

CHAPTER 153 PROPERTY DEVELOPMENT STANDARDS

ARTICLE I

153.01 CONFORMANCE OF USE.

(A) No building, structure or land shall be used, and no building or structure shall be erected, reconstructed, or structurally altered, which is arranged, intended, or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or structure is located.

(B) All existing buildings and structures, and all buildings and structures hereafter established, shall conform to the standards set forth in this Section and this Ordinance.

(C) No permanent or temporary structures (including fences, sheds, hedges, trees, retaining walls or other obstructions) may be erected on a public or private utility easement, street, alley, or right-of-way. Violation of this Section may result in an Order of Abatement resulting in removal of the structure or building at the cost of the violator.

153.02 LOCATION OF BUILDINGS AND STRUCTURES.

Except as otherwise provided in this Ordinance, every building shall be constructed or erected upon a lot, or platted parcel of land.

153.03 PRINCIPAL BUILDING LIMITATIONS.

No more than one principal building devoted to residential uses shall be located on a lot, except as part of planned multi-family development and other planned projects, approved in accordance with this Ordinance.

153.04 ACCESSIBILITY TO PROPERTY REQUIREMENT.

No building, structure or use of land for any purpose may be placed on a lot which does not abut a public street, or an approved private street, which will provide safe and convenient access for servicing, fire protection, and required off-street parking. The exception to this Section is for property used for agricultural purposes, and also as provided for in the following:

(A) Attached multi-family dwellings need not abut a street, provided that all portions of every dwelling unit are within 300 feet of a public or private street that furnishes direct access to the property, and that access to each dwelling unit will be made available either through a public right-of-way or a private street, or vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership.

(B) Driveways in business or commercial, government use, and industrial districts may be used to provide access to uses in any of these districts which are located on lots which do not abut a street. Any such lot, which existed prior to the effective date of this Ordinance, may be used as if it abutted a street, provided that it is served with a driveway built to appropriate standards located on a permanent, recorded easement.

153.05 MINIMUM LOT AREA AND FRONTAGE.

Except where provided in this Section, no building or structure shall be erected or located on a lot unless such lot conforms with the area regulations of the district in which it is located.

(A) All lots in all districts hereinafter created shall have a minimum lot size of 6,000 square feet if the property is served by a community sewage disposal system, and 36,000 square feet if the property is served by an individual sewage disposal system.

(B) All lots in all districts hereinafter created shall have a minimum frontage of sixty (60) feet, if such lot abuts a street. Curved lots and cul-de-sac lots shall conform to the particular district wherein provisions are set forth in this Ordinance for such lots.

(C) Every lot shall conform to the minimum width, depth, and frontage requirements set forth for the district in which such lot is located.

(D) The minimum lot area for each dwelling unit shall be subject to the approval of the Marshall County Health Officer, if not served by community sewer service.

153.06 GROUND FLOOR AREA.

The ground floor area requirements for dwellings, as set forth in the districts, shall apply. Dwellings shall not be changed except in conformity with this ordinance.

153.07 BUILDING HEIGHT.

All buildings and structures hereinafter designed, erected or constructed, and existing buildings or structures which may be reconstructed, altered, moved, or enlarged shall not exceed thirty-five (35) feet in height, or shall comply to the height requirements set forth for the district in which the building or structure is located, with the addition of the following:

(A) An agricultural structure may be erected or changed to any height necessary for its operation.

(B) Spires, church steeples, chimneys, cooling towers, elevator bulkheads, scenery, lofts, penthouses, stacks, tanks, water towers, transmission towers, utility poles, and necessary mechanical appurtenances (excluding radio and TV, micro wave towers) may be erected or changed to any height that is not otherwise prohibited

153.08 SETBACK REQUIREMENT.

(A) All buildings and structures hereafter erected or constructed, and all existing buildings hereafter reconstructed, structurally altered, moved or maintained, enlarged, expanded, or otherwise modified shall conform to the setback requirements set forth for the district in which the building or structure is located.

(B) Notwithstanding other provisions of this Section, architectural features such as cornices, eaves, steps, gutters and fire escapes may project up to three (3) feet into any required yard unless it would obstruct driveways which

may be used for service or emergency vehicles.

153.09 LOT COVERAGE.

All buildings hereafter designed, constructed or erected, and any existing building or structure which may be reconstructed, structurally altered, moved or maintained, enlarged, expanded or otherwise modified shall not exceed the maximum building coverage regulations for the district in which the building or structure is located.

153.10 ACCESSORY BUILDINGS AND STRUCTURES.

Accessory buildings and structures, except as otherwise permitted in this Section, shall be subject to the following regulations:

(A) Where the accessory building is structurally attached to the principal building on the lot, it shall be subject to and conform to all the provisions of this Section applicable to principal structures.

(B) Accessory buildings (garages, sheds, etc.) shall not be erected in any yard, except the rear yard, and shall conform to all applicable setback requirements for the district in which the lot is located.

(C) Accessory structures (mailboxes, bird baths, fences and hedges, etc.) may be located in any yard.

