

**Township of Lawrence  
County of Mercer**

**Ordinance No. 2199-14**

**ORDINANCE AMENDING THE  
LAND USE ORDINANCE  
OF THE TOWNSHIP OF LAWRENCE  
TO AMEND THE REGULATION OF SIGNS**

**WHEREAS**, it is the public policy of the Township of Lawrence, a municipal corporation in the County of Mercer, State of New Jersey, to protect the rights of expressive speech and viewpoint communication, as secured by the Constitution of the United States and the Constitution of the State of New Jersey, to the full extent of all applicable law, for all persons within its jurisdiction, and;

**WHEREAS**, the Township seeks to protect the rights and opportunities for commercial speech within an environment, the aesthetics of which present a quality of attractiveness, so as to enhance the opportunities for development and growth of business enterprises, and for that purpose presents a pleasing and uncluttered business milieu intended to be attractive to patrons and residents alike, and;

**WHEREAS**, the Township seeks to protect and enhance the safety and efficacy of vehicular traffic flow, and to protect pedestrian and other persons and their property within the public right of way, and;

**WHEREAS**, the Township has reviewed and takes cognizance of extensive findings and conclusions of peer reviewed professional traffic safety research, incorporating same herein as an appendix to this Ordinance, and given that such findings have determined that driver inattention is a significant and major contributing factor to motor vehicle accidents, (Stutts, et al., 2001; Young and Regan, 2003; Klauer, et al., 2005), and;

**WHEREAS**, research indicates that driver distractions appurtenant to a roadway inducing eye glances away from traffic greater than two seconds in duration are a significant contributor to traffic accidents, (Klauer, 2006; American Association of Automotive Medicine, 2001; Chan et al., 2008), and;

**WHEREAS**, research indicates that built-up clutter, meaning signage or similar distractions existing in large size or numerical profusion of items or content within a fixed area visible to motorists, induces a greater distraction to drivers than non-complex distractions, (Akagi, 1996; Pottier, 1998; Edquist, 2009), and;

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**WHEREAS**, research further indicates that illuminated signage visible to drivers causes a longer duration of distraction than non-illuminated signage, (Wallace, 2003), and;

**WHEREAS**, research has shown that blinking, flashing, moving, or otherwise animated signage produces a longer distraction time for drivers than ordinary signage without added distractive elements or characteristics, (SWOV Institute for Road Safety Research, 2006); and

**WHEREAS**, research has demonstrated that variable message signs, consisting of changing moveable images or text, product, when visible to motorists, a longer duration of distraction time than static signs, and correlate to an increase in vehicular accidents, (Wisconsin Department of Transportation, 1994; Beier, 2002, 2004; Smiley et al., 2005); and

**WHEREAS**, variable message signs on limited access interstate highways with a sufficiently long duration time for each static image, sufficient range of time for a change from one image to another, no additional dynamic change in the static image presented, restrictions on the luminance and illuminance of the image related to ambient lighting conditions, adequate separation distances between signs that are possible on such highways, adequate protections on malfunctioning signs and suitable means of recycling such variable message signs at the end of their useful life is just sufficient to overcome the otherwise severe consequences of driver distraction and aesthetic blight found with variable message signs in any other situation or condition; and

**WHEREAS**, excessive sign illuminance affects a driver's ability to adapt from the brightness of the sign to the darker surroundings of the roadway so ensuring that sign illuminance levels retain a consistent ratio with the ambient lighting levels near to the sign is a critical factor in the control of variable message signs; and

**WHEREAS**, the Illuminating Engineering Society of North America provides standards and guidance that form the basis of the illumination requirements and limitations contained herein; and

**WHEREAS**, The Township Council of the Township of Lawrence finds that the public health, safety, morals and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township pertaining to signs; and

**WHEREAS**, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides for the appropriate use, regulation, and development of lands in the Township in a manner which will promote the public health, safety, morals and general welfare; and

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**WHEREAS**, the Municipal Land Use Law, N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; however, a governing body may adopt a zoning ordinance or zoning map wholly or partially inconsistent with such land use plan element provided that the reasons for doing so are set forth in a resolution and recorded in its minutes, and;

**WHEREAS**, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance are consistent with said Master Plan, represent sound land use regulation, and therefore favorably recommends to the Township Council that the regulations pertaining to signs be so amended, and;

**WHEREAS**, this Ordinance does not involve a classification and boundary change requiring individual property owner notice pursuant to N.J.S.A. 40:55D-62.1.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council and the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

**Section 1.** §201, Definitions, shall be amended by adding the following definitions:

**ILLUMINANCE:** The amount of light measured in foot-candles that falls onto an object or plane.

**SIGN, V-SHAPED:** A single sign structure having two faces in the shape of the letter "V" when viewed from above, with the faces oriented in opposite directions.

