

DRAFT 8

August 9, 2018

Section 153.37: SIGNS

(A) **Purposes.** The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication within Fayette County; to maintain and enhance the aesthetic environment and the ability of the county’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety by allowing for effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street, road, or highway; minimize the possible adverse effects of signs on nearby public and private property; to ensure the interpretation and enforcement of these sign regulations is fair and consistent. More specifically the intent of these sign regulations are:

- a. To establish a permit system to allow a variety of signs in business and industrial zoning districts, and a limited variety of signs in the medical services, residential and agricultural zoning districts, subject to the standards and procedures of these sign regulations;
- b. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life health, property and public welfare;
- c. To allow certain signs that are small and unobtrusive, and incidental to the principle use of the respective lots on which they are located, subject to the requirements of these sign regulations, but without permit;
- d. To establish a permit system allowing variety of types of signs and encourage creativity in the design of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of these sign regulations;
- e. To provide for the use of temporary signs on commercial, industrial, institutional, government, residential and other non-business private property that meets the requirements of these sign regulations;
- f. To prohibit all signs not expressly permitted by this ordinance; and
- g. To provide for the enforcement provisions of these sign regulations.
- h. These sign regulations are adopted under the zoning authority of the City of Connersville, Indiana and Fayette County, Indiana in furtherance of the more general purposes set forth in the zoning ordinance and in support of the 2011 Comprehensive Plan as adopted by the City of Connersville, Indiana and Fayette County, Indiana.

(B) ***Application of Regulations***

1. The regulations of this Chapter XXXXXX **Section 153.37** shall apply to the location, erection, and maintenance of signs in all zoning districts within the jurisdiction of the Fayette County, Indiana Area Plan Commission.
2. Noncommercial messages may be displayed on any sign authorized to display commercial messages.
3. A sign may be erected. placed. established. painted, created, or maintained in the City and County only in conformance with the standards, procedures. exemptions. and other requirements of these sign regulations.

(C) **Definitions and Interpretation.** Words and phrases used in these sign regulations shall have the meanings set forth in this section of the zoning code. All other words and phrases defined elsewhere in the Area Zoning Code shall be given those meanings. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

- (1) **Abandoned sign.** A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located.
- (2) **Agent.** Represents a property or business owner and has the legal authority to act in their interest.
- (3) **Alteration.** A change in the size, height or shape of an existing sign. Changing or replacing sign copy or a sign face or panel with the same size copy, face, or panel is not an alteration.

DRAFT 8

August 9, 2018

- (4) **Beacon.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also any light with one or more beams that rotate or move. Not permitted in any zoning district.
- (5) **Cladding.** A non-structural covering designed to conceal the actual structural supports of a sign.
- (6) **Class I Use:** A structure associated with and building use other than one or two family dwellings as defined under the Indiana Building and Fire Codes.
- (7) **Double sided/faced sign.** A sign with two faces mounted back to back.
- (8) **Frontage.**
 - a. **Property/street frontage.** The length of property lines of any single premise along a public right-of-way or other properties on which it borders such as out lots. May consist of multiple parcels or lots. Does not include frontage along alleys.
 - b. **Building frontage.** The length of an exterior building wall or structure of any single premise along a public right-of-way or other properties on which it borders such as out lots.
- (9) **Integrated center/shopping center:** An area of development of one or more lots, comprised of:
 - a. Two or more individual, unrelated and separately operated uses in one building sharing common site facilities; or
 - b. One or more buildings containing unrelated and separately operated uses occupying a common site, which utilize one or a combination of site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or
- (10) **Lot.** Any land or a portion of land in which the boundaries have been established by a legal instrument of record with the purpose of transferring the ownership of property. For the purposes of these sign regulations a lot shall also be considered all adjacent parcels under a single ownership unless said lots are used exclusively as single tenant properties that are independent of adjacent tenancies.
- (11) **Multi-faced sign.** A sign with more than one sign face on a single side.
- (12) **Mural/Art Mural.** A mural is an original work of art that covers all or a portion of a wall that may depict a scene or event of historic, social, cultural, or environmental significance. A mural shall not promote any on or off-premise business, product, or event. It may include a limited corporate sponsorship not to exceed sixteen square feet. Murals within any officially recognized historic district (local, state, or federal) shall receive approval from the Connersville Historic Commission.
- (13) **Nonconforming sign.** Any sign that does not conform to the requirements of these sign regulations.
- (14) **Off-premise sign:** A sign advertising a business, product, service, or activity on a location other than the property/lot/parcel on which the sign is located. For the purposes of this ordinance an off-premise sign is considered a permanent sign or temporary sign subject to all “time, place and manner” provisions of these sign regulations.
- (15) **Principal building.** The building in which the principal use of the zone lot is conducted. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.
- (16) **Setback.** The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.
- (17) **Sign.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, or announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public which is designed to be legible at or beyond the property line of the lot on which the lot is located by the operator of any vehicle within a public right-of-way.
- (18) **Sign - primary.** Sign used to identify the primary entrance to a business property, institutional property, multifamily residential property, or residential subdivision and similar uses.
- (19) **Sign Program.** All permanent signs included as part of a single commercial, industrial, residential, or institutional development.

