

## ARTICLE VI – SIGNS

### Section 50-138 Sign Regulations/Purpose, Intent and Application

**Intent** – These Sign Regulations are intended to: encourage the effective use of signs as a means of communication; encourage signs which, by their design, are integrated with and harmonious to the buildings and site which they occupy; eliminate excessive and confusing sign displays; maintain and improve the appearance of the Town of Trail Creek as an attractive place in which to live and conduct business; safeguard and enhance property values by minimizing the possible adverse effects of signs on nearby public and private property; support and complement the land use objectives of the Comprehensive Plan and this Ordinance; protect public and private investment in buildings and open spaces; eliminate potential hazards to motorists and pedestrians resulting from signs; establish reasonable limits on the number, time and manner (including but not limited to the spacing, materials and size of signs) to avoid sign clutter; and promote the public health, safety, morals and general welfare of the Town of Trail Creek.

The regulations contained in this Article VI – Sign Regulations shall apply to the location, erection and maintenance of signs in any district regulated by this Ordinance.

### PERMIT REQUIREMENTS

#### 50-138A PERMITS AND FEES

(1) *Signs and requiring permits.* Excepts as permitted in paragraph (2) of this section, no person shall erect within the Town any sign or structure erected for advertising purposes or upon which any advertisement is shown, painted or displayed in any way without first obtaining a permit from the Town Inspector.

(2) *Signs not requiring permits.*

- (a) Real estate signs – “For Sale.”
- (b) Identification or entrance signs.
- (c) Builders’ signs.
- (d) Directional/instructional signs.
- (e) Garage sale signs.
- (f) Grand opening signs.
- (g) Window signage.
- (h) Valid nonconforming signs.
- (i) Political, civic, charitable and religious organization signs.
- (j) Exempt signs.

(3) *Application/ submittal requirements.*

(a) *Information to be shown.* An application for permit shall be made to the Town Clerk’s office and shall contain full information concerning the design, materials, construction, location and dimensions of the sign. The application shall also contain the

name, address and telephone number of the owner and/or lessee of the sign and land on which the sign is to be located.

(b) *Site plan.* A site plan is required which shall contain the following:

- (1) Scale and north arrow.
- (2) Address of site.
- (3) All property lines shall be staked and certified.
- (4) Proposed ingress/egress to the site showing traffic flow.
- (5) Location of all buildings/structures on the site.
- (6) Location and heights of all of proposed signage on the site complete with setbacks.
- (7) Wind stress calculations: wind stress calculation for any sign exceeding 65 square feet.
- (8) Location and height of all lettering and graphics.
- (9) Sign drawings.

(4) *Fees.* Permit fees shall be as follows except as indicated in specific sections: All signs will be figured at \$1 per square foot of signage.

Penalty, see § 50-144

**Section 50-139 Sign Regulations.**

**(a) Exempt Signs**

Unless otherwise specifically stated, signs that comply with the provisions contained in this Section – Exempt Signs shall be exempt from all other provisions of this Ordinance; except that the provisions specified in Section 50–139(f) Clear Sight Area shall apply.

- (1) **Building Lighting –** Highlighting of structural/architectural elements of buildings, such as roof lines, doors, window or wall edges. By illumination shall not be considered a sign, provided, however, if such highlighting or outlining contains text or logos, such items shall be considered signs and regulated by this Ordinance according to the sign type and district in which it is located. In no case shall such building lighting be flashing or animated.
- (2) **Flags –** Reserved for future use.
- (3) **Integral, decorative, or architectural features of buildings,** so long as such features or works do not contain logos, letters, or trademarks, except as noted in sub-Section (5) (D), below.
- (4) **Interior Signs –** Signs located:
  - (A) within the interior of any building, or within an enclosed lobby or court of any building; or

