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ORDINANCE #2008-34

AN ORDINANCE AMENDING CHAPTER 345 SITE PLAN REVIEW AND CHAPTER
410 ZONING OF THE CODE OF THE BOROUGH OF FORT LEE.

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 345, Site Plan Review, and Chapter 410, Zoning, of the Code of the Borough of Fort Lee, are hereby amended as follows:

Section 1. That Borough Ordinance § 345-1 et seq. is hereby amended to repeal § 345-25.1, **Design standards and guidelines in the C-1 Central Business District**, in its entirety.

Section 2. That Borough Ordinance § 410-46, **Regulation of nonconforming uses**, shall be amended and supplemented and hence forth provide as follows: No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use or when required to do so by law and as follows:

A. Restoration. Any nonconforming structure partially damaged by fire, casualty or act of God may be repaired, restored, reconstructed or used as before, provided that the area of such use, building or structure shall not exceed the area which existed prior to such damage. All repairs shall be completed within one year after damage occurs or such use shall not be rebuilt except as a conforming use. In the event substantial damage occurs, then the provisions of § 410-47B shall apply.

B. Repairs. Normal maintenance repair and incidental alteration of a structure containing a nonconforming use shall be permitted, provided it does not exceed the area or volume of space occupied by the nonconforming use.

C. Nothing in this chapter shall prevent the strengthening or restoring to a safe or lawful condition of any part of a building

as may be required by the Zoning Officer or other authorized municipal, county or state officials.

D. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of dwelling units.

E. A building or other structure containing nonresidential nonconforming uses in a residential zone, in which application is made for site plan approval concerning rehabilitation of existing structures, additions to existing structures, and construction of new buildings, shall comply with the specifications set forth within § 410-52 or § 410-53 of the Borough ordinance. Determination of whether to apply § 410-52 or § 410-53 shall be given by the Borough Construction Official.

F. A building or other structure containing nonresidential nonconforming uses in a residential zone, in which application is made for a change in tenancy or occupancy, shall comply with the specifications set forth within § 410-53.1 of the Borough ordinance.

Section 3. The text of Borough Ordinance § 410-49, **General**, shall be repealed and in its place shall hence forth provide as follows: Article XII Signage and Facades, § 410-49, General signage regulations.

A. Purpose. The purpose of these sign regulations is to preserve the public health, welfare and/or safety within the Borough of Fort Lee by the following:

(1) Promotion of safety on highways and roadways by:

(a) Establishment of a clear and orderly pattern of signs that are appropriately designed to be compatible and not competitive with other signs;

(b) Reduction of obstructions, distractions and other conditions which cause confusion or otherwise threaten to compromise pedestrian and vehicular safety;

(c) Promotion of ready identification of governmental and institutional sites and events;

(d) Coordination of signs with prevailing speed limits and highway or roadway conditions.

(2) Promotion and protection of the Borough's visual resources by:

(a) Creation of a pleasing streetscape;

(b) Encouragement of artistic, creative, expressive and distinctive signage of appeal and quality appropriate to the respective environs;

(c) Encouragement of signage compatible and reflective of desirable architectural buildings and features;

(d) Eradication and prevention of visual clutter caused by the competitive proliferation of signs, disorderly placement, excessive height, size and illumination and redundancy.

(3) Promotion of commerce in Fort Lee by:

(a) Affording each Borough profession, business, industry and service a fair and protected opportunity to communicate, identify and safely and effectively direct traffic to its site by means which are expressive of identity and appropriate to the nature of the enterprise and the surroundings;

(b) Creating a distinctive commercial environment which attracts business because of a heightened visual quality and image.

B. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

AWNING - A roof-like cover made of nylon, canvas, or other such material or fabric that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BANNER - A temporary paper, plastic, or cloth device hung to attract attention to a business or special event.

BILLBOARD - A sign that advertises products or services which are not on the premises of the owner or place of business to which they apply. Billboards may include signs attached to walls and those otherwise attached to buildings and structures as well as those not attached to buildings and supported by uprights or braces on the ground.

BILLBOARD SIGN EXTENSION (aka CUT-OUT) - A billboard advertising copy design element that protrudes beyond the confines of a billboard sign face area.

BUILDING INSPECTOR - The Building Inspector of the Borough or his designee.

BOROUGH - The Borough of Fort Lee.

CONSTRUCTION OFFICIAL - The Construction Official of the Borough or his designee or other authorized agency.

ELECTRONIC MESSAGE CENTERS - A sign whose alphabetic, graphic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments either by means of pre-programming or by computer-driven electronic impulses.

ERECT - To build, construct, reconstruct, attach, hang, rehang, alter, place, affix, enlarge, move or relocate.

FLAG - Any fabric or bunting containing distinctive colors, patterns or symbols.

FLAG, OFFICIAL - Any flag of the United States, the State of New Jersey, the County of Bergen, the Borough of Fort Lee, or any other governmental unit or recognized nonprofit organization.

FLAG, TRADEMARK - Any flag that displays only a registered trademark, logo, corporate name or any combination of the former three. No other wording or display of any kind shall be considered a trademark flag.

FRONTAGE - The side of a lot abutting a street; the front lot line. On lots with multiple street fronts, the frontage shall include the length of the lot abutting all such streets.

GARAGE SALE - The offering for sale of multiple items of personal property on property designed, used or intended as a residence.

GASOLINE SERVICE STATION - Any business that dispenses, or is designed, used, or intended to dispense, gasoline and oil for use in motor vehicles and boats.

GASOLINE SERVICE STATION CANOPY - A freestanding structure located on the same premises as a gasoline service station affording protection from the elements to persons or property there under.

OPAQUE - Not transparent or translucent; impenetrable to light.

PARKING AUTHORITY - The Parking Authority of the Borough of Fort Lee.

PLINTH - A monument sign base that rests directly on the ground designed as a support unit, architectural unit, or

decorative design element.

SIGN - Any object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images, but excluding the American flag or other governmental flags, athletic scoreboards on school premises, or official announcements and signs of government.

SIGN, ABANDONED - A sign that, after a period of 30 days, no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

SIGN, ADVERTISING - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot on which the sign is located.

SIGN, ANIMATED - Any sign that includes action or motion or any changes in physical position of its whole or parts or a change in light intensity by rotation or movement.

SIGN AREA - The total sign area shall be measured as per § 410-51A.

SIGN, AWNING - A sign that is painted, mounted or otherwise permanently affixed to an awning.

SIGN, BUSINESS - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered upon the premises where the sign is located.

SIGN, CHANGEABLE COPY- Any sign designed to allow the sign copy to be changed or altered without undertaking a physical alteration to the sign (such as changing sign panels or repainting the sign), i.e. through the use of movable letters, electronic displays, interchangeable parts, or other means. Changeable copy does not include copy pertaining to the business, occupation, or tenant advertised or identified.

SIGN, CONSTRUCTION INFORMATION - A temporary sign used during the construction of new buildings or reconstruction of or additions to existing buildings which identifies the project or future use of a site and provides information denoting the owner, architect, engineer, contractor, financing institutions or similar individuals or firms having a role or

interest in the project.

SIGN COPY – The wording or graphics on a sign surface.

SIGN, DAILY ADVERTISING – A freestanding sign (e.g., A-frame, sandwich boards) that is displayed during hours in which a business is open and removed during hours in which a business is closed.

SIGN, DIRECTIONAL – A sign that is limited to directional messages principally for vehicular or pedestrian traffic or other movement.

SIGN, DIRECTORY – A sign listing the tenants or occupants of a building or group of buildings that may indicate their respective professions or business activities, and containing two or more names within a single sign.

SIGN, DRIVE-THROUGH MENU BOARD – A sign displaying food, beverages or other services offered for sale at a business with drive-through service, and located adjacent to the drive-through lane on the premises upon which such service is offered.

SIGN FACE – See "sign area."

SIGN, FLASHING – Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not defined as "flashing signs."

SIGN, FLUTTERING – A sign which flutters or is made of flexible materials which moves with the wind or by some other artificial means, including, but not limited to, pennants, banners, balloons, spinning devices, streamers, and flags other than official and trademark flags.

SIGN, FREESTANDING – Any sign supported by structures or supports that is placed on, or anchored in, the ground and that is independent from any building or other structure, but excluding monument signs.

SIGN, GARAGE SALE – A sign posted on a residential lot on which the garage sale is to be held.

SIGN, GASOLINE SERVICE STATION PRICE – A sign containing thereon the price per gallon of gasoline or diesel fuel sold at said station.

SIGN, HELP WANTED - A sign advertising the employment opportunities of a business.

SIGN, ILLUMINATED - Any sign that is illuminated by light source mounted on or in the sign or at some other location.

SIGN, INFORMATION - A sign that gives parking, building address, fire protection, traffic flow (other than directional signs), height clearance, pedestrian or other similar information and that does not advertise a business or use located on the lot or parcel.

SIGN, INSTITUTIONAL - A sign that identifies or describes the services or functions of premises or facilities used, maintained, or owned by any not for profit educational institution, church, religious society, fraternal organization, public utility, hospital or any other similar organization.

SIGN, INTERNALLY ILLUMINATED - Any sign lighted by or exposed to artificial lighting by lights within such sign.

SIGN, MEMORIAL or TABLET - The permanent part of a building that denotes the name of the building, date of erection, historical significance, dedication, or other similar information.

SIGN, MONUMENT or GROUND SIGN - Any detached sign on the same lot or parcel as the use it advertises which has its bottom portion attached to a proportionate base or plinth, integrated ground planter box, or structural frame.

SIGN, NEON - An illuminated sign, typically constructed of a glass discharge tube that has been shaped to form letters or symbols, and which contains a gas or vapor (typically neon or mercury) that emits light when voltage is applied across electrodes at either end of the tube.

SIGN, OCCUPATIONAL/IDENTIFICATION - A wall sign identifying the name of a person occupying a building and mounted adjacent to the main entrance of the building.

SIGN, POLE - One or more stationary poles or pylons supporting a freestanding sign located on the same lot or parcel as the use it advertises.