DRAFT 8

August 9, 2018

- (20) **Sign - secondary.** Sign used to identify the secondary entrance to a business property, institutional property, multifamily residential property, or residential subdivision and similar uses.
- (21) **Sign Structure.** Structural elements designed to support a sign including the posts, frame and pole wrap.
- (22) **Signs - permitted.**
 - a. **Advertising mural.** A large-scale temporary or permanent sign that covers all or a major portion of a blank or unfinished wall, building, or structure, regulated as a wall/on-building. Will require dimensional variance to increase sign area and wall coverage above maximum square footage.
 - b. **Animated sign.** Any sign using movement or change of lighting, to depict action or create a special effect or scene. Types of animated signs include, but are not limited to:
 - i. **Air activated graphic.** A sign, all or part of which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
 - ii. **Mechanically Activated.** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
 - iii. **Electrically Activated.** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and, or illumination capable of movement.
 - c. **Banner.** Any sign of lightweight fabric or similar material that is permanently or temporarily mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
 - d. **Blade sign (feather sign, teardrop sign, flag sign).** A temporary sign that is constructed of cloth, canvas, plastic fabric, or similar lightweight material, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.
 - e. **Building sign.** Any sign attached to **and supported by a building; whether it is the wall, window, or roof of the building.**
 - i. **Wall sign.** Wall Signs are building-mounted signs that are attached to or painted on an exterior wall so that the sign faces are generally parallel to the building wall. A sign installed on a false or mansard roof is also considered a wall sign. Some other common terms for wall signs include fascia sign, parallel sign, and band sign.
 - ii. **Window sign.** Window Signs are signs applied, painted, or affixed to a window. Signs that are placed inside a window, within three feet of the glass, facing outside the building, and are easily seen from the outside are considered window signs as well. Customary displays of merchandise behind a store window are not considered window signs.
 - iii. **Awning sign.** Awning Signs are signs that are painted on, or affixed to, an awning structure. An awning is a nonstructural covering that projects from a wall, usually for the purpose of shielding a doorway or window and may be constructed of soft, flexible, or of rigid materials. Signs may be either attached to or designed as part of an awning and will be counted as a wall/on building sign.
 - iv. **Canopy sign.** Canopy Signs are signs that are part of, or attached to, a canopy structure. A canopy is a multisided overhead structure that is affixed to a building, or freestanding and carried by a frame that is supported by columns or posts affixed to the ground.
 - v. **Marquee sign.** Marquee signs are signs attached to a marquee structure. A marquee is a permanent structure that is usually attached to, supported by, and projecting from a building, often for the purpose of providing protection from the elements

DRAFT 8

August 9, 2018

- vi. **Projecting sign.** Any sign attached to a building or wall in such a manner, parallel or perpendicular that an edge extends more than six inches beyond the surface of such building or wall.
- vii. **Roof sign, integral.** Any sign designed, erected or constructed as an integral or essentially integral part of a normal roof structure designed with a pitch such that no part of the sign extends more than six inches vertically above the highest portion of the roof.
- viii. **Suspended sign.** A sign suspended from the underside surface of a horizontal plane surface and is supported by such surface as the underside of a canopy.
- b. **Changeable copy sign / Message Center Sign.** A sign or portion of a sign which contains characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, and may be manually changed or electrically changed as with an electronic message sign.
 - i. **Portable message center sign.** A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including but not limited to, signs designed to be transported by means of wheels.
 - ii. **Freestanding message center sign.** Message center signs may be independent freestanding signs, part of a freestanding signs surface, or separately attached to a sign structure.
 - iii. **Wall or window message center sign.** Message center signs designed to be viewed through a window or attached to an exterior wall.
- f. **Directional Sign.** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
- g. **Freestanding sign.** Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building, includes monument/ground mounted, pylon, pole mounted, and portable sign on a permanent basis. For the purposes of this ordinance off premise advertising signs are considered freestanding signs and bound by the same setbacks, separation distances and are not permitted in any residential zoning district, any agricultural zoning districts, the medical services district. Freestanding signs are signs that are supported by structures or supports that are placed or anchored in the ground, are detached from any building or structure, and whose message and design relate to an activity, business, product. Freestanding signs are typically grouped into the following categories:
 - i. **Ground Signs.** Ground Signs are low profile freestanding signs which may be internally or externally illuminated are permanently affixed to the ground and supported entirely by a base structure. They are also commonly referred to as monument signs; also known as **Monument Signs or Ground Mounted Sign**
 - ii. **Pole Sign.** Pole Signs are freestanding signs permanently supported by a structure of one or more poles, posts, uprights, or braces from the ground; also known as **Pylon Signs**.
- h. **Home occupation sign.** A sign directing attention to a business or professional activity legally conducted on the same zone lot in a residential district, containing only the name, occupation and phone number of the resident.
- i. **Illuminated sign.** A sign characterized by the use of artificial light, either internally illuminated projecting through the sign surface or externally illuminated by light reflecting off its surface.
- j. **Incidental/ancillary/accessory sign.** A sign, generally informational that has a purpose secondary to the use of the zone lot on which it is located.
- k. **Light pole banner.** A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure and where the temporary sign element can be changed without modifying the permanent structure.

