



RUTHERFORD STREETSCAPE COMMITTEE

Preserving the Past, Improving the Present, Protecting the Future

Application for: Building Façade Alterations, Additions, Signage and Awnings

(Located within the Rutherford Business District: borough code Chapter 131-7E Schedule A)

Please review this packet and the accompanying ordinances in their *entirety* with your contractor, designer, and/or architect BEFORE starting drawings or purchasing any construction materials or components.

Fee: \$30

Exact cash or check made to "Borough of Rutherford"

The purpose of the *Rutherford Streetscape Committee* application process is to maintain an aesthetically pleasing and architecturally appropriate appearance of commercial buildings within the Borough.

This packet contains the forms and information for the business or building owner or their assignee who intend to restore, replace, or renovate any component of their storefront/building façade. The *Rutherford Streetscape Committee* approval process is required after design and before construction of your project. It DOES NOT take the place of required zoning approvals or construction permits.

SECTION

Check when complete

- | | |
|--|--------------------------|
| 1. <u>General information</u> (all applications) | <input type="checkbox"/> |
| 2. <u>Building Alterations/ Additions Requirements</u> (as needed) | <input type="checkbox"/> |
| 3. <u>Signage Requirements</u> (as needed) | <input type="checkbox"/> |
| 4. <u>Awning Requirements</u> (as needed) | <input type="checkbox"/> |

Have you received a copy of the "*Streetscape Regulations*" borough code Chapter 131-7E. Yes No

I understand that I must provide FOUR (4) copies of this application ensuring that I have accurately completed all parts of the application required by the anticipated scope of work; including scaled, dimensional diagrams, drawings or photographs of building alteration/addition, signage or awnings. Incomplete applications will be returned, delaying the start of construction.

I understand that no work may be performed and that nothing on the exterior of the building may be altered without written approval of the Rutherford Streetscape Committee; followed by plan review by Rutherford zoning and construction officials and the issuance of proper permits.

Subject Street Address: _____

Subject TAX Address: _____ Block _____ Lot _____

Name of Applicant: _____

Signature

Date

SECTION 1:

General Applicant Information

Name of Applicant: _____

Subject Property Address: _____ Building Owner Tenant

Floors Involved _____

Name of Building Owner (if different): _____ Owner approval: Yes No

Signature of Owner: _____

Name of Business: _____

Contact Phone: _____ Contact Email (required) _____

Contractor Name _____ Contractor Phone _____

Contractor Email Address _____

Emergency phone number where applicant/responsible party can be reached: _____

General Building Information

How wide is the front of the exterior of your building? Please list the dimension. Feet _____ plus inches _____

What is the dimension from the front sidewalk to the top of the building's front windows? Feet _____ plus inches _____

How many stories is the building? _____

What is the use of the first floor? _____

Other floors _____

Is your building built on a corner lot? Yes No If so, name of Side Street _____

Description of all exterior work being proposed including colors, finishes and materials to be used:

Are there any current signs, lights or awnings on the building that will be removed? Yes No

If yes, do these items encompass any architectural details, cornices, brackets, molding, etc. that you are proposing to remove, restore or cover? Please explain

Attachments: Photos/drawings/plans/samples/specifications/additional information: Yes No

SECTION 2: Building Façade Addition or Alteration

Please answer the following questions.

(See the Streetscape Ordinance supplied and follow regulations.)

Which walls of your building are being affected by your proposed plan? Front Left Right Rear

Which stories of the building are being affected or added? Explain: _____

Are windows being changed? _____ What material and color are the new frames? _____

Are doors being changed? _____ What material and color are the new doors? _____

Are any of your existing doors or windows made of special materials such as stained glass, beveled glass, leaded glass or distinct panel doors etc.? Please explain: _____

Are roofing materials being replaced? _____ Current and proposed materials _____

To the best of your knowledge, what were the original finish materials used on your building's facades? Please explain: __

Were covering materials ever added over the original finishes? Please explain: _____

Are you proposing to change any of the finish materials? From what to what and where? _____

Are there any architectural details, cornices, brackets, molding, etc. that you are proposing to remove, restore or cover? Please explain: _____

Attachments: Photos/drawings/plans/ samples/specifications/additional information: Yes No

Signature of Applicant _____

Signature of Streetscape Official _____ Approval Date _____

SECTION 3: Sign Application

(See the Streetscape Ordinance supplied and follow regulations.)