- (B) located with the inner or outer lobby, court or entrance of any theater, that are not viewable or intended to be viewable from the public right-of-way and do not qualify as window signs.
- (5) Miscellaneous signs, including but not limited to:
- (A) Signs only giving property identification, names, or numbers, of occupants, and containing two (2) square feet or less in sign surface area;
  - (B) Signs posted on private property only to identify or warn about “Private Property”, “Private Parking”, “No Trespassing” or “Danger” from animals and containing two (2) square feet or less in sign surface area;
  - (C) Signs only indicating the location of public telephones and restrooms, underground public utilities, or similar location signs and containing four (4) square feet or less in sign surface area; and,
  - (D) Signs which are integral to the building and only indicating the name of the building, date of erection, monumental citations, commemorative tablets and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the building.
- (6) Official Signs:
- (A) Signs authorized by a government or governmental unit which give traffic, directional, or warning information;
  - (B) Signs of public service companies indicating danger; and,
  - (C) Signs erected by, or at the order of, a public officer in the performance of their public duty which aid service or safety.
- (7) Public Signs and Public Notices – Signs required or specifically authorized for a public purpose by any law, statute ordinance, which may be any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected.
- (8) Holiday Displays – which contain no commercial message, are primarily decorative in nature, and are clearly incidental and commonly associated with any national or religious holiday, and which are erected not more than thirty (30) days prior to the start of the holiday and removed no more than fifteen (15) days after the holiday.
- (9) Tombstones.

- (10) Window Signs, provided that such signs shall not exceed the lesser of:
- (A) twenty-five (25) percent of the area of the window, provided, in the case of multi-pane windows the surface area of the window shall be the combined surface area of the individual panes, or in the case of a glass curtain wall the surface area of the curtain wall shall be the combined surface area of the individual glass panels; or,
  - (B) twelve (12) square feet in sign surface area.
- (11) Temporary Signs – In addition to the type, number, sign surface area, setback and height regulations for signs specified for each district, temporary signs (i.e., signs typically related to: sale or lease, construction, grand openings, political campaigns, etc.) shall be allowed subject to the following regulations:
- (A) General Regulations Applicable to All Temporary Signs
    - i. Time – Temporary signs may be erected for one of the following time periods:
      - a. Special Events – Temporary signs may be erected, placed or located in connection with a special event and shall be removed not more than fifteen (15) days after the end of the special event. A special event related sign shall not be erected, placed or located more than two (2) times during a calendar year; or,
      - b. Non-Special Event – Temporary signs not in connection with a special event may be erected, placed or located not more than two (2) times during a calendar year and shall not exceed forty-five (45) days in duration.
    - ii. Place – Temporary signs shall comply with the following location requirements:
      - a. A temporary sign shall comply with the regulations of Clear Sight Area Requirements;
      - b. A temporary sign shall not be located within any public right-of-way;
      - c. A temporary sign, if a free standing sign, shall be located in compliance with all setback regulations for a permanent sign; and,

- d. A temporary sign, if a wall sign, shall be located in compliance with the regulations for a permanent wall sign.
- iii. Manner – Temporary signs shall be placed in the following manner:
  - a. A temporary sign shall be permitted on a lot only upon prior authorization by the owner of said lot.
  - b. Any sign which meets the Ordinance definition of an on-premise business sign or an outdoor advertising sign shall not be considered or allowed as a temporary sign.
  - c. A temporary sign shall not be illuminated.
- (B) Temporary Free Standing Sign for any individual lot in any single family - A or 2 family and group house residential district – B.
  - i. Number – One (1) temporary free standing sign shall be permitted for each street or limited access highway which abuts the lot.
  - ii. Manner – Temporary signs:
    - a. shall not exceed six (6) square feet in sign surface area;
    - b. shall not exceed four (4) feet in height above grade;
- (C) Temporary Free Standing Sign for any General Office or Local Business district or for any single or two family subdivision development in the A District or B District:
  - i. Number – One (1) additional free standing sign shall be permitted for each street or limited access highway which abuts the lot or integrated center.

