

AVON ZONING ORDINANCE

CHAPTER 18. REVISION HISTORY

CHAPTER 18. SIGNS

<b>Ordinance #</b>	<b>Plan Commission Approval Date</b>	<b>Town Council Adoption Date</b>	<b>Description</b>
2002-14	09-24-02	11-14-02	Adoption of Chapter 18.
2009-10	03-23-09	04-09-09	Section 18-4.19 Political Signs
2009-10	03-23-09	04-09-09	Section 18-7.1 Regulations for Residential Districts
2011-08	04-25-11	05-12-11	18.3 Garage Sale Signs, 18.5 Illumination, 18.7 Tables Private Drives
2012-23	10-29-12	11-15-12	18-6.2(D) Temporary Sign Numbers

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## CHAPTER 18. SIGNS

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### **Section 18-1. Purpose**

The purpose of this Chapter is to provide a legal framework for the comprehensive regulation of signs in the Town of Avon. It recognizes the important communication function that signs serve within the community. It also recognizes that while aesthetics and design cannot be satisfactorily legislated, as individual opinions may vary, a community must ensure that all signs within its jurisdiction are structurally sound, well maintained, uncluttered in appearance, and harmonious to surrounding sites. To achieve this purpose, this Chapter is intended to control the height, area, location and other similar aspects of signs and sign structures, while also:

1. preserving the non- commercial character of residential neighborhoods;
2. providing reasonable yet appropriate conditions for identifying businesses and services rendered in commercial, institutional and industrial areas;
3. encouraging signs of good design which are integrated and harmonious to the sites they serve;
4. reducing potential hazards to motorists and pedestrians by restricting signs and lights which exceed a viewers' capacity to receive information or which increases the potential for accidents created by signage that distracts or obstructs a viewer's vision;
5. safeguarding and enhancing property values;
6. protecting public and private investment in buildings and open space; and
7. protecting the health, safety and general welfare of the residents of the Town.

### **Section 18-2. Signs Prohibited**

The following signs shall be prohibited.

1. Signs or sign structures placed on, in, or above the right-of-way of an alley or a street, with the exception of official signs or signs erected on behalf of or pursuant to authorization of the Town, Hendricks County, the State of Indiana or the United States of America.
2. Signs which imitate traffic signs, including not but not limited to, signs which incorporate the words STOP, DANGER, WARNING, CAUTION, or GO SLOW, unless such language is part of a name of a business. (Private traffic direction signs shall not be deemed to fall within this prohibition.)
3. Signs or sign structures located in a manner that impede the view of any street or highway

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intersection or in such a manner as to impede the view of the intersection of a street or highway with a railroad crossing. No sign or sign structure shall be located in the Visual Clearance Areas set forth in Chapter 13, Section 13-1[7].

4. Signs which move or give the appearance of movement, including but not limited pennants, banners, wind signs or any similar signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means. Signs containing flashing or running lights that give the illusion of movement.
  - A. Certain temporary promotional signs as described in Section 18-6 shall not be deemed to fall within this prohibition provided a sign permit is first obtained from the Zoning Administrator pursuant to Section 18-3 below. See Section 18-6 for permitted temporary promotional sign types and locations.
5. Signs or sign structures affixed, displayed, or located on any utility pole, light standard, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless authorized by Section 18-4[3].
6. Signs painted on, attached to, affixed, or maintained upon trees, rocks, or other natural features. Signs painted directly on an exterior wall, fascia, or parapet of a building, fence, or chimney. Signs painted directly on a roof or embedded in the shingle design.
7. Portable signs, including but not limited to, A- or T-frame, and signs on trailer frames whether or not the trailer wheels or the typeface have been removed. A- or T- frame signs may be permitted as temporary promotional sign types as provided for in Section 18-6. See Section 18-6 for permitted temporary promotional sign types and locations.
8. Signs placed on parked vehicles, boats, or truck or utility trailers located on a public right-of-way, public property, or on private property which is visible from a public right-of-way, the apparent purpose of which is to advertise a product or to direct the public to a business or activity.
  - A. This paragraph is not intended to apply to standard advertising or identification practices where signs or advertising is painted on or permanently attached to business or commercial vehicles which are used in the daily operation of the business and parked in designated parking spaces designed for their particular vehicle type.
  - B. Vehicles with advertising or identification shall be in regular use by the business and shall not be permanently parked in the same parking space, so as to be used as an additional sign for the business.
9. Inflatable images such as balloons except as specifically authorized in Section 18-6.
10. Roof signs and projecting signs.
11. Signs that display obscene matter.
12. Illegal signs, obsolete signs and signs that contain inaccurate or outdated information.
13. Outlining property lines or open sales areas with exposed bulb or festoon lighting, except as specifically authorized in Section 18-6 below, shall be prohibited.
14. Pole signs, except for off premise advertising signs which meet the requirements of Section 18-9.
15. Electronic message boards, except for time and temperature signs which meet the requirements of Section 18-4(9).
16. An Off-Premise Advertising Sign and another principal use on the same lot. Off-Premise Advertising Signs shall constitute a primary use of a zoning lot or lot of record.
17. Snipe signs.

### Section 18-3. Sign Permits

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## 1. Scope

No sign, except as provided in Subsection 18-4 below, shall hereafter be erected, constructed, altered, or relocated without first obtaining a permit from the Zoning Administrator. This provision shall include changes to the face of an existing sign.

## 2. Applications

Applications for a sign permit shall be filed with the Zoning Administrator in accordance with the requirements of Chapter 3 (Applications and Hearings).

A. In addition, all applications shall contain the following information.

(a) Name, address and telephone number of the applicant.