Mounted sign Blade sign

What is the width of the proposed sign? Feet _____ plus inches _____ What is the height? Feet _____ plus inches _____

What is the thickness of the body? Inches _____ What is the thickness of any outside trim? Inches _____

What is the background material? _____ What is the trim material? _____ Lettering material _____

What is the mounting profile/how will the sign be mounted? _____

Explain details if needed _____

Is any new or existing lighting being provided for the sign? Please describe and provide manufacturer’s specification sheet:

List any other signs being proposed along with dimensions and descriptions as for main sign above: _____

Attachments: Photos/drawings/plans/ samples/specifications/additional information: **Yes** **No**

Signature of Applicant _____

Signature of Streetscape Official _____ Approval Date _____

*** Bench, Sandwich Board, Planter or display & pedestal signs – separate application**

**** Food Establishments – Café License is required for outside dining.**

SECTION 4: Awning Application

(See the Streetscape Ordinance supplied and follow regulations.)

What is the height of the proposed awning? Inches _____ What is the depth? (Projection from bldg.) Inches _____

What is height of the flap if any? Inches _____ What is the height of the largest flap lettering? Inches _____

Is the fabric material listed as fire retardant? _____ Awning width feet _____ plus inches _____ Logo dimensions _____

What is the dimension from the highest part of the sidewalk to the bottom of the awning? Feet _____ plus inches _____

Explain details if needed _____

Is the frame new or existing? _____

Are any other awnings aside from the main front awning being proposed? Please describe: _____

Attachments: Photos/drawings/plans/ samples/specifications/additional information: **Yes** **No**

Signature of Applicant _____

Signature of Streetscape Official _____ Approval Date _____

Supplements to schedules of regulations. The following are supplemental schedules to the Table of General Bulk Regulations_m for the B-3 District.

[Added 9-12-2016 by Ord. No. 3403-16]

(1) General.

(a) This section shall apply to all buildings in the Rutherford Business District ("the District"), which is specifically designated in Schedule A_m attached hereto and made a part hereof, that are or become used, whether all or in part, for nonresidential use; provided, however, that these rules shall not apply to public buildings.

[3]Editor's Note: Schedule A is on file in the Borough Clerk's office.

(b) The purpose of this section is to provide a clear approach to design and construction of the built environment in the District with the goal of improving the appearance of the District by both preserving existing, architecturally significant buildings and facades and allowing for the creation of new, architecturally significant buildings and facades. The exterior architectural appeal and the proposed plan of a building when erected should not be so at variance with those of buildings already constructed or in the course of construction in the immediate neighborhood as to cause a substantial depreciation of the property values of the surrounding buildings. Additionally, new signage and other streetscape improvements should reinforce the goal of improving the appearance of the District.

(c) No construction permit shall be issued for signage, exterior construction, and/or exterior alteration or renovation for any building in the District, used in whole or in part for nonresidential purposes, without the review and approval of plans by the Zoning Officer.

(d) Nothing contained here shall exempt any property owner, tenant, or applicant from compliance with any requirement of the Rutherford Building and Zoning Department, the New Jersey State Building Code, and other applicable laws and codes.

(2) Streetscape Committee.

(a) For each application presented to it, the Streetscape Committee shall report its final findings and recommendations to the Zoning Officer.

(b) Composition.

[1] A Streetscape Committee of nine members shall be established, consisting of the following classes:

[a] Class 1: A member of the Planning Board appointed by the Mayor.

[b] Class 2: A representative from the Building and Zoning Department appointed by the Mayor.

[c] Class 3: Four members of the business community located in the commercial area of the Borough appointed by the Mayor, at least one of which should be from the West End of the Borough.

[d] Class 4: Three Borough residents appointed by the Mayor.

[2] At least two of these members shall have had training or experience in building design.

(c) Terms. All members shall serve at the pleasure of the Mayor.

(d) Organization. The Committee shall elect a Chairperson and Vice Chairperson.

(e) Powers and duties. The Streetscape Committee shall be advisory to the Zoning Officer and shall function under the Zoning Board's authority.

(f) The Committee is authorized to adopt its operational procedures. It shall have the following powers and duties:

[1] Assist applicants in attaining conformance with acceptable design and construction standards, with emphasis on informal discussions.

[2] Review applications pertaining to design criteria set forth within this chapter and recommend

approval or disapproval to the appropriate board or official.

[3] Monitor the erection and condition of the streetscape throughout the Borough for compliance with the streetscape regulations.

[4] Advise the Zoning Officer of violations or noncompliance with this chapter and recommend measures for their correction.

[5] Review and recommend amendments to this chapter for consideration by the Mayor and Borough Council.

[6] Meet at least once per month.

(3) Application procedures.

(a) Any improvement or change to a building's facade, signage, lighting or appearance of the streetscape within the District shall be subject to review and approval as provided in this section. All applications requesting review of such improvements or changes shall be filed with the Zoning Officer and referred to the Streetscape Committee, when applicable, in accordance with the requirements stated herein.