Exception: More than Five Hundred (500) feet – When a lot abuts the same street or limited access highway for more than five hundred (500) feet, one (1) additional free standing temporary sign shall be permitted on that street or limited access highway, provided that:

- a. minimum separation between free standing temporary signs along the same street or limited access highway shall be three hundred (300) feet;

- b. the additional free standing temporary sign shall be oriented to the street or limited access highway which abuts the lot or integrated center for more than five hundred (500) feet;
- c. the minimum separation between free standing temporary signs, regardless of orientation of the free standing temporary signs, shall be one-hundred (100) feet; and
- d. the total sign surface area of all free standing temporary signs shall not exceed two-hundred (200) square feet.

ii. Manner – Temporary Signs:

- a. shall not exceed eight (8) feet in height above grade, and,
- b. shall not exceed thirty-two (32) square feet in sign surface area.

(D) Temporary window sign, in all districts shall not exceed the lesser of:

- i. twenty-four (24) square feet in surface area; or,
- ii. five (5) percent of the window on which it is placed or through which it is viewed, provided, in the case of multi-pane windows the surface area of the window shall be the combined surface area of the individual panes, or in the case of a glass curtain wall the surface area of the window shall be the combined surface area of the individual glass curtain walls.

(D) Special Time and Manner Regulations for A-Frame, T-Frame, Menu Board or Sandwich Board Signs.

Notwithstanding anything above to the contrary, temporary signs, which are A-frame, T-frame, menu board or sandwich board signs shall be subject to the following time and manner regulations:

- i. Time – may be erected, placed or located outside of a business establishment on a daily bases;
- ii. Time – shall only be displayed during business hours;
- iii. Manner – shall be within ten (10) feet of the main customer entrance to the business establishment and shall not be located in any public right-of-way.
- iv. Manner – shall not exceed six (6) square feet in sign surface area; and,

- v. Manner – shall not exceed a maximum height of four (4) feet above grade.

### **Section 50-139(F) Clear Sight Area Requirements**

No building, structure or improvement, including landscaping shall be erected, placed/planted or maintained so as to interfere with a clear sight area located between the heights of (3) feet and ten (10) feet above the crown of a street, driveway, or alley. A clear sight area shall be established for all streets whether public or private, in one of the following manners:

(1) At the intersection of streets, a clear sight area is found at each corner by the street right-of-way lines and a line connecting points on the right-of-way lines located twenty-five (25) feet away from the intersection of such street right-of-way lines. In the case of a round or corner-cut right-of-way, the measurement shall be taken from the intersection of the right-of-way lines extended.

### **Section 50-139(G) Sign Regulations.**

#### **1. Prohibited Signs**

The following signs shall be prohibited in all districts:

- (a) Signs located on, in or above the right-of-way of any street or alley, except for: (i) official signs or signs erected on behalf of or pursuant to authorization of a governmental body; and (ii) projecting signs as expressly permitted by later sub-Sections of this Section.
- (b) Signs which interfere with street intersections. No sign, permanent or temporary shall be erected so that it interferes with the sight distance or specified in Section 50-139(F) – Clear Sight Area Requirements of this Ordinance.
- (c) Signs which interfere with, obstruct the view of, imitate, copy, purport to be, or may be confused with any authorized official sign, traffic sign, traffic signal, or traffic control device.
- (d) Portable signs, including but not limited to: (i) A-frame, T-frame, menu board and sandwich board signs (except as expressly authorized in this Ordinance); (ii) signs on portable trailer frames; and, (iii) signs attached to or painted on a vehicle parked and visible from the public right-of-way, provided, however, vehicle which is used in the normal day-to-day operation of a business use shall not be considered a portable sign if the vehicle is parked beside or behind the building in which the use is located, or if the sign on the vehicle contains less than nine (9) square feet in sign surface area.

- (e) Windblown devices, including but not limited to any banner, pennant, spinner, streamer, propeller, disc, moored blimp, gas balloon or flag that is designed to inform or attract attention (except for exempt flags as set forth in Section 50-139 – Exempt Signs).
- (f) Signs attached to trees.
- (g) Signs attached to utility poles, except for signs erected on behalf of or pursuant to authorization of a governmental body or the utility company having jurisdiction over such poles.
- (h) Signs that bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful or will offend public morals or decency.
- (i) Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress to any building.
- (j) Any changeable copy sign, including without limitation an electronic variable message sign on which the message changes more than six (6) times per minute.
- (k) Any rotating beam, beacon, intermittent light, lights of changing degrees of intensity, or flashing illumination in connection with any sign surface, except as part of an electronic variable message sign on which the message does not change more than six (6) times per minute.
- (l) Roof Signs.
- (m) Any other type of sign located on private property outside of a public right-of-way not expressly permitted by this Ordinance.
- (n) Off Premise sign, except as authorized by this ordinance.

