

BOROUGH OF LEBANON

ORDINANCE NO 2007-04

**AN ORDINANCE REGULATING THE LOCATION AND CONSTRUCTION
OF OFFSITE OUTDOOR ADVERTISING SIGNS**

WHEREAS, the Borough recognizes that outdoor advertising companies claim First Amendment rights to free speech in requesting permission to construct billboards; and

WHEREAS, the United State Supreme Court has long held that time, place and manner restrictions are permissible if such restrictions are justified without reference to content of speech, serve a significant governmental interest and leave open ample alternative channels for communication of the subject information; and

WHEREAS, Courts have also recognized that the twin objectives of this Ordinance, namely traffic safety and the appearance of the Borough, represent substantial legitimate government interests; and

WHEREAS, because billboards divert a driver's attention from the roadway, and this distraction may contribute to traffic accidents, the limitation in size and location of offsite advertising can have an impact on promoting vehicular safety; and

WHEREAS, the New Jersey Astronomical Association operates an observatory a short distance from the Borough in the Voorhees State Park, which can be adversely impacted by light trespass, and sky glare and glow ; and

WHEREAS, the Borough further understands the legislative intent of N.J.S.A. § 27:5-5 et seq., the *Roadside Sign Control and Outdoor Advertising Act*, which seeks to coordinate the purpose of advertising in commercial and industrial areas with the visual purpose of controlling numbers, sizes and locations of billboards, to ensure the aesthetics of the roadway; and

WHEREAS, N.J.S.A. § 27:5-26 specifically allows the enactment and enforcement of regulations by political subdivisions which are consistent with the goals of this state statute; and

WHEREAS, in reconciling the goals of the *Roadside Sign Control and Outdoor Advertising Act* with the Borough's objectives of improved aesthetics in the Borough's Master Plan and Residential Zones and increased traffic safety, the Borough desires to amend its current zoning standards to regulate the number, size and location of billboards in the Borough consistent with the State regulations, including but not limited to NJAC 16:41C-8.7 et seq., and as may be amended, and

WHEREAS, these restrictions are instituted so as not to offend a prospective advertiser's Right of Free Speech and to provide ample opportunity for communication,

while simultaneously meeting the State's and Borough's significant government interests in promoting traffic safety and as attractive highway visual experience.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Lebanon, with the approval of the Mayor, as follows:

SECTION I. Amended Section.

A. Article 7 of the Code of the Borough of Lebanon, entitled "Signs" and specifically section 7.04 is amended to remove the reference to "Billboards"

SECTION II. New Section.

Article 7 of the Code of the Borough of Lebanon, entitled "Signs" is hereby amended to renumber sections 7.08 through 7.16 as sections 7.09 through 7.17, and add a new section as follows:

Section 7.08. Billboards

1. Definition.

The following word(s) shall have the following meanings as used in this Article.

BILLBOARD – A sign, in excess of 24 square feet in area, which directs attention to a business, commodity, service, entertainment or facility not located, conducted, sold or offered upon the premises where such sign is located. The term shall also include similar terms including, but not limited to, "off-premise sign" and "outdoor advertising displays." The measurement of a billboard shall include any extension from the main side face.

2. Conditions for Construction.

- a. Billboards shall be permitted as conditional uses in the ROM – 100,000 sf and COMM-200,000 sf Zones if the following conditions are met.

(1) Location. Billboards shall be located only in the following manner and places:

- (a.) No less than ten (10) feet nor more than seventy five (75) feet of an Interstate highway right of way line.
(b.) No support post or sign face, or any extension therefrom, shall be closer than ten (10) feet from the right-of-way line of said roadways.

- (c.) All portions of the post and sign face of a billboard shall be set back from the property lines in all directions at least the same distance as the total height of the structure.
- (d.) On properties that have a minimum of 200 feet of frontage along the permitted or allowable roadways noted herein.
- (e.) Billboards will not be allowed on properties that already have two uses.

