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
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
PINELANDS MANAGEMENT PLAN

7-50-6.108 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.

7-50-6.108 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 outdoor 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 outdoor signs shall be subject to the following conditions:
   I. A maximum of two signs may be placed in any one location along each road directly approaching the sign;
   II. Each sign 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 25 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 user and any necessary directions, the number of signs per user is the minimum necessary to give adequate directions and the size of such signs do 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 commercial 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 practicable, the character and composition of construction materials for all signs shall be harmonious with the scale of the Pinelands.

Amended by R.I. 88-005, effective September 15, 1988.
(2) Changed "roadside" to "commercial establishments" and added "white outdoor signs ... and 1 and 2.
Amended by R.I. 94-1598, effective December 5, 1994.

7-50-6.109 Guidelines for 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 may be permitted.

2. On-site signs advertising the sale or rental of the premises may be permitted, provided:
   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, provided that:
   i. The area on any such sign shall not exceed 12 square feet;
   ii. No more than one sign is placed on any single property.

4. Temporary signs advertising the sale or rental of property may be permitted, provided that the size of any such sign does not exceed 12 square feet.

5. Temporary signs advertising the sale or rental of property, social or political gatherings and activities may be permitted, provided that the size of such signs does not exceed 12 square feet.

6. Trepassing 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.

7. 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 area of each sign 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.

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

9. Temporary signs advertising social or political gatherings and activities, provided that the size of such signs does not exceed four square feet.

Amended by R.I. 94-1598, effective December 5, 1994.

ENIRONMENTAL PROTECTION

7. On-site personal, 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:

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 each sign 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(4).

Amended by R.I. 94-1598, effective December 5, 1994.
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
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
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
### What Signs Are Regulated

<table>
<thead>
<tr>
<th><strong>On-Site Sign Types</strong></th>
<th><strong>Off-Site Sign Types</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>➢ Official Public</td>
<td>➢ Directional</td>
</tr>
<tr>
<td>Safety/Information</td>
<td>➢ Civil Social, Political Activities</td>
</tr>
<tr>
<td>➢ For Rent/For Sale</td>
<td>➢ Agricultural Commercial Establishments</td>
</tr>
<tr>
<td>➢ Institutional</td>
<td>➢ Commercial</td>
</tr>
<tr>
<td>➢ Trespassing/Private Property</td>
<td></td>
</tr>
<tr>
<td>➢ Temporary</td>
<td></td>
</tr>
<tr>
<td>➢ Home Occupation</td>
<td></td>
</tr>
<tr>
<td>➢ Business</td>
<td></td>
</tr>
</tbody>
</table>
The CMP & Signage
How Signs Are Regulated

Location

Manner

- Quantity
- Size
- Height
- Other Design
The CMP & Signage
How Signs Are Regulated

Location
The CMP & Signage
How Signs Are Regulated

Location
The CMP & Signage
How Signs Are Regulated

Location

Manner

- Quantity
- Size
- Height
- Other Design
The CMP & Signage
How Signs Are Regulated

**Location**

**Manner**
- Quantity
- Size
- Height
- Other Design
The CMP & Signage
How Signs Are Regulated

Location

Manner

- Quantity
- Size
- Height
- Other Design
The CMP & Signage
How Signs Are Regulated

Location

Manner

- Quantity
- Size
- Height
- 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

<table>
<thead>
<tr>
<th>On Site Sign Types</th>
<th>Off-Site Sign Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>➢ Official Public</td>
<td>➢ Directional</td>
</tr>
<tr>
<td>Safety/Information</td>
<td>➢ Civil Social, Political Activities</td>
</tr>
<tr>
<td>➢ For Rent/For Sale</td>
<td>➢ Agricultural Commercial Establishments</td>
</tr>
<tr>
<td>➢ Institutional</td>
<td>➢ Commercial</td>
</tr>
<tr>
<td>➢ Trespassing/Private Property</td>
<td></td>
</tr>
<tr>
<td>➢ Temporary</td>
<td></td>
</tr>
<tr>
<td>➢ Home Occupation</td>
<td></td>
</tr>
<tr>
<td>➢ Business</td>
<td></td>
</tr>
</tbody>
</table>
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) Yes
Recommendations

Where/How should signs be regulated by the Commission?

- Location

- Manner
  - Quantity
  - Size
  - Height
  - Illumination
  - Other design

Assuming commercial off-site signs only
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

Yes  ➢ Manner

➢ Maintain current rules on pre-existing non-conforming
Where/How should signs be regulated by the Commission?

**Assuming commercial off-site signs only**

- **Location**
  - Yes

- **Manner**
  - Yes
  - 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