(b) The applicant shall file seven copies of the application with the Zoning Officer. The Streetscape Committee shall place all applications received from the Zoning Officer on its agenda for its next monthly meeting and shall notify the applicant of the completeness of the initial application as soon as practical thereafter. An application will be considered complete if all of the information requested within same has been provided. New applications filed after the Streetscape Committee's monthly meeting shall be considered the following month.

(c) For each application presented to it, the Streetscape Committee shall report its final findings and recommendations to the Zoning Officer. The Streetscape Committee shall conduct its review of the application to determine compliance with this section.

(d) Within 10 days of the completed review of the Streetscape Committee's report, the Zoning Officer will issue his/her decision on the application.

(e) Any person, association of persons or corporation within the District and subject to this chapter shall have the right of appeal of any decisions made pursuant to this section in accordance with N.J.S.A. 40:55D-72; provided, however, that if the application is part of an application for development before the Planning Board, the appeal will be before the Planning Board. Nothing herein shall prevent an application for variance relief under the New Jersey Municipal Land Use Laws. Each appeal shall be taken within 20 days of receiving notice of the decision of the Zoning Officer.

(4) Required submissions.

(a) Before commencement of any improvements, an applicant who proposes signage or construction, alteration, and/or renovation to any building facade within the District shall submit seven complete sets of the following documents to the Zoning Officer:

[1] Professional certified accurate drawings, sketch plats and/or narratives to scale, depicting all elements of signage; building elevation; any element to be demolished, removed or changed; all proposed materials, colors and finishes; and all proposed facade construction, alteration, and/or renovation.

[2] Photographs of the existing subject property and adjacent buildings.

[3] When available, documentation (historic photos or drawings and the like) of any original conditions or buildings that support restoration of, or changes to, the building and/or facade.

[4] Such additional documentation as the Zoning Officer may determine necessary for its review.

(5) Design requirements for rehabilitation or renovation and alteration. All applications for approval shall comply with the following standards:

(a) Building mass and style.

[1] The proposed design shall consider the original mass (size and shape) of the building and shall be in accordance with the standard set forth in Subsection **E(1)(b)**.

[2] The proposed design shall consider the relationship between the building facade and its original window and door spacing and heights, bays and cornices, remaining original upper stories and shall be consistent with those buildings within 200 feet.

(b) Facade treatments and materials.

[Amended 8-7-2023 by Ord. No. 3656-23]

[1] When facade changes are made, hidden architectural elements and original materials shall be restored or replaced to match the original architecture of the building where practicable and if reasonable. Existing, architecturally significant elements shall not be covered or hidden.

[2] In any historic structure, materials that were not available in the era of the building's original construction shall not be used, except where reproduction materials make historic details replaceable that otherwise might not be replaceable.

[3] Residentially scaled, horizontal vinyl or aluminum siding and exterior insulation finishing systems (EIFS) are not permitted.

[4] Where the historic construction was brick, stone or stucco, the original masonry and mortar shall be uncovered, repaired, and restored, or replaced with historically correct construction products where practicable and if reasonable. The original color and texture of masonry surfaces shall be restored.

[5] Old mortar shall be duplicated in color, texture and bonding strength so as to avoid damage to masonry.

[6] All painting and paint colors shall require approval. Painting of masonry is prohibited. It may be considered when stained or missing masonry cannot be restored to a neat and clean appearance by reasonable means. Colors must be selected to match the section of the Sherwin-Williams Preservation Palette and/or the Benjamin Moore Historical Collection that is appropriate for the architectural style and period of the original building. Vibrant colors in the preservation palette shall only be used for trim and should be used to accentuate trim and other architectural elements such as windows, doors and cornices. Only satin, flat finish or eggshell finish shall be used on the body of the building.

[7] Facades shall be cleaned with the gentlest materials possible in order to prevent damage to the facade of the existing building. All facades shall be maintained in a clean condition and shall be maintained free of animal excreta.

(c) Storefronts.

[1] The design shall be compatible with the proportions of the rest of the building.

[2] The entry door shall be recessed, with the display windows set next to the sidewalk in accordance with the applicable building code of the Borough of Rutherford and other applicable laws.

[3] The storefront shall be bounded by the sidewalk on the bottom, the lower edge of the upper facade on top, and a wall on either side.

[4] The storefront shall form a definable base for the building and be designed to fit within its original opening. It shall not extend beyond the original opening and shall not be reduced from its original height.

[5] The storefront may have recessed portions but shall not be recessed as a whole and shall be in accordance with the applicable building code of the Borough of Rutherford and other applicable laws.

[6] Glass should be a minimum of 70% of the base of the facade of the storefront to accommodate large display windows.

(d) Windows and doors.

[1] Original door and window openings (including transoms, lintels, and sills) and accenting features shall be maintained and shall be restored to historic size and style where practicable and if reasonable.

[2] If a door is replaced, or is not original, the new door must be selected as part of the entire facade and be compatible in design, shape, size, and color with the rest of the storefront and building.