SIGN, POLITICAL - A temporary sign advocating or opposing any political proposition or candidate for public office.

SIGN, PORTABLE - A sign that is not permanently affixed to a building or structure, or the ground, and that may be readily moved or relocated.

SIGN, PROFESSIONAL - A sign directing attention to the office of a recognized profession located on the same lot.

SIGN, PROJECTING - Any sign that is wholly or partly dependent upon a building for support and projects more than 14 inches from such building.

SIGN, PYLON - See "sign, pole."

SIGN, ROOF - Any sign erected on or above a roof, excluding wall signs. The generally vertical plane of a mansard-type roof shall be interpreted as the same as a wall of a building.

SIGN, SANDWICH BOARD - A portable sign, also known as an A-frame sign, that consists of two hinged sign boards with information on each side designed to be placed on the ground or hung from the shoulders of an individual.

SIGN, TEMPORARY - Any sign intended for a limited or intermittent period of display.

SIGN, WALL - Any painted sign, letter, word, model, device or representation that may be affixed to the front, side or rear wall of any building and in the same plane as the face of the wall and which does not project more than 12 inches from that wall.

SIGN, WINDOW - A sign internally or externally affixed on a window or glass door or located inside the window which is designed or intended to be visible from the exterior of the building.

SIGN/FAÇADE REVIEW COMMITTEE - The Borough of Fort Lee Sign/Façade Review Committee shall be an advisory committee appointed to review and provide recommendations to the Borough Construction Official, the Borough Planning Board, and the Borough Zoning Board concerning sign, façade, and/or streetscape improvements.

SPECIAL DISPLAYS - Signs or an assemblage of materials used for holidays or promotion of civil welfare or charitable purposes.

STREET FRONTAGE - See "frontage."

C. Nonconforming signs.

(1) Any sign which lawfully existed on the effective date of this article or an amendment thereto which renders such sign nonconforming because it does not conform to all of the

standards and regulations of the adopted or amended article shall be considered a legally nonconforming sign.

(2) Any sign which was erected unlawfully prior to the adoption of this article or amendment thereto or which is erected hereafter in contravention of the standards or regulations of this article without obtaining the required permits or variances shall be considered an illegal nonconforming sign.

(3) Loss of legally nonconforming status. A legally nonconforming sign shall immediately lose its legal nonconforming status if:

(a) The sign is altered in any way in structure which tends to or makes the sign less in compliance with the requirements of this chapter than it was before the alteration; or

(b) The sign structure is relocated to a position making it less in compliance with the requirements of this chapter, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening, or improvement of a street, highway, or other public purpose may be relocated once on the same lot and allowed to be maintained and used as before. Such a sign, once relocated, is still considered a legally nonconforming sign and bound by this section.

(c) The sign is replaced.

(d) Should any nonconforming sign be damaged by any means, other than vandalism, to the extent of over 50% of its surface area or structure, it shall not be reconstructed except in conformance with the requirements of this chapter. Nonconforming signs which are damaged by vandalism to the extent of over 50% of their physical value shall be restored within 60 days or removed or brought into compliance with the provisions of this chapter.

(e) On the occurrence of any one of Subsection C(3)(a) through (d) above, the sign shall be immediately brought into compliance with this chapter with a new permit secured therefore or shall be removed pursuant to § 410-49F.

(4) If any existing sign is repainted or the sign panels are replaced for the purpose of changing the business, occupation, or tenant advertised or identified, it shall be considered a new sign and shall be brought into compliance

with this chapter. However, the repainting or replacement of panels on a billboard shall not be considered a new sign. Ordinary maintenance or repair of an existing sign to a safe condition shall not be cause to classify the sign as a new sign.

D. Sign permits and recommendation required. Unless specifically exempted by the provisions of this chapter, all signs shall obtain a permit from the Borough Construction Official as set forth in § 410-50. Prior to the granting of a permit by the Construction Official, any sign requiring a permit shall first appear before the Sign/Façade Review Committee for review and recommendation.

E. The Sign/Façade Review Committee is hereby created to act as an advisory committee appointed to review and provide recommendations to the Borough Construction Official, the Borough Planning Board and the Borough Zoning Board concerning sign, façade, and/or streetscape improvements in accordance with the standards set forth within this chapter.

(1) Said committee shall consist of five members appointed by the Borough of Fort Lee Mayor and Council. Selection to the committee shall be limited to a combination of the following members:

(a) The Mayor or his designee;

(b) A Mayor's appointee;

(c) Three additional appointees nominated by the Mayor with the concurrence of the Council;

(2) At least three of the committee members shall be residents of the Borough of Fort Lee and up to two members of the committee may be business owners in the Borough of Fort Lee.

(3) Such committee members shall be appointed to an initial term expiring on December 31, 2009. Thereafter committee members shall be appointed for a term of one (1) year, such term expiring at close of the current calendar year. The committee members shall be held over until such time as the Mayor and Council hold their annual reorganization meeting, which shall held no later than is allowed by law.

F. Inspections. Following the erection of a sign or signs for which a permit was required and obtained, the Construction Official shall inspect a sign or signs after erection is completed for compliance with this chapter. All other necessary permits, such as electrical permits, shall be obtained and inspections shall be performed as applicable.

G. Sign removal.

(1) Except for signs which are legally nonconforming or which are exempt from obtaining a permit, the Construction Official may take the necessary steps to remove those signs which:

(a) Are determined not to be a legally nonconforming sign and do not have the required permit or have an expired permit.

(b) Constitute a public nuisance as defined by ordinance or are unsafe or hazardous and represent an immediate threat to the health and safety of the Borough.

(2) If any sign is deemed to require removal under the provisions of this chapter, the Construction Official shall give notice of any alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall be put in writing, include a statement of the reasons why it is being issued, allow a reasonable time for the performance of any act it requires, and be served upon the owner or his agent or upon the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

(3) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Mayor and Council or their designee, provided that: a) such person shall file, with the Borough Clerk, a dated and written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served; b) upon receipt of such petition the Mayor and Council or their designee shall set a time and place for such hearing and shall give the petitioner written notice thereof; c) at such hearing, the petitioner shall be given an opportunity to be heard, submit evidence, witnesses (under oath), cross-examine witnesses and submit oral argument or brief(s), and to show why such notice should be modified or withdrawn; d) the

hearing shall be commenced not later than 20 days after the day on which the petition was filed; provided that upon application of the petitioner the date of the hearing may be postponed for a reasonable time beyond such twenty-day period for good cause shown; e) after hearing the Mayor and Council shall decide the appeal directly on the record, or if a designee heard the appeal, the Mayor and Council may consider any report and recommendation filed by the designee, if any. Oral argument is at the option of the Mayor and Council; f) if the Mayor and Council sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Borough Clerk within 20 days after such notice is served. The proceedings at such hearing, including the findings and decision of the Mayor and Council, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Construction Official. Such record shall also include a copy of every notice or order issued in connection with the matter.

(4) Any person aggrieved by the final decision of the Mayor and Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state.

(5) Whenever the Construction Official finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Borough Clerk shall be afforded a hearing before the Mayor and Council or their designee as soon as practical. After such hearing, depending upon the finding as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Mayor and Council shall direct the Construction Official to continue such order in effect, or cause it to be modified or revoked, pending a plenary hearing.

(6) If any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto fails to request a hearing in a timely manner and/or fails to comply with the final order of the Mayor and Council the Construction Official shall have the sign removed at the expense of the person responsible for the erection or maintenance of the sign, and in the event that all costs associated with the Borough having such sign removed is not

recovered from the responsible party, said cost shall become an assessment and a lien on the property; such lien to be certified by the Tax Assessor of the Borough of Fort Lee.

(7) The Construction Official is authorized to go upon any premises in the Borough for purposes of removing signs under the provisions of this section. Signs removed by the Construction Official shall be retained for the owner's account for a period of 60 days and shall be returned to the owner upon payment of the expenses of removal. If not claimed within that time, they shall become the property of the Borough and may be destroyed or sold for the payment of the expense of removal. If sold, any excess from the proceeds of the sale shall be returned to the owner. In addition, the Borough shall in no way be held financially responsible for any damages that may be incurred as a result of said removal.

H. Violations; penalty. Any person violating this article or any of its provisions shall, upon conviction, be subject to a fine of not more than \$200 or imprisonment of not more than five days, or both. Each day and instance of violation shall constitute a separate offense, and at the discretion of the Construction Official a summons may be issued for each separate offense. This Ordinance may also be enforced in an action at law or equity for injunctive relief, pursuant to applicable law.

Section 4. The text of Borough Ordinance **§ 410-50, Permits, and fees,** shall be repealed and in its place shall hence forth provide as follows: **§ 410-50, Signage permits, recommendations, and fees.**

A. Recommendation and permit required. Unless otherwise provided for, it shall be unlawful for any person to erect any sign without obtaining a permit from the Construction Official and making payment of the fee as herein required. Prior to receipt of a permit from the Construction Official, any applicant for a permit shall first appear before the Borough Sign/Façade Review Committee for review and recommendation.

(1) Application to permit signage conforming to the regulations set forth herein shall be made in writing to the Construction Official. Prior to the issuance of any permit, the Construction Official shall forward the application materials to the Sign/Façade Review Committee, and the applicant shall be required to appear before said committee for review and recommendation. Such application shall be sufficient to describe the site and location in which the sign is to be affixed and shall include at a minimum the following:

(a) The name and address of the applicant;

(b) The name and address of the owner of the premises;

(c) A statement, including the consent of the owner, if the applicant is other than the owner;

(2) Applications for permits shall be submitted and accompanied by five sets of plans showing proposed copy of sign with location, sign area, construction details, materials and illumination details and existing sign locations and sizes, if any. In addition, plans for monument signs (and pole signs if applicable) shall include the length of street frontages (and street facings if applicable), in linear feet, and plans for wall signs shall include building elevation with height and width dimensions shown for the face of the building that the sign is proposed to be installed upon. When proposing pole signs, the sign plan shall include the elevation of the proposed pole sign location and the adjacent pavement elevation. The pavement elevation measurement shall be at the closest point perpendicular to the subject sign location.