(2) **Buffer.** Billboards shall meet the following buffer requirements:

- (a.) No portion of any billboard shall be located within 250 feet of any "residential" zone as identified on the latest Zone Map of Lebanon Borough and as may be amended from time to time.
- (b.) The distance from any billboard to any other billboard shall not be located less than 1,000 feet, within or without the Borough of Lebanon, measured in all directions from any point on the billboard or pole, and including billboards on the opposite side of the roadway, that is, to be measured at a distance of 1,000 feet from a point as though a billboard were located directly across the roadway from the proposed billboard.
- (c.) Where a property within 250 feet of a residential zone contains a mixed use which includes a residential use, the residential use may be ignored if the residential use is inconsequential.
- (d.) No billboard shall be erected within the clear sight triangles of any public street or road and shall not in any manner obstruct or impede traffic safety, including ingress and egress, not block the view from the road or street of any traffic sign, signal, device, directional sign or existing or proposed business sign, logo or sign.
- (e.) The minimum setback as measured from all points of the billboard sign face or extensions therefrom shall be 50 feet from any structure.

(3) **Height and Size.** Billboards shall meet the following height and size restrictions:

- (a.) The maximum size of each sign face and extensions, of a billboard shall be 14 feet high and 48 feet wide.

- (b.) The total height shall be the same as allowed for other structures in the same zoning district as measured from the highest peak of the structure to the top of the roadway to which the billboard is oriented.

(4) Lighting and Technical Enhancements. Billboards shall meet the following lighting and technological restrictions:

- (a.) Any lighting shall be directed onto the advertising surface of the billboard.
- (b.) No lighting shall be erected as to cause reflection or interference with normal traffic flow.
- (c.) No lighting shall include red, amber or green lighting so as to give the appearance of a traffic signal.
- (d.) So as to not further distract motorist attention to the roadway, no variable messaging, scrolling text or other technological or electric enhancement, including but not limited to video display screens or moving parts, shall be permitted other than displays which identify the date, time and temperature.
- (e.) Illumination shall be restricted to the sign face. Visors or other directing, control devices shall be used to eliminate any sky glare, light trespass or spillover light.
- (f.) When the billboard is viewed from the opposite side of that being illuminated, luminous portions of the light fixtures, and stray light, shall not be visible.
- (g.) Top mounted light fixtures shall have illumination levels plotted such that 100% of the beam angle used is not greater than the size of the sign face.
- (h.) All lighting of the billboard shall be designed to prevent glare and spillover beyond the property lines on which it is located; and shielding, visors or other control devices shall be placed on the lighting or above the billboard so as to prevent disturbance of the viewing resolution of a night sky, sky glare or glow.

(5) Construction. Billboards shall meet the following construction requirements:

- (a.) No billboard shall be constructed on any other structure.
- (b.) Billboards shall be supported by a single pole affixed to or embedded into the ground.
- (c.) No billboards shall overhang any building structure.
- (d.) The billboard shall be oriented only in the direction of the permitted or allowed flow of traffic for the roadways mentioned above.

(e.) Billboard shall be constructed to limit access to the billboard and platform by unauthorized persons.

(f.) Erected in such a fashion as to not interfere with the presently existing, or any future, permitted use and signage on the property.

(g.) The support structure of the billboard shall utilize "stealth" type coloring so as to minimize or blend its appearance with the surrounding environment.

(6) Landscaping. A billboard shall be landscaped to include:

(a.) Evergreen species planted adjacent to the support at a planting height of at least 25% of the pole height and of a variety to grow to reach a maximum height of at least 50% of the pole height.

(b.) Flowering materials such as annuals or perennials shall be used as bedding around the evergreens.

(c.) All landscaping shall be maintained by the owner of the billboard.

(d.) The area of landscaping shall not be less than 20 feet by 20 feet around the base of the pole.

(7) Multiple messages. A billboard shall contain only a single message from a single advertiser. Multiple messages on a single sign face shall be prohibited.

(B) Requirement for Sign Permit. All billboards shall conform to all other state regulations and rules governing billboards, including the requirement of a sign permit issued by the Borough.

(C) Requirement of Site Plan Review. All billboards shall be subject to site plan review according to the requirements of Article 16 of the Borough Code."

Section III. Repealer, Severability and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Borough Council hereby declares it intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Borough to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage and publication in accordance with the law.