[3] Window and door repairs shall replace damaged parts with like materials to that of the existing windows or doors.

[4] New windows should replicate the originals in size, style, spacing and division where practicable and if reasonable. They shall replicate the original height, including transoms, up to the original header height where determinable. True or architectural divided lights are required when divided light windows or doors are installed.

[5] Storm windows and storm doors are prohibited. Exterior screened window and exterior screened doors are prohibited. Glass shall be clear and untinted. Low-E coatings shall be clear.

[6] Removal of overdoor air-conditioning units and restoration of transoms is required when new storefronts are being installed unless the cost for removal exceeds the amount for installing the new storefront.

[7] Secondary doors leading to upper floors, where original or appropriate, shall be included in and coordinated with the rest of the renovation.

[8] Where a new storefront of windows is being designed and the original windows have been previously removed or destroyed, new anodized aluminum or brass frames and modern glass are permitted except where such product would significantly and adversely affect the historic nature of the building. The design shall be in keeping with the original size and style of the building where practicable and if reasonable.

[9] Window frames shall be of darker colors (bronze or copper patina, for example). White, sand or silver colored frames or unpainted aluminum frames are prohibited except on modern buildings where the style and design is original.

[10] Historically correct replacement windows shall be permitted and shall be made to fit the original opening, provided they are not egress windows.

(e) Detailing.

[1] Details (any individual feature of a building) shall remain and be restored wherever practicable and if reasonable. Replacement materials shall match existing where practicable and if reasonable. The applicant shall attempt to identify signs of a cornice or other architecturally significant elements, which may have been removed from a building, and more subtle details, such as the trim around windows, which may be important to the design of the overall facade, and restore or replace same where practicable and reasonable.

[2] New facade details and articulation shall be compatible with the design of similar nearby buildings within 200 feet and within Schedule A.⁴ Horizontal lines, such as cornices, belt courses (horizontal banding) and opening heights often continue from one building to the next and shall not be disrupted where practicable and if reasonable.

[4] Editor's Note: Schedule A is on file in the Borough Clerk's office.

(f) Awnings. Awnings are permitted in all zoning districts, and awning signs shall be permitted in the B-1, B-2, B-3, B-3/SH, B-4, ORD and PCD Districts. Awnings and awning signs that are located in a zoning district wherein awning signs are permitted, excepting one- and two-family dwelling structures, shall be subject to the following standards:

[Amended 2-27-2018 by Ord. No. 3449-18]

[1] The installation of awnings is encouraged where architecturally appropriate. Awnings may be operable or fixed. Awnings shall be of a size, shape, material, color and design that is appropriate for the building upon which they are affixed and shall be in accordance with the

standards set forth within § **131-7E(5)(b)**. Appropriateness will be determined by reviewing the design of the building to which the awning is affixed, as well as awnings on buildings within 200 feet of the existing building.

[2] The vertical flap of any awning shall not exceed eight inches in height.

[3] Lettering is restricted to the vertical flap of the awning and shall not exceed six inches in height.

[4] One emblem logo may be used per awning. Location of the awning's emblem logo is restricted to the center of the main body of the awning or to the center of the vertical flap. The maximum allowable size of an emblem logo shall be computed as follows: the awning's linear width multiplied by 15% shall be the maximum area (square footage) of the emblem logo, or four square feet, whichever is less.

[5] The size of awnings (clearances above the sidewalk and projection from the building) are regulated by the Borough of Rutherford's Zoning Code. The exact location and sizing of the storefront awning shall be coordinated with the building's original windows and cornices and other architectural details as well as existing awnings on adjacent buildings where they have been installed according to these regulations.

[6] Awning signs shall be calculated as part of the permitted sign square footage for a property as provided in § **131-7E(5)(h)**.

[7] The minimum height above the sidewalk for awnings shall be seven feet six inches at its lowest point.

[8] Awnings shall not extend above the first story nor over 12 feet six inches above the sidewalk, whichever is less, except that the individual awnings may be erected over windows located on floors above the first floor.

[9] No awning or awning sign may project more than three feet over any part of any street or any street right-of-way nor extend more than five feet from the building or structure to which it is attached. The owner of the building and/or tenant with an awning or awning sign accepts all liability for such awnings, awning signs or signage installed over the right-of-way. Retractable awnings located within the Park Avenue Business Improvement District may project five feet over any part of the street or any street right-of-way but may not extend more than five feet from the building or structure to which it is attached. The height of the awning, when fully extended, shall not exceed the length of its projection from the building.

[10] All awnings and awning signs must conform to the applicable building codes.

[11] No awning or awning sign shall be backlighted or be constructed of any material which permits the passage of light or allows light to be seen through the material so as to illuminate the exterior of the awning.

