

**Ordinance No. 2009-05**

**Ordinance Amending and Supplementing the Municipal Code of the  
Township of Manalapan Chapter 95, "Development Regulations" and  
Establishing Section 95-6.22 "Billboards**

**BE IT ORDAINED** by the Township Committee of the Township of Manalapan, County of Monmouth, and State of New Jersey that Chapter 95, Development Regulations, of the Code of the Township of Manalapan is hereby amended or supplemented as follows (new text is underlined, text to be deleted is [bracketed]).

**SECTION I**

**§ 95-5.3. Permitted and prohibited uses.**

- A. Permitted principal uses, accessory uses, and conditional uses within each zone district are set forth in the Schedules of Permitted Uses. The letter "P" means that the use is a permitted principal use in the zone. The letter "C" means the use is a permitted conditional use. The letter "A" means that the use is a permitted accessory use in the zone. Any use, except for essential services, which is not specifically listed as a permitted use, an accessory use, or a conditional use on the Schedule of Permitted Uses shall be deemed a prohibited use.
- B. Prohibited uses shall include but not be limited to the following:
- (1) All billboards (except where permitted as a conditional use), signboards, advertising signs and devices not expressly related to the business being conducted on the premises or otherwise specifically permitted by this chapter.
  - (2) through (21) No change.

## **§ 95-6.22. Billboards**

The purpose of this section is to limit the location, form and placement of billboards to only specified areas of the Township and to ensure construction and placement is compatible with the need for a desirable visual environment, good civic design and arrangement, the well-being of residential areas, the safety of motorists, and to prevent the location of facilities which may result in blight along transportation routes within the Township.

Billboards may be permitted as a conditional use but only on lots with frontage on N.J.S.H. 9 in those zones specified by the Township Schedule of Permitted Uses, provided that the billboard and its location and installation shall adhere to the standards of the zone district and to the following conditions:

- A. The billboard shall be located only on a lot with lot frontage on N.J.S.H. 9.
- B. The billboard shall only be constructed as a ground sign.
- C. No billboard shall be located on a lot that is developed with any use, building, business, or structure that is not permitted by the zone district.
- D. No billboard shall be affixed to any building or mounted on any roof.
- E. All parts of the billboard, including any support post or sign face, shall be setback not less than twenty (20) feet from the right-of way line of N.J.S.H. 9 and from any lot line.
- F. Not more than one billboard shall be permitted on the lot.
- G. Billboards shall not be permitted on any lot where any other ground sign with an area of fifty (50) square feet or greater has been constructed or approved.
- H. No portion of any billboard shall be located within three hundred (300) feet of any residential zone or residential use.
- I. The distance allowed from any billboard to any other billboard, or to any ground sign with an area of eighty (80) square feet or more shall not be less than five hundred (500) feet as measured along the nearest edge of N.J.S.H. 9 between points directly opposite the edge of the billboard nearest the right-of-way of N.J.S.H. 9. The point of measurement for back-to-back signs shall be the midpoint between the nearest edge of the back-to-back sign faces.
- J. No Light Emitting Diode (LED) billboards, video billboards, or animated or moving billboards shall be permitted.
- K. The sign face of the billboard shall not exceed 240 square feet.
- L. No billboard shall exceed a height of twenty-two (22) feet .

- M. Any lighting illuminating the billboard shall be directed onto the advertising surface of the billboard and shall be adequately shielded to prevent visual impairment of motorists.
- N. The billboard shall be in compliance with the Roadway Signs Outdoor Advertising Act (N.J.S.A. 27:1A-5, 27-1A6, 27:5-5 et. seq.)
- O. The billboard sign shall not be erected unless approved by the New Jersey Department of Transportation, and shall secure a license for an off-premise billboard sign at the specific location being sought for approval as a conditional use.
- P. No billboard shall have more than two (2) sign faces. The sign faces shall be back to back and shall be parallel to each other. No angle shall be permitted between the sign faces.
- Q. Any billboard that was a lawful pre-existing nonconforming use as of January 1, 2009 and that occupies a location on a lot that fronts on N.J.S.H. 9, shall be deemed to be a permitted location for the placement of a billboard under these conditional use provisions. The billboard may be replaced at the location so occupied, irrespective of the conditional use requirements regulating the spacing and setback requirements for billboard placement.

## **§ 95-8.7 Signs**

### C. General Standards

- (17) Billboards. Billboards, as defined in Article II of this chapter, shall **[not]** only be permitted as a conditional use within the Township pursuant to §95-6.22. Billboards existing prior to adoption of this subsection may be repaired and maintained as required but may not be enlarged or moved from their foundation or support footings. No replacement of a billboard shall be permitted upon removal or demolition of an existing billboard except along N.J.S.H. 9 pursuant to the condition set forth in §95-6.22.Q. of these regulations.

## **SECTION II**

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

### **SECTION III**

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

### **SECTION IV**

This ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

### **NOTICE OF PUBLIC HEARING**

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [March 25, 2009](#). This Ordinance will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [April 7, 2009](#) at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site [www.twp.manalapan.nj.us](http://www.twp.manalapan.nj.us) by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [April 7, 2009](#).

ROSE ANN WEEDEN

Municipal Clerk