(b) A site plan drawn to scale showing:

(1) The location of the building, structure or parcel of property to which, or upon which, the sign or signs are to be attached or erected and location of parking, driveways and landscaped areas and the position of each sign in relation to building, structure or parcel;

(2) Computation of maximum sign area for the lot and for each individual sign, as well as the height of each sign and the height of each sign in relation to street grade;

(3) Two (2) copies of detailed sign plans and specifications that demonstrate the method of construction; and

(4) A sketch showing sign faces, exposed surfaces and the proposed message thereof accurately represented in scale as to size, proportion and color.

(5) A sign lighting plan that meets the requirements of Section 18-5(3) below.

(c) Name of the person, firm, corporation or association erecting, constructing, altering or relocating the sign.

(d) Written consent of the owners of the building, structure or land on or to which the sign is to be erected.

(e) Such other information as the Zoning Administrator may require demonstrating full compliance with this and all other laws and ordinances of the Town.

## 3. Issuance of the Permit

### A. Zoning Administrator

Upon receipt of a fully complete sign permit application, the Zoning Administrator shall examine the application and all material attached thereto to determine its compliance with this Chapter, as well as any other applicable Town ordinance or law. The Zoning Administrator shall take formal action on the application within thirty (30) days of the date the application was filed.

### B. Approval by Electrical Inspector

Applications for a sign permit in which electrical wiring and connections are to be used shall also be reviewed and approved by the Electrical Inspector for the Town.

### C. Validity of the Permit

If work authorized under a sign permit has not been started within six (6) months or completed within one (1) year of the date of issuance, the sign permit shall then become void.

### D. Effect of the Permit

A sign permit issued hereunder shall not be deemed to permit or authorize the erection, construction, alteration, or relocation of an illegal sign nor shall a permit issued hereunder constitute a defense in an action to abate an illegal sign.

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### E. Appeals

An appeal from the decision of the Zoning Administrator shall be taken to the Board of Zoning Appeals pursuant to Chapter 4, Section 4-5 (Appeals).

### Section 18-4. Exemptions

The following signs shall be exempt from the permit requirements set forth in Section 18-3 above, provided however, they meet the remaining requirements of this Chapter, as well as any limitation set forth elsewhere in this Ordinance. Such signs shall not be counted against the maximum signage allowance set forth for the zoning district in Section 18.7, provided they meet the specific standards set forth herein.

1. Public Service Signs. Signs used for safety purposes relative to the repair or maintenance of streets, sidewalks, or utilities in a public right-of-way.
2. Address Signs. Address numbers not exceeding two square feet in area.
3. Governmental. Signs and public notices erected or required by governmental bodies, or authorized for a public purpose by any law, statute, or ordinance.
4. Public information Signs. Signs identifying the telephone, restrooms, and similar facilities, providing no advertising matter accompanies the sign.
5. Flags. Flags of the United States of America, any state, or a unit of local government. Flags shall not exceed sixty (60) square feet. Flagpoles accompanying such flags shall meet all setback requirements and shall be limited to a height of thirty (30) feet in residential districts and forty (40) feet in non-residential districts. Public utility poles shall not be used for the mounting of flags except where public entities or service organizations are granted permission for such use by both the Town and by the public utility provider.
6. Corporate Flags. Corporate flags when flown in conjunction with the flag of the United States of America provided such corporate flag is no larger than twenty-four (24) square feet in area and no larger than the American flag with which it is flying.
7. Memorial Plaques. Memorial plaques and cornerstones when not exceeding four (4) square feet in area when permanently affixed to a building or premises.
8. Bulletin boards. Notice and bulletin boards for public, charitable, religious, or similar type institutions when not exceeding sixteen (16) square feet and located on the same premises as the institution. No more than one sign per lot. Such signs shall not be visible from the public right-of-way, nor externally illuminated.
9. Time and Temperature Signs. Time and temperature signs containing computer generated messages such as a time, temperature and date, and not exceeding two (2) square feet. Time and temperature signs shall not be designed to contain flashing or running lights that give the illusion of movement. Time and Temperature signs shall meet the requirements of sign illumination set forth in Section 18-5[3] below.
10. Historical Identification Signs. Signs for property designated by the Federal, State, or local governments as a historical location, site, or landmark, provided such sign does not exceed twelve (12) square feet.
11. Miscellaneous Information Matter. Matter appearing on newspaper vending boxes, automatic teller machines, and other vending machines, or matter appearing on or adjacent to entry doors such as "Push," "Pull," "Open," "Closed," "Vacancy" and "No Vacancy" or matter appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information.
12. Remembrances. Tablets, grave markers, headstones, statuary/memorial plaques or remembrances of persons or events that are non-commercial in nature.

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13. No trespassing signs. No trespassing signs, warning signs (e.g., "Beware of Dog") and other such signs regulating the use of property when such signs do not exceed two (2) square feet in area.
14. Private traffic direction signs. Private traffic direction signs directing traffic movement in and around a site, provided such signs do not exceed four (4) square feet in area and four (4) feet in height for each sign and that such signs contain no commercial messages.
15. Real Estate signs. Real estate signs in the type and number listed below.
  - A. Signs advertising the sale, lease, or rent of residential property, provided:
    - (a) no sign shall exceed six (6) square feet in area;
    - (b) no sign shall exceed four (4) feet in height;
    - (c) no sign shall be displayed above the second floor of a multi-story building;
    - (d) not more than one (1) sign per street frontage of the residential property being sold, leased, or rented;
    - (e) no sign shall be closer than ten (10) feet to a property line;
    - (f) the sign is removed seven (7) days after the closing or execution of the lease; and
    - (g) no off premise directional signs shall be permitted, except when associated with an open house as set forth below.

