

AVON ZONING ORDINANCE

CHAPTER 18. REVISION HISTORY

CHAPTER 18. SIGNS

Ordinance #	Plan Commission Approval Date	Town Council Adoption Date	Description
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
2016-39	10-24-16	12-1-16	Revisions to entire Chapter 18
2017-24	09-25-17	11.16.17	Section 18-6 general standards; 18-12 enforcement; 18-13 outdoor advertising signs

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CHAPTER 18. SIGNS

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Section 18-1 Purpose and Manner of Regulation

- A. Purpose: The purpose of this Chapter is to provide a legal framework for the comprehensive regulation of signs in the Town of Avon. This regulation is designed to advance the Town of Avon's substantial interests in the following:
 - 1. Promoting traffic and pedestrian safety;
 - 2. Promoting the Town's unique residential, commercial, industrial, institutional, agricultural and other zoning districts, and the overlay districts which apply to these zoning districts;
 - 3. encouraging signs of good design which enhance the development environment and which are integrated and harmonious to the sites they serve;
 - 4. Promoting development which enhances property values;
 - 5. Preserving open space;
 - 6. Minimizing the visual clutter associated with multiple signs either on the same property or in signs in close proximity to one another; and
 - 7. protecting the health, safety and general welfare of the residents of the Town.
- B. Manner of Regulation
 - 1. The Town of Avon regulates signs only to advance its substantial governmental interests. These regulations do not consider the content of the regulated speech, are narrowly tailored to advance the Town's substantial interests, and leave open ample alternative channels of communication for information.

Section 18-2 Definitions

- A. The following definitions apply to this Chapter:

- 1. Obscene Signs: A sign is obscene when it, taken as a whole, appeals to the prurient interest, is patently offensive in light of community standards, and lacks serious literary, artistic, political, or scientific value. See *Miller v. California*, 413 U.S. 15 (1973).
- 2. Portable Signs: Signs including but not limited to "A" or "T" frame and signs on trailer frames, whether or not the trailer wheels or typeface have been removed.
- 3. Signs: An object, item or display which conveys information, imagery, and/or instructions. Objects such as flags, banners, plaques, bulletin boards, historical markers and remembrances are not

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signs. Exempt signs, as specifically identified in Section 18-5 are not considered signs subject to regulation for purposes of this Chapter.

B. The following terms and phrases, used in this Chapter, are defined in other chapters:

1. Commercial Zoning Districts: See Chapter 10.
2. Industrial Zoning Districts: See Chapter 12.
3. Non-Conforming Use: See Chapter 6.
4. Residential Zoning District: See Chapter 8.

Section 18-3 Signs Prohibited

A. Signs Adversely Affecting Traffic and Pedestrian Safety: The following signs are prohibited.

1. Signs or sign structures placed on, in, or above the right-of-way of an alley, road, highway, trail, street, or other thruway, with the exception of official traffic or information 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 or information signs;
3. Signs or sign structures located in a manner that impede the view visual clearance area, as set forth in Chapter 13, of any intersection of roads, alleys, trails, streets, highways or other thruways or the intersection of any thruway and a railroad crossing;
4. Signs which move or give the appearance of movement which distract or can distract operators of motor vehicles; and
5. Signs or sign structures affixed, displayed, or located on any structures located in the right-of-way of a road, street, highway, alley, trail or other thruway, including but not limited to structures such as utility poles, light standards, traffic control devices, or similar structures and their equipment.

B. Signs Adversely Affecting the Development Environment

1. Signs painted on, attached to, affixed, or maintained upon trees, rocks, or other natural features;
2. Signs painted directly on an exterior wall, fascia, or parapet of a building, fence, roof or chimney;
3. Signs embedded in wall structures or roof shingles;
4. Portable Signs;
5. Signs placed on parked vehicles, boats, trailers or other movable structures;
6. Signs that display obscene matter.

Section 18-4. Sign Permits

1. Scope

No sign, except as provided in Subsection 18-6 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).

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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.

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 18-5 Exemptions

A. The following signs shall be exempt from the permit requirements set forth in Section 18-4 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

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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. 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.
6. 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.
7. Remembrances. Tablets, grave markers, headstones, statuary/memorial plaques or remembrances of persons or events that are non-commercial in nature.
8. 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.
9. 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.

Section 18-6. 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 and outside the right-of-way.

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.

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- (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 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.
- (c) 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.
- (d) **The Owner of a changeable copy sign may substitute noncommercial copy in place of any other commercial or noncommercial copy. The substitution of copy is allowed by right without a new or additional permit. Nothing in this section should be construed as favoring commercial speech over noncommercial speech or the favoring of any particular noncommercial message over any other noncommercial message.**

3. Illumination

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. 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.

D. 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.

4. Sign Area Computation

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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) 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.

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- 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, as determined by the Zoning Administrator.

Section 18-7 Temporary Signs

The following signs shall be permitted in the Town provided that they first obtain a permit in accordance with Section 18-7 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 in excess of 6 square feet 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. Duration

- A. Temporary signs are allowed for not more than 60 days.
- B. A landowner or occupant may not apply for more than two permits during any 12-month period.

Section 18-8 Regulation by District Classification

1. Residential Districts

Subject to the requirements of Section 18-5 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.

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Residential Districts				
	Maximum Number	Maximum Area	Maximum Height	Illumination
Ground or Wall – single family subdivision identification, mobile home park identification	1 two-faced sign per entrance or 2 complementary one-sided face signs per entrance.	20 square feet		Each sign shall be illuminated.
Ground or Wall - multiple family complex identification	1 sign per entrance or 2 one-sided face signs per entrance.	24 square feet		Each sign shall be illuminated.
Ground or Wall – Non Residential Uses permitted in Residential Districts	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.
Temporary Promotional	See Section 18-7			
Exempt	See Section 18-5 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.			