[12] No awning or awning sign shall have permanent illumination involving intermittent or flashing lights. This condition does not apply to temporary holiday/festive lighting decorations.

[13] All awnings, canopies or marquees shall be maintained in a clean and neat-appearing condition, and such maintenance, where applicable, shall include regular cleaning and removal and repainting of any chipped or blistered paint or replacement of fabric or material which is cracked, torn, ripped or otherwise disintegrating.

[14] Any awning, canopy or marquee which no longer identifies a bona fide business shall be taken down and removed or modified by the owner of the premises within 10 days after such business has ceased, and any permits or approvals therefor shall be deemed to have expired at such time.

[15] If the Construction Code Official finds that any awning, canopy or marquee has been erected in such a manner or has deteriorated to such a degree as to be unsightly or to constitute a hazard to the general public, the hazard shall be eliminated within 24 hours, and the awning, canopy or marquee shall be removed or repaired to the satisfaction of the Construction Code Official within 30 days after written notice of such condition has been served upon the

owner, owner's agent, lessee or occupant. Failure to comply therewith shall be a violation of this chapter and subject the offender to its penalties.

[16] The lettering and logo portion of the awning sign shall be limited to the flap of the awning, not to exceed eight inches in height. There shall be no profane language on any display.

[17] Any building number on an awning sign shall be in Arabic numerals and English alphabet letters.

[18] The municipality reserves the right to establish licensing requirements for awnings which extend onto the Borough right-of-way.

[19] All canopies, awnings or marquees in the Rutherford Business District set forth at § 131-7E(1)(a) shall be reviewed for compliance with this section.

(g) Roof, chimney, and other elements.

[1] The original roof shape shall be maintained where practicable and if reasonable.

[2] If the roof is visible from street level, roofing materials that match the original in form, shape, size, color, and texture shall be used where practicable and if reasonable.

[3] Parapets, bays, towers, turrets, gables and dormers, and the like shall be preserved, restored and maintained where practicable and if reasonable.

[4] Satellite dishes, antennas, or mechanical equipment shall not be visible to pedestrian or vehicular traffic from the street, except where allowable by local ordinance or federal law.

[5] Chimneys shall remain the original material where practicable and if reasonable. Metal flue and cinderblock chimneys are prohibited unless same can be reasonably camouflaged to match the color of the existing building.

(h) Signage. The following shall apply to all applicable buildings noted on Schedule A, attached hereto:

[Amended 2-27-2018 by Ord. No. 3449-18]

[1] Location. The primary store identification signage must remain within the defined boundaries of the storefront. For a two-story building, the signage shall be placed above the storefront windows and below the second-floor windows. For a one-story building, the signage shall be placed above the storefront windows and below the top of the pediment. Secondary locations for signage may include the awning flap, inside storefront windows, or a small projecting sign attached to the building. Compliance with the Borough's Zoning Code shall be required.

[2] Size. The maximum allowable primary sign size is one square foot per linear foot of storefront at the building facade (or 50 square feet, whichever is smaller), as set forth in the Borough's Zoning Code.

[3] Design. The overall design of the sign shall complement the building facade and should reinforce the goal of improving the appearance of the District in accordance with § 137-7E(1)(b).

[4] Internally illuminated signs may have only separate individual letters of a single color with alphanumeric lettering containing the name of the business only. No logos, pictures, phone numbers or other illuminated items are allowed. Color shall be limited to white, light green or light blue for translucent characters. Halo-lit signs with opaque lettering may be any single color.

[5] New nonilluminated or externally illuminated signs are to be made of solid materials no less than 3/4 inch thick with carved, raised or hand-painted lettering and detail. They may be of more than one color and may include logos and other design features so long as free of clutter.

[6] Sign boxes. Unused sign boxes shall be removed. An existing box may only be reused by an existing business. If new cover panels are inserted, the new panel must be entirely opaque except for alphanumeric lettering which shall consist of a single line with the name of the business only. No illuminated logos, pictures, phone numbers or other characters will be approved. Color for the translucent characters shall be limited to white, light green or light blue.

[7] Prohibited signs. Back-lit sign boxes are prohibited. Existing back-lit signs must be removed

when the existing sign is damaged or when a business ceases to operate at that location, to the extent permitted by law. Signs operated by sodium or metal halide lighting are prohibited. Any sign not specifically allowed in this section is prohibited.

[8] No sign of any type shall be permitted to obstruct driving vision, traffic signals, traffic directional and identification signs, other places of business, other signs or windows of the building on which they are located. Except for authorized public information and direction signs, no sign shall be attached to trees, fence posts, stumps, utility poles, bridges, culverts or other signs but shall be freestanding or attached to buildings in an approved manner.

[9] A freestanding sign shall not exceed five feet in height, except as permitted.