**B. Open House signs, provided:**

- (a) no sign shall exceed four (4) square feet in area;
- (b) no sign shall exceed two (2) feet in height;
- (c) no sign shall be displayed above the second floor of a multi-story building;
- (d) not more than one (1) sign per street frontage property being sold, leased, or rented is displayed;
- (e) no sign shall be closer than ten (10) feet to a property line; and
- (f) the sign is placed no more than twenty-four (24) hours prior to the open house and removed within twenty-four (24) hours after the open house.

In addition, for each open house there shall be allowed-directional signs provided:

- (a) no sign shall exceed four (4) square feet in area;
- (b) no sign shall exceed two (2) feet in height
- (c) no sign is located in the public right-of-way;
- (d) no sign is located closer than ten (10) feet to a property line;
- (e) no sign is erected more than twenty-four (24) hours prior to the open house;
- (f) such signs are removed within six (6) hours after the open house; and
- (g) such signs are located only at the entrance to the subdivision in which the home is located and/or at street corners within the subdivision where a change in driving direction is required.

The Town of Avon reserves the right to remove any open house sign summarily without notice that creates a visual obstruction or impedes the orderly flow of traffic.

- C. Signs advertising the sale, lease, or rent of unimproved property, including lots for sale in a platted residential subdivision or horizontal property regime (HPR), provided:
  - (a) for properties up to ten (10) acres, no sign shall exceed sixteen (16) square feet in area;
  - (b) for properties above (10) acres, no sign shall exceed thirty-two (32) square feet in area;
  - (c) not more than one (1) sign per street frontage of the unimproved property being sold, leased, or rented is displayed;
  - (d) no sign shall be closer than ten (10) feet to a property line;
  - (e) every sign is removed seven (7) days after the closing or execution of the lease, or in the case of a multiple lot subdivision or HPR, when 90% of the lots are sold; and
  - (f) no off premise directional signs shall be permitted.
  - (g) Model home courts may be permitted one additional sign which meets the standards set

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forth in items a through f above.

**D. Signs advertising the sale, lease, or rent of non-residential property, provided:**

- (a) for properties up to five (5) acres, no sign shall exceed sixteen (16) square feet in area,
- (b) for properties above five (5) acres and up to ten (10) acres, no sign shall exceed thirty-two (32) square feet in area;
- (c) for properties above (10) acres and up to twenty (20) acres, no sign shall exceed forty-eight (48) square feet in area;
- (d) for properties above twenty (20) acres no sign shall exceed sixty-four (64) square feet in area;
- (e) no more than one (1) sign per street frontage of the non-residential property being sold, leased, or rented;
- (f) no sign shall be closer than ten (10) feet to a property line; and
- (g) every sign is removed seven (7) days after the closing or execution of the lease.
- (h) No off-site directional signs shall be permitted.

- 16. Construction Project Signs. Not more than two (2) construction signs per street frontage with a sign area not to exceed thirty two (32) square feet each. Such signs shall not exceed ten (10) feet in height. The signs shall be confined to the site of the construction, and shall be removed within ten (10) days after completion of the project and prior to occupancy.
- 17. Contractor Signs. Not more than one (1) sign per contractor providing services on the site. Such signs shall not exceed four (4) square feet in area and shall not exceed three (3) feet in height. The signs shall be confined to the site of the service being performed and shall be removed immediately following the completion of the service.
- 18. Window Signs. In all commercial districts, two signs per window with the total sign area for both signs not to exceed twenty-five percent (25%) of the window surface area. A series of windows that are separated by frames and supporting material of less than six (6) inches in width shall be considered as a single window for the purposes of area computation. Such signs shall not be illuminated.
- 19. Political Signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots. Such signs shall comply with the general sign standards contained in Sections 18-5 and 18-7 of the Avon Zoning Ordinance.
- 20. Decorative seasonal or holiday signs and lights customarily and commonly associated with any national, local or religious holiday. Such decorated seasonal displays shall not be located in any public right-of-way and shall meet all setbacks for the lot on which they are located.
- 21. The outlining of structural or architectural elements of buildings, such as roof lines or wall edges using neon, incandescent, or similar type of lighting in any C-3 Highway Commercial District, SC Shopping Center District, or Industrial District shall not be considered a sign for the purposes of this Ordinance. However, if such outlining contains text or logos, such items shall be considered signs and regulated by this Ordinance according to their placement and type.
- 22. For the purposes of this Chapter 18, the manual changing of copy on a sign, bulletin board, display encasement, or marquee where no structural changes are made, or the changing of interchangeable letters on signs designed for use of interchangeable letters, shall not require a permit.
- 23. Athletic Field Sponsorship Signs shall be permitted without limitation to number, provided such signs meet the following standards:
  - A. Sponsorship signs may only be affixed to fencing comprising part of, or located on the perimeter of, each athletic field located within the facility. If the sponsorship sign is visible from a public right-of-way and it is to be displayed on fencing which runs along the perimeter of the recreational facility, it shall be placed in such a fashion so that the sign face is inwardly

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oriented relative to the perimeter of the recreational facility. Signs may also be affixed to buildings within the complex.