(3) All illuminated signs shall be subject to the provisions of the Electric Code and permit fees required thereunder.

(4) Any permit issued will expire in six months if construction is not completed or an extension has not been granted.

(5) Application for a permit for a sign that is determined not to comply with the provisions of this article by the Borough Construction Official and/or the Sign/Façade Review Committee shall be submitted with recommendation to the appropriate Borough governing Board for review and approval pursuant to the requirements of the New Jersey Municipal Land Use Law. Such application shall be in writing, and where a noticed public hearing is required by law, shall be submitted at least 10 days before the succeeding public meeting date of the Board, together with a filing fee required by the Borough. Such application shall be in triplicate and accompanied by no less than 15 copies of the sign design which shall be drawn to scale. In addition, on such drawing or separate sheet, the information set forth herein shall be provided.

(6) Issuance of permit.

(a) A permit may be issued by the Construction Official after review and recommendation by the Sign/Façade Review Committee and/or the granting of a variance by the Planning Board or Zoning Board of Adjustment, subject to any other applicable governmental regulations, or as otherwise provided herein.

(b) An application for replacement of an existing sign shall be issued a permit by the Construction Official only after an appearance before the Sign/Façade Review Committee for review and recommendation. Following recommendation by the Sign/Façade Review Committee a permit may be issued by the Construction Official without the necessity of Planning or Zoning Board approval only upon satisfaction of all of the following conditions:

[1] There is no physical alteration or expansion to the existing sign beyond the limit permitted herein and previously approved;

[2] The sign conforms in all respects to the article provisions specified herein or was previously the recipient of a variance approval;

[3] No other signage is proposed to be added to the premises beyond that which is permitted herein.

[4] The applicant shall notify the Construction Official for a final inspection within five days of completion of the installation of the sign.

B. Right of appeal. Anyone denied a permit for a sign under the provisions of this chapter or who has been ordered by the Borough to remove any existing sign may appeal to the Board of Adjustment. Owners or operators of signage under appeal are not exempt from being issued violation citations.

C. Fees. A flat fee of \$150 per sign permit will be charged and collected by the Construction Official upon filing of the application.

D. Exemptions.

(1) The following signs shall be exempt from permits and fees:

(a) Signs relative to the sale, lease or rental of property erected on the offered property as follows:

[1] Residential zones: A maximum of one, not exceeding ten square feet in outline area per facing for single-family residences or ten square feet in outline area per facing for other uses and providing sign does not exceed five feet in height from grade to the highest point on the sign.

[2] Commercial zones: A maximum of one per street frontage, provided each sign has a maximum of 10 square feet in outline area per facing, and providing such

signs do not exceed five feet in height from the surrounding grade to the highest point on the sign.

(b) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(c) Signs erected inside a building not visible through windows.

(d) Trespassing or privacy signs. Signs which prohibit trespassing or indicate privacy of premises, driveways or streets, not exceeding two feet in size per side nor a height of five feet from grade.

(e) Help wanted signs. One sign advertising employment opportunities, located on the lot or parcel of the business advertising employment opportunities, and not larger than one square foot in a commercial zone and six square feet in an industrial zone.

(f) Open/closed signs and signs indicating business hours. Such signs shall not exceed one square foot and shall contain no other information than that necessary to highlight business hours and the open/closed status of a business.

(g) Customary holiday decorations displayed for a normal duration.

(h) Residential nameplates.

(i) Traffic control signs, the face of which meets the standards of the Department of Transportation and which contains no commercial message.

(j) Directional and informational signs for nonresidential uses, provided the area of such sign is not more than three square feet, and provided the number of such signs on site is limited to that which is reasonably necessary and appropriate for safety, circulation, information or other noncommercial purposes. Such directional or informational signs shall not contain advertising, logo, symbols, business identification or other nondirectional copy.

(k) Signs for official governmental or quasi-governmental business, including signs or banners advertising public or quasi-public events that are posted or displayed with the permission of the governing body or its designee(s).

(l) Flags of the United States, State of New Jersey, Borough of Fort Lee, foreign nations having diplomatic relations with the United States, other flags adopted or sanctioned by any

elective legislative body of competent jurisdiction and flags flown in conjunction with the flag of the United States, provided that no such flag shall exceed 60 square feet in area, nor shall any such flag be flown from a pole in excess of 35 feet in height. The flag's area shall be in reasonable proportion to the height of the pole from which it is displayed. Not more than three flags may be flown from any one pole. Statutory requirements associated with flags and the generally accepted standards of flag display protocol shall be observed.

(m) Flags honoring and remembering military and service men and women of the United States.

(n) Public safety signs.

(o) Identification signs displayed by houses of worship.

(p) Any public notice or warning or safety sign required by a valid and applicable federal, state or local law, regulation or ordinance.

(q) Pump-mounted fuel price informational signs subject to the following:

[1] Only one fuel price informational sign shall be permitted per fuel pump; each such sign shall be limited in size to an area of 260 square inches; each such sign shall be affixed directly and firmly to a fuel pump and shall be stationary.

(r) Regulation mailboxes of the United States Postal Service.

(2) The following signs shall be exempt from fees. Sign permits shall be required.

(a) Banners or signs of the United States, the State of New Jersey, the County of Bergen, the Borough of Fort Lee, the Fort Lee School District, the Fort Lee Volunteer Fire Department or any other governmental unit affixed to utility poles, provided approvals are received from the utilities and governmental units having jurisdiction over the poles and adjacent rights-of-way respectively.

(b) Building construction information signs, identifying the architect, engineer, contractor, or institution providing financing, when placed upon a worksite under construction, only after a building permit for the construction has been issued. Each individual building will be allowed one building construction information sign, not to exceed 24 square feet in outline area per facing. The sign shall be set back 10 feet from any property line. The maximum height of such

signage shall not exceed 15 feet in height above the average existing finished grade elevation of the sign or the elevation of the adjacent street, whichever is higher. Such signage shall be removed within 10 days after the issuance of an occupancy permit.

(3) Occupational/identification/professional signs. One wall sign or one window sign not exceeding two square feet in size displaying the name, occupation and/or service located upon the premises and the address. Such sign shall not be internally illuminated nor contain any colors other than black and white backgrounds and lettering. External illumination may be utilized, provided such illumination is turned off when the office is closed for business. No other signage shall be permitted for any home professional office or home occupation.

E. Revocation. The Construction Official may revoke any sign permit which violates any provision of this chapter or which has been secured by subterfuge or is void or which has been issued by mistake, misunderstanding or error of the Borough.

Section 5. The text of Borough Ordinance § 410-51, **Rules and regulations**, shall be repealed and in its place shall hence forth provide as follows: § 410-51, Signage rules and regulations.

A. Computation of sign area and sign height. The following principles shall control the computation of sign area and height:

(1) Computation of area of individual signs. The area of a sign face shall be computed by measuring the total area of the space utilized for sign purposes including the spaces between all letters, figures, numbers, images or symbols. Where a sign frame and any material or color forming an integral part of the background of the sign display is used as a backdrop against the structure in which it is placed, sign area shall be measured to the extreme limits of the sign frame or backdrop. Sign area shall also include the ground structure or any decoration which is an integral part of the sign, but excluding supports.

(2) Computation of area of multifaced signs. The sign area for any double faced sign shall be computed based on one face only, except in the case of a double faced sign with unequal sides, in which the area of the larger side shall be used to determine sign area.

(3) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at grade to the top of the highest attached component of the sign. Grade shall be construed to be the newly established grade after construction.

B. Prohibited signs generally. No person shall construct, erect, locate, use or maintain any of the following signs within any zone district of the Borough, except as otherwise permitted elsewhere in this chapter, or unless the sign has been certified to be a legal nonconforming sign by the Construction Official or has obtained a variance for such sign:

(1) Any new sign erected in violation of any section of this chapter. Any sign not specifically permitted is hereby prohibited.

(2) Signs emitting a sound, odor or visible matter such as smoke or vapor. No sign erected shall contain audio equipment.

(3) Exterior use of advertising devices such as banners, streamers, pennants, flags, and balloons, lights (whether flashing, flickering, blinking, or rotating), wind-operated devices and any other type of fluttering or flashing devices or emitting an unsteady or glaring light.

(4) Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

(5) Animated signs and mechanical contrivances. No sign erected shall contain flashers, animators or mechanical movement or contrivances of any kind, including clocks and time and weather information.

(6) Paper posters and painted signs applied directly to a tree, rock or natural feature of any kind or to a wall of a building, fence or pole or other support.

(7) Signs painted or otherwise affixed on the inside or outside of automobile windows except for pricing information associated with the sale of new and used cars and only when such vehicles are located on the premises of an establishment which has been approved for such use.

(8) Portable or movable signs, such as sandwich board signs, except portable signs utilized by restaurants to indicate valet service.

(9) Signs advertising an article or product not manufactured,

assembled, processed, repaired, serviced or sold upon the premises upon which the sign is located.

(10) Revolving signs of any type, including searchlights.

(11) Neon signs of any kind, whether located on the exterior or interior of a wall or window if visible from the street upon which the premises fronts.

(12) Signs on parking lot light standards not relating to traffic control.

(13) Signs within the public street right-of-way (other than public notices and unless otherwise allowed in this chapter).

(14) Signs that are in such a state of disrepair as to constitute an immediate threat to the public health, welfare and safety.

(15) Business signs for businesses which are discontinued for a period in excess of 30 days.

(16) Signs or other advertising structures, as regulated by this chapter, erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause optical illusion or be confused with any authorized traffic sign, signal or device, or which makes use of words, phrases, symbols, or characters in such manner as to interfere with, mislead or confuse traffic.

(17) Roof signs.

(18) Any sign not in compliance with the Borough Building or Electrical Codes, as amended, as to design, structural members and connections.

(19) Pole signs, except as otherwise provided for in this chapter.

(20) Electronic message centers, including signs used to display time and weather information.

(21) Billboard or billboard signs, except in the C-5 Zone.