**Section 50-140 Sign Regulations**

**(1) On-Premise Signs: A District and B District**

- (a) Single Family Dwellings, Two-Family Dwellings, Residential Facilities for the Mentally Ill, Residential Facilities for the Developmentally Disabled, and Child Care Home Uses.

Single family dwellings, two-family dwellings, Residential Facilities for the Mentally Ill, Residential Facilities for the Developmentally Disabled, and Child Care Home uses shall be permitted one (1) monument identification sign or one (1) building identification sign for each street or limited access

highway which abuts the lot, indicating only the name or address of occupant, provided:

- (1) The maximum sign surface are shall not exceed two (2) square feet;
- (2) The maximum heights above grade for a monument sign shall not exceed four (4) feet;
- (3) The sign shall be constructed a material(s) which blends in with the residential character of the neighborhood, such as but not limited to, wood or stone;
- (4) The sign shall not be illuminated, either internally or externally;
- (5) The sign shall not encroach into any public right-of-way; and
- (6) The sign shall comply with the regulations of Section 50-139 (F) – Clear Sight Area Requirements.

(b) Multifamily Dwelling Uses.

Multifamily dwelling uses shall be permitted one (1) monument identification sign or one (1) building identification sign for each street or limited access highway which abuts the lot, provided:

- (1) The sign shall not exceed thirty-two (32) square feet in sign surface area;
- (2) The maximum height above grade for a monument sign shall not exceeds five (5) feet;
- (3) The sign shall not be internally illuminated;
- (4) The sign shall indicate only the name, address of the management thereof, or associated information;
- (5) The sign shall maintain a minimum front yard setback of ten (10) feet from the proposed right-of-way, and shall maintain a minimum side yard setback and a minimum rear yard setback consistent with the requirements for an accessory structure in the district to which the real estate is zoned; and,
- (6) The sign shall comply with the regulations of Section 50-139(F) – Clear Sight Area Requirements.

(C) Recorded, Platted Residential Subdivisions.

Two (2) monument identification signs shall be permitted at each entrance to a recorded, platted residential subdivision provided:

- (1) The signs shall be constructed of ornamental metal, stone masonry, or other permanent material;
- (2) The signs shall indicate only the name of the subdivision;
- (3) The signs shall not exceed twenty-four (24) square feet in sign surface area each;
- (4) The maximum height above grade shall not exceed eight (8) feet;
- (5) The sign shall not be internally illuminated;
- (6) The signs shall not encroach into any public right-of-way;
- (7) The sign shall comply with the regulations of Section 50-139(F) – Clear Sight Area Requirements; and,
- (8) Only one (1) sign shall be permitted in each quadrant of an intersection.

(D) Non-Residential and Other Uses Permitted by Special Exception When Located in a Residential District.

The following regulations shall apply to all non-residential and other uses permitted in the Residential Districts by Special Exception.

- (1) Free Standing Identification Signs.
  - i. Type of Signs.

Free Standing identification signs shall be monument signs.
  - ii. Number of Signs.

One (1) free standing identification sign shall be permitted for each street or limited access highway which abuts the lot.
  - iii. Maximum Sign Surface Area of Free Standing Identification Signs.
    - a. School, Religious Use or Nursing Home – thirty two (32) square feet; or,
    - b. All other non-residential or other uses permitted by special exception – sixteen (16) square feet.

iv. Minimum Front Yard Setback, Side Yard Setback and Rear Yard Setback for Free Standing Identification Signs.