- B. Sponsorship signs shall be maintained in good condition and appearance and secured at all four corners.
  - C. Sponsorship signs shall be limited in size to 24 square feet per sign.
  - D. Sponsorship signs shall not be lighted other than by a light source for the athletic field when the athletic field is in use.
24. Field Banners shall be permitted, provided such signs meet the following standards:
- A. One field banner per field.
  - B. Maximum size shall be forty (40) square feet.
  - C. Field Banners shall be maintained in good condition and appearance and be secured at all four corners.
  - D. Field Banners shall be posted for no more than nine (9) months during any calendar year.
  - E. Field Banners shall not be lighted other than by a light source for the athletic field when the athletic field is in use.
25. Pre-occupancy Signs used to identify the coming of a new business may only be used if attached in a secure manner to a structure such as an existing sign, on-site construction/hiring office, or building. Banners may not be permitted to span two (2) fixed points and may not be attached to natural features such as trees, rocks, and the like. Pre-occupancy signs may not exceed thirty-two (32) square feet in area and must be removed within thirty (30) days of the opening of the business or upon the installation of a permanent sign, whichever is earlier.
26. Now Hiring Signs: One (1) “now hiring” sign not more than ten (10) square feet in area and four (4) feet in height is permitted per individual freestanding business, shopping center or other multi-tenant facility. Now hiring signs may be permitted within a required front yard but shall not obstruct public walkways and shall not be located in the right-of-way of a public road.
27. Garage Sale Signs, provided:
- (a) no sign shall exceed four (4) square feet in area;
  - (b) no sign shall exceed two (2) feet in height;
  - (c) no sign shall be displayed above the second floor of a multi-story building;
  - (d) no sign shall be closer than ten (10) feet to a property line; and
  - (e) the sign is placed no more than twenty-four (24) hours prior to the Garage Sale and removed within twenty-four (24) hours after the Garage Sale.
- In addition, for each Garage Sale there shall be allowed directional signs, provided:
- (g) no sign shall exceed four (4) square feet in area;
  - (h) no sign shall exceed two (2) feet in height
  - (i) no sign is located in the public right-of-way;
  - (j) no sign is located closer than ten (10) feet to a property line;
  - (k) no sign is erected more than twenty-four (24) hours prior to the Garage Sale;
  - (l) such signs are removed within six (6) hours after the Garage Sale;
  - (m) such signs are located only at the entrance to the subdivision in which the home is located and/or at street corners within the subdivision where a change in driving direction is required; and
  - (n) such signs shall state the address of the property at which the Garage Sale will occur.



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The Town of Avon reserves the right to remove any Garage Sale sign summarily without notice that creates a visual obstruction or impedes the orderly flow of traffic.

- (a) These Garage Sale sign provisions shall specifically prohibit the practice of placing off-site, directional Garage Sale signs at major intersections and within Town roundabout intersections.
- (b) No provision of these sign regulations shall allow any property to exceed the maximum number of Garage Sales allowed within a twelve-month period by Chapter 13, Section 13 subsection (3)(B) (two per twelve-month period).

### Section 18-5. General Sign Standards

#### 1. General Limitations

- A. No sign shall be erected or maintained so as to prevent the free ingress or egress from any door, window, or fire escape, and no signs shall be attached to a standpipe or fire escape.
- B. No sign shall have more than two (2) sign faces.
- C. No sign shall be located so as to project above the top edge of the roof or the top of the parapet whichever forms the top line of the building silhouette. A roof-integral sign shall not exceed a height of six (6) feet. A roof-integral sign may not exceed a height, when measured from grade to the sign's highest point, of twenty-six (26) feet.
- D. No building mounted sign shall project into the public right-of-way nor shall a sign attached to a building extend more than eighteen (18) inches from the face of the building or be less than nine (9) feet above grade.
- E. Except as otherwise provided in this Chapter, permitted signs in the residential districts may be located anywhere on the property provided they are no closer than ten (10) feet to any property line.

#### 2. Specific limitations

##### A. Awnings, canopies, and marquees

- (a) Awnings, canopies, and marquees shall not, at the top edge, exceed a height of twenty (20) feet above the average grade.
- (b) The bottom edge of an awning, canopy, or marquee shall not be less than ten (10) feet above the average grade over walkways and not less than fifteen (15) feet over driveways.
- (c) The area of awning, canopy and marquee signs shall be counted against the maximum sign area for wall signs permitted by this Chapter.

##### B. Changeable copy signs

- (a) Notwithstanding further provisions of Section 18-10, where permitted, no more than one (1) changeable copy sign shall be allowed per zoning lot.
- (b) Changeable copy signs shall not have its message changed more than eight (8) times per day.
- (c) Changeable copy signs shall meet the requirements of Section 18-5[3] below. Changeable copy signs shall be used in conjunction with pylon or ground signs and such signs shall be counted as and included in maximum area requirement for either the pylon sign or ground sign.
- (d) Notwithstanding further provisions of Section 18-10, a changeable copy sign shall not exceed thirty percent (30%) of the permitted sign area of the host sign.

#### 3. Illumination

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In addition to the requirements for outdoor lighting found in Chapter 14, Section 14-15, the illumination of signs shall meet the following requirements.

### **A. Location and Design of Light Source**

Whenever an external artificial light source is used to illuminate a sign, such source shall be so designed, located, shielded and directed as to prevent the casting of direct light upon any public right-of-way or residential property line, or any point twenty (20) feet or more outside other adjoining property lines. A receptacle or device housing a permitted light source shall be top mounted and directed below the horizontal, except for ground-mounted signs no higher than six (6) feet which may be illuminated with ground-mounted or bottom-mounted lighting fixtures.

### **B. Level of Illumination for Externally Illuminated Signs.**

The average level of illumination on the vertical surface of an externally illuminated sign shall not exceed thirty (30) foot-candles, unless permitted ground-mounted or bottom-mounted lighting fixtures are used, in which case the average level of illumination on the vertical surface of the sign shall not exceed twenty (20) foot-candles. No exposed reflective type bulb or incandescent lamp shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public right-of-way or adjacent property.

### **C. Colors for Internally Illuminated Signs.**

Except for changeable copy, internally illuminated signs shall be constructed with an opaque or colored background and lighter contrasting text or symbols.

