

CITY OF ABSECON

ORDINANCE 10-2024

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON,
CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE XXIII – SIGNS**

WHEREAS, the State of New Jersey, by enacting the *Municipal Land Use Law* (N.J.S.A.40:-55d-1 et seq.), permits municipalities to adopt and subsequently amend a zoning ordinance governing the nature and extent of the uses of land, buildings and structures within a municipality (N.J.S.A. 40:55d-62); and

WHEREAS, section 62 of the *Municipal Land Use Law* requires that a municipal zoning ordinance and zone plan be drawn “with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land” within the municipality; and

WHEREAS, the City of Absecon (“City”) first adopted a comprehensive zone plan and zoning map in or about 1978; and

WHEREAS, on November 28, 1989, the City adopted Ordinance No. 11-1989, thereby adopting an amended Zoning Map for the City; which Zoning Map has been further amended from time-to-time; and

WHEREAS, on June 10, 1993, the City adopted Ordinance No. 3-1993, thereby enacting Chapter 224 (Land Use and Development) as part of the City Code for the City of Absecon (“Chapter 224”); and

WHEREAS, Chapter 224, which has been amended from time-to-time, remains the current body of development regulations for the City; and

WHEREAS, there is a desire to update the signage ordinance in response to advancement in technology increasing competition of regional discount stores and global on-line sales of services and merchandise; and

WHEREAS, there is ten (10) zoning districts that are not listed in Chapter 224, Article XXII, Signs, Permitted Signs Schedule A, Sign Areas Schedule B, Number and Dimensions Schedule C; and

WHEREAS, there is a desire to encourage economic growth in the City of Absecon by allowing advertising signs, roof signs and animated digital signs for commercial properties in all business districts including Feather Signs in public right-of-ways.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Absecon, County of Atlantic and State of New Jersey that Chapter 224, Article XXIII, be amended to read as follows:

SECTION 1.

Article XXIII, Signs, Chapter 224 of the Absecon City Code (Land Use and Development) is herewith modified to include:

Schedule A 1, Permitted Signs by Sign Type and Zoning District by Structural Type;

Schedule A 2, Permitted Signs by Sign Type and Zoning District by Functional Type;

Schedule B, Maximum Total Sign Area Per Lot by Zoning District;

Schedule C, Part 1, Residential Districts, R1, R2, R3, CR-Conservation/PK- Parkland;

Schedule C, Part 2, Central and Community Business Districts, Train Station Area Overlay District;

Schedule C, Part 3, Highway Commercial, Highway Development, Design Commercial and Marine Commercial Districts; I- Overlay IVD- Community, SCHCO-Senior Citizen Housing Community District, ARHO-Age-Restricted Housing Overlay District, Inclusionary Village Development, MURD-Multi-Unit Rental Development, SNHD-Special Needs Housing Development District.

Schedule C, Part 4, Industrial and Planned Industrial Area Districts;

Schedule C, Part 5, Church, Institutional and Schools/Public Building Districts;

Schedule C, Part 6, Multi-Unit Residential, R4-High-Density Residential District, R- Residential Intensive District, PSCC-Planned Senior Citizen

§224-162. Definitions, is hereby amended to include the following:

“Feather Sign” means a fabric or cloth containing distinctive, color, pattern or symbols, which refers to the offer for sale of products, property, accommodations, services or attractions or activities or attracts attention to a business or to products, property, accommodations, services, or activities that are offered or exist for hire.

§224-169, Signs in the Public Right-of-Way, is hereby amended to include the following:

C. Permitted Signs.

(3) **Feather Signs.** Feather Signs are permitted in the front of business establishments on private property and in the public pedestrian right-of-way (sidewalk) area subject to the following specifications:

- i. Maximum sign height of eight feet above the sidewalk surface and maximum width of three feet.
- ii. Signs shall be placed in such a manner as to not block pedestrian access in the public pedestrian right-of-way. The Zoning Officer and Code Enforcement Officer shall have the authority to remove signs from the public pedestrian right-of-way, if the official determines that it is blocking public access and may be a hazard to the public.
- iii. Maximum sign area: 36 square feet per side.
- iv. Sign area (each side) is in addition to the permitted maximum sign area.
- v. Signs must be made of durable weatherproof material.
- vi. Signs cannot be placed within 25 feet of another adjoining feather or sandwich sign in the public pedestrian right-of-way.
- vii. Only one Feather Sign shall be placed in front of each commercial establishment in which it advertises.
- viii. Feather Signs shall only be displayed during a business' hours of operation and shall be otherwise removed from display.

- ix. Feather Signs shall be place within three (3) feet of the facade of the business.
- x. In addition to other requirements of this section, every Feather Sign must be kept in good condition and repair and shall not be allowed to become dilapidated. Feather Signs shall be appropriately secured so as not to become a hazard to persons or property. Whenever a feather Sign shall become dilapidated or unsafe the zoning officer and/or Code Enforcement Officer shall order such sign to be repaired or removed within seven (7) days from the date of such Order or sooner if in the case of a Feather Sign that poses an imminent threat to health or safety. Thereafter, if the condition continues to exist, the City may cause the same to be rectified, charging the cost to the record owner of the premises and may cause the denial of future permits for Feather Signs.
- xi. No person shall erect or allow a feather sign that encroaches into the public pedestrian right-of-way area without having received a license from the City. Such license shall require the business establishment to provide a policy of insurance naming the City as an additional insured for an amount to be determined by the City Council. A license in not required in the event the sign is located on private property.

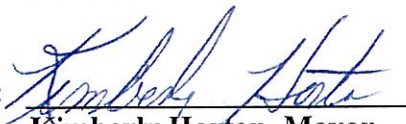
BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

This ordinance shall take effect upon final adoption and publication as required by law.

DATED: April 4th, 2024

SIGNED: 
Kimberly Horton, Mayor

ATTEST: 
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on March 21st, 2024. Laid over and advertised for public hearing and final adoption after Planning Board Review. Planning Board Review was completed March 27th, 2024. Public hearing and final adoption will be held April 4th, 2024.