**SIGN, VARIABLE MESSAGE:** A type of electrical or electronic changeable copy sign capable of depicting black and white and full color static sign messages.

**Section 2.** §535.C.3 entitled, "Sign permit invalidation", shall be modified to read as follows:

3. Sign permit invalidation. Any of the following shall cause a sign permit to be invalidated:
  - a. An invalidation of a Certificate of Occupancy for the use to which the sign relates.
  - b. An invalidation of any permit issued for a sign by another agency or level of government or the loss of any license held precedent to receiving such permit.
  - c. An alteration in the area of a sign, the shape of a sign or structure of the sign support.

- d. Vacation of the premises by the user to which the sign relates.
- e. Abandonment pursuant to §535.C.5 of this section.

**Section 3.** §535.E.7 entitled, “Relief and sign face distance” and §535.E.8 entitled, “Setback”, which shall be renamed “Setback and separation distance”, shall be modified to read as follows:

- 7. **Relief and sign face distance.** Excepting viewpoint signs under §535.K.3, no sign shall contain characters or graphics exceeding 3 inches in relief from the sign face. No façade sign shall project more than 12 inches from the plane of the attaching surface. The maximum distance between the faces of a double-faced sign shall not exceed 18 inches; otherwise it shall be considered two signs and any “V”-shaped sign, regardless of the separation dimension of the faces, shall be considered two signs.
- 8. **Setback and Separation Distance.** Except where a greater setback is required, no freestanding sign or any part thereof shall be located closer than 10 feet to any lot line, excepting viewpoint signs under §535.K.3 if the lot dimensions would otherwise preclude an owner or tenant’s ability to erect such a sign. Any new commercial sign shall be not less than a distance of 100 feet from any existing adjacent freestanding sign, excepting commercial properties within 200 feet or less of frontage from which direct vehicular access is obtained, directional and directory signs. Any off-site commercial sign, where permitted, shall be separated from any other off-site commercial sign by a distance of not less than 1,000 feet in any direction. Any off-site commercial variable message sign, where permitted, shall be separated from any other commercial variable message sign by a distance of not less than 3,000 feet for any sign aligned to face the same direction of travel.

**Section 4.** §535.I, Illumination, shall be modified to read as follows:

- I. **Illumination.** Signs exempt from permits in accordance with §535.G shall not be illuminated, unless otherwise excepted. Any other sign may be illuminated, unless otherwise prohibited. Illuminated signs shall conform to the following provisions:
  - 1. Where illuminated signs are permitted and approved, illumination may be provided by floodlights, spotlights, incandescent bulbs, fluorescent tubes or compact fluorescent bulbs, LED spotlights or internal illumination, metal halide, mercury-vapor, or quantum dot lamps. Neon, LED or similar tubing shall not be permitted as a means of illumination unless used for illumination internal to the sign. Regardless of the type of illumination employed, all illuminated signs shall be properly shielded and so located as to prevent glare or blinding effects upon motor vehicle traffic and so as not to cause a nuisance to residents on the premises of their home in the area. Upon a finding by the

Zoning Officer that a sign creates glare or blinding conditions, the property owner or owner of the sign, as the case may be, shall correct the situation within 14 days of the notification of such effects by the Zoning Officer. The Zoning Officer may be assisted in such determination by such lighting or visual acuity experts as necessary. Failure to correct the condition or file an appeal within the time specified shall constitute a violation of this Ordinance by the property owner or sign owner, as appropriate.

2. Signs capable of illumination shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. the following morning, unless the business or uses advertised are open to the public later than 10:00 p.m. or earlier than 7:00 a.m., in which event any such establishment may keep a sign illuminated during business hours, only. Variable message signs, where permitted, shall be turned off between the hours of 1:00 am and 6:00 am.
3. The contrast between the ambient light level of the cartway closest adjacent to a sign and the illuminance of the sign shall not exceed a ratio of 1:20.
4. Signs shall not be permitted to emit more than fifty percent (50%) of its illumination as the color white or light blue.
5. The level of light being emitted by such sign shall not exceed 0.3 foot-candles of luminance 50 feet from the vertical plane of the sign face at the edge of a travel lane, or 250 feet measured level and at 90° from its center.

**Section 5.** §535.N, Changeable Copy Sign Requirements, shall be modified to read as follows:

- N. **Changeable Copy Sign Requirements.** Changeable copy signs, where permitted, shall comply with the following provisions and any more specific regulations in this section:
1. Changeable copy signs shall be allowed only as an integral part of a freestanding or façade sign, except as may be allowed in sub-paragraph –N.8 hereinbelow. The area of a changeable copy sign shall be included in the sign area calculation for the freestanding or façade sign and shall not exceed 50% of the total sign area, excepting movie theater marquee and variable message signs.
  2. Changeable copy signs shall not be permitted on temporary or portable signage.
  3. Copy shall not be changed more than once every 24 hours, excepting advisable data displays and variable message signs. Changeable copy signs

that are changed more frequently shall be considered animated signs and are prohibited.