[10] Attached signs shall be mounted flush on the building and shall not project above the roofline or over sidewalk areas in the business districts, except as permitted.

[11] Uses on corner lots shall be construed as having frontage on both streets, and signs shall be permitted accordingly.

[12] No billboards shall be erected.

[13] Overhanging signs are prohibited, except as provided in Subsection E(5)(h)[18][b] below.

[14] No flashing signs are permitted.

[15] All signs not specifically permitted are prohibited.

[16] Each business that shall have a sign designating the name of a business or the nature of a business using lettering or symbols of an alphabet other than the English language alphabet shall also convey on the sign such information in the English language alphabet with lettering at least four inches in height.

[17] Any sign which no longer identifies a bona fide business shall be taken down and removed by the owner of the premises within 10 days after such business has ceased, and any permits and approvals for such signs shall be deemed to have expired at such time. Before receiving any certificates of occupancy, any new business is required to meet the guidelines set forth at § 131-7E(5)(h).

[18] Permitted signs. The following signs are permitted for uses as specified in the various zone district regulations:

[a] Churches: one freestanding sign not exceeding 12 square feet in area and seven feet in height and set back at least 25 feet from all street rights-of-way and lot lines, plus one attached sign not exceeding 25 square feet in area.

[b] Garden apartment dwelling groups. Each development may have one sign along each arterial or collector road which the tract in question abuts, provided that there exists at least 150 feet of unbroken frontage. Such sign(s) shall not exceed 30 square feet in area and seven feet in height. In addition, each sign shall be set back from all street rights-of-way and lot lines a minimum of 30 feet and shall display only the development's name.

[c] B-3 and B-3/SH Business District uses.

[i] Each use located on the ground floor may have one nonflashing lighted or unlighted sign displaying the name of the use, attached flat to the front of the building, not exceeding an area equivalent to one square foot per lineal feet of building frontage occupied by the use on that particular building face or 50 square feet, whichever is smaller. When the buildings are designed for rear or side entrances, one unlighted sign may be attached flat against the building at the rear and side entrances, each sign not to exceed an area equivalent to 1/2 that of the maximum sign area permitted on the front of the building.

[ii] Projecting signs. Each building may have one projecting sign attached to the front of the building, not exceeding 15 square feet in area, and the greater dimension of the sign shall not exceed six feet. Said sign shall not extend more than three feet over

any part of any street right-of-way nor extend more than five feet from the building to which it is attached. The bottom of a projecting sign shall be at least eight feet above the highest point of the finished grade along the applicable facade and shall not extend above the roofline or parapet or project above the highest elevation of the wall to which it is attached.

[iii] The only signs permitted above the ground floor shall be a single sign for each business establishment. The sign shall be painted on a single window in gold leaf, black or white. Each such sign shall be limited to two lines, and each line shall be limited to six inches in height. There shall be a maximum distance of separation of four inches between the two lines.

[19] Retail sale of goods and services, restaurants, banks, theaters and new car dealerships. Each use may have one freestanding sign not exceeding 100 square feet in area and 10 feet in height. This sign shall be set back at least 25 feet from all rights-of-way and lot lines. In addition, each use may have one attached sign not exceeding an area equivalent to 5% of the building front or 50 square feet, whichever is smaller. Where buildings are designed for rear or side entrances, one unlighted sign may be attached flat against the building at the rear and side entrances, each sign not to exceed an area equivalent to 1/2 that of the maximum sign area permitted on the front of the building.

[20] Office buildings and hotels: one sign used only to display the name of the office complex or hotel and not exceeding an area equivalent to 5% of the first-floor portion of the front facade or 100 square feet, whichever is smaller. Such sign may be either freestanding or attached and, if freestanding, shall be set back at least 25 feet from all street right-of-way and lot lines. Where an individual office unit has direct access from the outside, a sign not exceeding six square feet, identifying the name of the office, may also be attached to the building at the office entrance.

[21] Service stations. One freestanding sign and one attached sign are permitted. The freestanding sign shall not exceed 20 square feet in area and shall be set back at least 10 feet from all street rights-of-way and lot lines. The attached sign shall not exceed 30 square feet in area. In addition, the following special signs shall be permitted:

[a] One temporary sign inside the property line and specifically advertising special seasonal servicing of automobiles, provided that such sign does not exceed seven square feet in area.

[b] Directional signs of lettering over individual entrance doors or bays, consisting only of the words "washing," "lubrication," "repairs," "mechanic on duty" or other words closely similar in import, provided that there shall be not more than one such sign over each entrance or bay, the letters thereof shall not exceed 12 inches in height and the total of each sign shall not exceed six square feet.

[c] Customary lettering or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator and any other sign required by law, and not exceeding a total of three square feet on each pump; and, if illuminated, such signs shall be nonflashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.

