

**CITY OF ABSECON**

**ORDINANCE 17-2023**

**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 establishment on private property and in the public pedestrian right-of-way (sidewalk) area subject to the following specifications:

- i. Maximum sign height of twelve 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 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 be placed within three (3) feet of the facade of the business.
- ix. 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.
- x. No person shall erect or allow a projecting sign or sandwich 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 is 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:**

INTRODUCTION ONLY  
**APPROVED:** \_\_\_\_\_  
**Kimberly Horton, Mayor**

INTRODUCTION ONLY  
**ATTEST:** \_\_\_\_\_  
**Carie A. Crone, RMC, Municipal Clerk**

Passed on first reading at a regular meeting of the Municipal Council held on November 2<sup>nd</sup>, 2023. Laid over and advertised for public hearing and final adoption after Planning Board Review.



Notes:

1. Refer to the Legend of Zoning Districts for full name of each district.
2. Animated digital sign that has multiple components synchronized to create one display shall be permitted subject to the image being a fixed interval for a minimum of fifteen seconds. Such signage subject to TITLE 16. TRANSPORTATION CHAPTER 1441C. ROADSIDE SIGN CONTROL AND OUTDOOR ADVERTISING.
3. Wayfinding signs are subject to conditions imposed by the municipal, county or state government authorities permitting such signage. Construction requirements and on-going maintenance and insurance coverage is required.

LAND USE AND DEVELOPMENT  
224 Attachment 2  
City of Absecon City  
Schedule B  
Maximum Total Sign Area Per Lot by Zoning District  
(Article XXIII, Signs)  
[Added 11-7-1996]

This schedule specifies the maximum total sign area for all signs on a property and/or a building, except for temporary and incidental signs (1)

Zoning District (1)	R1	R2	R3	R4	RI	C1	C2	C3	HC	DC	HD	I/PI	CH/1-SPB	CR	P	PSCC	POO	BBGHO	SCHO	ARHO	TSAO	IVD	MURD	SNHD
Refer to Schedule	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1	C, Part 1
Maximum total sign area (2)	2	6	2	6	6	6	6	6	6	6	6	6	25	25	25	25	25	25	25	25	25	25	25	25
Percentage of building façade surface area (3)																								
Percentage of building roof surface area (5)																								

NOTES:

1. Refer to Legend of Zoning Districts for full name of each district.
2. Refer to § 224-163 for the specified method of computing maximum total sign area.
3. As illustrated herein, the building façade for the sign area calculation is determined by the area formed by the total building height, excluding roof areas, and the total building

2021 10 30

224 Attachment 3  
City of Absecon City

Schedule C

Number and Dimensions of Permitted Signs (Article XXIII, Signs)

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

	Total Number of Signs Allowed	Maximum Total Sign Area	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type (1)</b>				
Canopy	1 per lot or 1 per building	6 square feet	Canopy face	12 feet
Ground				4 feet
Projecting				10 feet
Wall			Building face	10 feet
Temporary (2)	1 per lot	Refer to §§ 224-172 and 224-173	5 feet	6 feet
Feather Signs	1 per lot or per building	Refer to §§ 224-172 and 224-173	3 feet from façade of the business	12 feet
<b>Functional Sign Type</b>				
Business (3)	1 per lot or 1 per building	6 square feet	See Structural Type	See Structural Type
Identification		4 square feet		
Directory	1 per building	4 square feet		
Temporary	Refer to §§ 224-172 and 224-173			

Notes

1. Only one structural sign type is permitted for a lot or building for the R2, CR, PK.
2. Temporary signs shall only be permitted with review by the Planning Board and/or Building Inspector.
3. Signage in the R2 Residential District shall be limited to that permitted for home professional offices (business/identification) as approved by the Planning Board.

# ABSECON CODE

## Schedule C

### Part 2, Central and Community Business Districts

	Total Number of Signs Allowed	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type</b>			
Awning	1 per building	N/A	10 feet
Canopy			
Marquee			
Pole	1 per lot	5 feet	12 feet
Ground			4 feet
Projecting	1 per building	None	12 feet
Wall		None	
Window	N/A	Window Face	N/A
Temporary	Refer to §§ 224-172 and 224-173		
Feather	1 per building	No more than 3 feet from the façade of the building	12 feet
<b>Functional Sign Type</b>			
Changeable Copy Bulletin Board	1 per lot	Refer to Structural Type	
Directory	1 per building		
Identification	2 per building		
Incidental	As required		
Temporary	Refer to §§ 224-172 and 224-173		
Time/Temperature	1 per building	Building line	12 feet
Feather	1 per building	No more than 3 feet from the façade of the building	