(D) An accessory building shall not exceed one story or 15 feet in height.

153.11 PERMITTED PUBLIC UTILITIES.

(A) The following public utility uses shall be permitted in all districts: poles, cables, wires, conduits, vaults, pipes, mains, and valves for electric, gas, water, sewer, steam and communication systems. All utility buildings and structures shall comply with the applicable zoning district regulations in which they are permitted. Such public utility infrastructure shall be located in designated utility easements, or in such locations agreed to by the property owner as to provide service to the property.

(B) The Town may, at the request of the property owner, install underground electric service for a property, however the additional cost that underground service incurs over and above the cost of overhead electric service, shall be paid for by the property owner.

153.12 VEHICLE PARKING AND LOADING.

The intent of this Section is to alleviate or prevent congestion of the public street, and so promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking, and loading and unloading of motor vehicles in accordance with the use of which property is put.

153.13 EXTENT OF CONTROL.

The off-street parking and loading requirements of this Ordinance shall apply as follows:

(A) All buildings and structures constructed or erected and all land uses

initiated after the effective date of this Ordinance shall provide necessary off-street parking or loading facilities, and conform to the parking requirements of this Section hereinafter for the use thereof. The exception to this regulation is that a building or structure for which a building permit has been issued prior to the effective date of this Ordinance, but is still in the process of construction, must comply with the parking requirements set forth in the original development plan at the time of issuance of the building permit.

(B) Any existing building or structure which is expanded, enlarged or reconstructed to a larger size or a different configuration shall provide necessary off-street parking for that use, and shall conform to the parking requirements of this Section.

(C) Any nonconforming building, structure or use which is expanded, enlarged or reconstructed to a larger size or a different configuration shall provide the necessary off-street parking for that use, and shall conform to the requirements in this Section.

153.14 EXISTING PARKING AND LOADING SPACES.

Accessory off-street parking and loading spaces in existence on the effective date of this ordinance may not be reduced in number unless already exceeding the requirements of this Section for equivalent of new construction, in which event, said space shall not be reduced below the number required herein for such equivalent new construction.

153.15 PARKING REQUIREMENTS TABLE.

PARKING REQUIREMENTS

<u>Uses</u>	<u>Required Parking Spaces</u>
Airport or heliport	1 per 2 employees plus 1 per 4 public seats
Artificial lake of 3 acres or more or, private swimming pool (not private residential)	1 per 2 users
Automobile or trailer sales area	1 per 1,000 sq. ft. used for retailing
Automobile sales and repair (indoor)	1 per 200 sq. ft of floor area
Banks, business offices, professional offices, similar business uses, postal stations, telegraph offices, and similar service uses	1 per 500 sq. ft. of floor area
Boarding or lodging house or fraternity, sorority, or student cooperative house	1 per 3 occupants
Bowling alley	3 per lane plus 1 per 6

	spectator seats
Business uses not otherwise listed	As determined by the Board
Cemetery or crematory	1 per 2 employees plus 1 per 4 seats
Church or temple	1 per 6 seats in main auditorium
Clinic	1 per 2 employees plus 3 per doctor
College, university, or trade of business school	1 per 3 students or staff members
Confinement feeding operation	1 per 2 employees
Country club or golf course	1 per 2 employees plus 3 pr golf hole
Dancing academy	1 per 200 sq. ft. of floor area
Department store, retail showroom, apparel shop, flower shop, drugstore, hardware store, stationer, news-dealer, record shop, photo studio, barber shop, beauty shop, reducing salon, restaurant, delicatessen, bakery, grocery, meat market, supermarket, cold-storage locker service (individual), roadside sales stand, electrical appliance shop, radio-TV shop, dressmaker, millinery, tailor and pressing shop, self-service laundry, laundry agency, billiard room, tavern, night club, and similar business uses	1 per 125 sq. ft. of floor area
Fairground	1 per 200 sq. ft. of principal building area
Greenhouse (commercial), facilities for raising or breeding non-farm fowl or animals (commercial), sales barn for livestock resale	1 per 3 employees plus 1 per 125 sq. ft. of sales area
Hospital	1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
Hotel	1 per 3 employees plus 1 per 2 sleeping rooms
Industrial park	1 per 2 employees on largest shift

Industrial uses generally	1 per 3 employees
Junk yard	1 per 2 employees
Kindergarten or day nurser children	1 per 2 employees plus 1 per 5
Mobile home park or travel trailer park	1 per 2 employees plus 1 per mobile home & travel trailer stand
Mortuary	1 per 6 seats in main auditorium
Motel	1 per sleeping room
Nursing home or home for aged	1 per 7 persons in residence
Outdoor commercial recreational use 500 sq. ft.	1 per 3 employees plus 1 per of use area
Penal or correctional institution inmates (capacity)	1 per 3 employees plus 1 per 10
Police station or fire station	1 per 3 employees on shift
Private club or lodge	1 per 6 active members
Private recreational development	1 per 2 customers or members
Public camp	1 per camp site plus 1 per cabin
Public library, museum, or municipal or government building	1 per 125 sq. ft. of floor area
Public or commercial sewage disposal plant	1 per employee per shift
Radio or TV tower or station	1 per employee per shift
Railway right-of-way, railroad operational use headquartered	1 per 2 employees where
Railway station or motor bus station	1 per 10 seats in waiting room plus 1 per 2 employees of connected ratial use
Residential use, including farm tenant housing and farm seasonal worker housing	2 per dwelling unit