1. This regulation shall not prevent the use of darker text characters with a lighter background color when the lighter background color is neither clear nor white.

### **D. Signs Adjacent to Residential Districts.**

No sign within six hundred (600) feet of a Residential District shall be illuminated unless the sign is visibly obstructed from view from the Residential District. This section shall not apply to residential development identification signs, vending machines, telephone booths, time and temperature signs, or signs that do not exceed two (2) square feet in area.

### **E. Neon Lighting**

For the purposes of this ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs, provided that there shall be no color restrictions on neon signs.

## **4. Sign Area Computation**

The following principles shall control the computation of sign area.

### **A. Computation of Area of Individual Signs**

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing unless such framework or bracing is made part of the message or face of the sign.

### **B. Computation of Area of Multiple-Faced Signs**

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42)

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inches apart, the sign area shall be computed by the measurement of one of the faces. (Signs that require other signs to display full meaning, such as individually displayed letters or pictorial displays, shall be considered one (1) sign.) If both faces of a sign are visible from any one point, both sign faces shall be computed separately.

### **C. Computation of Height**

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

### **5. Construction, Design, and Maintenance**

- A.** All signs shall meet the construction and design standards set forth for signs in the Town's Building Code. All signs shall also be designed and constructed to withstand wind pressures and dead loads as required by the Town's Building Code.
- B.** Every sign established in the Town shall, at all times, be maintained in good aesthetic and structural condition. The Zoning Administrator shall have the authority to inspect any sign pursuant to Section 18-10 below, and order any remedial action authorized thereunder.

### **6. Litter Control**

All signs and the premises surrounding the sign shall be maintained in a clean, sanitary and inoffensive condition, and free and clear of all noxious substances, rubbish and weeds.

### **7. Landscaping Requirements**

Every ground, pylon, or integrated center identification sign shall meet the landscaping standards hereinafter specified.

- A.** For every square foot of sign surface area there shall be provided 0.5 square feet of landscape area around the base of the sign.
- B.** Any sign constructed or erected to a height in excess of ten (10) feet above the average surrounding grade shall be required to be improved with an additional one square foot of landscaped area for each foot of height or portion thereof that said sign is constructed or erected above said ten (10) feet in height.
- C.** The required landscaped areas shall be improved with plantings such as hedges, conifers, flowering plants, miniature evergreens, or other similar specimens of a size and in quantity proportionate to the size and height of the sign as determined by the Zoning Administrator.
- D.** In addition to the plantings herein described, the landscaped area shall also include ground protection such as, but not limited to, ground cover plants, landscaping bark, decorative stone or landscape timbers.
- E.** It shall be the duty of each party owning any lot or parcel improved or to be improved with the landscaping required herein to maintain said landscaping including, but not by way of limitation, the replacement of any dead or diseased vegetation, the trimming of any overgrown vegetation and the maintenance of any groundcover or protection provided in accordance with the terms hereof.
- F.** All sign landscaping shall be installed at the time the sign is erected. However, the installation of required plant materials may be delayed until the next optimal planting season,

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as determined by the Zoning Administrator.

### **Section 18-6. Temporary Signs**

The following signs shall be permitted in the Town provided that they first obtain a permit in accordance with Section 18-3 above. Temporary Promotional Signs shall, in all respects, comply with the applicable regulations contained in this Chapter 18.

#### **1. Application Information**

In addition to the requirements for specific temporary signs set forth below, all temporary signs shall be subject to the following:

- A.** All temporary signs shall require a permit. Applications for temporary sign permits shall include a diagram depicting the number, exact location, size and other information identifying any proposed signage.
- B.** A combination of two (2) sign types may be included within the temporary promotional signage.
- C.** A sign shall not exceed thirty-two (32) square feet per sign face, and shall not have its own illumination source.
- D.** All said signs shall not exceed ten (10) feet in height if freestanding, or if placed on a principal building, remain one (1) foot below the roofline. All temporary signs shall be properly secured from all corners.
- E.** Signs shall not obstruct public walkways and shall not be located in the right-of-way of a public road.

#### **2. Temporary Promotional Signs**

Portable signs and banners related to a specific promotion or event may be permitted as temporary promotional signs when specifically approved by the Zoning Administrator. Temporary promotional signs shall be subject to the following conditions.

- A.** Each business may be permitted sixty (60) days of temporary signage within one (1) calendar year. A temporary sign permit may be issued for up to fifteen (15) days. Once a temporary promotional sign permit has expired, a business shall not be permitted another such permit for thirty (30) days.
- B.** No business shall receive more than four (4) temporary sign permits in any twelve (12) month period.
- C.** Temporary promotional signs shall not be located within the right-of-way of any public street or within the required front setback of any lot.
- D.** No more than two (2) signs may be included with an approved Temporary Sign Permit.

#### **3. Grand Opening Signs**

Portable signs, banners, balloons, pennants, streamers, festoon lights or other signs related to the initial opening and reopening of a new business may be permitted as grand opening signs when specifically approved by the Zoning Administrator. Grand opening signs shall be subject to the following conditions:

- A.** The display must occur within the first six months after either the opening of the business or a change in ownership of the business.
- B.** The grand opening signs shall be permitted for a period not to exceed thirty (30) days.
- C.** Grand opening signs shall not be located within the right-of-way of any public street or within five (5) feet of any property line.

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### 4. Civic Event Signs

Portable signs, banners, pennants, balloons, streamers, or other promotional signs related to a specific civic event shall be permitted as civic event signs when specifically approved by the Zoning Administrator. Civic events shall include any events hosted by the Town or other municipality or events that are intended to be community-wide. Civic event signs subject to the following conditions.

