

**TOWNSHIP OF FRANKLIN
ORDINANCE 3875-10**

ORDINANCE AMENDING CHAPTER 112 “ZONING AND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF FRANKLIN” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY SO AS TO REGULATE BILLBOARDS.

SUMMARY

This ordinance amends provisions of Chapter 112 of the Township Code so as to regulate the erection of billboards within the Township. The purpose of this ordinance is to balance the need to control and regulate billboards, promote and preserve the scenic beauty and character of the Township, provide for the safety and convenience of the public, and to recognize certain Constitutional rights relative to outdoor advertising. The ordinance regulates various aspects pertaining to the establishment, use, maintenance and removal of billboards within the Township including location, spacing, number, size and design, and illumination of billboards.

BE IT ORDAINED, by the Township Committee of the Township of Franklin, within the County of Somerset and State of New Jersey, as follows:

SECTION 1

Chapter 112, Land Development, Article I, General Provisions, of the Code of the Township of Franklin shall be amended to include the following new definition, which shall read in its entirety as follows, in Section 112-4, Definitions:

BILLBOARD – A freestanding sign structure and/or sign utilized for advertising a business, establishment, activity, product, service, entertainment, or message, which is operated, located, performed, produced, manufactured, or available at a place or location other than on the property on which the sign structure and/or sign is located.

BILLBOARD DISPLAY AREA – The total surface area of the sign face.

SECTION 2

Chapter 112, Land Development, Article XII, Sign Regulations, of the Code of the Township of Franklin shall be amended to include new Section 114.1, which shall read in its entirety as follows:

§112-114.1. Billboards Permitted in the M-2 District.

Billboards shall be permitted as a conditional use in the M-2 District and shall be subject to the requirements provided in Article V of Chapter 112.

SECTION 3

Chapter 112, Land Development, Article V, Conditional Uses, of the Code of the Township of Franklin shall be amended to include new Section 53.1, which shall read in its entirety as follows:

§112-53.1. Billboards.

Billboards may be permitted upon authorization of the Planning Board in accordance with the following standards and site plan review:

A. Location.

1. Billboards shall be located in the M-2 District.

2. Billboards shall only be located on a lot fronting on an Interstate Highway, shall be located, positioned and designed so that the advertising surface is visible only from the Interstate Highway and not local roadways or residential uses to the greatest degree possible, and no portion of a billboard shall be more than two hundred (200) feet from the property line adjoining the Interstate Highway.
3. No portion of a billboard shall be within two hundred (200) feet of a right-of-way of an improved County or local road.
4. Only one billboard shall be permitted on any one (1) lot.
5. No portion of a billboard shall be within one thousand (1,000) feet of any portion of another billboard, or the applicable spacing requirements of the New Jersey State Department of Transportation, whichever is greater.
6. No portion of a billboard shall be located within three hundred (300) feet of a lot containing a residential use.

B. Bulk Requirements.

1. Billboards are a principal structure subject to the M-2 district bulk requirements and size and design requirements except as provided in subsections B and C.
2. Billboards may be placed zero (0) feet from the property line adjoining the Interstate Highway, however no portion of the billboard shall extend beyond such property line. No portion of a billboard shall be less than 50 feet from any other property line.
3. The minimum distance from any portion of a billboard to any portion of a non-billboard structure shall be one hundred (100) feet.

C. Size and Design.

1. A billboard display area shall not exceed fifty (50) feet in height above the elevation of the outside stripe of the nearest portion of the adjoining highway, nor shall it be less than twenty-five (25) feet from grade.
2. A billboard display area shall not exceed six hundred seventy two square feet (672 sq. ft.).
3. No billboard or billboard display area or portion thereof shall rotate, move, produce noise or smoke, give the illusion of movement, display video or other changing imagery, automatically change, or be animated or blinking, nor shall any billboard or portion thereof have any electronic, digital, tri-vision or other animated characteristics resulting in an automatically changing depiction.
4. A billboard shall contain no more that two (2) billboard display areas. A triangular (three-sided) configuration shall not be permitted. Two-sided billboards with an angle of deflection of no greater than 35-degree shall be permitted.
5. Billboard display areas may be illuminated subject to the following conditions:
 - a. Illuminating lights shall be arranged so as to direct illumination only towards the billboard display area and to reduce overglow and glare.

- b. Illuminating lights shall be arranged so that overflow and glare shall not be visible from any residential properties at any time of year.
 - c. Illuminating lights shall be shielded from view of all vehicular traffic and shall be arranged so that there exists no glare to any vehicular traffic.
 - d. No Billboard shall be illuminated by means of intermittent, flashing, or blinking lights.
 - e. Illuminating lights shall only be permitted to be arranged on the base margin of any billboard display area.
6. No billboard or billboard display area be painted with, or composed of, any material of a fluorescent, phosphorescent, or holographic material.
 7. No Billboard shall display pornographic or sexually indecent and/or obscene pictures, depictions, or images, whether such images are actual pictures, illustrations, or computer generated. For the purposes of this section, pornographic or sexually indecent and/or obscene pictures, depictions, or images shall include, but not be limited to, images of unclothed humanoid genitalia, humanoid breasts, humanoid buttocks, and other sexually explicit imagery such as gratuitous humanoid breast cleavage. No Billboard shall display obscene, vulgar, or profane words or symbols, which shall include, but not be limited to, words, phrases and symbols that are commonly restricted from public broadcast pursuant to 18 U.S.C. § 1464.
 8. No billboard shall display and words or symbols that connotes traffic control commands, including, but not being limited to “STOP” or “DANGER,” or which may be confused as a sign displayed by a public authority.
 9. No billboard shall be placed on any building.
 10. No billboard shall be erected so as to cause any visual obstruction to traffic or impair traffic control devices.

D. Administration.

1. Any application for the construction of a billboard shall require compliance with the Road Side Sign Control and Outdoor Advertising Act as found at N.J.S.A. 27:5-5 et seq., and such other laws and applicable regulations related to the construction of structures and/or billboards.
2. Applications for the construction of a billboard shall comply with the requirements contained within this Chapter as to site plan and conditional use review procedures.

SECTION 4

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 1, Permitted Uses, is amended to delete billboards as a permitted use in the G-B District as follows:

Schedule 1, Permitted Uses, is amended to delete “Billboards” in the row entitled “G-B General Business” and under the column entitled “Conditional Uses.”

SECTION 5

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 1, Permitted Uses, is amended to add billboards as a permitted use in the M-2 District as follows:

Schedule 1, Permitted Uses, is amended to add "Billboards" in the row entitled "M-2 Light Manufacturing" and under the column entitled "Conditional Uses."

SECTION 6

Section 112-109.J, of Chapter 112, Land Development, Article XII, Sign Regulations, Section 112-109, Prohibited Signs, shall be amended as follows:

- J. ~~Electronic script/ bulletin boards.~~ No sign or portion thereof shall rotate, move, produce noise or smoke, display video or other changing imagery, automatically change, or be animated or blinking, nor shall any sign or portion thereof have any electronic, digital, tri-vision or other animated characteristics.

SECTION 7

If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 8

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION 9

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3875-10

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, NJ.

Introduced:	March 9, 2010
Public Hearing:	April 27, 2010
Adopted:	April 27, 2010
Notice of Final Adoption:	May 3, 2010
Effective Date:	May 17, 2010

Ann Marie McCarthy, Township Clerk