Riding stable	1 per 5,000 sq. ft. of lot area
School	1 per 3 staff members plus 1 per 6 auditorium seats
Seasonal fishing or hunting lodge	1 per member
Slaughterhouse	1 per 2 employees
Stadium or coliseum	3 per 4 employees plus 1 per 4 seats
Telephone exchange or public utility substation	1 per employee at or working out of site
Theater (indoor)	1 per 3 seats
Theater (outdoor)	1 per 2 employees
Tourist home	1 per employee plus 1 per sleeping accommodation
Truck freight terminal	1 per 2 employees plus 4 for customers
Veterinary hospital for small animals or kennel	1 per 3 animal spaces (cases or pens)
Warehouse (grain elevator)	1 per 2 employees
Wholesale produce terminal	1 per 2 employees

153.16 LOADING REQUIREMENT TABLE.

1. As used in this section, the term "loading berth" means an off-street, off-alley area designed or used to load goods on, or unload goods from, vehicles.
2. Business uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided with loading berths (which, if open, shall be paved with a hard or dust-proof surface), as shown in the following table:

Use	Gross Floor Area (square feet)	Berths
Retail Stores, Department Stores, Wholesale Establishments, Storage Uses, and Other Business Uses	3,000 or more but not more than 15,000 Each 25,000 or fraction thereof more than 15,000	1 1 additional
Office Buildings	100,000 or less More than 100,000 but	1

and their storage areas	300
Outdoor commercial recreational enterprise	50
Penal or correctional institution	300
Sales barn for livestock resale	100
Truck freight terminal	100
Warehouse (grain elevator)	100

(4) Industrial uses shall be provided with loading berths, as shown in the following table:

Gross Floor Area of Industrial Use (square feet)	Berths
15,000 or less	1
More than 15,000 but not more than 40,000	2
More than 40,000 but not more than 100,000	3
Each 40,000 or fraction thereof, more than 100,000	1 additional

(5) Each loading berth prescribed by this section must provide at least a 12-foot by 45-foot loading space, with a 14-foot height clearance.

153.17 DESIGNS AND MAINTENANCE.

(A) Parking space - Description. A required off-street parking space shall be an area of not less than one hundred sixty (160) square feet, and not less than nine (9) feet wide by eighteen (18) feet long for 45-degree angled parking. For perpendicular parking the parking space shall not be less than two hundred (200) square feet in area, and not less than ten (10) feet wide by twenty (20) feet long.

(B) Access. Parking facilities and spaces shall be designated with the appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic.

(C) Surfacing. All off-street parking areas shall be pavement, asphalt or concrete, in compliance with municipal standards for those surfaces.

(D) Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining residential districts.

153.18 LOCATION OF PARKING AREAS.

Off-street parking areas shall be located nearest to the entrance of the building that said parking area is to serve:

(A) For one and two-family dwellings, on the same lot as the building they are required to serve.

(B) For multi-family dwellings containing four (4) or more dwelling units on

the same lot or parcel of land as the building they are required to serve, three hundred (300) feet to the nearest entrance of the principal building being served.

(C) For bed-and-breakfasts and other similar short term lodging, on the same lot as the building being served.

(D) For those uses not specified above, off-street parking shall be provided on the same lot or parcel of land not over three hundred (300) feet from the entrance of the principal building being served.

153.19 OBSTRUCTIONS OF PUBLIC RIGHT-OF-WAY.

No structure shall be permitted which obstructs or otherwise interferes with a street right-of-way or any other public easement.

153.20 PLANNED UNIT DEVELOPMENTS.

PURPOSE. The intention of this Section is to permit more flexibility in a development through land use controls that foster good environmental design without violating the constitutional requirements of uniform classification and adequate standards; that permit planned developments in accordance with the Master Plan of the Town; and to encourage and allow a variety of building types and arrangements, and to allow the development of land areas so planned, located or situated as to merit and justify consideration of granting certain exceptions to required standards for the zoning district in which it is located.

153.21 GENERAL REQUIREMENTS AND CONDITIONS.

The general requirements for Planned Unit Developments are as follows:

(A) A Planned Unit Development may contain residential, commercial, industrial, professional, of Special Exception as an integral part of the development.

(B) The tract proposed shall consist of one or more contiguous parcels of land comprising an area of four (4) acres or more in size, unless the tract be bounded on all sides by public rights-of-way, public lands, waterways, or less restrictive use districts, in which case it may be smaller than four (4) acres.