- a. Front Yard Setback, All Streets – ten (10) feet from proposed right-of-way.
- b. Side Yard Setback and Rear Yard Setback – The minimum side yard setback or rear yard setback for a free standing identification sign shall be the same as required for an accessory structure in the applicable district.

v. Maximum Height of Free Standing Identification Signs.

The maximum height of a monument identification sign shall not exceed five (5) feet in height above grade.

(2) Building Identification Signs.

i. Type of Signs.

Building identification signs shall be wall signs. In addition, awning signs, canopy signs or marquee signs may be permitted subject to the provisions of this ordinance.

ii. Number of Building Identification Signs.

There shall be no limit to the number of building identification signs, provided that the total sign surface area of all building identification signs located on a building shall not exceed the maximum sign surface area for the building.

iii. Maximum Sign Surface Area of Building Identification Signs.

The total sign surface area of all building identification signs oriented to an individual façade shall not exceed:

- a. Front Façade – five (5) percent of the total area of a front façade of a building; and,
- b. Side Façade and Rear Façade – three (3) percent of a side or rear façade of a building, provided, however, that for any side façade or rear façade of a building oriented toward a customer parking area, street or limited access highway, the maximum sign surface are of five (5) percent shall apply.

(3) Incidental Signs.

i. Type of Signs.

Incidental signs shall be monument or wall signs.

ii. Number of Signs.

- a. If a lot has one (1) driveway, two (2) incidental directional signs shall be permitted at the driveway entrance or exit;
- b. If a lot has more than one (1) driveway, one (1) incidental directional sign shall be permitted for each driveway; and
- c. One (1) incidental directional sign or one (1) incidental parking and loading sign shall be permitted at each critical turning point along an interior access drive when required to safely direct vehicular traffic (e.g. to direct vehicular traffic to: a drive-up window; a customer or employee parking area; or, a delivery or loading area).

iii. Maximum Sign Surface Area of Incidental Signs.

Incidental Signs shall not exceed two (2) square feet in sign surface area.

iv. Minimum Front Yard Setback, Side Yard Setback and Rear Yard Setback for Free standing, Incidental Signs.

- a. Front Yard Setback – Three (3) feet from proposed right-of-way.
- b. Side Yard Setback and Rear Yard Setback – The minimum side yard setback or rear yard setback for a free standing incidental sign shall be the same as required for an accessory structure in the applicable district.

v. Maximum Height of Incidental Signs.

The maximum height of and free standing, incidental monument sign shall not exceed four (4) feet in height above grade.

(4) Awning Sign, Canopy Sign or Marquee Sign.

Wherever a building identification sign is permitted in a Residential District, the use of an awning sign, canopy sign or marquee sign shall be allowed subject to the following provisions:

- (A) Total Area – The total area of the awning, canopy or marquee (i.e., the combined two dimensional surface area of all sides of the awning, canopy or marquee) shall not exceed the sign surface area allocated to the facade of the building upon which the awning, canopy or marquee is attached.
  - (B) Sign Surface – The portion of the awning, canopy or marquee which includes a sign surface shall not exceed:
    - i. fifty (50) percent of the total area of an awning or canopy; or,
    - iv. seventy-five (75) percent of the total area of a marquee.
  - (C) Clearance to Grade – The bottom edge of the:
    - i. awning or canopy shall not less than eight foot – six inches (8' – 6") above grade over a walkway:
    - ii. marquee shall not be less than nine (9) feet above grade over a walkway; or,
    - iii. awning, canopy or marquee shall not be less than fifteen (15) feet above grade over a driveway, interior access drive or alley.
  - (D) Projection from Building – The maximum projection of an awning, canopy or marquee shall not exceed eight (8) feet from or beyond its supporting building and shall not project beyond any walkway adjacent to the building.
  - (E) Marquee Sign – A marquee sign may include a non-changeable copy sign attached to or mounted on top of a marquee, subject to the sign surface area limitations set forth above.
  - (F) Encroachment Over Public Right-of-Way – No awning, canopy or marquee shall encroach into the air rights of any public street right-of-way.
- (5) Suspended Signs.

Suspended signs shall be permitted on any building containing two or more individual, non-related and separately operated uses subject to the following regulations:

- (A) There shall be no more than one (1) suspended sign per front façade of the structure or tenant space of each grade-level tenant.