DRAFT 8

August 9, 2018

- l. **Pennant.** A triangular or irregular piece of fabric or other material whether or not containing a message of any kind, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.
 - m. **People Sign (a.k.a. human mascot, sign spinner, human sign).** A person attired or decorated with commercial insignia, images, costumes, or masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such a person may or may not be holding a sign.
 - n. **Projected image sign.** A sign which involves an image projected on the face of a wall, structure, sidewalk
 - o. **Residential sign.** Any sign located in a district zoned for residential uses that advertises goods, services, or other activities legally offered on the premises, if offering such goods, services, or activities conform with all requirements of the Area Zoning Code.
 - p. **Sidewalk sign.** This type of sign includes A-frame (sandwich board) sign and T-frame signs removed upon the daily close of business typically used to advertise goods and services sold by a business lacking a setback fronting directly on a pedestrian walkway which may be placed on public or private property.
 - i. **A-frame / Sandwich-board sign.** A freestanding sign which is ordinarily in the shape of an A or similar configuration which is readily removable, and is not permanently attached to the ground or any structure.
 - ii. **T-frame sign.** A freestanding sign which is ordinarily in the shape of a “T” and is not permanently attached to the ground or any structure.
 - q. **Temporary sign.** Any sign that is used only temporarily for a defined and/or limited period of time and is not permanently mounted nor designed to be permanently mounted. Included in this class of sign are yard signs, banners, and portable signs. **Temporary signs are not permitted as off-premise advertising signs for businesses and services located at a on the property where the temporary sign is placed.**
- (23) **Signs - prohibited.** Some sign types that should generally be prohibited due to their tendency to disproportionately distract drivers, detract from a desirable community character, and reduce the effectiveness of allowed signage through visual clutter and confusion. In general animated, flashing, reflective, and rotating signs or signs that incorporate other mechanical movements are prohibited.
- a. **Balloon sign (inflatable device).** A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. Not permitted in any zoning district.
 - b. **Inflatable sign.** Inflatable signs are signs in the form of air-inflated objects of various shapes that are made of flexible fabric and placed on the ground or a structure. By changing the rate of air being blown into the object, the objects can appear to be moving increasing the sign’s likelihood of unreasonably distracting drivers or passersby.
 - c. **Roof sign, mounted.** Any sign erected and constructed wholly on and over the roof of a building supported by the roof structure, and extending vertically above the highest portion of the roof. Roof mounted signs are not permitted.
 - d. **Snipe sign.** Any sign erected on, within, or attached to any sidewalk, street, or highway right-of-way, curb, curbstone, hydrant, lamppost, tree, barricade, temporary walkway, telephone, telegraph or electric light pole, utility pole, traffic sign, traffic control device, or any object on the ground, or on a fixture of the fire alarm or police system. **Snipe signs are signs that are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, street lights, or other objects, or placed on any public property or in the public right-of-way. These types of signs are also commonly referred to as bandit signs.**
- (24) **Single use/tenant property:** A parcel/lot/property on which a single user/tenant is located.
- (25) **Yard Signs** A type of temporary sign, when less than 16 square feet are allowed without permit, greater than 16 square feet requires a temporary sign permit for up to 30 days.

DRAFT 8

August 9, 2018

(26) **Zone lot.** A parcel of land in single ownership or combination of parcels that is of sufficient size to meet minimum zoning requirements for frontage, area, coverage, and use, and that can provide such yard setbacks and other open spaces as required by the zoning regulations. For the purposes of these sign regulations one business occupying multiple lots not separated by a public right-of-way shall be considered one zone lot.

(D) Sign Program

- (1) A sign program includes the location and square footage of all permanent signs including primary and secondary freestanding signs, message center/board signs, building signs and window signs designed to be seen from the public right-of-way and fee exempt signs such traffic control signs, directional signs, informational signs and information kiosks.
- (2) Signs included in sign program calculations includes primary and secondary freestanding signs, message center/board signs, building signs and window signs designed to be seen from the public right-of-way.
- (3) Signs not included in sign program calculations include information kiosks, directional signs, traffic control and pedestrian safety signs, menu boards.
- (4) Sign program computations
 - (a) Single tenant/single occupancy sign program formula: 2 square feet per linear foot of the lot width along the front building line of the building with a maximum square footage of 300 square feet.
 - (b) Integrated center/shopping center sign program formula: 2 square feet per linear foot of the lot width along the front building line of a single building shopping center, or the width of the developed parcel(s) of a Integrated center/shopping center consisting of more than one building with a maximum square footage of 750 square feet.
 - (c) Maximum wall coverage for Single Tenant / Single Use properties and Integrated Center / Shopping Centers is 25 percent for the front wall and 10 percent for the side and rear walls.
- (5) No maximum number of signs.

Computations of Sign Face Areas.

- (a) Sign cabinets/frame. The area enclosed within the outer dimensions of the frame or cabinet.
 - (b) Double sided/faced signs. Only one side is used to determine sign area. In the case where the sign area on each side is different, the larger sign determines sign area for individual sign and as part of sign program square footage.
 - (c) Round, oval, or irregular shaped sign. Round, oval, or irregular shaped sign copy not included as an integral part of a sign face such as a sign cabinet shall be measured by the appropriate mathematical formula for the most basic geometric shape that encloses all parts of sign copy.
7. Freestanding signs dimensional and design requirements Sign program requirements
- (a) One freestanding sign per property/parcel/lot/multiple lots combined for one development per road frontage. For the purposes of this ordinance multiple adjacent undeveloped parcels under single ownership are considered a single use/tenant property. Applies to Single Tenant / Single Use properties and Integrated Center / Shopping Center.
 - (b) Exceptions to one freestanding sign per property/legal parcel:
 - i. Allowed secondary signs of a maximum size of 32 square feet for each entrance drive greater than 500 feet apart, or located on a separate legal public road frontage and limited to a maximum height of eight feet above the elevation of the public road surface.
 - ii. Allowed one freestanding message center sign, whether as a standalone message center or as part of the primary sign or on primary sign structure.
 - b. Maximum wall coverage for Single Tenant / Single Use properties and Integrated Center / Shopping Centers is 25 percent for the front wall and 10 percent for the side and rear walls.
 - c. No maximum number of signs.

DRAFT 8

August 9, 2018

- (9) Pole or pylon signs are permitted in industrial and business zoning districts and shall not be permitted in any residential, medical, or agricultural district. Exception, legal nonconforming signs in existence at the adoption of these sign regulations. Size area and height may not be changed. Legal nonconforming status post on voluntary removal or change of sign area or height.
- (10) Ground signs not exceeding 8 feet in height shall be permitted in any zoning district for a qualifying Class I use as per the Indiana Building and Fire Codes.
- (11) On-Building/Wall signs are permitted in any zoning district for a qualifying Class I use as per the Indiana Building and Fire Codes.