(C) The land involved must be either in one ownership or the subject of an application filed (1) filed jointly by the owners of all property included (including the holder of any written option still in force), or by any governmental agency.

(D) The tract must be served directly by streets of appropriate size, function, and capacity as specified in this Ordinance, unless otherwise permitted by the Town Council.

(E) All buildings shall be served by public sewer, water and electric utilities, unless otherwise permitted by the Town Council.

(F) All utilities shall be placed in a recorded public utility easement.

(G) All specifications and requirements of this Ordinance apply to the

Planned Unit Development, except there shall be no minimum lot sizes, no minimum setbacks, no maximum lot coverage, and no minimum lot widths, unless

(H) Upon abandonment of a planned unit development, or upon the expiration of a two (2) year period after authorization during which the development has not been completed, the authorization for it expires.

153.22 PRELIMINARY DEVELOPMENT PLAN.

A Planned Unit Development may not be approved under this Section without submission and approval of a development plan which shall include the following:

- (A) Legal description
- (B) Property boundary lines with dimensions
- (C) Scale of not less than 1 inch equals 100 feet
- (D) Vicinity map showing surrounding streets
- (E) Location, size, height, and setback of proposed buildings
- (F) Floor area ratio
- (G) Location of parking lots and spaces
- (H) Location and width of all streets and sidewalks
- (I) Curb cut location and width
- (J) Existing curb cut approaches and street intersections
- (K) Topographic survey and description of physical features of property

The Preliminary Plat shall contain the following:

- (A) Detailed site plan as specified in Section 152.04 of this Ordinance
- (B) Building facade rendering
- (C) Proposed property landscape features
- (D) All signs, which shall conform to the specifications in this Ordinance
- (E) Location and capacity calculations for storm water removal, sewage disposal, electric usage, water usage
- (F) Covenants as may be required by the Commission
- (G) Statement of proposed exceptions to the requirements of the District in which the proposed development is located

153.23 PRIVATE STREETS.

(A) Private streets rights-of-way and pavements in planned unit developments shall be constructed to conform to the standards set forth in the "Town of Bremen Construction and Design Standards" Ordinance, and Chapter 156; Subdivision Control Ordinance.

(B) At or near the entrance on a dedicated public street, the applicant or the private organization shall maintain a signpost carrying a sign, having at least an area of fifteen (15) inches by twenty-one (21) inches, on which is printed and clearly legible in at least 2-inch letters the name of the private street and the words "Private Street" and, in at least 1-inch letters, the words "Not Dedicated for Public Use or Maintained by the Public." The material on the sign shall be arranged substantially as follows:

(NAME OF STREET)
PRIVATE STREET
NOT DEDICATED FOR PUBLIC USE
OR MAINTAINED BY THE PUBLIC

(C) Private streets shall be maintained by the owners, or by the private organization, so that fire, police, health, school, sanitation or other necessary service vehicles and public utility vehicles have adequate access. Adequate access includes an adequate turning area.

153.24 COVENANTS.

When required by the Commission, covenants must include at least the following provisions satisfactory to the Commission:

(A) Adequate provision for an organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of any common facilities jointly shared by the owners.

(B) A financial guarantee:

(1) that satisfactory maintenance will be provided for any common facilities in accordance with standards prescribed by the property owner's organization and set forth in the covenants, and

(2) that the facilities will be operated and maintained at no expense to the municipality, or any other governmental unit.

153.25 DETAILED SITE PLAN.

The purpose of the site plan is to enable the Commission to make a finding that the proposed development is in conformity with the intent and provisions of this Ordinance, and to guide the Building Commissioner in the issuance of permits.

153.26 ELEMENTS OF THE SITE PLAN:

The site plan shall be drawn to scale and shall indicate clearly and with full dimensioning the following information:

(A) The boundaries of the subject property, all existing easements, section lines and property lines, existing streets, buildings, water courses, waterways and lakes, and other physical features in or adjoining the property.

(B) Location and dimension of all existing and proposed buildings and structures, and the structural features of those improvements including; height, elevation, size, volume, setbacks, screening, landscaping, open space, signs, and outdoor lighting.

(C) Location, dimensions and type of construction of existing and proposed streets, alleys, driveways, curb cuts, entrances and exists, loading and parking areas, numbers of parking and loading spaces, internal circulation patterns, and any permanent utility equipment or infrastructure located on the property.

(D) Evidence of adequate storm water removal through connections to the municipal storm water collection system, or design of an appropriate system of swales, culverts, water retention areas, or any other devices approved by the Engineer of the Town of Bremen to accommodate removal of storm water from the property.

(E) Evidence of appropriate sewage disposal through connections to the municipal sewage disposal system or an individual septic system application approved by the Marshall County Health Department.

(F) Certain elements of the requirements set forth in this Section regarding specific items present in the detailed site plan may be waived at the discretion of the Building Commissioner.

ARTICLE II - SIGNS

153.51 FINDINGS:

The Town Council finds:

(A) The manner of the erection, location, and maintenance of signs affects the public health, safety, morals, and public welfare of the people of this community.