- (B) The maximum sign surface area of a suspended sign shall not exceed five (5) square feet.
- (C) All portions of the suspended sign or sign structure shall be not less than eight foot – six inches (8' – 6") above finished grade.

**Section 50-141 On-Premise Signs**

**On-Premise Signs: Sign Regulations. GO District and LB District**

(1) **Single Use Sites – Free Standing Identification Signs.**

(A) **Type of Signs.**

Free Standing identification signs shall be either monument signs or pole signs in compliance with Table 50-141(d)-B; Maximum Height and Type of Sign, below.

(B) **Number of Signs.**

Free Standing identification signs shall be permitted at a rate of one (1) free standing identification sign for every five hundred (500) feet, or portion thereof, that a single use sits abuts a street, provided that:

- a. the number of free standing identification signs shall be calculated independently for each street which the single use site abuts;
- b. the minimum separation between free standing identification signs on the single use site, regardless of the street to which the free standing identification sign is oriented, shall be one-hundred (100) feet;
- c. the minimum separation between free standing identification signs oriented toward the same street shall be three-hundred (300) feet;
- d. in the case of multiple free standing identification signs, each free standing identification sign shall be oriented toward the street by virtue of which the multiple free standing identification signs are permitted; and
- e. the total sign surface area of all free standing identification signs shall not exceed the maximum sign surface area permitted below.

(C) **Maximum Sign Surface Area of Free Standing Signs.**

- i. Maximum sign surface area shall apply individually to each street.
- ii. The maximum sign surface area shall not exceed that specified in Maximum Sign Surface Area, below:
  - (a) In LB and GO Districts, if frontage is less than 500', signs shall be no more than 64 sq. foot. If frontage is more than 500 but less than 1000, sign shall be no more than 100 sq. foot. In either case sign surface area may be all in one (1) free standing sign or divided between all permitted free standing signs. If frontage is more than 1000 feet, sign may be 200 sq. foot, divided between all permitted free standing signs or one free standing sign, provided that the maximum sign surface area for any individual free standing sign shall not exceed 75 percent of the maximum listed.

(D) Minimum Front Setback, Side Setback and Rear Setback for Free Standing Identification Signs.

- i. Front Setback – The minimum front yard setback or front residential bufferyard setback for any free standing identification sign shall be five (5) feet from the proposed right-of-way.
- ii. Side Setback or Rear Setback – The minimum side yard setback, minimum rear yard setback, minimum side residential bufferyard setback or minimum rear residential bufferyard setback for a free standing identification sign shall be the same as required for any building or structure.

(E) Maximum Height of Free Standing Identification Signs.

The maximum height above grade of free standing identification signs shall not exceed that specified in Table, Maximum Height and Type of Sign, below:

- 2. Table 50-141(d) – A: Maximum height and Type of Sign for Free Standing signs for single use right in GO and LB District is for a Monument Sign, 6 foot maximum.

3. Building Identification Signs.

(A) Type of Signs.

Building identification signs shall be limited to wall signs. In addition, awning signs, canopy signs or marquee signs may be permitted subject to the provisions of this ordinance.

(B) Number of Building Identification Signs.

There shall be no limit to the number of building identification signs per façade, provided that the total sign surface area of all building signs located on each building façade shall not exceed the maximum sign surface area for the building façade upon which such signs are located.

(C) Maximum Sign Surface Area of Building Identification Signs.

The total sign surface area of all building identification signs oriented to an individual façade shall not exceed:

- i. Front Façade:
  - a. GO and LB Districts – five (5) percent of the total area of the front façade of the structure or tenant space; or,
- ii. Side Façade and Rear Façade:
  - a. GO and LB – Five (5%) percent of the side façade or rear façade of the structure or tenant space; or,

4. Incidental Signs.

(A) Type of Signs.

Incidental signs shall be monument signs or wall signs.

(B) Number of Signs.