(22) Any sign located or displayed upon any sidewalk or street or area between the sidewalk and curb or projecting on or over a sidewalk or street except as provided in this chapter.

(23) Signs erected or painted or composed of day-glow or

phosphorescent or similar material.

(24) Hand-lettered interior window signs.

(25) Exhibiting statements, words, pictures or images of an obscene or pornographic nature.

(26) Signs attached to, projecting from or hanging underneath a building eave.

(27) Any changeable copy sign, except for gasoline service station price signs permitted by the ordinance, that are designed to allow the sign copy to be changed or altered without undertaking a physical alteration to the sign (such as changing sign panels or repainting the sign), i.e. through the use of movable letters; electronic displays; interchangeable parts, or other means. Changeable copy does not include copy pertaining to the business, occupation, or tenant advertised or identified.

C. Standards generally.

(1) No sign may be erected or maintained so as to obstruct free ingress or egress to building openings, driveways, sidewalks or other passageways.

(2) All signage shall be limited to a maximum of 3 colors.

(3) No signage shall include phone numbers, unless the commercial business on which it is located includes a delivery business.

(4) Illumination.

(a) No sign shall be illuminated except as provided herein.

(b) All light shall be designated to minimize glare, and light levels off site from sign lights shall be less than 0.1 footcandles.

(c) Flashing signs, highly reflective glass or fluorescent paint (red or green) and illuminated tubing outlining roofs, doors, windows or wall edges of a building are prohibited.

(d) Any light box sign or lit awning is subject to the following limitations:

[1] Only the letters and symbols may be illuminated

[2] An opaque background must set off the illuminated

sections

[3] The letters, logos and symbols may take up a maximum of 40% of the sign area, leaving 60% opaque.

(e) Any permitted sign may be illuminated 1/2 hour before and after closing. No sign within 150 feet of any residential zone shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the business is open during these hours.

(f) The Borough of Fort Lee encourages illumination of signs from external sources, provided glare is minimized. Wherever it is impractical to provide such a source of illumination, and only as specifically permitted by this chapter, internally illuminated signs may be permitted. Light sources from internally illuminated signs shall not be visible from outside the sign, and the light from the light source shall be diffused to eliminate hot spots. Light sources shall be protected from damage. Light levels at property lines shall be less than 0.1 footcandles.

(5) Every sign in the Borough, including signs exempted from obtaining a sign permit, shall be maintained in good repair and good structural condition at all times, including painted or otherwise finished surfaces, as well as all parts and supports which must be maintained in their design condition and position. Broken parts of signs must be replaced or repaired within 15 days of notification by the Construction Official and in such a manner as to maintain the appearance and structure of the sign as it was approved for installation.

(6) The Construction Official shall have the authority to order the painting, repair, alteration or removal of signs which have not been properly maintained or repaired or which have become dilapidated or are abandoned or which constitute a hazard to public safety.

(7) Signs of an obscene or pornographic nature shall be unlawful. The Construction Official shall order the immediate removal of such signs.

(8) No permanent signage, other than allowable temporary window signs, shall be constructed of paper, nylon, fabric or any other type of nondurable material, except awning signs, as permitted in § 410-51E(5).

D. Signs in residential zone districts.

(1) The following signs are allowable in residential zoning

districts:

(a) Signs relative to the sale, lease or rental of property erected on the offered property. A maximum of one sign, not exceeding six square feet in outline area per facing for single- or two-family residences, or 10 square feet in outline area per facing for other uses. No sign shall exceed five feet in height from grade to the highest point on the sign. Such signs shall be removed within 48 hours of completion of the sale, lease or rental of property. This includes the posting of such property as sold, leased or rented.

(b) Institutional signs and other signs for churches, schools, fraternal organizations and other nonprofit organizations are subject to 410-51F(5).

(c) Construction information signs.

[1] One construction information sign not to exceed 24 square feet in outline area per facing. The maximum height of such signage shall not exceed 15 feet in height above the average existing finished grade elevation of the sign or the elevation of the adjacent street, whichever is higher. Such signage shall be removed within 30 days after the last lot or building is sold within the development.

(d) Political signs. [See § 410-51G(1).]

(e) Residential subdivision identification signs. One permanent subdivision identification sign not exceeding 24 square feet in size per face inclusive of any logo shall be allowed per development. Where the development has access on two or more streets or has more than one entrance on one street, identification shall be allowed at each entrance. Subdivision identification signs shall not exceed eight feet above the adjacent ground surface.

(f) Multifamily identification signs. One sign not more than one square foot for each 10 linear feet of street frontage, but in no case to exceed 32 square feet in size per face shall be allowed per multifamily development project except where the project fronts on two or more streets. One sign shall be permitted on each frontage, provided that the project has a major traffic entrance on the street where the sign is to be erected. Multifamily identification signs shall not exceed eight feet above grade.

(g) Temporary residential garage sale signs not to exceed six square feet in area nor a height in excess of

five feet from the ground and located upon the premises where the sale is taking place, only after issuance of a permit allowing such garage sale. Such sign shall only be displayed for one week prior to such sale and shall be removed within 24 hours after the sale is closed.

(h) Special displays. Such displays shall not exceed 32 square feet and shall be used for holidays or promotion of civil welfare or charitable purposes.

(i) Signs for home occupations or home professional offices. See § 410-51F(4).

E. Signs in nonresidential zone districts.

(1) Wall signs. Wall signs are permitted for all business, office, industrial or commercial establishments.

(a) Wall-mounted signs for establishments with a single tenant shall comply with the following:

[1] One wall sign may be placed along the street frontage, provided it does not exceed 10% of the total surface area of the building face upon which it is placed or 32 square feet, whichever is lesser. Signs fronting or facing any street on which the speed limit is less than 50 m.p.h. shall include lowercase letters and numbers no greater than 8 inches in height, capital letters no greater than 10 inches in height, and symbols, logos, or other images no greater than 12 inches in height. Signs fronting or facing any street on which the speed limit is 50 m.p.h. or greater shall include lowercase letters and numbers no greater than 16 inches in height, capital letters no greater than 18 inches in height, and symbols, logos or other images no greater than 24 inches in height.

[2] In those cases where a parcel or lot has more than one street frontage, one wall sign may be placed on each street frontage, provided such wall sign shall not exceed 10% of the total surface area of the building face upon which it is placed or 24 square feet, whichever is lesser. The height of all sign letters, numbers or symbols shall abide by the standards described in § 410-51E(1)(a)[1].

[3] Wall signs shall be face-mounted or pin-mounted on the building/structure, projecting not more than 14 inches from the face of the building nor above the first floor of the building. Such signs shall not project above the parapet wall, mansard or other roofline and shall be located so as not to create a

safety or traffic hazard. [Amended 8-17-2006 by Ord. No. 2006-41]

[4] No establishment containing an awning sign shall be permitted to have a wall sign.

(b) Wall-mounted signs for buildings or establishments with multiple tenants shall comply with the following:

[1] For buildings and property containing more than one business or tenant, and where each business tenant occupies a physically distinct ground floor space or has a separate ground floor entrance, each business or tenant may have one wall sign conforming to the requirements of this section. For the purposes of determining the sign area permitted, only the face of each respective lease unit to which the respective sign will be attached shall be counted. Each sign must be attached to the leased unit containing the business tenant identified.

[2] The total area of signage for all businesses or tenants in a building shall not exceed the area of signage that would be allowed if there were a single tenant. Signs attached to the same building must be of the same size, shape, color and height. [Added 8-17-2006 by Ord. No. 2006-41]

(c) General standards for wall signs. [Added 8-17-2006 by Ord. No. 2006-41]

[1] Wall signs may be pin-mounted or printed onto the facade onto a wood, metal or opaque glass panel that is mounted flat and horizontally within or just above the enframed facade opening. Signs should not extend beyond the width of the storefront opening.

[2] Signs affixed to the ground-level facade should be architecturally compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on buildings in the vicinity. Signs should not obscure or destroy the architectural details of a facade.

[3] Whenever possible, signs located on buildings within the same streetwall should be placed at the same height.

[4] Sign colors shall be limited to a range of three colors, and should be compatible with the color of the building facade and of neighboring facades and signs. Garish and day-glow colors shall be avoided.

(2) Monument signs. Monument signs are permitted in C-3, C-4 and C-5 Districts only. Monument signs shall comply with the following:

(a) One monument sign, not exceeding four feet in height from grade to the highest point on the sign, shall be permitted.

(b) The bottom of the sign face shall not exceed a height of 1 1/2 feet above grade at the base of the sign.

(c) No monument sign shall be located any closer than five feet to a front property line nor 10 feet to any other property line, except that no monument sign shall be located closer than 25 feet to any residentially utilized lot.

(d) A maximum sign area, in square feet, equal to one square foot in size for every 10 feet of linear street frontage shall be permitted subject to a maximum area of 24 square feet.

(3) Window Signs. Window advertising signs shall be prohibited in all districts, with the exception of permitted ground level retail and personal service business uses, supermarkets and eating and drinking establishments located in the C-1, C-1A and C-2 Districts, subject to the following conditions:

(a) Information on such signs shall be limited to advertisements for special promotions, temporary sales and other such similar nonpermanent sales promotions. An exception shall be granted for restaurants, which may post one menu not larger than two square feet in size. In addition, an exception shall be granted for supermarkets which may post signage in accordance with § 410-51E(3)(e).

(b) Such signs shall be permitted to be displayed for a period not to exceed 30 days and once every six months. A sticker showing the date of installation and date of required removal, to be issued by the Construction Official, shall be displayed on the lower right-hand corner of such signs as viewed from the exterior. An exception shall be granted for restaurant menus posted on site that meet the requirements of § 410-51E(3)(a).

(c) Such signs may be constructed of paper, cardboard or other such written, numerical, graphic or photographic material or information displayed in the window of such

establishment.

(d) Such signs shall be contained entirely within the ground level interior of the building in which the business is located.

(e) Window signs shall not exceed 15% of the total area of the window to which they are affixed, nor more than 7.5% of the glass area of any door to which they are affixed. All letters, numbers and symbols of window signage shall include lettering not more than 5 inches in height. Window and window signs shall not be more than 15% opaque.