(B) The safety of motorists, cyclists, pedestrians, other users of the public streets, and property is effected by the number, size location, and appearance of signs that are intended to and result in the diversion of the attention of drivers.

(C) The size and location of signs, may, if uncontrolled, constitute an obstacle to effective fire-fighting and the provision of other emergency services.

(D) The construction, erection, and maintenance of signs suspended from or placed on the tops of buildings, walls, or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.

(E) Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.

(F) Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information from businesses to consumers thereby harming the economic health of the community, and that impedes the flow of information from traffic signs and signals thereby creating hazards to drivers and pedestrians.

(G) It is therefore necessary for the promotion and preservation of the public health, safety, and welfare of the people of this community that the erection, construction, location, and maintenance of signs be regulated and controlled.

153.52 INTENT:

This Article shall be constructed and implemented to create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe, and attractive community, and the need for effective business identification, advertising, and communication. It is the intent of this Article, and it shall be interpreted, to promote the health, safety, convenience, aesthetics, and general welfare of the community by controlling signs that are intended to communicate to the public, and to authorize the use of signs that

are:

- (A) Compatible with their surroundings and the historical theme of the Town.
- (B) Designed, constructed, installed and maintained in a manner that does not endanger public safety or unduly distract motorists.
- (C) Appropriate to the type of activity to which they pertain.
- (D) Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services offered for sale, or the activities advertised, and small enough to satisfy the needs for regulation.

153.53 NON-COMMERCIAL SIGNS:

Any Sign allowed under this Article may be used to convey any non-commercial message or expression in lieu of the message specifically permitted under this article. All regulations and restrictions regarding size, location, illumination, configuration, and number shall remain in effect.

153.54 PERMIT:

No sign shall be erected until an Improvement Location Permit is issued by the Building Commissioner.

153.55 SIGNS:

Certain uses located in properly zoned districts need and have a right to advertise through the use of sign displays. So, it is the intent of this section to encourage creative and imaginative design and use of signs in order to create a more attractive economic and business climate. To ensure that the physical appearance of the community is protected and maintained, it is necessary to regulate the size, location, construction, and manner of the display of signs as set forth in the section.

153.56 GENERAL PROVISIONS:

- (A) All signs, permanent and temporary, shall be constructed, connected, operated, and maintained according to the specifications of the applicable building and electrical codes.
- (B) All signs shall be maintained in a good state of repair.
- (C) The total area of any embellishments shall not exceed 15 percent of the display area of the sign to which the embellishment is added.
- (D) One (1) non-illuminated identification sign on each side of each entrance to subdivisions not exceeding thirty (30) square feet in area and no more than (3) feet in height, to be designed as an integral, architectural feature of the entrance or of the building complex giving only name of subdivision and logo.
- (E) One (1) non-illuminated "For Sale" or "For Rent" sign per lot not exceeding six (6) square feet in area nor closer than ten (10) feet to adjacent zoning lots; said "For Sale" or "For Rent" signs permitted in the Subsection shall be placed only on the lot to which signs refer.

FREESTANDING SIGNS:

(A) General Provisions - Freestanding Signs

- (1) The sign, pole or standard shall not extend beyond the property line or into the public right-of-way.
- (2) Freestanding signs shall be designed so that all framework for the lateral support of the sign shall be contained within the body of the sign or within the structure to which it is attached and shall not be visible. Exposed guy wires, chains, or other connections shall not be made of permanent part of the sign.

(B) Height - Freestanding Sign

- (1) The maximum height of freestanding signs located along other than limited-access highways shall vary with the width of the lot on which the sign is located, as follows:

<u>Lot Width</u>	<u>Maximum Height</u>
0 - 50 feet	25 feet
51 - 100 feet	35 feet

- (2) Along limited-access highways, the maximum height of freestanding signs shall be 35 feet, subject to approval by the Board of Appeals, provided that:
 - (a) Such signs shall identify highway-oriented uses, such as automobile service station, motels, and restaurants, located within 2,000 feet of the center line of the interchange; and
 - (b) A variance may be granted by the Board of Appeals permitting signs in excess of 35 feet where a physical obstruction exists which would otherwise restrict the visibility of the sign, provided that in no case shall the visual height of the sign, as viewed from the highway, exceed 85 feet above the grade of the highway.
- (3) Freestanding signs which function as directional signs shall have a maximum height of 3 feet. Freestanding signs located within 25 feet of the street pavement shall have a minimum clearance of the (10) feet above the grade of the right-of-way and the lowest point of the sign, except that, for purposes of this Ordinance, decorative pole covers shall not be considered to be part of the sign.

(C) Location - Freestanding Signs

- (1) Freestanding signs shall be located a minimum of ten (10) feet from the right-of-way line of other than limited-access highways, provided, however, that a setback of five (5) feet may be permitted by the granting of a variance by the Board of Appeals where a physical obstruction exists which would otherwise restrict the visibility of the sign.