- i. If a lot has one (1) driveway, two (2) incidental directional signs shall be permitted at the driveway entrance or exit;
- ii. If a lot has more than one (1) driveway, one (1) incidental directional sign shall be permitted for each driveway;
- iii. One (1) incidental directional sign or one (1) incidental parking and loading sign shall be permitted at each critical turning point along an interior access drive when required to safely direct vehicular traffic (e.g., to direct vehicular traffic to: a drive through facility; a customer or employee parking area; or, a delivery or loading area; and,
- iv. If a lot is occupied by a use which includes a drive through facility, one (1) menu board shall be

permitted adjacent to the drive through facility as an incidental directional sign to announce the selection of services or products available at the drive through facility and the prices thereof.

(C) Maximum Sign Surface Area of Incidental Signs.

- i. Incidental signs shall not exceed:
  - a. GO and LB Districts – two (2) square feet in sign surface area per sign.
- ii. Notwithstanding anything contained in this Section to the contrary, a menu board sign permitted as an incidental directional sign adjacent to the drive through facility shall not exceed forty-eight (48) square feet in sign surface area.

(D) Minimum Front Yard Setback, Side Yard Setback and Rear Yard Setback for Free standing, Incidental Signs.

- i. Front Yard Setback or Front Residential Bufferyard Setback – three (3) feet from the proposed right-of-way.
- ii. Side Yard Setback, Rear Yard Setback, Side Residential Bufferyard Setback and Rear Residential Bufferyard Setback – the same as required for any building or structure.

(E) Maximum Height of Incidental Signs.

- i. The maximum height of a free standing incidental monument sign shall not exceed for (4) feet in height above grade.
- ii. Notwithstanding anything contained in this section to the contrary, the maximum height of a menu board sign permitted as a free standing incidental directional monument sign adjacent to a drive through facility shall not exceed seven (7) feet in height above grade.

5. Suspended Signs in Integrated Centers.  
Suspended signs shall be permitted on any building containing two or more individual, non-related and separately operated uses subject to the following regulations:

- (A) There shall be no more than one (1) suspended sign per front façade of the structure or tenant space of each grade-level tenant.
- (B) The maximum sign surface area of a suspended sign shall not exceed five (5) square feet.
- (C) All portions of the suspended sign or sign structure shall be not less than eight foot – six inches (8' – 6") above finished grade.

6. Outdoor Display Area Signs.

Outdoor display areas shall be permitted additional signs as specified below:

- (A) Outdoor display area signs shall be limited to banner signs:
  - i. which are mounted on light poles located on the lot and within or adjacent to the outdoor display area; and
  - ii. which are mounted to the light poles with upper and lower horizontal supports;
- (B) Individual outdoor display area banner signs shall not exceed the maximum dimensions specified below, either:
  - i. three feet in width by eight feet in height (3 ft. x 8 ft.); or,
  - ii. three and one-half feet in width by five and one-half feet in height (3 ½ ft. x 5 ½ ft.)
- (C) All individual outdoor display area banner signs placed on a lot shall be of the same dimensions, shall be oriented on the side of the light poles facing toward the outdoor display area, and shall be placed at the same relative location on all light poles;
- (D) No light pole shall contain more than one (1) banner sign;
- (E) The total surface area of all outdoor display area banner signs shall not exceed a ratio of three (3) square feet per one-thousand (1,000) square feet of outdoor display area; and,

- (F) Outdoor display area banner signs may announce the name of the business, operation, manufacturer, product or items on display.

**Section 50-142 Sign Regulation**

(f) Off-Premise Signs

- i. **Definition off-Premise Sign:** A sign that is not located upon the same lot as the building or business which it advertises or refers to. This does not include directional signs located off the business premises.
- ii. **Definition Billboard:** A sign which advertises goods, products, services, facilities, businesses, entertainment, or attractions, which are not available on the premises where the sign is located.
  - (1) **Prohibited:** Billboards and off-Premises Signs are prohibited within the Town with the exception of valid-non-conforming signs below.
  - (2) **Valid-non-conforming signs:** Any sign that does not conform to the regulations included in this ordinance and which is designated as non-conforming shall be grandfathered and able to remain in place. However, valid non-conforming signs may not be expanded, which includes any increase in height, altered, or relocated and subject to section regarding removal of free standing on-Premise signs.
    - i. Any existing valid non-conforming sign can be replaced with modern technology, not to exceed the original height and number of panels.