- A. A civic event may have up to two (2) signs located on the premises where the event is to take place. Such signs shall not exceed thirty-two (32) square feet for each sign.
- B. A civic event may have a maximum of ten (10) off premise signs promoting the event. Such off premise signs shall not exceed six (6) square feet in area for each sign and shall have a maximum height of three (3) feet.
- C. Signs promoting a civic event, whether on premise or off premise, shall not be located within the right-of-way of any public road or within a vision clearance triangle (see Section 13-1(7)).
- D. Each civic event sign shall be permitted for a three-week period and must be removed within the three days following the event.
- E. All signs shall be good quality and of weatherproof construction with supports suitable to maintain the sign for the permit period.
- F. No civic event sign shall be smaller than six (6) square feet or exceed a maximum of thirty-two (32) square feet.

### Section 18-7. Regulation by District Classification

#### 1. Residential Districts

Subject to the requirements of Section 18-3 above, the following signs may be permitted in the Residential Districts and the MH-1 Mobile Home Park District. All signs in residential and MHP Mobile Home Park districts shall display only muted colors and shall be compatible with the surrounding landscape.

Residential Districts				
	Maximum Number	Maximum Area	Maximum Height	Illumination
<b>Ground or Wall – single family subdivision identification, mobile home park identification</b>	1 two-faced sign per entrance or 2 complementary one-sided face signs per entrance.	20 square feet		Each sign shall be illuminated.
<b>Ground or Wall - multiple family complex identification</b>	1 sign per entrance or 2 one-sided face signs per entrance.	24 square feet		Each sign shall be illuminated.
<b>Ground or Wall – Non Residential Uses permitted in Residential Districts</b>	1 each ground or wall sign per public street frontage.	40 square feet per sign	6 feet	Ground signs may be illuminated and may contain changeable copy subject to Section 18-5(2)(B). Wall signs shall not be illuminated. Each sign shall indicate only the name and address of the building or use, conditions of operation, and associated information; it shall not include promotional information.
<b>Temporary Promotional</b>	See Section 18-6.			
<b>Exempt</b>	See Section 18-4. No more than two exempt signs shall be permitted on any premise at any one time, regardless of the content or type of sign. This limitation shall not apply to political signs.			

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### 2. Commercial Districts.

Subject to the requirements of Section 18-3, signs permitted in the Commercial Districts are set forth below. No more than one free standing sign (either pylon or ground) shall be permitted per road frontage, except where a unified center sign is used, in which case one sign shall be permitted per entrance to the center.

<b>C-1 Neighborhood Commercial and C-4 Transitional Office</b>				
	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Minimum Setback</b>
<b>Ground Signs</b>	1 sign per street frontage.	40 square feet per sign	6 feet	5 feet. 10' when abutting a residential district.
<b>Wall Signs</b>	1 sign per public street frontage. For multiple tenant buildings: 1 sign per tenant bay	1 square foot of area for each linear foot of building face per public street frontage, provided the maximum area for each street frontage does not exceed 100 square feet. For multiple tenant buildings: 1 square foot for each linear foot of tenant space per public street frontage, provided the maximum area per street frontage does not exceed 100 square feet		
<b>Awnings &amp; Canopies</b>	Awnings and Canopies may be permitted, however, if such structures incorporate signage, the signage will be counted as, and included in the wall sign area requirements.			
<b>Temporary Promotional</b>	See Section 18-6			
<b>Exempt</b>	See Section 18-4			

<b>C-2 General Commercial, C-3 Highway Commercial and SC Shopping Center Commercial</b>				
	<b>Maximum Number</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Minimum Setback</b>
<b>Ground Signs</b>	1 sign per 300 feet of public street frontage. Minimum separation: 100 feet.	60 square feet per sign	6 feet	10 feet
<b>Wall- multiple tenant</b>	1 sign per tenant bay. Tenants with frontage on more than one street may be permitted one (1) additional sign, provided no more than one sign is displayed on each street frontage.	1.5 square feet of area for each linear foot of building face per public street frontage and 0.5 square foot of area for each linear foot of building face per private street frontage, provided the maximum area for each street frontage does not exceed 300 square feet.		
<b>Wall- single use</b>	2 signs per public street frontage.	1.5 square foot of area for each linear foot of building face per street frontage, provided the maximum area for each street frontage does not exceed 150 square feet.		
<b>Awnings &amp; Canopies</b>	Awnings and Canopies may be permitted, however, if such structures incorporate signage, the signage will be counted as, and included in the wall sign area requirements.			
<b>Marquee</b>	A marquee sign may be permitted, however, the sign will be counted as and included in the wall sign area requirements.			
<b>Temporary Promotional</b>	See Section 18-6.			
<b>Exempt</b>	See Section 18-4.			

### 3. Industrial Districts

Subject to the requirements of Section 18-3 above, signs permitted in the Industrial Districts are set forth below. No more than one free standing sign (either pylon or ground) shall be permitted per road frontage, except where a unified center sign is used, in which case one sign shall be permitted per entrance to the center.

<b>I-1 Transitional Industrial, I-2 Light Industrial and I-3 Heavy Industrial</b>
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	Maximum Number	Maximum Area	Maximum Height	Minimum Setback
<b>Ground Signs</b>	1 sign per public street frontage.	60 square feet per sign	6 feet	10 feet
<b>Wall Signs</b>	1 sign per public street frontage.	1 square foot of area for each linear foot of building face per public street frontage, provided the maximum area for each street frontage does not exceed 100 square feet.		
<b>Awnings &amp; Canopies</b>	Awnings and Canopies may be permitted, however, if such structures incorporate signage, the signage will be counted as, and included in, the wall sign area requirements.			
<b>Temporary Promotional</b>	See Section 18-6.			
<b>Exempt</b>	See Section 18-4.			