- (2) Along limited-access highways, freestanding signs shall be located a minimum of 50 feet from the right-of-way line.
- (3) Freestanding signs which function as directional signs shall be located a minimum of five (5) feet from the right-of-way line.

153.58 MARQUEE OR CANOPY SIGNS:

The following provisions shall apply to marquee or canopy signs:

- (A) One (1) sign shall be permitted for each entrance to the building or structure to which the sign is attached.
- (B) No sign shall extend beyond the outer edge of the marquee or roofed structure.
- (C) There shall be at least an eight (8) foot, six (6) inch clearance between the grade of the sidewalk and the lowest point of the sign.

153.59 PROJECTING SIGNS:

The following provisions shall apply to projecting signs:

- (A) Except as may be provided hereafter, one (1) projecting sign shall be permitted for each ground floor use. If the lineal ground floor use frontage exceeds 200 feet, an additional projecting sign shall be permitted, and for each additional 300 lineal feet, another projecting sign shall be permitted.
- (B) Where a use has such frontage on more than one (1) street, there may be one (1) projecting sign for each frontage, provided that only a sign computed for the frontage of a street shall face the street, or there may be one (1) corner projecting sign, which shall be computed on the basis of one-half the frontage of the use on both streets.
- (C) It is the intent of this section to require the use of lateral supports that are contained within the framework of the sign or lateral supports that run parallel to the sign frame and chains shall not be permitted for use as a supporting member.
- (D) The height of a projecting sign shall not exceed 8 feet above the parapet wall of the building, and the lowest point of the projecting sign shall be not less than 10 feet above the grade.
- (E) The projection of projecting signs shall be limited by the more restrictive of the following:
 - (1) No projecting sign shall project further than the property line or over any public sidewalk or right-of-way (except for under canopy signs not to exceed 3 square feet).
 - (2) No projecting sign shall project further than one-half the distance from the sign location to the nearest side lot line; or
 - (3) The projection of projecting signs shall be limited to 5"3".

153.60 ROOF-MOUNT SIGNS:

The following provisions shall apply to roof-mounted signs:

- (A) Roof-mount signs shall not be permitted, except where:
 - (1) The supporting members of roof-mounted signs shall appear to be free of any extra bracing, angle irons, guy wires, or cables.
 - (2) Supports shall appear to be an architectural and integral part of the building.
 - (3) Supporting columns of round, square, or shaped steel members may be erected if required bracing visible to the public is minimized or covered.
 - (4) The maximum height of roof-mount signs shall be six (6) feet and shall not at its highest point exceed the highest point of the roof itself.
 - (5) The backs of roof-mount signs shall be concealed by another sign, shall be screened by suitable architectural treatment, or shall be painted to blend with the surroundings and kept so painted.
- (B) Signs shall be illuminated by direct or indirect lighting, provided that the beam from an indirect source shall be effectively concealed from view.

153.61 TEMPORARY SIGNS:

- (A) Temporary mobile signs shall be permitted, provided that:
 - (1) There shall not be more than one (1) temporary sign per lot.
 - (2) A temporary sign shall not exceed 32 square feet in display area.
 - (3) Temporary signs shall be for temporary use only, not to exceed 30 days in any calendar year, a 12 month period of time, following the issuance of a temporary sign permit, provided, however, that the holder of a temporary sign permit may apply for a 30-day extension.
 - (4) Exposed lamps on temporary signs shall be covered with a wire mesh, or similar material, so that an exposed electrical socket cannot be accidentally touched. Lamps shall not exceed 50 watts and shall be of the incandescent type only.
 - (5) Flashing arrows and directional indicators shall be prohibited.
- (B) Special Signs:

Signs of a special nature, such as temporary signs, historical markers, and public service signs, shall be authorized as conditional uses. Other signs, such as governmental signs or public right-of-ways shall be exempt from the sign provisions.

 - (1) Procedure - Special signs, not covered herein, shall be considered on an individual basis by the Commission, and shall be authorized

only upon the showing of a special, demonstrated need not provided for elsewhere in the Ordinance, and shall be in the public interest.

(2) Standards - For Special Signs

(a) Special Signs - Special event posters, flags, banners, pennants, or bunting shall be permitted for a period not exceeding thirty (30) days, or the length of the promotion. Extensions for additional on (1) month periods may be granted upon petition.

(b) Special Signs for construction projects shall be permitted for a period of time of the proposed construction. Signs must be removed upon completion of the project.

(c) Special event posters, including flags, pennants, or bunting shall be permitted for a period not exceeding thirty (30) days.

(3) Public Service Signs - Public service and governmental signs on private property shall be allowed if authorized by the Commission.

(4) Historical Markers and Tablets - Historical markers and tablets may be displayed on private or public property if approved by the Commission. Such signs shall represent an historically significant fact or event and shall conform in design and size with others of a similar nature.

(5) Traffic Signs - Traffic regulatory, warning, direction, and information signs shall be allowed if approved or required by the Commission in Business and Manufacturing Districts. Such signs shall comply with the standard of the Manual on Union Traffic Control Devices of the Federal Highway Administration and shall be compatible with the site.