(f) Such signs shall be maintained in an orderly manner at all times.

(4) Directory signs.

(a) Directory signs in the C-3, C-4 and C-5 Zone Districts shall be permitted as follows: for office and mixed use commercial buildings with two or more businesses or tenants, a directory sign may be used subject to the following provisions:

[1] Buildings containing less than 50,000 square feet and more than 10,000 square feet of gross floor area may have one directory sign containing a maximum of 20 square feet of sign area. Buildings containing more than 50,000 square feet but less than 150,000 square feet of gross floor area may have one directory sign containing a maximum of 40 square feet of sign area.

[2] Directory signs shall be either a monument sign or wall sign. The maximum height for a directory sign shall be eight feet from the surrounding grade to the highest point on the sign.

[3] No directory sign shall be located any closer than 10 feet to any property line, except that no directory sign shall be located any closer than 25 feet to any residentially utilized lot.

(b) Directory signs for office or mixed use commercial buildings in the C-1, C-1A and C-2 Districts shall be limited to one wall-mounted directory sign not exceeding six square feet in size and no higher than 12 feet above surrounding grade in addition to permitted wall, awning and/or projecting signs.

(5) Signs on awnings. Signs on awnings shall be permitted for commercial establishments in the Downtown Overlay District

and the Commercial Nodes and Corridors Overlay District. The location and design of awnings shall comply with § 410-52E(8).

(a) An awning must not display any graphic other than the name of the business, the logo, and the street number.

(b) Not more than ten words, symbols or images shall be permitted on a single awning or on awnings provided for a single establishment. A phone number, a street address and an internet address each count as one word.

(c) No awning sign shall be erected above the first level of a building, and the top of an awning may not project above the ceiling height of the first level, except on the upper floors of buildings in which a commercial tenant is present. Upper floor awnings shall also comply with § 410-52E(8)(e).

(d) Awning signs shall not be permitted if the establishment also has a wall sign.

(e) An awning sign shall be no larger than 10% of the total building face on which it is placed or a maximum of 24 square feet in area, whichever is lesser. The letter and symbol requirements for awning signs are subject to § 410-51E(1)(a)[1].

(f) For buildings and property containing more than one business or tenant, and where each business tenant occupies a physically distinct ground floor space, upper floor space, or has a separate ground floor entrance, each business or tenant may have one awning conforming to the requirements of this section. Awnings attached to the same building shall be of the same shape, color and height. To the extent possible, awnings should also be of the same size. For the purposes of determining the awning sign area permitted, only the face of each respective lease unit shall be counted. Each awning must be attached to the lease unit containing the business tenant identified.

(6) Gasoline service station signs. See § 410-51F(1).

(7) Signs on secondary entrances. Each building or property may have one additional wall sign or directory sign conforming to the requirements of this section on walls containing a main entrance that faces customer parking areas and are not visible from either a public or private street. The content of such sign shall be limited to the name(s) of the business(es). Such signs shall be attached to the same

wall as their respective entrances, and both the signs and the entrances must be upon the same plane of the building.

F. Standards for specific uses.

(1) Gasoline service station signs. In addition to the signage allowed in § 410-51E(1), (2) and (3), the following signs shall be allowed for gasoline service stations:

(a) Freestanding sign.

[1] A maximum of one freestanding sign consisting of either a pole sign or a monument sign is permitted.

[2] The maximum sign area of a pole sign or monument sign, including the sign frame, shall not exceed 80 square feet, inclusive of gasoline service station price sign. Such sign shall not be separated from the gasoline price sign but shall appear as a single integrated sign.

[3] A freestanding pole sign shall not exceed a height of 20 feet measured to the topmost portion of the sign and shall be set back a minimum of 15 feet from any property line.

[4] The maximum sign area of a monument sign, including the frame, shall not exceed 50 square feet, inclusive of gasoline service station price sign.

[5] A monument sign shall not exceed six feet in height and shall be set back a minimum of five feet from any property line.

(b) Gasoline service station canopy signs.

[1] A gasoline service station with a canopy shall be permitted two canopy signs in total.

[2] The canopy sign or signs shall collectively not exceed 20 square feet in area.

[3] The canopy sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy.

[4] The canopy sign may be illuminated by internal and nonintermittent light sources.

[5] A business logo, inclusive of striping or other symbols, may appear on this canopy sign as part of the

allowable sign area. Any striped area of the canopy shall be counted towards the permissible area of the sign.

(c) Pump signs.

[1] Signs shall be allowed on gasoline pumps so as to provide the required information to the public regarding octane rating, price, type of fuel, federal and state stamps, pump use directions, and no smoking.

[2] The trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three feet above the ground and not to exceed one square foot in sign area per pump.

[3] Self-service, full-service or other information signs may identify each pump island on the gasoline service station property. The location of such signs shall be limited to the gasoline pump or the canopy support located at each end of the pump island or between the canopy supports as a spandrel panel.

[4] A maximum of two such signs shall be allowed per pump island, and each sign shall not exceed two square feet in sign area when placed on the gasoline pump or when located at each end of the pump island or between the canopy supports as a spandrel panel.

(d) Gasoline service station price signs. Gasoline service station price information may be incorporated into a monument sign or mounted on a pole sign, provided that the total area of the price sign not exceed 20 square feet in area.

(2) Shopping center developments. Additional provisions applicable to shopping centers containing 150,000 square feet or greater floor space.

(a) Freestanding signage.

[1] A maximum of one freestanding sign consisting of either a pole or a monument sign is permitted.

[2] A maximum sign area, in square feet, equal to one square foot in size for every five feet of linear street frontage shall be permitted subject to a maximum sign area of 100 square feet.

[3] A freestanding pole sign shall not exceed a height of 20 feet measured to the topmost portion of the sign and shall be set back a minimum of 15 feet from a

property line except that it shall be back a minimum of 50 feet from any residential use or zone boundary.

[4] The sign may identify the name of the shopping center and may include a directory listing of tenants, provided no lettering of less than six inches in height is provided. No other information shall be provided on such sign.

[5] All sign area on a freestanding sign must be contiguous. Sign elements separated by gaps shall not be permitted.

[6] Temporary signage attached to a freestanding sign, including real estate broker signs or vacancy signs, shall not be permitted.

(b) Signage attached to a building.

[1] Each tenant of a shopping center shall be permitted to have one wall sign identifying the name of the business only. No other information in a wall sign is permitted.

[2] For individual tenants with a gross floor area of less than 10,000 square feet, the maximum size for a wall sign shall be 10% of the building face area devoted to the tenant or 24 square feet, whichever is lesser.

[3] For anchor tenants with a gross floor area greater than or equal to 10,000 square feet, the maximum size for a wall sign shall be 10% of the building face area devoted to the tenant or 64 square feet, whichever is lesser.

(c) Other signs.

[1] All other signs are subject to the sign regulations set forth in § 410-51E.

(3) Office buildings. Additional provisions applicable to freestanding multistory office buildings.

(a) Identification signs.

[1] One wall-mounted identification sign, with the copy limited to a company name and/or corporate logo, is permitted on office buildings with frontage on one street. For office buildings with frontage on two or more streets, a maximum of two identification signs are permitted.

[2] Identification signs shall be located no more than four feet below the parapet or uppermost roofline or facade of the building. Signs shall not project above the roofline or parapet of the building.

[3] The maximum size of each identification sign shall be one square foot for each 200 square feet of building space for the first 10,000 square feet of building space and one square foot for each 500 square feet of building space above 10,000 square feet, up to a maximum of 200 square feet. No identification sign shall exceed 200 square feet in size.

(b) Monument signs.

[1] One monument sign shall be permitted per each street frontage.

[2] The maximum size for each monument sign shall be 24 square feet. No monument sign may exceed six feet in height above grade and shall be set back no less than five feet from any property line.

(4) Signs for home occupations or home professional offices. One wall, nonilluminated sign or one window sign not exceeding two square feet in size displaying the name, address, occupation and/or service located upon the premises shall be permitted in all residential districts.

(5) Institutional signs and other signs for churches, schools, fraternal organizations and other nonprofit organizations. Such institutions shall be permitted one institutional monument sign and one institutional wall sign pursuant to the following requirements:

(a) Institutional monument signs. One monument sign per lot, not exceeding six feet in height from grade to the highest point on the sign. The bottom of the sign face shall not exceed a height of three feet above the surrounding grade at the base of the sign. No monument sign shall be located any closer than 10 feet to any property line, except that no monument sign shall be located closer than 25 feet to any residentially utilized lot. No institutional monument sign shall exceed 18 square feet in outline area per face.

(b) Institutional wall signs. One wall sign not exceeding one square foot per 10 linear feet of street frontage of the total square footage of the building face upon which it is placed having street frontage. In no case shall the sign area exceed 24 square feet.

[1] In those cases where a parcel or lot has more than one street frontage, one wall sign may be placed on each street frontage.

[2] Wall signs shall be face-mounted on the building/structure, projecting not more than 14 inches from the face of the building. Such signs shall not project above the parapet wall, mansard or other roofline, shall be recessed where involving a pitched roof location and shall be located so as to not create a safety or traffic hazard.

G. Standards for other signs.

(1) Political campaign signs.

(a) At no time whatsoever may political campaign signs or stickers of any type or size be affixed in any way to utility poles, traffic signs, traffic signal boxes or poles, mailboxes, fire hydrants or any public fixtures or be placed in any way on highway dividers, islands or overpasses or above (across) streets or highways or on any public property.

(b) No political campaign sign shall be erected or posted on private property without the express consent of the owner or lawful occupant of the property, who shall then be responsible for compliance with this section.

(c) Individual, freestanding billboard-type political campaign signs shall be permitted. Such signs may not obstruct traffic or sign lines. At no time whatsoever may political campaign signs of any type or size be lighted or be made of any reflecting materials.