<b>I-4 Industrial Park</b>				
	Maximum Number	Maximum Area	Maximum Height	Minimum Setback
<b>Ground Signs</b>	2 signs per entrance. Minimum separation: 100 feet.	60 square feet per sign	6 feet	10 feet
<b>Building Identification Ground Sign</b>	1 sign	16 square feet	4 feet	10 feet
<b>Pylon Signs</b>	2 signs per entrance.	60 square feet per sign	12 feet	20 feet
<b>Wall Signs</b>	1 sign per street frontage.	1 square foot of area for each linear foot of building face per public street frontage, provided the maximum area for each street frontage does not exceed 200 square feet.		
<b>Temporary Promotional</b>	See Section 18-6.			
<b>Exempt</b>	See Section 18-4.			

### Section 18-8. Integrated Center Signs

#### 1. Authority

For unified centers, including Shopping Centers, Planned Business Areas and Industrial Areas located in the C-2, C-3, C-4, SC, I-1, I-2, I-3, and I-4 zoning districts, in single ownership or under unified control, or individual uses with a collective and contiguous minimum frontage of 400 feet along one road, one additional business sign in addition to those signs permitted in this Section shall be permitted for each main entrance to such center, subject to the following:

- A. Such sign shall indicate only the name and location of such center and the name and type of business of the occupants of such center.
- B. Such sign shall be of a pylon or a ground mounted sign style.
- C. The maximum surface area of such sign shall not exceed 100 square feet.
- D. The maximum height of such sign shall not exceed 20 feet.
- E. Such sign shall follow the setback requirements for the style of sign in the district in which it is located.
- F. Integrated Center signs shall be located on one of the properties located within the integrated center advertised, provided that where an integrated center does not have frontage on a major public street, the Board of Zoning Appeals may issue a special exception for an off-site integrated center sign under the provisions of Section 4-4 of this Ordinance.

### Section 18-9. Localized Alternative Sign Regulations

#### 1. Authority

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Office parks, universities, colleges, medical centers, and institutions having multi-building campuses may establish a localized alternative sign regulation plan for their property subject to review and approval by the Board of Zoning Appeals pursuant to the procedures for special exceptions found in Chapter 4, Section 4-4 (Special Exceptions).

### 2. Application

Applications for a localized alternative sign regulation plan shall be filed in accordance with the requirements of Chapter 4, Section 4-4 (Special Exceptions). In addition, the localized alternative sign regulation plan shall contain all the information set forth in Section 18-3(2) and shall also specify standards for consistency among all signs within the affected area including, but not limited to:

- A. color scheme;
- B. lettering or graphic style;
- C. lighting;
- D. location of each sign; and
- E. sign materials and dimensions.

Applicants shall be encouraged to incorporate ground or pylon signs in association with wall or integral-roof signs. Pole signs shall be prohibited. For submitting to the public review process, applicants shall be entitled to a twenty-five percent (25%) increase for the sign area of all signs subject to the plan.

### 3. Sign Plan Control

No localized alternative sign regulation plan shall be approved by a special exception unless the regulations set forth in the plan are made part of the special exception and are binding on all real property and premises in the plan area.

### 4. Adherence

If approved, the localized alternative sign development plan shall control and be observed by the persons affected by the plan in lieu of compliance with Section 18-7 above.

## Section 18-10. Signs for Auto Filling Stations

Due to differing characteristics for auto filling station sign requirements, the following sign provisions shall apply for auto filling stations:

- 1. A convenience store located on the same premise as the filling station shall be a separate tenant than the filling station.
- 2. Signs such as “self serve”, “full serve” and pump numbers shall be permitted, provided the letters and numbers are no larger than six (6) inches in height.
- 3. Filling stations shall be permitted one (1) sign no larger than one square foot in area, per gasoline pump. Such signs shall be permanently mounted to gasoline pumps. No signage shall be permitted on the gasoline pump island canopy supports.
- 4. Filling stations shall be permitted one set of gasoline prices (one price per fuel product) with letters and numbers no greater than eighteen (18) inches in height in addition to the sign allowance permitted in Section 18-7, provided that the total additional signage permitted by this allowance does not exceed forty (40) square feet. Such prices shall not be considered as changeable copy under the provisions of Section 18-5(2)(B).

## Section 18-11. Off-Premise Advertising Signs

### 1. Districts Allowed



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Off-premise advertising signs shall be permitted only in the C-3 Highway Commercial District and the I-3 Heavy Industrial District, provided however, that no billboard advertising sign shall be located within six hundred and sixty (660) feet of U.S. Highway 36 or any Residential District.

### 2. Type of Sign Structure

Off-premise advertising signs shall be designed and constructed as Pole signs.

### 3. Maximum Sign Surface Area and Height

- A. An off-premise advertising sign shall not exceed three hundred (300) square feet of sign surface area. Temporary extensions or embellishments integrally incorporated into the sign surface having a vertical height of no more than four (4) feet above the top of a sign, a maximum horizontal dimension of no more than one (1) foot beyond the sides of the sign, and a maximum vertical dimension of one (1) foot below the bottom of the sign, may be permitted.
- B. An off-premise advertising sign shall not contain more than two (2) advertisements per sign surface.
- C. The maximum height of an off-premise advertising sign shall not exceed a height of thirty-five (35) feet.