# ABSECON CODE

## Schedule C

### Part 3, Highway Commercial, Highway Development, Design Commercial and Marine Commercial Districts

	Total Number of Signs Allowed	Property Line Setbacks	Maximum Sign Height
Structural Sign Type			
Awning	1 per street front	N/A	12 feet
Canopy			
Marquee			
Pole	1 per street front	5 feet	25 feet
Ground			8 feet
Projecting	1 per street front	None	12 feet
Wall			
Window	N/A	Window Face	N/A
Temporary	Refer to §§ 224-172 and 224-173		
Roof	1 per street front per building	Building line	Below ridge line of sloped roof, below highest point of flat roof
feather	1 per street front per building	No more than 3 feet from façade of building	12 feet
Functional Sign Type			
Changeable Copy Bulletin Board	1 per lot	Refer to Structural Type	
Directory	1 per building		
Identification (wall)	1 per street front		
Incidental	As required		
Temporary	Refer to §§ 224-172 and 224-173		
Time/Temperature	1 per building	Building line	12 feet
Animated digital (ground)	1 per street front	5 feet	8 feet
Advertisement (HC district only) (1)	2 per lot	10 feet	12 feet
wayfinding	Subject to Government Authority Having Jurisdiction	N/A – Public Right-of-Way	12 feet, Min. Clearance above grade - 7 feet
Feather	1 per building	No more than 3 feet from the façade of the building	

# LAND USE AND DEVELOPMENT

## Schedule C

### Part 4, Industrial and Planned Industrial Area Districts

	Total Number of Signs Allowed	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type</b>			
Awning	1 per building	N/A	12 feet
Canopy			
Marquee			
Pole	1 per lot	5 feet	12 feet
Ground			6 feet
Projecting	2 per building	None	12 feet
Wall		None	
Window	N/A	Window Face	N/A
Temporary	Refer to §§ 224-172 and 224-173		
Feather	1 per building	No more than 3 feet from the façade of the building	12 feet
<b>Functional Sign Type</b>			
Changeable Copy Bulletin Board	1 per lot	Refer to Structural Type	
Directory	1 per building		
Identification	2 per building		
Incidental	As required		
Temporary	Refer to §§ 224-172 and 224-173		
Time/Temperature	1 per building	Building line	12 feet
Feather	1 per building	No more than 3 feet from the façade of the building	

# LAND USE AND DEVELOPMENT

## Schedule C

### Part 5, Church, Institutional and Schools/Public Building Districts

	Total Number of Signs Allowed	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type</b>			
Awning	1 per street front	N/A	10 feet
Canopy			
Marquee			
Pole	1 per street front	5 feet	12 feet
Ground			8 feet
Wall	2 per building	Building Face	12 feet
Window	N/A	Window Face	N/A
Temporary	Refer to §§ 224-172 and 224-173		
Roof	1 per street front per building	Building line	Below ridge line of sloped roof, below the highest point of flat roof
Feather	1 per street front per building	No more than 3 feet from the façade of the building	12 feet
<b>Functional Sign Type</b>			
Changeable Copy Bulletin Board	1 per lot	Refer to Structural Type	
Directory	1 per building		
Identification (wall)	2 per street front		
Incidental	As required		
Temporary	Refer to §§ 224-172 and 224-173		
Time/Temperature	1 per building	Building line	12 feet
Animated Digital (Ground)	1 per street front	5 feet	8 feet
Advertisement (HC District only) (1)	2 per lot	10 feet	12 feet
Wayfinding	Subject to government authority having jurisdiction	N/A – Public Right-of-Way	12 feet, Min. Clearance above grade – 7 feet
Feather	1 per building	No more than 3 feet from the façade of the building	12 feet

## LAND USE AND DEVELOPMENT

### Schedule C

#### Part 6, Multi-Unit Residential

R4 – High Density Residential District, R-I – Residential Intensive District, PSCC – Planned Senior Citizen Community, SCHCO – Senior Citizen Housing Community Overlay District, ARHO – Age-Restricted Housing Overlay District, IVD – Inclusionary Village Development, MURD – Multi-Unit Rental Development, SNHD – Special Needs Housing Development District

	Total Number of Signs Allowed	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type</b>			
Ground	1 per street front	5 feet	5 feet
Temporary	Refer to §§ 224-172 and 224-173		
<b>Functional Sign Type</b>			
Directory	1 per building		
Identification	1 per street front		
Incidental	As required		
Temporary	Refer to §§ 224-172 and 224-173		
Wayfinding	Subject to government authority having jurisdiction	N/A – Public Right-of-Way	12 feet, Min. Clearance above grade – 7 feet