(d) Penalties. Any person, regardless of political affiliation, found to be a perpetrator, including any business, political party or entity violating the provisions of this section, may be fined a sum not to exceed \$250 per sign. Violation of any of the provisions herein shall be deemed continuing and, for each and every day or part thereof that a violation of this subsection is found to exist, the court may impose a separate penalty as stated herein.

(e) Enforcement. The provisions of this subsection shall be enforced by the Construction Official.

(2) Billboard signs. The following standards, provisions, requirements and restrictions shall apply to all billboard signs within the Borough:

(a) The Borough shall not accept a billboard sign application for consideration and issuance unless accompanied by a valid State of New Jersey permit and scaled site plans sealed by an engineer licensed and registered in the State of New Jersey. Such plans shall include structural drawings, foundation specifications, wind load calculations, electrical requirements and a survey depicting the distance between the proposed billboard sign and existing billboard signage installed as of the date of the subject application.

(b) Billboard signage may only be applied for and shall only be permitted in the C-5 Commercial District.

(c) Billboards shall not exceed 400 square feet per sign face.

(d) A billboard shall not exceed a height of 35 feet at its highest point above the elevation of the adjacent street or of the elevation at the base of the sign, whichever is higher (more permissive).

(e) A freestanding billboard shall have a minimum height of 20 feet at the lowest point of the sign face as measured from the elevation of the adjacent street or of the elevation at the base of the sign, whichever is lower.

(f) A billboard sign face, including border and trim, shall be no greater than 12 feet in height and shall be no greater than 50 feet in width.

(g) Only single-sided and back-to-back or V-type construction billboards with a single display per facing shall be permitted.

(h) No billboard sign may be placed any closer than 1,000 feet to another billboard sign on the same side of an interstate highway or freeway.

(i) No billboard sign may be placed any closer than 1,000 feet to another billboard sign, regardless of orientation, on any Borough street or road.

(j) No billboard sign may be placed within 200 feet of an interchange, intersection at grade or the convergence of on-ramps and off-ramps of an interstate highway or freeway, as measured at a point closest to any portion

of the above and the closest portion of the subject billboard sign.

(k) The minimum setback as measured from all points of the billboard sign shall be 200 feet from all residentially zoned property or property being utilized in a residential manner, any public property, any public or private parks or any registered historical sites or historical districts.

(l) The minimum setback as measured from all points of the billboard sign shall be 50 feet from any structure.

(m) The minimum setback as measured from all points of the billboard sign shall be 25 feet from any public right-of-way, public or private road, public or private driveway, public or private parking lot or railroad track or siding.

(n) Billboard sign illumination shall be installed only so as to reasonably illuminate the subject billboard sign face and shall be directed and backshielded to transmit light only to same to a degree that it does not create a light pollution visual nuisance. No perimeter, strobing or other attracting type of lighting may be operated in conjunction with a billboard sign.

(o) Billboard signs shall not be placed or operated so as to create a safety, traffic, health or hazardous condition.

(p) Any application received for a billboard sign that is intended to replace existing billboard signage shall be regulated by these provisions and any other applicable regulations normally applied to new billboard sign applications.

(q) No regulations in this section or any portions thereof are intended as being less restrictive than state or federal regulations.

(r) Billboard sign extensions.

[1] The total square footage of billboard sign extensions may not exceed 25% of the billboard sign face area for which such extensions are sought.

[2] Such extensions shall not protrude more than three feet from the billboard sign face.

[3] Billboard sign extensions shall not be considered when calculating billboard sign face area or height

requirements.

[4] The sign contractor shall provide evidence to the Borough that the extensions are structurally sound and do not create or intensify any potentially hazardous or injurious conditions.

[5] Billboard sign extensions shall be operated only as a component of specific advertising copy, which use shall expire with the removal of said specific advertising copy, and are not intended to become a permanent portion of the billboard structure or sign face area.

H. Severability. The phrases, clauses, sentences, paragraphs and subsections of this chapter are severable, and if any phrase, clause, sentence, paragraph or subsection of this chapter shall be declared unconstitutional or otherwise unlawful by the valid judgment, decree or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases clauses, sentences, paragraphs, and subsections of this chapter.

Section 6. The text of Borough Ordinance § 410-52, shall no longer be Reserved and shall hence forth be amended and supplemented to provide as follows: § 410-52, **Design regulations in the Downtown Overlay District:**

A. Purpose.

(1) The purpose of this section is to establish regulations to ensure that development within the Borough's Downtown Overlay District, including any building additions, reconstructions, and infill developments, is compatible in form, arrangement, scale, materials, character and overall aesthetic appearance with the area's historic and visual traditions.

(2) The regulations are designed to revitalize the Downtown Overlay District; preserve and protect the traditional value of buildings and other structures; stabilize and improve property values; foster civic beauty; and strengthen the local economy. The regulations shall encourage renovations and improvements with minimum economic burden.

(3) The regulations are intended generally to implement the directives contained in the document "Design Guidelines: Facade Improvement Program for the Main Street Commercial District of the Borough of Fort Lee, New Jersey," dated 2006, and incorporated herein by reference.

B. Applicability.

(1) Any development application within the Downtown Overlay District concerning rehabilitation of existing structures, additions to existing structures, and construction of new buildings that requires site plan approval shall comply with the specifications incorporated herein. The applicant shall be subject to review and approval by the Planning Board of the Borough, except wherever the Board of Adjustment has jurisdiction over a site plan pursuant to N.J.S.A. 40:55D-76, then and in that case, by the Board of Adjustment. Hereafter, "municipal agency" shall mean either the Planning Board or the Board of Adjustment of Fort Lee.

(2) These regulations shall be used by applicants in preparing a development plan and by the municipal agency in reviewing same. The municipal agency may approve the proposed design, conditionally approve the design, or deny an application based upon its review of the design submitted and any additional relevant information.

(3) To the extent that the provisions of § 410-52 change or modify any other ordinance or code section of the Borough of Fort Lee, said change or modification shall only apply to the Downtown Overlay District and shall not otherwise change or modify other ordinances or code provisions. Except as otherwise set forth herein, all provisions of Chapter 410 Zoning of the Borough of Fort Lee and the Code of the Borough of Fort Lee shall govern.

C. Definitions. As used in this section, the terms set forth below shall be defined as follows:

BAY - A structural division of a building that extends upwards through all levels. While related to structure, it may also be used to break up the massing and bulk of buildings and facades. Bays may be distinguished through elements such as changes in facade plane; columns, pilasters, gutters or expansion joints; size and rhythm of window spacing; or variation in surface material and pattern. Typical traditional bays range from 15 to 30 feet wide.

BULKHEAD - The opaque part of a storefront that forms a base for one or more display windows.

CANOPY - A metal frame clad with fabric that projects from a building entrance over the sidewalk to the curb, where it is supported on vertical posts.

CORNICE - A horizontal molded projection that completes the top of a wall, facade, building or storefront.

FACADE - An entire exterior face of a building.

LINTEL – The horizontal member or element above a door or window opening.

PIER – A vertical supporting member or element (usually of stone, brick or metal) which frames a storefront opening or separates storefront openings within a single building.

SIGN BAND – The flat, horizontal area on the facade usually located in the spandrel area immediately above the storefront and below the second-story windowsill where signs were historically attached. A sign band may also occur within a decorative bandcourse above a storefront.

SKIRT – A bottom finishing piece that hangs from the lower edge of an awning.

STOREFRONT – The area of the ground floor consisting of all storefront openings, bays, entranceways and storefront infill associated with a single commercial occupant, and including, without limitation thereof, the piers, lintels, sign band, signs, awnings, lighting and security gates.

TRANSOM – A glazed area above a display window or door separated from the display window or door by a horizontal framing member (the "transom bar"). The glazing in the transom may be fixed or operable.

D. Development regulations for buildings.

(1) Compatibility and appropriateness. New buildings should be designed to be compatible with surrounding buildings. New construction should strike a proper balance between the existing architecture and appropriate contemporary designs that pay attention to scale and harmony rather than superficial details.

(2) Building orientation. Buildings in this zone shall face public streets. Building entries shall face a public street. For buildings at corners, the building may have an angled entrance at the corner of the two streets or include its main entrance on the primary street for shopping. A secondary street-facing facade shall be articulated in a manner compatible with the design of the front facade. Window glazing on both facades shall be of similar percentage.

(3) Building setbacks. Buildings (except for recessed entries) shall be aligned with the adjacent building or the prevailing building setback and shall not contain a setback more than 10 feet. A slightly deeper setback may be allowed to match setbacks of adjacent buildings. Sidewalks shall be provided on the lot and/or within the right-of-way of any street located adjacent to a lot and must maintain a minimum

6.5-foot sidewalk width and conform to the "Borough of Fort Lee Streetscape Improvement - Sidewalk Paving for Downtown District" manual dated March 2008.

(4) Building height. The floor-to-floor height of new or altered buildings should match that of neighboring structures. Buildings which are either significantly lower or significantly taller than the adjacent structures should be discouraged, except for the purpose of historic preservation.

(5) Vertical articulation. New or altered buildings should respect the characteristics of the traditional facade. The traditional central business district building facade has three parts as follows:

(a) Ground-level facade. See § 410-52.E below.

(b) Upper facade. The typical upper facade consists of three window bays on each floor, evenly spaced and with heavy lintels. Window bays on the upper facades should be vertically proportioned. Alternately, vertically-proportioned windows may be grouped side by side, to create wider horizontal window bays. Windows shall comprise 25% to 50% of the upper facade area.

(c) Roof cornice and rooflines. Roof cornice and rooflines should be similar to surrounding buildings.

[1] Roof cornice. Roof cornices shall be provided to reinforce the roofline. They may be constructed of sheet metal, wood, masonry, cast iron, copper, synthetic composite trim or fypon (high-density polyurethane molding). A typical cornice extends out from the facade by approximately 6 inches to 1.5 feet and is 2 to 3 feet in height.

[2] Rooflines. The preferred roofline in this district is a flat roof with a cornice. However, front-gabled rooflines are also acceptable above the second floor and side gabled rooflines are also acceptable above the third floor. In the instance of sloped roofs visible from public areas, the roof should be of slate, tile, standing seam metal or other high quality materials.