### 4. Spacing Between Signs and Setbacks

- A. The minimum distance between off-premise advertising signs located along and oriented towards, the same side of a public street shall be two thousand five hundred (2,500) linear feet. For the purpose of applying these spacing requirements, off-premise-advertising signs shall be treated the same whether doubled faced or single faced.
  - (a) The spacing requirement shall be applied equally to both sides of the street at the same time regardless of whether the off-premise advertising signs are on the same side of the street.
  - (b) The spacing requirement shall be applied continuously along a street to all off-premise-advertising signs oriented towards that street in either direction whether separated by blocks or intersections.
  - (c) The method of measurement of the spacing between off-premise-advertising signs oriented towards the same street shall be along the centerline of the street to which the off-premise-advertising sign is oriented from the point in the street's centerline closest to the leading edge of the sign.
  - (d) In no event shall an off-premise-advertising sign be closer than one thousand (1,000) feet from any other off-premise-advertising sign regardless of location or orientation.
- B. Every off-premise-advertising sign shall be setback a minimum of sixty (60) feet from any right-of-way line.

### 5. Illumination

Lights illuminating an off-premise advertising sign shall meet the requirements specified in Chapter 18, Section 18-5[3] and shall be extinguished between the hours of 10 PM to 6 AM. Off-premise advertising signs shall be equipped with properly adjusted and functioning automatic timers and/or switches designed to automatically extinguish sign lighting with the required hours.

## Section 18-12. Enforcement

The Zoning Administrator is authorized to enforce the provisions of this Chapter. The Zoning Administrator may inspect, at such times as he deems necessary, each sign or sign structure regulated by this Chapter for the purpose of ascertaining whether the sign is in compliance with this Chapter or any other relevant Town code, law or ordinance.

### 1. Unsafe and Unlawful Signs

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### **A. Duty to Remove or Repair**

- (a) Should the Zoning Administrator find any sign regulated by this Chapter to be unsafe, unlawful, or a menace to the public; or constructed, erected, or maintained in violation of the provisions of this Chapter; he shall cause notice to be given to the holder of the permit in accordance with Chapter 19 (Enforcement).
- (b) If the holder of the permit should fail to remove the sign or bring the sign or other advertising structure in compliance, the Zoning Administrator shall cause prosecution of the violation in accordance with Chapter 19 (Enforcement).

### **2. Unlawful signs.**

Unlawful signs, regardless of type, are a violation of this Ordinance and shall be removed immediately upon notice. Should the owner fail to remove the sign or bring the sign or other advertising structure in compliance, the Zoning Administrator shall cause prosecution of the illegal sign in accordance with Chapter 19 (Enforcement).

### **3. Signs Causing Immediate Peril.**

The Zoning Administrator may cause any sign or other advertising structure that is causing immediate peril to persons or property to be removed summarily without notice.

### **4. Signs No Longer in Use**

Any sign advertising a defunct or relocated business, or an unavailable product or service, shall be deemed a violation of this Ordinance and shall be taken down and removed by the owner, agent, or person having the control of the premises upon which the sign is located within thirty (30) days of the violation. The Zoning Administrator shall give notice to the owner or to any person occupying the property, in accordance with Chapter 19 (Enforcement), that the sign on his premises is in violation. Failure to comply with the notice within the time specified shall cause the Zoning Administrator to prosecute the violation in accordance with Chapter 19 (Enforcement). The structure of a sign which is no longer in use may remain in place if the sign's message can be removed without detriment to the overall appearance of the sign. A decision to allow the structure of the sign to remain shall be at the discretion of the Zoning Administrator.

### **5. Additional Enforcement Action for Violations on Private Property**

In addition to proceeding under the provisions of Chapter 19 (Enforcement) for signs found to be in violation of the Chapter, the Zoning Administrator may enter onto the subject property and take the appropriate action, including removal of the sign, to bring the property into compliance. However, before such compliance action shall be taken, the Zoning Administrator shall provide notice to all persons holding a substantial interest in the property of his intentions and provide such persons a reasonable time to bring the property into compliance. If in enforcing this Chapter, the Zoning Administrator proceeds under this Section, the Town's expenses involved in such action shall be made to become a lien against the subject property.

### **6. Signs not Conforming to this Chapter**

#### **A. Authority to Continue**

Any lawful sign located within the Town at the effective date of this Ordinance or which shall come to be located in Town as a result of annexation after the effective date of this Ordinance, which does not conform to the provisions of this Chapter, may continue provided the sign remains in conformance with the provisions of this Section.

#### **B. Conditions of Lawful Status**

For the purposes of this Chapter, legal nonconforming status shall be conferred only on signs authorized by a sign permit or variance of a preceding ordinance, title, code, or law; or if no sign permit was required under the applicable preceding laws, the sign was otherwise in compliance with the requirements of the preceding ordinance, code, or law.

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### **C. Ordinary Maintenance and Repair**

Nothing in this Section shall relieve the owner or beneficial user of a legal nonconforming sign, or the owner of the property on which the legal nonconforming sign is located, from the provisions of this Chapter regarding safety, maintenance, and repair. Normal maintenance, including repainting, cleaning, or routine repair of a legal nonconforming sign, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the sign.

### **D. Repairs Pursuant to Public Order**

Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a legal nonconforming sign in accordance with a reasonable order of a public official who is charged with protecting the public safety and who declares such a sign to be unsafe and orders its restoration to a safe condition.

### **E. Loss of Lawful Status**

(a) Legal nonconforming status shall terminate under the following conditions:

- (1) if the use of a sign is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or
- (2) if a sign is structurally altered such that its nonconforming aspects increase; or
- (3) if a sign is relocated, replaced, or moved in any way; or the sign is damaged and the cost of repair exceeds fifty percent of its replacement value.

(b) Upon the event of any of the aforementioned, the sign shall be immediately brought into compliance with this Chapter in conjunction with a new sign permit, or the sign shall be removed. For the purpose of this Subsection the changing of copy shall not be considered the replacement of an existing legal nonconforming sign.