DRAFT 8

August 9, 2018

Table 1. Sign Development Standards and dimensional requirements

A. Business and Industrial Districts: LB, GB, PB, I-1, I-2

| Single Tenant Occupancy / Use | | | | | | | |
|--|---|---|--------------------------------------|-------------|--|---------------------|-------------------|
| Freestanding Signs | | | | | | | |
| Permitted signs | Sign Height | Sign Area | Setbacks | | | Separation Distance | Height clearances |
| | | | Front | Side | Rear | | |
| Pylon/pole – primary sign | 15 feet Maximum height with variance 25 feet | 64 square feet Maximum area with a variance 75 square feet | See Note A. | See Note B. | See note B. | See Note C | See Note D |
| Ground mounted – primary sign | 8 feet Maximum height with variance 15 feet | 32 square feet Maximum area with a variance 64 square feet | See Note A. | See Note B. | See note B. | See Note C | |
| Secondary signs less than 500 feet from primary sign permitted only at located at secondary drives | 8 feet | 16 square feet | See Note A. | See Note B. | See note B. | | |
| Marquee - freestanding | 15 feet Maximum height with variance 25 feet | 64 square feet Maximum area with a variance 75 square feet | See Note A. | See Note B. | See note B. | | See Note D |
| Accessory signs – shall not be illuminated, may be constructed of reflective materials | 3 feet | 32 square feet Maximum area with a variance 64 square feet | See Note A. | See Note B. | See note B. | | |
| Message Center sign - individual freestanding message center sign | 8 feet for | 32 square feet | See Note A. | See Note B. | See note B. | See Note C | |
| Message Center sign – part of primary sign and/or sign structure | 8 feet for | 32 square feet | See Note A. | See Note B. | See note B. | | See Note D |
| Temporary signs Without permit | 4 feet | 16 square feet | See Section (E) (3) Temporary Signs. | See Note B. | See note B. | | |
| Temporary signs With permit | 8 feet | 32 square feet | See Section (E) (3) Temporary Signs. | See Note B. | See note B. | | |
| Wall signs / on-building signs / Window Signs | | | | | | | |
| Permitted signs | Sign Area | Percent wall coverage | Setbacks | | Height clearances and maximum elevation | | |
| | | | Side | Rear | | | |
| Wall - front | See Note E. | Maximum wall coverage 10 percent With variance up to 50 percent and a maximum of 500 sf. | See Note B. | See note B. | If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line | | |
| Wall – side and rear | 40 square feet | With variance up to 50 percent and a maximum of 500 sf. | See Note B. | See note B. | | | |
| Roof sign, integral – | See Note D. | Maximum wall coverage 10 percent and a maximum of 64 | | | 9 feet above walking surface | | |

DRAFT 8

August 9, 2018

| | | | | | |
|--|--|--|--|--|---|
| may be used as primary or secondary sign | | square feet in sign area | | | 12" above parapet or roof line |
| Window sign | 32 square feet | 25 percent maximum window coverage for all window signs, Included as part of entire sign program wall coverage | | | |
| Message Center - Wall or window | 16 square feet | Included as part of entire sign program wall coverage | | | If project more than 3" from wall 9 feet above walking surface. 12" above parapet or roof line. |
| Awning sign | 16 square feet | 25 percent maximum awning coverage | | | 9 feet above walking surface |
| Canopy | 16 square feet | 25 percent maximum canopy coverage | | | 9 feet above walking surface |
| Suspended | 2 square feet | | | | 9 feet above walking surface |
| Projecting sign | 16 square feet | | | | Maximum of 5 feet projection from wall 9 feet above walking surface |
| Marquee – on building | 64 square feet for main theater information plus 24 sf. for each individual theater (may be manual lettering or electronic sign) | Maximum wall coverage 10 percent With variance up to 50 percent and a maximum of 500 sf. | | | If project more than 3" from wall 9 feet above walking surface. 12" above parapet or roof line |
| Accessory | 4 square feet | Not included as part of entire sign program wall coverage | | | |
| Temporary | Maximum size same as eligible permanent sign | Not included as part of entire sign program wall coverage | | | |

Multitenant Use / Integrated Center

Freestanding Signs

| Permitted signs | Sign Height | Sign Area | Setbacks | | | Separation Distance | Height clearances |
|---|---|--|----------------------|-------------|-------------|---------------------|-------------------|
| | | | Front | Side | Rear | | |
| Pylon/pole – primary sign | 25 feet Maximum height with variance 35 feet | See Note F | See Note See Note A. | See Note B. | See note B. | See Note C | See Note D |
| Ground mounted – primary sign | 8 feet Maximum height with variance 15 feet | 32 square feet Maximum area with a variance 64 square feet | See Note A. | See Note B. | See note B. | See Note C | |
| Marquee – freestanding For the purposes of this ordinance a freestanding multi-theater movie marquee sign is considered a Multitenant Use / Integrated Center with each individual theater considered as a separate tenancy. | 25 feet Maximum height with variance 35 feet | 64 square feet for main theater information plus 24 sf. for each individual theater (may be manual lettering or electronic sign) | See Note A. | See Note B. | See note B. | | See Note D |
| Secondary signs less than 500 feet from primary sign permitted only at located at secondary drives | 8 feet | 32 square feet | See Note A. | See Note B. | See note B. | | |
| Accessory signs – shall not be illuminated, may be constructed of reflective materials | 3 feet | 4 square feet | See Note A. | See Note B. | See note B. | | |
| Message Center sign - individual freestanding message center sign | 8 feet for | 32 square feet | See Note A. | See Note B. | See note B. | 500 feet | |