153.62 REVOLVING SIGNS:

Slow-speed (six revolutions per minute) revolving signs shall be permitted, provided that the mechanism required to operate the sign is effectively concealed from view, and further provided that a direct beam of light shall not be said to be revolving. Revolving signs shall be permitted only in the LBD-Local Business District and GB-General Business Districts.

153.63 PERMITTED SIGNS BY DISTRICT:

(A) Signs permitted in the AG-Agricultural and GU-Government Use Districts are as follows:

(1) Commemorative, historical, and memorial signs, markers and plaques not exceeding six (6) square feet in display area and containing no advertising material thereon.

(2) Identification signs denoting the name of occupants and/or professions, not exceeding one (1) square foot in display area.

- (3) Public information signs.
- (4) Real estate signs, provided that:

Such signs shall not exceed seven (7) square feet in display area for residential uses or 32 square feet in display area for non-residential uses.
- (5) Seasonal decorations and displays, provided that such signs shall be temporary.

(B) Signs permitted in the R-12, R-8, R-6, and MF Residential Districts and in the residential sections of PUD Developments shall be as follows:

- (1) All signs permitted in sub-section A above.
- (2) Development signs, provided that:
 - (a) Such signs shall be displayed on the construction site only for the duration of the construction.
 - (b) The maximum display area of such signs shall be 100 square feet.

- (3) Identification signs for real estate developments, provided that:

There shall not be more than one (1) such sign, a maximum of 32 square feet in copy area, or two (2) such signs, a maximum of 16 square feet each in copy area, and containing no advertising materials, except the name and street address of the development, located at each of the principal entrances.

- (4) Institutional bulletins, not exceeding 32 square feet in copy area.

(C) Signs permitted in the DD-Downtown Business District shall be as follows:

- (1) All signs permitted in sub-sections A and B above.
- (2) Identification signs for permitted uses, provided that the display area of such signs shall not exceed one (1) square foot in area per linear front foot of the use.
- (3) Identification signs to identify a planned shopping center, provided that:

There may be one (1) freestanding sign, not exceeding 64 square feet in display area, per frontage.

(D) Signs permitted in the LBD-Local Business District, DD-Downtown Business District, GB-General Business District, and in LI-Light Industry District, and GI- General Business District shall be as follows:

- (1) All signs permitted in sub-section A and B above.

- (2) All double face on-premise signs, including projecting and non-projecting, freestanding, and building-mounted shall be limited in area as follows:
 - (a) The total display area of all double face on-premise signs shall not exceed three (3) square feet for each linear foot of lot frontage.
 - (b) When measuring area, the display area of one face of a double face sign shall be counted.

(3) The copy area of a single face on-premise sign shall not be larger than 40% of the portion of the facade of the building which is ten (10) feet above the grade.

(4) Identification signs to identify planned shopping centers and planned industrial parks, provided that:

One (1) freestanding sign shall be permitted for the first 200 feet of frontage and one (1) additional freestanding sign shall be permitted for every additional 300 feet of frontage contained in the project.

(5) The combined display area of all freestanding signs shall not exceed three(3) square feet for each foot of frontage.

(E) Signs permitted in the HPO-Historic Preservation District shall be as follow:

All signs permitted in sub-sections A and B above.

153.64 SIGNS NOT PERMITTED IN ANY DISTRICT:

- (A) Portable and mobile signs shall not be permitted, except under a Temporary Sign Permit.
- (B) Signs which are structurally unsafe, as determined by the Building Commissioner.
- (C) Signs obstructing free ingress or egress from a required exit, or which prevent light or ventilation as required in local codes and ordinances.
- (D) Signs which by reason of size, location, content, coloring, or illumination violate municipal and state highway standards.
- (E) Signs, words, phrases, symbols, colors, or characteristics which may mislead, interfere with, or confuse traffic.
- (F) Signs erected on or attached to any sidewalk, street, or highway right-of-way, curb, curbstone, hydrant, lamp postree, barricade, temporary walkway, telephone, telegraph, or electric light pole, other utility pole, public fence, or on a fixture of the fire alarm or police system except public information signs.

(G) Signs which involve revolving or rotating beams of light.

153.65 SIGNS UNSAFE, OBSOLETE OR NON-CONFORMING:

(A) Unsafe Signs - If the Building Commissioner deems any sign as unsafe or insecure, or is a menace to the public, he may give written notice to the person whom the sign permit has been issued, or the owner of the building. If that person fails to remove or alter the sign or to present compelling evidence as to the safety and security of the sign within ten (10) days after such notice, such sign may be removed or altered by the Building Commissioner, at the expense of the sign permit issuee or owner of the property upon which it is located. The Building Commissioner may cause any sign which is an immediate peril to persons or property to be removed or repaired summarily and without notice.

(B) Obsolete Signs - Any obsolete sign which does not advertise a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the structure upon which sign may be found within sixty (60) days after written notification from the Building Commissioner, and upon failure to comply with such notice within the time specified in such order, the Building Commissioner may cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property to which such a sign is attached.