[d] A nonilluminated credit card sign not exceeding eight square feet in area, placed on or near the gasoline pumps.

[22] Laboratories, industrial and manufacturing plants, wholesale distribution centers and warehouses. One sign not larger than the equivalent of 5% of the area of the front wall of the building or 100 square feet, whichever is smaller, is permitted. If attached, the sign shall be attached flat against the building and shall not be higher than the roofline. If freestanding, the sign shall not exceed 10 feet in height and shall be set back from all street rights-of-way and lot lines at least 50 feet.

[23] Residential uses. One nameplate sign not to exceed one square foot may be placed anywhere in the front yard. In addition, one customary professional sign or nameplate not more than two square feet in area shall be permitted and shall be set back at least 1/2 the setback

required for the principal building in the particular district.

[24] Clubs, lodges, community centers and nonprofit organizations. Each use may have one freestanding or attached name display sign not exceeding 10 square feet in area. This shall be set back at least 25 feet from all street rights-of-way and lot lines.

[25] Multifamily dwellings. Each use may have one attached name display sign not exceeding 10 square feet in area.

[26] University. Each university campus shall be permitted one name display sign along each collector or arterial street which the tract abuts. Such sign(s) shall not exceed 10 square feet in area and seven feet in height. In addition, each sign shall be set back a minimum of 30 feet from all street rights-of-way and lot lines. Other signs shall be permitted as determined necessary and reasonable by Planning Board site plan review.

[27] Miscellaneous signs.

[a] Real estate signs. Real estate signs, not exceeding six square feet in area in residential districts and 25 square feet in area in all other districts, shall be permitted. Such signs, advertising the sale, rental or lease of property, shall be maintained only on the premises to which they apply. Such signs shall be set back at least 15 feet from all street rights-of-way and lot lines. In cases where the building setback is less than 25 feet, such signs shall be not more than five feet from the building. All real estate signs shall be removed upon closing of title of said sale.

[b] Construction signs. Signs which identify the architects, contractors, engineers and other parties involved with the construction activity shall be permitted. Such signs shall not exceed four square feet for each firm involved in residential districts and 10 square feet for each firm involved in all other districts. Such signs shall be restricted to the construction site for the construction period. They shall be removed immediately upon completion of the work by the named parties. Such signs shall not include the advertisement of any product.

[c] Window display signs. Such signs are permitted as integral components of the window display of merchandise. No signs, however, shall be attached in any manner to the outside of display windows. Window display signs, when attached to the inside of display windows, shall cover an aggregate maximum of 30% of such window area.

[d] Public signs. Signs of a noncommercial nature in the public interest are permitted, provided that they are erected by, or on the order of, a public official in the performance of his/her public duty. Such signs shall include safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs.

[e] Signs as part of a structure. Names of buildings, dates of erection, monumental citations, commemorative tablets, cornerstones and other similar signs are permitted as an integral part of the structure, provided that they are carved in stone, concrete or similar material or made of bronze, aluminum or another permanent type construction.

[f] Private traffic signs. Signs directing traffic movement onto or within a premises shall be permitted to a maximum area of three square feet for each sign. Horizontal directional signs on and flush with the pavement are exempt from these restrictions.

[28] For buildings containing more than one nonresidential tenant, one wall-mounted directory sign for each ground floor entrance to a building shall be permitted, whether such entrance fronts on a street or a parking lot. The maximum size of a directory sign shall not exceed six square feet in area. Such sign may identify all building occupant names and their addresses; however, no individual businesses shall occupy greater than one square foot in area of such sign. A wall-mounted directory sign may not be illuminated. All lettering on wall-mounted directory signs shall have the same font style and color.

[5] Editor's Note: Schedule A is on file in the Borough offices.

(i) Lighting.

[1] New and existing electrical wiring shall be concealed as part of facade work, including

signage.

[2] Vestibule lighting of the wall-lantern type or recessed downlight fixtures are allowable. Gooseneck fixtures mounted directly above a wall-mounted sign or a simple shielded light bar mounted above or below the sign are acceptable. Sign lighting shall light the sign area only, shall not spill over onto adjacent properties, and shall not shine onto the street in such a manner as to interfere with or distract driver vision.

[3] Neon lighting is prohibited on the exterior of any building or as a border or framing of any storefront window or door.

[4] Light emission levels are regulated by the Borough's Zoning Code.

[5] Flashing and scrolling signs are prohibited.

(j) Fences.

[1] The following fence types are permitted: board-on-board, picket, stockade, tubular steel, wrought iron, or brick.

[2] Chain-link fences shall be prohibited except temporarily during construction.

(k) Building colors. The colors of buildings in the street wall shall be compatible with surrounding buildings within 200 feet. Consideration should be given to accentuating trim and other architectural elements such as doors and windows.

(l) Items permitted to be placed on sidewalks in front of buildings located in the Rutherford Business District.

