

**BOROUGH OF FREEHOLD  
COUNTY OF MONMOUTH  
#2024/1**

**AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE 15 “BUILDINGS AND  
CONSTRUCTION” OF THE CODE OF THE BOROUGH OF FREEHOLD AMENDING  
JURISDICTION OF SIGN COMMITTEE**

WHEREAS, the Borough of Freehold (the “Borough”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, Title 15.16 regulates the use of signs throughout the Borough; and

WHEREAS, the Governing Body of the Borough has determined that it is in the best interest of the Borough and its citizens to streamline the process for appealing the replacement of non-conforming signs.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Freehold, County of Monmouth, State of New Jersey, as follows:

**Section 1**

Title 15 “Buildings and Construction” of the Code of the Borough of Freehold shall be amended as follows; additions to the current ordinance are noted in underline.

Chapter 15.16            SIGNS

\* \* \*

H. Appeals. Where the zoning officer has denied an application for a sign permit for failure of the applicant to comply with the provisions of this chapter, the applicant may:

1. Appear before the sign subcommittee established by the mayor and council herein, ~~in any instance in which the proposed sign is not specifically permitted but which is not specifically prohibited under this chapter.~~ The applicant shall prepare and submit to the sign subcommittee a notice of appeal prepared on a form approved by the subcommittee which application shall also include a detailed rendering of the proposed sign indicating its dimensions, proposed location, configuration, materials, colors, illuminations and a complete description of all particulars in which the proposed sign does not conform with the requirements of this chapter. The subcommittee shall conduct a hearing at which time the applicant shall present sworn testimony and evidence to support its application for a design waiver. The subcommittee may grant such a waiver where it is satisfied by the evidence presented by the applicant that the strict application or literal enforcement of one or more of the provisions of this chapter is impractical or will exact undue hardship upon the application. The subcommittee shall not grant a design waiver unless it is also satisfied that the relief can be granted without substantial detriment to the public good, will not substantially impair the intent and purpose of the sign ordinance, and the waiver requested is the minimum practical deviation from the sign ordinance to accomplish the applicant's reason for the waiver. Applicants may be the property owner or business operator (with the consent of the

owner) and may appear before the sign subcommittee without an attorney. An owner or business operator must be represented by an officer of the applicant. The applicant shall pay an appeal filing fee of ~~twenty-five~~ one hundred dollars ~~(\$25.00)~~ (\$100.00) for each sign for which a design waiver is sought ~~or where multiple signs are involved, a total fee computed as the less of twenty-five dollars (\$25.00) per sign or one hundred dollars (\$100.00) total.~~

2. ~~In all instances where the proposed sign is a prohibited sign under this chapter, or in~~ In such instances where the applicant wishes to appeal the decision of the sign subcommittee, the applicant may appeal to the planning board of the borough for a design waiver allowing variations from the requirements of this chapter. The applicant shall pay an appeal filing fee of ~~twenty-five~~ two hundred dollars ~~(\$25.00)~~ (\$200.00) for each sign for which a design waiver is sought ~~or where multiple signs are involved, a total fee computed as the less of twenty-five dollars (\$25.00) per sign or one hundred dollars (\$100.00) total.~~ The applicant shall prepare and submit to the planning board a notice of appeal prepared on a form approved by the planning board which application shall also include a detailed rendering of the proposed sign indicating its dimensions, proposed location, configuration, materials, colors, illumination and a complete a description of all particulars in which the proposed sign does not conform with the requirements of this chapter. The planning board shall conduct a hearing at which time the applicant shall present sworn testimony and evidence to support its application for a design waiver. The planning board may grant such a design waiver where the waiver requested is the minimum practical deviation from the sign ordinance to accomplish the applicant's reason for the waiver and where it is satisfied by the evidence presented by the applicant that the strict application or literal enforcement of one or more provisions of this ordinance is impractical or will exact undue hardship upon the applicant due to any of the following conditions:

- a. Exceptional narrowness, shallowness or irregular shape of the subject property or the building thereon, or where compliance with this chapter would adversely effect affect the aesthetics of the building's architectural facade;
- b. Exceptional topographic conditions or physical conditions uniquely affecting the property or the buildings thereon;
- c. Any other extraordinary and exceptional situation uniquely affecting the properties or the building thereon or the products or services to be offered thereon;
- d. Circumstances where the applicant's proposed alternate sign materials, colors, or illumination are required due to circumstances beyond the applicant's control such as the necessity to advertise the registered trade or service mark and provided that the proposed alternate substantial conforms to an approved prototype.

3. The sign subcommittee shall consist of ~~three~~ four members appointed by the mayor on an annual basis. The members shall consist of one ~~or more~~ members of the planning board, and the director of code enforcement, the business administrator, and a member of the Historic Preservation Advisory Committee.

4. In the event of an appeal from a denial of the sign subcommittee or where the proposed sign is a prohibited sign or requires a variance, the applicant shall give notice of the application to all property owners within two hundred (200) feet of the subject premises, which notice shall include a description of all particulars in which the proposed sign does not conform with the requirements of this chapter.

## **Section 2**

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

## **Section 3**

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

## **Section 4**

This Ordinance shall take effect upon final passage and publication in accordance with Law.

Introduced: February 5, 2024

Public Hearing/Adoption: February 20, 2024