Fayette County Zoning Code – Post Reed v Gilbert Sign Regulations

DRAFT 8

August 9, 2018

| Message Center sign – part of primary sign and/or sign structure | 8 feet for | 32 square feet | See Note A. | See Note B. | See note B. | | See Note D |
|--|--|---|--------------------------------------|-------------|--|--|------------|
| Temporary signs | | | See Section (E) (3) Temporary Signs. | See Note B. | See note B. | | |
| Without permit | 3 feet | 16 square feet | See Section (E) (3) Temporary Signs. | See Note B. | See note B. | | |
| With permit | 8 feet | 32 square feet | See Section (E) (3) Temporary Signs. | See Note B. | See note B. | | |
| Multitenant Use / Integrated Center | | | | | | | |
| Wall signs / on-building signs | | | | | | | |
| Permitted signs | Sign Area | Percent wall coverage | Setbacks | | Height clearances | | |
| | | | Side | Rear | | | |
| Wall - front | See Note G See Note H See Note I | Maximum wall coverage 10 percent With variance up to 50 percent and a maximum of 500 sf. | See Note B. | See note B. | If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line | | |
| Wall – side and rear | 40 square feet | With variance up to 50 percent and a maximum of 500 sf. | See Note B. | See note B. | If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line | | |
| Roof sign, integral – may be used as primary or secondary sign | See Note D. | Maximum wall coverage 10 percent and a maximum of 64 square feet in sign area | | | 9 feet above walking surface 12” above parapet or roof line | | |
| Window sign | 32 square feet | 25 percent maximum window coverage for all window signs, Included as part of entire sign program wall coverage | See Note B. | See note B. | If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line | | |
| Message Center - Wall or window | 16 square feet | Included as part of entire sign program wall coverage | See Note B. | See note B. | If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line | | |
| Awning sign | 16 square feet | 25 percent maximum awning coverage | | | 9 feet above walking surface 12 | | |
| Canopy | 16 square feet | 25 percent maximum canopy coverage | | | 9 feet above walking surface | | |
| Marquee | 64 square feet for main theater information plus 24 sf. for each individual theater (may be manual lettering or electronic sign) | | | | If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line | | |
| Accessory | 4 square feet | | | | | | |
| Temporary | Maximum size same as eligible permanent sign | | | | | | |

Notes.

DRAFT 8

August 9, 2018

No part of a sign or sign structure located between 3 feet above the base grade road elevation closest to the sign structure and 9 feet above road elevation may be placed any closer than 15 feet from the edge of a road/street/highway **surface**. Signs or parts of sign structures less than 3 feet or greater than 9 feet above road elevation closest to the sign structure may not be placed any closer than five feet from the edge of a road/street/highway **right-of-way**. Earthen mounds, berms, and raised beds shall be considered part of the sign structure elevation.

- A. If illuminated, internally or externally, no freestanding sign abutting any residential use shall be located within 50 feet of a side a rear property/lot line unless it can be determined that the illuminated freestanding sign is visibly obstructed from the residential use. Visually obstructed signs and non-illuminated signs may be placed no closer than 5 feet from a side or rear property line.
- B. Sign spacing. Permanent freestanding signs larger than 32 square feet and/or taller than 8 feet on the same parcel may not be located any closer than 500 linear feet from the nearest sign larger than 32 square feet on the same parcel.
- C. Bottom of frame 9 feet above ground elevation, 12 feet if frame extends over a parking space, no lower than 15 feet above the drive surface for passenger vehicle and 18 feet above the drive surface for delivery vehicles. In the event that such a condition exists it will be necessary to receive a variance from dimensional standards from the Fayette County Board of Zoning Appeals.
- D. Single tenant occupancy/use 64 square feet maximum allowable when building front wall is 150 feet or less from nearest public right-of-way. Exception, additional 1 square foot for each ten feet beyond 150 feet with a maximum of 100 square feet.
- E. 64 square feet for shopping center/anchor tenant sign if anchor tenants name is included in integrated center/shopping center name. One sign with an additional 24 square feet for each tenancy
- F. Anchor/primary tenant 64 square feet maximum allowable when building front wall is 150 feet or less from nearest public right. Exception, additional 1 square foot for each ten feet beyond 150 feet with a maximum of 75 square feet for anchor tenant.
- G. Secondary tenancies or integrated centers without an anchor tenant a minimum allowable size of 32 square feet regardless tenancy frontage with 1.5 square feet for each linear foot of tenancy frontage for a maximum of 64 square feet.
- H. Horizontal dimension no greater than interior dimension of tenant space

B. Medical Services, Residential and Agricultural Districts: MS, R1, R2, R3, RS, A1 and A2 zoning districts

| Freestanding Signs (See note D and note E) | | | | | |
|---|---|-----------------------|---|-----------------------|---|
| Permitted signs | Sign Height | Sign Area | Setbacks | | |
| | | | Front | Side | Rear |
| Ground mounted | 8 feet | 32 square feet | See Note A. | See Note B. | See note B. |
| Secondary signs For permitted uses | 8 feet | 32 square feet | See Note A. | See Note B. | See note B. |
| Accessory signs For permitted uses | 3 feet | 4 square feet | 5 feet from edge of Public Right-of Way | 5 feet | 5 feet |
| Temporary signs – See note C | | | | | |
| Without permit | 3 feet | 16 square feet | See Section (E) (3) Temporary Signs. | 5 feet | 5 feet |
| With permit | 8 feet | 32 square feet | See Section (E) (3) Temporary Signs. | 5 feet | 5 feet |
| Home occupation sign . | 4 square feet free standing or on building sign | | 5 feet See Note A. | 5 feet See Note B. | 5 feet See Note B |
| Wall signs / on-building signs | | | | | |
| Permitted signs | Sign Area | Percent wall coverage | Setbacks | | Clearances |
| | | | Side | Rear | |
| Wall - front | 64 square feet | 10 percent | See Note B. | See note B. | If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line |
| Wall – side and rear | 32 square feet | 10 percent | See Note B. | See note B. | If project more than 3” from wall 9 feet above walking surface. |