[1] Items. Sandwich boards, pedestal signs, benches, planters, and displays may be placed on the sidewalk in front of the business establishment during hours of operation, subject to application and approval by the Borough Zoning Officer. The above items shall be placed as close to the buildings as reasonably practicable, and shall in all cases provide an area clear of all items between the curb and a point four feet in from the curb.

[2] Application. An applicant must submit the following for approval to the Zoning Officer, a copy of which will be provided to the Streetscape Committee:

[a] Scaled plan and elevation drawings and photograph of the front of the business establishment, the sidewalk, and the proposed items;

[b] A list and description of items to be placed on the sidewalk;

[c] Proof of compliance with the Borough's fire safety requirements;

[d] A certificate of insurance for liability of \$1,000,000 combined single limit and indemnification of the Borough, and naming the Borough as a covered entity in its insurance policy.

[3] Maintenance. Signs, benches, and plants must be maintained in visible working condition or be subject to removal by the Borough. Outdoor items cannot be made of cardboard boxes, shipping crates, or other disposable containers. There also shall be no lewd or pornographic displays.

[4] Benches.

[a] Must be made of wood, metal or composite materials, and placed adjacent to building;

[b] May not exceed five feet in length, 30 inches in width, and 36 inches in height, and may not block the entrance to the commercial business;

[c] May not extend beyond the length of the storefront business establishment.

[5] Sandwich board signs.

[a] Shall be limited to one sandwich board sign in front of any business;

[b] Shall only be permitted in front of the business to which they pertain;

- [c] Shall be no more than 2.5 feet wide by five feet high;
- [d] Shall not be illuminated;
- [e] Must be maintained in visible working condition by the applicant, or be subject to removal by the Borough;
- [f] May be incorporated into a pedestal sign provided the sign component does not exceed 2.5 feet in height, and the total height is no more than five feet tall;
- [g] Must be related to the applicant's business.

[6] Pedestal signs.

- [a] Shall be limited to one pedestal sign in front of any business;
- [b] Shall only be permitted in front of the business to which they pertain;
- [c] Shall be no more than 2.5 feet wide by five feet high;
- [d] The sign component shall not exceed 2.5 feet in height;
- [e] The pole for a pedestal sign may not exceed four inches in diameter;
- [f] Must be weighted to ensure they will not tip over;
- [g] Must be related to the applicant's business.

[7] Planters. Decorative planters shall be made of wood, ceramic, or plastic, and located adjacent to the building establishment. The planters and plants must be maintained or be subject to removal. Each planter shall be less than 1.5 feet from the building, and shall be a minimum of 2.5 feet high (including the height of the plants).

[8] Fees. No fees shall be charged for businesses utilizing the sidewalk as described in § 131-7E(5)(I), subject to approval.

[9] All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

[10] Enforcement. All applications for use of the public sidewalks as described in § 131-7E(5)(I) will be submitted to the Zoning Officer for initial approval and will be forwarded by the Zoning Officer to the Building and Zoning Department for final approval and issuance of the permit. The Zoning Officer will be responsible for review of these items, and will forward information to the Building and Zoning Department or the Health Department as warranted when violations of the approved plans are observed.

(6) Design requirements for new construction. The following design requirements shall be considered and applied in reviewing applications for new construction in the District:

(a) New construction elements.

[1] All new construction, including additions to existing buildings, shall be designed to be compatible with the existing building and neighboring buildings in terms of material, height, scale, facade proportions, and window design and proportions set forth within § 131-7E(5) to the extent practicable. New buildings will be evaluated under this standard for their overall proportions, composition, details and quality and their design should contribute to an improved streetscape.

[2] All exterior walls of new construction shall be real brick, brick veneer, stone, wood siding, fiber cement, or metal panels as appropriate.

[3] Reflective glazing is prohibited. Glass must be clear, not tinted.

[4] Roofs may be flat or pitched. Consideration should be given to adjacent buildings within 200 feet.

[5] Blank walls are prohibited at all facades. Storefronts must follow the applicable subsections above.

[6] Storefront design, including awnings and signage, must conform to the applicable

subsections above.

(7) Enforcement; violations and penalties.

(a) This section shall be enforced by the Building and Zoning Department of the Borough of Rutherford in accordance with the provisions of this section.

(b) Any person, firm or corporation that violates any provision of this section shall, upon conviction thereof, be fined a minimum sum of not less than \$100 per violation and a maximum sum of not more than \$2,000 per violation and may be imprisoned for a period of time not exceeding 90 days, as the court in its discretion may impose.

(c) Any person, firm, or corporation found to be in violation of any provision of this section within one year of the date of a previous violation may be subject to imposition of an additional fine and/or penalty as a repeat offender as provided in N.J.S.A. 40:49-5.