4. Changeable copy signs may not be located in any residential zoning district, excepting institutional uses.
5. The maximum number of lines of changeable copy shall be 4 lines, except for variable message signs.
6. The minimum height of changeable copy letters shall be 4 inches.
7. No changeable copy sign, excepting advisory data signs and variable message signs, shall be changed by electronic or electro-mechanical means.
8. Changeable copy signs that are variable message signs shall adhere to the following standards and any other standards specific to the zoning district in which they are permitted:
  - a. The variable message sign shall be equipped with a dimmer control and a photocell which automatically adjusts the intensity of the display in response to natural ambient light conditions in accordance with the illumination standards of §535.I;
  - b. When first installed, the sign shall be calibrated and certified by the sign installer that the level of illuminance does not exceed the limitation set forth in §535.I.5.
  - c. The displayed message shall not change more frequently than once per 8 seconds. The sign shall only display static messages and shall be changed instantaneously from one message to the next;
  - d. The sign shall be equipped with a default mode of operation that turns the sign message entirely to black should a malfunction in static image display, dimmer control and/or photocell occur;
  - e. Prior to the issuance of a sign permit approving such sign under the provisions of this Ordinance, the owner of the sign shall prepare a report indicating the anticipated life span of the sign and the means whereby the sign's electronic components shall be recycled at such time. No new permit for a variable message sign replacing a previously installed variable message sign shall be issued until the owner shall certify to the satisfaction of the Zoning Officer that a credible means of recycling of the prior sign has been established. Once certified, the sign owner shall be permitted to replace modules within the variable message sign as needed.

- f. Prior to the issuance of a building permit, or in the absence of a building permit being required, the sign permit, a structural engineer licensed by the State of New Jersey shall certify that the existing sign structure is capable of supporting the variable message sign intended to replace an existing static message sign. In the event that the sign structure is inadequate to support the static and live loads of the variable message sign, the structural engineer shall supply a credible design whereby the structure shall be reinforced to accept such variable message sign and shall certify upon completion that the sign has been reinforced in conformance with the design.

**Section 6.** §535.V, Signs Permitted in the AT, SCR, PVD-1, PVD-2, PVD-3 and MX Districts, shall be modified to read as follows:

V. Signs Permitted in the AT, SCR, PVD-1, PVD-2 and MX-1 Districts.

**Section 7.** §535.X, Signs Permitted in the O, RD-1, RD-2, I-1 and I-2 Districts, shall be modified to read as follows:

X. Signs Permitted in the O, RD-1, RD-2, MX-2 and LI Districts.

1. Any sign allowed without permit, pursuant to §535.G.
2. One freestanding sign for each collector or arterial roadway that provides access to the building or complex pursuant to §535.R and not exceeding 10 feet in height.
3. Freestanding signs shall be set back from all street lines a minimum of 30 feet.
4. Façade signs in accordance with §535.Q and not exceeding 100 square feet, whichever is less, excepting RD-2 districts.
5. Façade signs, in accordance with §535.Q located in the RD-2 district shall conform to the following:
  - a. Façade signs for principal uses may be increased to no more than 200 square feet in area, whichever is less.
  - b. One façade sign for each accessory use shall be permitted not to exceed 40 square feet in area.
  - c. Awning signs in lieu of a façade sign shall be permitted for accessory uses.
6. Directional signs pursuant to §535.O.

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7. Directory signs pursuant to §535.P.
8. One off-premise sign with a non-commercial message in lieu of a freestanding sign.
9. In the Mixed Use 2 district, only, a changeable copy sign that meets the definition of a variable message sign, provided it meets the following criteria:
  - a. The sign is oriented to a highway designated as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways by the Federal Highway Administration;
  - b. The sign meets the separation distances of §535.E.8; and
  - c. The sign shall not exceed 14 feet tall by 48 feet wide in sign area.

**Section 8. Continuation.** In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

**Section 9. Severability.** If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 10. Interpretation.** If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Lawrence, then the provision which imposes the greater limitation shall be enforced.

**Section 11. Repealer.** All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

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**Section 12. Enactment.** This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Council of the Township of Lawrence in the manner prescribed by law.

Adopted:      October 7, 2014

RECORD OF VOTE

| COUNCIL      | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|--------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame    | X   |     |         |        |         |      | X      |
| Mr. Kownacki | X   |     |         |        |         |      |        |
| Dr. Maffei   | X   |     |         |        |         |      |        |
| Mr. Powers   | X   |     |         |        |         | X    |        |
| Mayor Lewis  | X   |     |         |        |         |      |        |