

O-21-29
6/16/21

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS, SECTION 25.1 SIGN PERMIT; AND SECTION 25.2 IN ALL DISTRICTS; AND 25.3 SIGNS PERMITTED IN RESIDENTIAL AND RESIDENTIAL/OFFICE DISTRICTS.

WHEREAS, pursuant to N.J.S.A. 40:55D-62 the City of Bayonne, in the County of Hudson, New Jersey (the “City”) may adopt or amend a Zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the City’s Zoning Officer has reviewed the City’s Zoning Regulations and has identified ambiguity and inconsistencies in the City’s signage requirements and restrictions; and

WHEREAS, the City’s Zoning Officer has made a recommendation that temporary signs on new construction be limited in size and duration of advertising and be reviewed by application to the Zoning Officer; and

WHEREAS, the Municipal Council desires to adopt zoning that is in the City’s best interest to promote a desirable visual environment and to maintain and support stability, future growth, development and uniform zoning determinations on all parcels of land in the City; and

WHEREAS, the Municipal Council believes that amending the Zoning Regulations is in the best interest of the City that the General Ordinances of the City of Bayonne, Chapter 35 “Zoning Regulations” be amended to update and clarify temporary sign requirements and restrictions; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64 the City hereby refers this Ordinance and proposed zoning amendments to the Planning Board for a hearing and seeks their recommendations as to the consistency with the Master Plan of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 25.1, Sign Permit, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

35-25.1 Sign Permit.

All signs hereinafter erected, altered, enlarged, relocated, or repaired**, **including but not limited to any and all temporary signs,**** shall require a sign permit issued by the Zoning Officer.

Applications shall include two **(2)** copies of each of the following:

- a. Drawings indicating plot plan, **width and floor-to-floor height of façade,** building elevation, indicating sections showing sign location, size, type, materials, method of attachment and indicating all other existing "wall signs," "projecting signs," **“window signage”** or other signs on the building, lighting and support details.
- b. Proof of ownership or **letter of** authorization **from** {ef} the owner to erect a sign.
- c. No change.

Section 3. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 25.2, In All Districts, is hereby amended and supplemented as follows (additions **between asterisks and/or in bold***, deletions {within brackets and/or struck through}):

35-25.2 In All Districts.

- a. Signs Permitted in All Districts. The following signs are permitted in all districts:

1. No change.
2. No change.

3. Non-illuminated temporary signs on new construction sites containing traditional, non-garish colors, provided that the total combined area of said signs shall not exceed 5% of façade coverage; and provided that said signs are removed 6 months after installation or after receipt of a certificate of occupancy, whichever is earlier. Such temporary signs may include, but are not limited to: banners, flags, pennants and window placards located on private property and not in the public right-of-way. A maximum of 2 such signs shall be permitted per location.**

- b. No change.
- c. No change.

Section 4. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 25.3, Signs Permitted in Residential and Residential/Office Districts, is hereby amended and supplemented as follows (additions **between asterisks and/or in bold***, deletions {within brackets and/or struck through}):

35-25.3 Signs Permitted in Residential {and Residential/Office} Districts.

No signs shall be permitted in any residential district except ****Signs Permitted in All Districts as identified in subsection 35-25.2(a) and as follows****:

- a. Non-illuminated temporary sign advertising ****existing building(s) and/or**** premises on which the sign is located for sale or lease, not exceeding 12 square feet, provided ~~{it}~~ ****temporary sign**** is removed within seven days after the premises has been sold or leased.
- b. ~~{Non-illuminated temporary signs on new construction sites, not exceeding 12 square feet, provided that a building permit for said construction has been issued and that said sign is removed prior to the issuance of a certificate of occupancy}~~ ****All signs permitted in subsection 35-25.2(a)(3)****.
- c. No change.
- d. No change.
- e. No change.
- f. No change.

Section 5. The City Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the City of Bayonne Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Municipal Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Municipal Council deems appropriate.

Section 6. Any and all prior Zoning Regulations of the City that are inconsistent with this Ordinance are superseded by the Zoning Regulations adopted by this Ordinance.

Section 7. If any part of this Ordinance shall be deemed to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 8. A copy of this Ordinance and the Zoning Regulations shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 9. This Ordinance shall take effect in accordance with all applicable laws.

