:

i. The size of any such sign does not exceed 12 square feet;

ii. No more than one sign is placed on any single property.

4. Temporary signs advertising political parties or candidates for election may be permitted, provided that the size of any such sign does not exceed 12 square feet;

5. Temporary on and off-site signs advertising civic, social or political gatherings and activities may be permitted, provided that the size of such signs does not exceed 12 square feet;

6. Trespassing signs or signs indicating the private nature of a road, driveway, or premise, and sign prohibiting or otherwise controlling fishing or hunting may be permitted, provided that the size of such signs does not exceed 12 square feet;

7. On-site professional, home occupation, or name signs indicating the profession and/or activity and/or name of the occupant of the dwelling may be permitted, provided that:

i. The size of such sign does not exceed four square feet;

ii. No more than one sign is permitted for any individual parcel of land.

8. On-site business or advertising signs may be permitted provided that:

i. No more than two signs are located on any one premise or on the premises leased or utilized by any one business establishment;

ii. The total area of such signs does not exceed 20 square feet per side with the maximum height to the top of the sign not to exceed 15 feet from ground level.

9. New off-site commercial advertising signs may be permitted by certified municipalities in Regional Growth Areas and Pinelands Towns provided that the applicant can demonstrate that for each new sign an existing lawful off-site commercial advertising sign has been removed by the applicant pursuant to N.J.A.C. 7:50-6.107(d).

Amended by R.1994 d.590, effective December 5, 1994.

Sec: 26 N.J.R. 165(a), 26 N.J.R. 4795(a).

The CMP & Signage

What Signs Are Regulated

On-Site Sign Types

Off-Site Sign Types



The CMP & Signage

What Signs Are Regulated

On-Site Sign Types

Off-Site Sign Types



The CMP & Signage

What Signs Are Regulated

On-Site Sign Types

Off-Site Sign Types



The CMP & Signage

What Signs Are Regulated

On-Site Sign Types

- Official Public
Safety/Information
- For Rent/For Sale
- Institutional
- Trespassing/Private Property
- Temporary
- Home Occupation
- Business

Off-Site Sign Types

- Directional
- Civil Social, Political
Activities
- Agricultural Commercial
Establishments
- Commercial

The CMP & Signage

How Signs Are Regulated

Location

Manner

- Quantity
- Size
- Height
- Other Design

The CMP & Signage

How Signs Are Regulated

Location



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How Signs Are Regulated

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The CMP & Signage

How Signs Are Regulated

Location

Manner

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- Other Design



Signage & the Courts

Signage & the Courts

Reed v. Town of Gilbert (2015)

Free Speech and Signs

U.S. Supreme Court decision with impacts for signage regulation

Non-commercial temporary signs

- If you have to read a sign's content to regulate it, it is content based and presumed unconstitutional



Signage & the Courts

General Implications

Regulators

- Revise codes
- Unfamiliar terrain

Legal Uncertainty

- Definition of a sign
- Content based categories
 - On-premises v. off-premises
 - Commercial v. non-commercial



More litigation to come!

Signage & the Courts

Pinelands Commission Implications

On Site Sign Types

- Official Public Safety/Information
 - For Rent/For Sale
 - Institutional
 - Trespassing/Private Property
 - Temporary
- Home Occupation
 - Business

Off-Site Sign Types

- Directional
- Civil Social, Political Activities

- Agricultural Commercial Establishments
 - Commercial

How do we approach solving
this more complex problem?

Best Practices for Signage Regulation

A Regional Perspective

- Risk management and liability
- More tools in practice today than 1981,....
- ...but they require greater local knowledge and context-sensitivity
- ...and they require adaptability, frequent updates
- Purposes go beyond scenic values
- Variability from locality to locality is inevitable



Big Picture Recommendations

Recommendations

Who is best suited to regulate signage?

- Defer to local control in most cases

Recommendations

What signs should be regulated by the Commission?

No

➤ On-site signs and temporary signs

- The court case
- Application exemptions

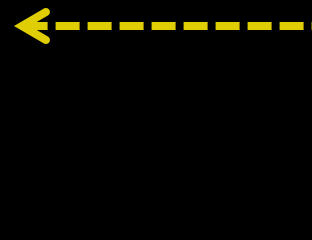
➤ Off-site signs

➤ Non-commercial

➤ Commercial (billboards)

No

Yes



Recommendations

Where/How should signs be regulated by the Commission?

Assuming commercial off-site signs only

Yes

➤ Location

Yes

➤ Manner

- Quantity
- Size
- Height
- Illumination
- Other design

Recommendations

Where/How should signs be regulated by the Commission?

Assuming commercial off-site signs only

Yes

➤ Location



➤ RGA & Town only at the option of the municipality

➤ Maintain transferrable billboard right program

➤ Maintain current rules on pre-existing non-conforming

Yes

➤ Manner

Recommendations

Where/How should signs be regulated by the Commission?

Assuming commercial off-site signs only

Yes

➤ Location

Yes

➤ Manner



➤ Anywhere billboards are allowed, such billboards may be digital/LED at the option of the municipality

Next Steps

Integrate today's feedback

Draft language for P&I Committee review

Bundle with additional CMP amendments in process



Questions