(6) Horizontal articulation. In a sequence of structures along a street, the spacing of buildings, building bays and openings (such as windows, doors and display windows) define the observer's perception of rhythm. Buildings should reflect the rhythm of the traditional facade. New buildings shall be constructed as a series of bays each 15 to 30 feet wide. Ground-level facades shall be broken up into individual bays

that are 15 to 30 feet wide.

(7) Materials. The materials, color and texture of facades should harmonize with adjacent buildings. Desirable materials for new or renovated facades shall include brick, concrete, stucco, marble, granite, tile, terra cotta, synthetic composite trim and fypon (high-density polyurethane molding). If siding is used, the seams should be concealed to avoid an appearance of obvious paneling. Wood, aluminum, steel, copper, or bronze should be used for window frames and sashes. Exterior metallic, mesh, or glass façade cladding systems that cover the architectural details of buildings are prohibited.

(8) HVAC equipment. Heating, ventilation and air conditioning units and other outside equipment shall be concealed from view of public streets.

(9) Rehabilitations and additions. During alterations, removal of original materials and architectural features such as railings, balusters, columns, brackets, and cornice decorations is discouraged. It is recommended that restoration and repair of existing traditional elements be employed. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities.

E. Regulations for ground-level facades. Design for ground-level facades should reflect the rhythms and proportions of traditional architectural elements found within the Downtown Overlay District, such as large display windows of clear glass, bulkheads, recessed entries surrounded by framing piers, transom windows, storefront cornices and suitable locations for signs. The ground-level facade has a higher floor-to-floor height than the upper floors to enhance views into the store. A ground-level facade should be visually separated from the upper floors or the top of the building by a horizontal architectural component, such as a cornice, masonry lintel or sign band. These guidelines are intended to promote ground-level facades which are functional and traditional.

(1) Well-defined opening. The traditional facade consists of a cornice, vertical piers, and bulkhead which enframe the storefront. The facade should be designed to fit within the originally intended opening.

(2) Recessed entry. In order to keep the display windows at the sidewalk, to emphasize the ground-floor entry, to allow for an enclosed and sheltered doorway and to leave space for doors to open without extending into the sidewalk, the entrance door should be recessed between 3 to 5 feet from the

facade.

(3) Windows. At least 75% of facades shall be glazed with plate glass windows. All windows shall be at least 6 feet in height and shall contain a windowsill no more than 3 feet above grade. Any coverings on existing transom windows should be removed. Tinted or mirrored glass is prohibited.

(4) Materials. Materials for ground floors can be different from those used on the upper facade. As the most visible portion of the facade to pedestrians, they should have the greatest level of detailing of the building. Bulkheads should be faced with tile, wood, stone or synthetic composite trim and fypon (high-density polyurethane molding). Window frames should be made of wood, aluminum, steel, copper or bronze.

(5) Doors. Designs for doors shall comply with the following:

(a) The front entry door should be compatible with the facade's style and material.

(b) All primary commercial entrance doors shall have clear glazing over at least 75% of the surface area.

(c) The entry door shall be either wood or metal. If metal is chosen, a dark, anodized finish, rather than a light, metallic color, is preferred.

(d) Over-decoration of the entry door is discouraged. The door should reinforce the character of the building, as well as attract customers inside.

(e) The use of subtle door elements is encouraged. These include door knobs or pulls, brass kickplates or attractive painted signs on the glass.

(f) The entrances to ground floor spaces should be clearly distinguished from entrances to upper floors through the use of architectural treatments and materials selection.

(6) Cornice. All ground-level facades should have a cornice line which emphasizes the distinction between the ground-level and the upper facade.

(a) The cornice should be made of wood, metal, masonry units or fypon of ornate detail.

(b) The shape and material of the cornice should be sensitive to the main body of the building.

(c) Subtle color variation can add to the prominence of

belt courses, but the color should maintain the harmony of the building as a whole.

(7) Transom windows. Historic glazing should be preserved where possible. Transoms should be provided on ground-level facades. The transom frame above the entrance doors and display windows shall match the ground-level material and finish, and the transoms shall be of a consistent size and configuration. The transparency of the transom glazing may be blocked by backpainted glass or a solid finished panel installed behind the glass where such blocking is necessary to conceal a dropped ceiling or mechanical equipment.

(8) Awnings. Dark, solid color awnings are encouraged. The style of awning should complement a building's architectural style and be compatible with its scale, materials, colors and details. The awning should not intrude upon the facade composition. Awnings attached to the same building shall be the same shape, color and height, and shall be compatible with other awnings nearby.

(a) Awnings may be fixed or retractable. All awnings shall have a straight slope and may not have side panels.

(b) Both retractable and fixed awnings may have an awning skirt. Awning skirts must be unframed. The skirt height shall be proportional to the height and size of the awning. The skirt height shall not exceed one foot.

(c) Canvas is the preferred material for awnings. The awning shall be clad only with water-repellant canvas with a matte finish or other fabric of a similar appearance. Awning fabric shall consist of a solid color that harmonizes with the historic color palette of the building. Vinyl, fiberglass, plastic, wood, glass or metal awnings are prohibited.

(d) The awning shall be installed at or directly below the ground-floor lintel or transom bar, except that the awning may be attached up to eight inches above the lintel if:

[1] An existing roll-down security gate makes it impossible to install the awning at the lintel or transom bar; or

[2] Installing the awning at the lintel or transom bar will result in the lowest framed portion of the awning being less than eight feet above the sidewalk.

(e) No awning sign shall be erected above the first level of a building, except for commercial buildings that contain tenants on the upper floors.

[1] Awnings shall not extend beyond 12 inches from the side of the building

[2] Awnings shall be the same shape and color as awnings attached to the same building.

[3] All windows of the second floor must be similarly installed with such awnings.

[4] Awnings shall not extend more than 6 inches from either side of a window, nor extend more than 12 inches below the top of the window frame, nor extend more than 12 inches above the top of the window frame.

(f) The length of the awning should be aligned as closely as possible with the inside face of the principal piers of the storefront or window opening.

(g) The underside of the awning shall be open.

(h) The following types of awnings are prohibited:

[1] Box awnings.

[2] Fluted and carved awnings.

[3] Translucent or transparent or lightly shaded awnings illuminated from within or beneath.

(i) Canopies are not permitted.

(j) Awning signage is subject to § 410-51E(5)

(9) Storefront lighting.

(a) External light fixtures shall illuminate only the storefront and/or ground-level signs and shall be shielded to avoid direct glare into adjacent uses.

(b) The number and size of light fixtures should be modest and proportional with the scale of the storefront. Gooseneck lights or other incandescent fixtures appropriate to the style and period of the district are encouraged. Light fixtures shall not exceed 2 feet in height.

(10) Storefront security gates.

(a) Security grilles and tracks shall only be installed inside a storefront opening, display window or door carefully integrated into the storefront design and should be completely concealed when not in use.

(b) Roll-down grilles shall be see-through mesh rather than solid grates so as to provide views of the interior when stores are closed.

F. Sidewalks and Streetscape. Each commercial property owner within the Downtown Overlay District seeking site plan approval shall provide sidewalk and streetscape improvements within the street right-of-way that shall fully comply with the specifications set forth in the "Borough of Fort Lee Streetscape Improvement - Commercial Streetscape and Sidewalk Guidelines" manual dated May 2008. Such sidewalk shall be designed in accordance with those Borough specifications and shall be subject to the review and recommendation of the Sign/Façade Committee and the Construction Official and at the Borough's discretion, the Streetscaping Engineer. In order to minimize the additional financial cost of compliance with the terms of this section respecting streetscaping compliance, any property owner subject to the provisions of the enhanced sidewalk improvement specifications shall not be compelled to post a performance guaranty for that portion of the estimated cost of the sidewalk and the appurtenant improvements allocated to the enhanced requirements.

(1) A bench, street tree, planter or other special landscaped feature shall be provided for every 20 feet of blank façade wall to mitigate the impact of blank walls and provide for pedestrian enjoyment.

G. Signs. All development within the Downtown Overlay District shall comply with the signage requirements set forth in § 410-51 of the Borough of Fort Lee Zoning Ordinance.

Section 7. The text of Borough Ordinance § 410-53, shall no longer be Reserved and shall hence forth be amended and supplemented to provide as follows: § 410-53, **Design Regulations in the Commercial Nodes and Corridors Overlay District:**

A. Development regulations for buildings.

(1) Compatibility and appropriateness. New buildings should be designed to be compatible with surrounding buildings. New construction should strike a proper balance between the existing architecture and appropriate contemporary designs which pay attention to scale and harmony.

(2) Building orientation. Buildings shall have their prime orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a sidewalk and crosswalks through parking areas.

B. Applicability.

(1) Any development application within the Commercial Nodes and Corridors Overlay District concerning rehabilitation of existing structures, additions to existing structures, and construction of new buildings that also requires site plan approval shall comply with the specifications incorporated herein. The applicant shall be subject to review and approval by the Planning Board of the Borough, except wherever the Board of Adjustment has jurisdiction over a site plan pursuant to N.J.S.A. 40:55D-76, then and in that case, by the Board of Adjustment. Hereafter, "municipal agency" shall mean either the Planning Board or the Board of Adjustment of Fort Lee.

(2) These regulations shall be used by applicants in preparing a development plan and by the municipal agency in reviewing same. The municipal agency may approve the proposed design, conditionally approve the design, or deny an application based upon its review of the design submitted and any additional relevant information.

(3) To the extent that the provisions of § 410-53 change or modify any other ordinance or code section of the Borough of Fort Lee, said change or modification shall only apply to the Commercial Nodes and Corridors Overlay District and shall not otherwise change or modify other ordinances or code provisions. Except as otherwise set forth herein, all provisions of Chapter 410 Zoning of the Borough of Fort Lee and the Code of the Borough of Fort Lee shall govern.