DRAFT 8

August 9, 2018

| | | | | | |
|---------------------------------|--|--|-------------|-------------|---|
| | | | | | 12” above parapet or roof line |
| Secondary Signs | 4 square feet | | See Note B. | See note B. | |
| Window | 32 square feet | 10 percent in addition to wall signs and message center signs | See Note B. | See note B. | |
| Window sign | 16 square feet | 25 percent maximum window coverage for all window signs, Included as part of entire sign program wall coverage | See Note B. | See note B. | |
| Message Center - Wall or window | 16 square feet | Included as part of entire sign program wall coverage | See Note B. | See note B. | If project more than 3” from wall 9 feet above walking surface. 12” above parapet or roof line |
| Awning sign | 16 square feet | 25 percent maximum awning coverage | | | 9 feet above walking surface |
| Canopy | 16 square feet | 25 percent maximum canopy coverage | | | 9 feet above walking surface |
| Accessory | 4 square feet | | | | |
| Temporary | Maximum size same as eligible permanent sign | | | | |

Notes:

- A. No part of a sign or sign structure located between 3 feet above road elevation closest to the sign structure and 9 feet above road elevation may be placed any closer than 15 feet from the edge of a road/street/highway right-of-way. Signs or parts of sign structures less than 3 feet or greater than nine feet above road elevation closest to the sign structure may not be placed any closer than five feet from the edge of a road/street/highway right-of-way.
- B. If illuminated, internally or externally, no freestanding sign abutting any residential use shall be located within 50 feet of a side a rear property/lot line unless it can be determined that the illuminated freestanding sign is visibly obstructed from the residential use. Otherwise no freestanding sign may be located closer than five feet from a side or rear property line.
- C. Temporary signs for special events, yard/garage sales, and temporary business activities must be removed within 7 days of the event or temporary use and may not be placed in any public right-of-way, includes
- D. Permitted Uses: Institutional uses including but not limited to not-for-profit uses, schools, churches, hospitals, medical and health clinics, government buildings and government uses government owned or privately owned property. Business uses requiring a special exception. Real estate: permanent apartments, condominiums, subdivisions, for rent and for sale signs are considered temporary and regulated as any other temporary sign. Home occupation signs.
- E. Exceptions: Legal conforming business uses existing at the adoption of the Area Zoning Code. Pylon/pole and ground mounted signs taller than 8 feet and exceeding the maximum sign areas for primary signs and message center signs in use at the time of the adoption of these sign regulations.

DRAFT 8

August 9, 2018

(E) Regulations for other signs

1. Incidental signs, accessory and ancillary signs less than 4 square feet are allowed without permit, but must meet all other requirements of these sign regulations.
2. Window signs that are not visible from the public right-of-way are allowed without permit, but may cover no more than 25 percent of the window area.
3. Temporary Signs
 - (a) All properties in all districts are permitted a maximum (base) of 32 square feet for temporary signs at one time. All properties are permitted an additional 16 square feet of base temporary sign allowance from the first Monday of March to the second Friday of November for a total of 48 square feet. The temporary sign square footage allowance includes ground signs and building signs.
 - (b) Temporary signs 16 square feet or smaller do not require a permit.
 - (c) Temporary signs greater than 16 square feet in any zoning district require a permit and are good for a maximum of 30 days. Temporary signs requiring a permit are allowed on a quarterly basis with the provision that there be a minimum of 60 days between each permitted use.
 - (d) *(Edited to reflect Mr. Frank's concerns the practicality of a blanket prohibition of any temporary sign from within five feet from the edge of a public right-of-way.)* Temporary signs less than three feet above the nearest street elevation may be placed within five feet from the edge of a roadway, but may not be placed within ten feet the intersection of two public roadways. A temporary sign greater than three feet above the nearest street elevation must be setback a minimum of 10 feet from the edge of a roadway and shall be placed on private property. Nor shall temporary signs be placed in a location or manner that obstructs views of traffic at the intersection of intersection of public streets, or where a private drive intersect a public thoroughfare.
 - (e) Temporary sign allowances are not included in maximum sign program area calculations.
 - (f) The maximum size of a temporary freestanding sign is 32 square feet.
 - (g) The maximum size a building temporary sign is the same as the maximum size allowance for on building or tenancy signs at that address.
 - (h) Temporary signs associated with a temporary specific activity or event shall be removed no later than seven days after temporary specific activity has ended or event has occurred.
 - (i) Jurisdictions with authority over a public right-of-way in which a temporary sign is placed in violation or is a risk to traffic safety by blocking views of traffic may remove such sign.
- (4) *Home Occupation Signs.* Home Occupation signs shall contain only the name, occupation and phone number of the resident. When mounted on the residential structure home occupation signs shall not exceed 4 square feet and ground mounted signs may not exceed 8 square feet **must be placed on the owner's property and no closer than 15 feet a road travel lane.** Home occupation signs may not be internally or externally illuminated. Sign plans must be submitted and approved with the Home Occupation petition. The placement of a home occupation sign shall require a sign permit.
- (5) *Sidewalk signs.* Sidewalk signs are allowed only within the pedestrian public right-of-way without permit, but with written permission from the jurisdiction over the public right-of-way within which they will be placed. Sidewalk signs must be located so as not to block or interfere with the flow of pedestrian traffic or reduce the open sidewalk area to less than the minimum sidewalk width under the Americans with Disabilities Act. Side walk signs are not allowed within any road, street or highway. When fully opened the dimensions of a side walk sign shall not exceed 48" in height and 36" in the width with a maximum sign area of 12 square feet. Sidewalk signs shall be removed from the sidewalk or other pedestrian pathway at the close of business each business day.
- (6) Message board / message center signs