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.

C-1 Neighborhood Commercial and C-4 Transitional Office				
	Maximum Number	Maximum Area	Maximum Height	Minimum Setback
Ground Signs	1 sign per street frontage.	40 square feet per sign	6 feet	5 feet. 10' when abutting a residential district.
Wall Signs	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		
Awnings & Canopies	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.			
Temporary Promotional	See Section 18-7			
Exempt	See Section 18-5			

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C-2 General Commercial, C-3 Highway Commercial and SC Shopping Center Commercial				
	Maximum Number	Maximum Area	Maximum Height	Minimum Setback
Ground Signs	1 sign per 300 feet of public street frontage. Minimum separation: 100 feet.	60 square feet per sign	6 feet	10 feet
Wall-multiple tenant	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.		
Wall-single use	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.		
Awnings & Canopies	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.			
Marquee	A marquee sign may be permitted, however, the sign will be counted as and included in the wall sign area requirements.			
Temporary Promotional	See Section 18-7			
Exempt	See Section 18-5			

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.

I-1 Transitional Industrial, I-2 Light Industrial and I-3 Heavy Industrial				
	Maximum Number	Maximum Area	Maximum Height	Minimum Setback
Ground Signs	1 sign per public street frontage.	60 square feet per sign	6 feet	10 feet
Wall Signs	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.		
Awnings & Canopies	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.			
Temporary Promotional	See Section 18-7			
Exempt	See Section 18-5			

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I-4 Industrial Park				
	Maximum Number	Maximum Area	Maximum Height	Minimum Setback
Ground Signs	2 signs per entrance. Minimum separation: 100 feet.	60 square feet per sign	6 feet	10 feet
Building Identification Ground Sign	1 sign	16 square feet	4 feet	10 feet
Pylon Signs	2 signs per entrance.	60 square feet per sign	12 feet	20 feet
Wall Signs	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.		
Temporary Promotional	See Section 18-7			
Exempt	See Section 18-5			

Section 18-9 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 18-10. Localized Alternative Sign Regulations

1. Authority

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

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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 18-11. 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

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.

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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.

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

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- (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.

Section 18-12 Unenforceability of Certain Regulations During Elections

- A. No regulation or ordinance relating to the number or size of signs, the surface area of which is not greater than 32 square feet, is enforceable for the period of time beginning 60 days before an elections and ending at 12:01 a.m. of the 6th day after the election, unless enforcement is necessary to ensure public safety.
- B. Definition. For purposes of this section, the following definitions apply:
- i. Surface Area. The surface area is the width of the sign multiplied times the length of the sign. If the sign has two faces, both faces count in the calculation of surface area, unless the faces are mounted back to back and the measure of the angle between the faces is not more than 15 degrees.
 - ii. Election. An election means a general election, municipal election, primary election, school district election, and special elections.

Section 18-13 Conforming Outdoor Advertising Signs Along US Highway 36

- A. Applicability. This Section applies to owners or operators of a conforming outdoor advertising sign located along US Highway 36 and any other highway where control of outdoor advertising signs is required under 23 U.S.C. 131.
- B. Definitions: As used in this Section, the term “conforming outdoor advertising signs” means an outdoor advertising sign, display, or device which is located within 660 feet of the nearest edge of right-of-way and visible from the main travel way, so long as the sign, display, or device is regulated by and conforms to the requirements of 23 U.S.C. 131, 23 Code of Federal Regulations 750.708, and Indiana Code 8-23-20. The following signs are not conforming outdoor advertising signs:
- a. Signs, displays, or devices advertising the sale or lease of property upon which the sign is located; and ,
 - b. Signs, displays, or devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which the sign is located.
- C. Special Exception for the Elevation or Relocation of Conforming Outdoor Advertising Signs. The owner or operator of a conforming outdoor advertising signs as prescribed in Indiana Code § 8-23-20-25.6, 23 U.S.C. 131 and 23 Code of Federal Regulations 750.708 may apply for, and may be granted, a special exception to elevate, adjust, or relocated a conforming outdoor advertising sign if any of the following apply:

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- a. The sign is no longer visible or otherwise becomes obstructed; or,
- b. The sign must be moved due to any of the following:
 - 1. Noise abatement;
 - 2. Safety measure;
 - 3. Grade changes;
 - 4. Construction;
 - 5. The placement of a directional sign;
 - 6. The widening of a highway; or,
 - 7. Aesthetic improvementsMade by an agency of the State

- D. Regulation of Elevation or Relocation. The owner or operator of a conforming outdoor advertising sign who is subject to Section 2 may, at the owner's or operator's expense, either:
 - a. Elevate the conforming outdoor advertising sign so that the entire advertising content of the sign is visible;
 - b. Adjust the angle of the sign so that the entire advertising content of the sign is visible; or,
 - c. Relocate the sign, provided that the relocation is within 500 feet of the prior location, the sign complies with all applicable spacing requirements as detailed in the Town of Avon Zoning Ordinance, and the relocation is located in an area zoned for commercial or industrial use.

The elevated or relocated sign shall be the same size as the previous sign.

- E. Procedure. This Section does not exempt an owner or operator of a sign specified in this Section from submitting a request for special exception and paying the applicable fee to the Planning and Building Department of the Town of Avon, IN as specified in the Town of Avon Zoning Ordinance.