C. Regulations for facades.

(1) Commercial facades 100 feet in length or greater, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the total length of the façade. All projections or recesses shall be equivalent to at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

(b) Small Retail Stores. Where large retail developments contain additional, separately owned stores with separate, exterior customer entrances, the street level facade of such stores shall be transparent between the

height 3 feet and 8 feet above the walkway grade for no less than 60% of the horizontal length of the building facade of such additional stores.

(2) Commercial facades less than 100 feet in length, measured horizontally, shall incorporate varied building bays within the design of the façade. Building bays shall be a maximum of 30 feet in width and shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern.

(a) No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding 30 feet without including at least 2 of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.

(3) Ground floor facades for all commercial buildings that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 60% of their horizontal length. If the facade of the building facing the street is not the front, it shall provide the same features in scale with the facade. All sides of the building shall include materials and design characteristics consistent with those on the front. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.

(a) All commercial building facades must include a repeating pattern that includes no less than 3 of the following elements. At least one of the elements within items 1, 2 or 3 below shall be utilized horizontally. All elements shall repeat at intervals of no more than 30 feet either horizontally or vertically.

[1] color change;

[2] texture change;

[3] material change;

[4] variation in architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, column, pilaster, fenestration pattern, reveal or projecting rib;

[5] a specific architectural element proposed by the applicant that is acceptable to the Signage/Façade Review Committee.

(4) Awnings within the Commercial Nodes and Corridors Overlay District shall conform with the requirements of section 410-52.E(8).

D. Roofs. All roofs shall have no less than 2 of the following features:

(1) Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall, and such parapets shall not at any point exceed 1/3 of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment, other than just colored "stripes" or "bands," with textured materials such as stone or other masonry or differently colored materials. Parapets may be stepped to provide differentiation to the roofline.

(2) Overhanging eaves, extending no less than three feet past the supporting walls.

(3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every one foot of horizontal run, and less than or equal to one foot of the vertical rise for every one foot of horizontal run.

(4) Three or more roof slope planes.

E. Entryways.

(1) Each building shall have clearly defined, highly visible customer entrances featuring no less than 3 of the following: overhangs, recesses/projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; architectural details such as tile work and moldings which are integrated into the building; integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

(2) Where additional stores will be located in the large retail establishment, each such store shall have at least 1 exterior customer entrance, which shall conform to the above requirements.

F. Storefront lighting.

(1) External light fixtures shall illuminate only the

storefront and/or ground-level signs and should be shielded to avoid direct glare into adjacent uses.

(2) The number and size of light fixtures shall be proportional with the scale of the storefront. Gooseneck lights or other incandescent fixtures appropriate to the style and period of the district are encouraged.

G. Sidewalks

(1) Except for portions of a property fronting along Routes 1, 4, 46, 63 and 80, each commercial property owner within the Commercial Nodes and Corridors Overlay District seeking site plan approval shall provide sidewalk and streetscape improvements within the street right-of-way that shall fully comply with the specifications set forth in the "Borough of Fort Lee Streetscape Improvement - Commercial Streetscape and Sidewalk Guidelines" manual dated May 2008. Such sidewalk shall be designed in accordance with those Borough specifications and shall be subject to the review and recommendation of the Sign/Façade Committee and the Construction Official and at the Borough's discretion, the Streetscaping Engineer. In order to minimize the additional financial cost of compliance with the terms of this section respecting streetscaping compliance, any property owner subject to the provisions of the enhanced sidewalk improvement specifications shall not be compelled to post a performance guaranty for that portion of the estimated cost of the sidewalk and the appurtenant improvements allocated to the enhanced requirements.

(2) Except for portions of a property fronting along Route 1, 4, 46, 63 and 80, sidewalks shall be provided at least 6.5 feet in width along all sides of the lot that abut a public street or 5 feet if a landscaped buffer is provided and trees are planted within paving.

H. Landscaping

(1) All applicants for site plan approval must provide trees and/or plants in all areas of the site not used for buildings, parking, vehicular and pedestrian use areas, sidewalk cafes and plazas.

(a) Landscaping shall include at least a 7-foot wide irrigated buffer adjacent to the public right-of-way. The landscaped buffer shall be planted with a mixture of dense shrubbery no greater than 3 feet in height and include one street tree for every 25 feet of linear frontage. Optional decorative fencing is permitted no more than 4 feet in height and no closer than 6 feet

from the street line.

I. Signs. All development within the Commercial Nodes and Corridors Overlay District shall comply with the signage requirements set forth in § 410-51 of the Borough of Fort Lee Zoning Ordinance.

Section 8. That Borough Ordinance § 410, **Zoning, Article XII, Signs**, is hereby amended and supplemented to add the following as a new Sub-Section, § 410-53.1, **New Tenants or Occupants within the Downtown Overlay District and the Commercial Nodes and Corridors Overlay District**, which shall provide as follows:

A. Applicability

(1) On and after the effective date of this supplement, a new certificate of occupancy shall be required for any new tenant or occupant of any structure in the Downtown Overlay District or the Commercial Nodes and Corridors Overlay District to be occupied as a mercantile establishment taking possession after a prior tenant or occupant has vacated the premises.

(2) On and after the effective date of this supplement, no such new certificate of occupancy or building permit, in the event one is required, shall be issued by the Borough Construction Official unless and until the proposed exterior design of said premises shall have been referred to the Sign/Façade Review Committee. Prior to the issuance of any certificate of occupancy, the Construction Official shall forward the application materials to the Sign/Façade Review Committee, and the applicant shall be required to appear before said committee for review and recommendation. Said Sign/Façade Review Committee shall review and provide recommendation to the Construction Official with a copy to be delivered to the applicant.

(3) These regulations apply to any rehabilitation, construction or alteration of a building, sign and/or structural facade within the Downtown Overlay District or the Commercial Nodes and Corridors Overlay District, and are subject to prior review and recommendation by the Sign/Façade Review Committee to assure compliance with the applicable standards contained within § 410-53.1. The Sign/Façade Review Committee is hereby authorized to review and provide recommendation for the construction or alteration of signage and facades.

(4) Any affected party may appeal to the Zoning Board of the Borough of Fort Lee with recommendation of the Sign/Façade Review Committee.

(5) In the event that any rehabilitation, construction, addition or alteration of building or structure facades within the Downtown Overlay District or the Commercial Nodes and Corridors Overlay District requires site plan approval, the matter shall be sent to the Planning Board, except wherever the Board of Adjustment has jurisdiction over a site plan pursuant to N.J.S.A. 40:55D-76, then and in that case, by the Board of Adjustment.

(6) To the extent that the provisions of § 410-53.1 change or modify any other ordinance or code section of the Borough of Fort Lee, said change or modification shall only apply to the Downtown Overlay District or the Commercial Nodes and Corridors Overlay District and shall not otherwise change or modify other ordinances or code provisions. Except as otherwise set forth herein, all provisions of Chapter 410 Zoning of the Borough of Fort Lee and the Code of the Borough of Fort Lee shall govern.

B. Façade Renovations

(1) During alterations, removal of original materials and architectural features such as railings, balusters, columns, brackets, and cornice decorations is discouraged. It is recommended that restoration and repair of existing traditional elements be employed. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities.

(2) Color and Materials

(a) The materials, color and texture of facades should harmonize with adjacent buildings. The architectural style and era of the building should be taken into account when determining a color scheme. The color scheme chosen for the individual building should maintain a cohesive pattern, generally consisting of two to three colors. The main color for the body of the building should harmonize with the colors chosen for the trim, other secondary architectural features or building details, signs and awnings. For example, subtle color variation of the cornice line separating a ground level and upper level façade can add to the prominence of belt courses, but the color should maintain the harmony of the building as a whole.

(b) All building projections, including, but not limited to, chimneys, flues, vents, gutters, and downspouts, shall match or complement the background or secondary façade colors utilized on the building. Any mechanical equipment that cannot be hidden within the building or

on top of a roof shall match the prominent background color of a building.

(c) The use of fluorescent, black, or day-glow colors is prohibited. Garish and ostentatious colors that contrast from surrounding buildings should not be utilized. Use of a single façade color scheme is prohibited.

(d) Desirable materials for new or renovated facades shall include brick, concrete, stucco, marble, granite, tile, terra cotta, synthetic composite trim and fypon (high-density polyurethane molding). If siding is used, the seams should be concealed to avoid an appearance of obvious paneling. Wood, aluminum, steel, copper, or bronze should be used for window frames and sashes. Exterior metallic, mesh, or glass façade cladding systems that cover the architectural details of buildings are prohibited.

(e) Materials for ground floors can be different from those used on the upper facade. As the most visible portion of the facade to pedestrians, they should have the greatest level of detailing of the building. Bulkheads should be faced with tile, wood, stone or synthetic composite trim and fypon (high-density polyurethane molding). Window frames should be made of wood, aluminum, steel, copper or bronze.

C. Doors

(1) Over-decoration of the entry door is discouraged. The door should reinforce the character of the building, as well as attract customers inside.

(2) The use of subtle door elements is encouraged. These include door knobs or pulls, brass kickplates or attractive painted signs on the glass.

(3) The entrances to ground floor spaces should be clearly distinguished from entrances to upper floors through the use of architectural treatments and materials selection.

D. Awnings shall conform with the requirements of section 410-52.E(8).

E. Storefront lighting.

(a) External light fixtures shall illuminate only the storefront and/or ground-level signs and shall be shielded to avoid direct glare into adjacent uses.

(b) The number and size of light fixtures should be

modest and proportional with the scale of the storefront. Gooseneck lights or other incandescent fixtures appropriate to the style and period of the district are encouraged. Light fixtures shall not exceed 2 feet in height.

F. Storefront security gates.

(a) Security grilles and tracks shall only be installed inside a storefront opening, display window or door and should be completely concealed when not in use.

(b) Roll-down grilles shall be see-through mesh rather than solid grates so as to provide views of the interior when stores are closed.

G. Signs. All development within the Downtown Overlay District shall comply with the signage requirements set forth in § 410-51 of the Borough of Fort Lee Zoning Ordinance.

Section 9. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 10. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant
Borough Clerk

Mark Sokolich, Mayor