DRAFT 8

August 9, 2018

- (a) One message board sign, both manually changed channel letters and electronic, is permitted per each property that is used for an active Class I use as per the Indiana Building Code. Message board signs including portable permanently installed whether as an individual freestanding sign, part of an existing or proposed freestanding sign, on building or as a window sign require a permit and are included as part of the overall sign program square footage.
- (b) Message board signs used as permanent signs must meet permanent sign requirements of these sign regulations and as per the Indiana Building and Electric Codes requirements of these sign regulations. Message board signs may be permitted as an independent freestanding sign, as part of primary freestanding sign, on-building sign, or a window sign.
- (c) Temporary message board sign
- (d) All freestanding message board signs in one location greater than 30 days must use tie-downs or other form of attachment to the ground designed to resist maximum wind speeds as per the Indiana Building Codes.
- (e) All portable signs in one location greater than 30 days must use electric cable rated for exterior use, rated for burial use or in buried conduit and must otherwise be installed in accordance with the Indiana Electric Code. All electric cables to portable signs must be buried or if installed as an overhead service in accordance with the requirements of the Electric code or must be protected from pedestrians and vehicular traffic in some other fashion permitted under the Indiana Electric Code. Any overhead cables must comply with height clearance requirements of Indiana Electric Code.

(E) Permits

- (1) Permits Required. Any sign requiring a permit under the provisions of these sign regulations requires the owner of the lot, or business, or legal agent shall secure a sign permit prior to the construction, placement, erection, or modification of any such sign in accordance with the these sign regulations.
- (2) No sign permit of any kind shall be issued for any sign unless such a sign is consistent with all requirements of this ordinance in every respect. Any deviation from the development standards of this regulation may only be via a variance approved by the Board of Zoning Appeals.
- (3) Design. Construction. Maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards. All signs shall comply with the Indiana Building and Electric Codes as adopted by the City and County at all times.
 - (a) All permanent signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure and all poles or beams used to support a pole sign shall use a pole wrap designed specifically for covering sign poles.
 - (b) All signs shall be maintained in good structural condition and in compliance with the Indiana Building and Electric Codes as adopted by the City and County and in conformance with these sign regulations.
 - (c) Signs shall not be located in any fashion which blocks views of traffic, traffic control devices or in any manner which may potentially result in a traffic safety hazard.
- (4) Sign Submission Requirements. For any zone lot on which the owner of the lot or business or owner's agent proposes to erect one or more signs requiring a permit, a sign plan containing the following shall be submitted to the Director:
 - (a) A site plan showing the location the building, structure or land to or on which the sign is to be erected or mounted, parking lots, driveways, and landscaped areas as deemed necessary to ensure signs will not obscure views of pedestrians and public rights-of-way or internal drives and walkways;
 - (b) Dimensions of the sign, and where applicable, the dimensions of the wall surface of the building on which it is to be attached;
 - (c) A sign elevation showing all dimensions for all signs in the sign program including sign area, structural supports, sign height from the finished base sign area for each sign;

DRAFT 8

August 9, 2018

- (d) Proposed location in relation to the building face or lot lines of the property and dimensions and the distance to the nearest property line and/or edge any public right-of-way for each freestanding sign;
 - (e) On-building signs must show the dimensions of the sign face, distance between the bottom of the sign and the ground plain and the distance between the top of the sign and the roof or parapet line and the percentage of a wall covered by each such sign: and
 - (f) A computation for the entire sign program area including the number of signs, total square footage of sign areas, the building square footage and/or lot frontage used to determine the maximum allowed square footage in the sign program.
 - (g) The location, height and sign area of all incidental/ancillary signs including menu signs used to provide menu information for such as drive-through operations used by fast food restaurants must be shown on the plot plan and included in sign program calculations. Incidental/ancillary signs less than 16 square feet are fee exempt. Traffic control, information, directional signs are fee exempt.
- (F) Signs in the Public Right-of-Way. No signs shall be allowed in the public right-of-way, with the exception of the following:
- 1. **Public signs.** Traffic control signs, public directional signs, mileage signs installed by the public entity with jurisdiction of that public right-of-way; public signs posted on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian traffic; bus stop signs erected by a public transit company or private entity legally recognized as an official transit company; informational signs of a public utility regarding poles, lines, pipes or facilities;
 - 2. **Private signs.** Awning, canopy, marquee, projecting, and suspended signs extending over a pedestrian public right-of-way require official approval by the legal entity with jurisdiction over the public right-of-way for new or modified structures extending over the public right-of-way. Other types of private signs, both permanent or temporary, are not permitted.
 - 3. **Emergency Signs,** Warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized work within the public right-of-way.
 - 4. **Other Signs Forfeited.** Any sign installed or placed on public property or public right-of-way, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation by the entity with jurisdiction over that property or right of way.
 - 5. **Temporary signs.** See Section (E)(3) Temporary Signs.
- (G) Exempt Signs. The following signs when designed and installed in a manner consistent with these sign regulations shall be exempt from permits and fees under these sign regulations:
- a. Any signs legally permitted to be within the public right-of-way as per Section (F)(3) Signs in the Public Right-of-Way;
 - b. Window signs of any size inside a building not legible from a public right-of way;
 - c. Traffic control and pedestrian safety signs on private property such as Stop, Yield, and similar signs on which the sign face meets the Indiana Department of Transportation standards;
 - d. Accessory and incidental signs on private property including directional signs, information kiosks, entrance/exit signs, menu information and similar signs.
- (H) Prohibited Signs.
- a. All signs not expressly permitted under this ordinance in the areas under the jurisdiction of the Area Plan Commission.
 - b. Signs that are structurally unsafe.
 - c. Signs that would block views of traffic to and from at any driveway along any public roadway or road intersection.
 - d. Signs bearing words, phrases, symbols, colors or characteristics of traffic control signs or devices which may mislead, interfere with, or confuse drivers thereby increasing the risk of between vehicles and pedestrians.
 - e. Beacons, flashing lights, emergency lights or search lights.