At the termination of a business, commercial or industrial enterprise, all signs pertaining thereto shall forthwith be removed from public view.

(C) Non-conforming Signs - All signs not in conformance with this Article shall be removed, altered, or converted to conform to the provisions of this Ordinance not more than ten (10) years after the effective date thereof.

153.66 ALTERATIONS:

No display sign or outdoor advertising device shall be altered, rebuilt, enlarged, extended, or relocated except in conformity with the provisions of the Ordinance. The repainting, changing of parts, and preventative maintenance of signs shall not be deemed to be altered.

153.67 MAINTENANCE:

All signs shall be adequately maintained to keep them in a state of good appearance and repair.

Painted signs will be considered in need of refinishing if:

- (A) Twenty percent (20%) or more of the surface shows evidence of peeling, cracking, or blistering of paint.
- (B) Twenty percent (20%) or more of the surface shows evidence of mildew.
- (C) The colors used have faded appreciably and the surface sheen is gone.

153.68 MISCELLANEOUS

(A) Theatrical Bills and Posters. No person shall post or stick up any bill,

card, poster or advertisement within the Town advertising shows, lectures, theatre plays or other entertainment of any person, company or troupe not residing or organized in the Town without first procuring a license from the Town.

(B) Advertisements for Sale of Medicine and Goods. No person shall post within the Town any bill, painting or sign advertising any goods or medicine for sale without first procuring a license from the Town.

(C) Distribution of Advertising Restricted. No person shall peddle, distribute or circulate, scatter, deposit or hand out any advertising card, bill, dodge, circular, poster, sheet or paper of any kind or description upon any public street or walk, in front of or opposite the lot upon which any church building, public or private school building or any public or private hall, chapel or residence is situated, or upon any lot, or in any building in the Town without the express consent of the person lawfully in charge of the aforementioned structure.

(D) Throwing Away Advertisements. No person shall throw or place any advertisement, circular, bill or paper upon the street, alleys, walks or public places in the Town.

(E) Consent Required to Post Advertisement. No person shall post, print or paint an advertisement upon any private wall, door, gate or fence located in the Town without first having obtained the consent of the owner in writing.

(F) Painting on Curbs Prohibited. No person shall post, paint, or print an advertisement upon any curbstone, gutter stone, sidewalk or water hydrant in the Town.

(G) Posters on Utility Poles Prohibited. No person shall paint, print, paste, stencil, tack, nail or otherwise mark upon, or in any manner place upon or affix to any utility pole in the Town, any work, letter, character, figure, sentence, device, hand bill or notice. This Section shall not apply to the posting of any hand bill or notice of any public sale or property by any sheriff, administrator, executor or guardian, or to any notice required by law to be posted.

(H) Signs Over Sidewalks Restricted. No person shall erect or maintain any sign extending over the walks or streets of the Town which is less than 10 feet above the walks or streets, or which extends from the building or structure to which it is attached over the streets or walks for a distance of more than 8 feet.

(I) Sign Posts Prohibited on Sidewalks. No person shall support any sign by means of a post or other supporting structure extending upwards from the streets or walks of the Town.

(J) Permit Required to Hang Signs. Any person desiring to hang, erect or otherwise display any emblem, advertising material or other display of similar nature over the walks or streets of the Town, shall first obtain a permit to do so.

An applicant for a permit to hang or erect a sign shall file an application with the Building Commissioner. The application shall contain the following information:

- (1) Overall dimensions of sign.
- (2) Height it will be above sidewalk.
- (3) Number of feet it will extend over sidewalk.
- (4) Proposed method of installation.
- (5) Proof of financial responsibility.

If the specifications set forth in the application shall be found satisfactory and consistent with approved practice and methods, the Building Commissioner shall approve the application by endorsing his approval thereon. The Building Commissioner shall issue a permit.

(K) Permit Fee. The fee for the permit and inspection shall be the same as those charged for regular building permits.

(L) Proof of Financial Responsibility. No permit will be issued unless the applicant shall place on file with the Building Commissioner a policy of insurance in full force and effect, issued by a responsible and reputable company authorized to do business in the State of Indiana, insuring the owner of the sign against personal liability to the extent of \$50,000 for injury and death to any one person, and \$100,000 for injury and death to two or more persons. The policy of insurance must remain in full force and effect at all times.

(M) Inspection of Signs. The Building Commissioner or his representative shall periodically inspect each sign or display for which a permit has been issued. If the installation is found to be unsatisfactory or unsafe, the permit shall be revoked until such time as the installation is made satisfactory and safe.

The Building Commissioner, upon finding the installation of an overhanging sign or other advertising display to be in an unsafe condition, shall declare the same to be a nuisance and give notice for the abatement of the same. Notice shall be given in writing to the owner of the sign that the same is found to be in an unsafe condition, thereby endangering the safety of the public, which condition constitutes a nuisance, and the same must be abated within five (5) days from the receipt of notice.