DRAFT 8

August 9, 2018

- f. Signs erected in or attached to any sidewalk, street, or highway right-of-way, utility strip, curb, curbstone, hydrant, lamppost, tree, barricade, temporary walkway, telephone, utility pole, public or partition fence.
 - g. No signs, including exempt signs are allowed within the public right-of-way or in the utility strip. Signs placed in these areas may be removed by the entity with jurisdiction over these right-of-ways or utility strips.
 - h. Permanent signs on undeveloped property.
 - i. Signs displayed on parked vehicles or trailers. Licensed and operable motor vehicles with the primary purpose and regular use for transporting goods, supplies, services or people are exempt.
 - j. Portable or temporary signs on public property or in the public right-of-way.
- (I) General Permit Procedures. The following procedures shall govern the application for and issuance of all sign permits under this ordinance.
- a. *Applications.* All applications for a sign permit of any kind including the modification of existing signs shall be submitted to the Director on an application form or in accordance with application specifications published by the Director.
 - b. *Fees.* Each application for a sign permit must be accompanied by the applicable fees as adopted under this code and the completion of all submission requirements.
 - c. *Completeness.* Within ten business days of receiving an application for a sign permit the Director or designated staff member shall review the application for completeness. If the Director finds that the application is complete the application shall then be processed. If the Director finds it is incomplete, the Director shall within such ten day period, send notice to the applicant detailing the specific ways in which the application is deficient, with reference to applicable code sections.
 - d. *Action.* Upon the determination of completeness for a submitted application for a sign permit within ten business days the director shall either: Issue the sign permit, if the sign(s) subject of the application conform in every respect with the requirements of this code: or reject the sign permit if the sign(s) fail in any way to meet the requirements of this code. In case of rejection the Director shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) fail to meet code requirements. Upon rejection of an application for failure to meet dimensional requirements the Director shall inform the applicant of the right to petition for a dimensional variance from Board of Zoning Appeals.
- (J) Installation of Signs. Signs requiring permit shall be erected, installed, or created only in accordance with a duly issued and valid sign permit from the Director.
- a. *Inspection and certification of compliance.* Upon completion of the construction of a new or modified sign the Director shall inspect the sign to ensure compliance with the submitted plan and applicable codes. If the construction is not complete and in full compliance at the time of the inspection, the Director shall notify the permit holder in writing by certified letter of any deficiencies. Upon receipt of the notice of deficiency the owner shall have 10 days to bring the sign into compliance. If the owner fails to bring the sign into compliance within the specified 10 days the Director may revoke the permit and order the sign removed as necessary. Once construction is complete and in full compliance the Director shall issue a Certificate of Compliance.
- (K) Temporary Sign Permits Private Property. Temporary signs larger than 16 square feet including banners, portable signs, inflatable signs or inflatable displays associated with a specific product or company that do not exceed the sign height limitations for that zone lot and any other type of sign not permanently mounted and not designed to be permanently mounted. Temporary sign permits on private property shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:
- a. *Term.* A temporary sign permit shall allow the use of a temporary sign for a maximum of 30 days per quarter for a maximum of 120 days in a calendar year. Permission to use a temporary sign for more than 30 consecutive days requires approval of a variance petition by the Board of Zoning Appeals.

DRAFT 8

August 9, 2018

- b. *Number.* Only 4 temporary sign permit(s) shall be issued to the same business, on the same zone lot in any calendar year.
- (L) Time of Compliance: Nonconforming Signs and Signs without Permits. Any sign that was not a legal sign under the previous sign regulations and is still not a legal sign under the provisions of these new sign regulations is still illegal and as such must be brought into compliance with these sign regulations.
- (M) Violations. Any of the following shall be a violation of this code and shall be subject to enforcement remedies and penalties provided by the Area Zoning Code, Building Code and in conformance with the relevant Indiana Code provisions:
 - (1) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or zone lot on which the sign is located.
 - (2) To install, create, erect, or maintain any sign requiring a permit without such permit.
 - (3) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located
 - (4) To fail to remove any sign that is installed, created, erected or maintained in violation of these sign regulations. or
 - (5) To continue any such violation, each day a violation continues shall be considered a separate violation when applying Section 153.99 Remedies and Penalties of the Area Zoning Code.
 - (6) Each sign installed, created, erected, or maintained in violation shall be considered a separate violation when applying Section 153.99 Remedies and Penalties of the Area Zoning Code.
- (N) Enforcement and Remedies. Any violation or attempted violation of these sign regulations shall be enforced under the enforcement in accordance with the procedures as adopted under Section 153.99 Remedies and Penalties of the Area Zoning Code.
- (O) Fee Schedule. The fees for sign permits beginning with the adoption of these sign regulations shall be:
 - (1) *Fee exemptions.* City and County public entities **and units of government**, Fayette County School Corporation, agencies receiving direct support from City and County government.
 - (2) **Fees and Inspections**
 - (a) Temporary sign greater than 16 square feet in size (30 day permit): \$25.00 per use
 - (b) Portable signs used as a temporary sign (30 day permit): \$25.00 per use
 - (c) Base permanent sign fee \$75.00 + \$25.00 for each additional sign (integrated shopping center freestanding sign counts as one sign) + \$25 for each required inspection
 - (d) Signs less than 32 square feet without electricity for lighting or other feature \$50.00
- (P) **Inspections. When appropriate to the type of sign installed the following inspections are required. Without all required inspections Area Plan Commission staff shall not issue a Certificate of completion.**
 - (1) Footings
 - (2) Frame
 - (3) Wall sign attachment
 - (4) Electric rough
 - (5) Final