**Section 50-143 General Sign Regulations.**

(1) Calculation of Sign Surface Area.

(A) Multifaceted Signs.

The sign surface area for a sign with more than one (1) sign face shall be computed by adding together the sign surface area of all sign faces visible from any one point. When two (2) sign faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, the sign surface area shall be computed by the measurement of one (1) of the sign faces. In addition, except for off-premise signs, such sign faces that are part of the same sign structure shall not be more than forty-two (42) inches apart.

(B) Monument Sign Support Base as Sign Surface Area.

In the case of a free standing monument sign with an ornamental shell or external support structure in excess of twenty-four (24) inches in width and in excess of one (1) foot in height above grade to the base of the sign face, the ornamental shell or external support structure shall be considered to be the background of the display used to differentiate the sign from the backdrop and the area of ornamental shell or external support structure shall be included in the calculation of sign surface area.

(C) Sign Surface Area Determinations.

When calculating the sign surface area of any sign, a maximum of three (3) distinct and abutting "Areas" made up of circles, ovals, squares or rectangles may be used to encompass the extreme limits of the writing, representation, emblem, 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.

In the case of a free standing monument sign with a base or pole cover not in excess of twenty-four (24) inches in width and not in excess of one (1) foot in height above grade to the base of the sign face, a maximum of two (2) "Support Areas" shall be permitted which shall not be included in the count of the maximum number of "Areas". Any such additional "Support Areas", or "Support Areas" in excess of twenty-four (24) inches in width and in excess of one (1) foot in height above grade to the base of the sign face, shall be included in the overall calculation of sign surface area.

(D) Façade Area Calculations for Building Signs – When calculating the area of a façade upon which a building sign may be placed, the following regulations shall be followed to determine the area of the façade:

- i. Square or Rectangular Shaped Façade – The area of the façade of the building or tenant space shall be the length of the building or tenant space times the height of the building or tenant space.
- ii. Irregular Shaped Façade – The area of the façade shall be the actual surface area of the façade of the building or tenant space above grade and beneath the top of the wall.

(E) Signs or Ornamental, Decorative Fence or Masonry Wall – The sign surface area of a sign face located on an ornamental, decorative fence or masonry wall shall be limited to the area of the sign face only if the fence or wall has a length of not less than three (3) times the width of

the sign or message element. If a fence or wall is less than three (3) times the width of the sign or message element, the fence or wall shall be deemed to be part of the background of the display used to differentiate the sign from the backdrop and the entire area of the fence or wall shall be considered part of the sign surface area.

(2) Free Standing Signs as Accessory Structures.

Free Standing signs and sign structures are hereby declared to be accessory structures. As accessory structures, free standing signs and sign structures may not occupy a lot without a primary use or building also being legally located on the lot, unless in compliance with the regulations of this ordinance for temporary signs or off-premise signs.

(3) Removal of Free Standing On-Premise Signs.

Notwithstanding anything contained in this ordinance to the contrary, free standing on-premise signs and sign structures shall be subject to the following removal provisions:

(A) When the building, or any activity, business, entertainment, commodity, product, profession or service conducted, manufactured, offered or sold on the premise not located in a building, is removed, any free standing on-premise sign and sign structure located on the lot and accessory to such building, or activity, business, entertainment, commodity, product, professional or service shall also be removed coincidentally with the removal of such building, or activity business, entertainment, commodity, product, profession or service. Any new free standing on-premise sign or sign structure located after such coincident removal, shall be located in compliance with the provisions of this Ordinance.

(B) When a legally established nonconforming building, or any activity, business, entertainment, commodity, product, profession or service not located in a building, suffers a partial destruction in excess of 50% in value of all signs located in the building site must be brought into compliance with the terms of this ordinance.

(4) Cutting of Trees or Shrubs.

No person, for the purpose of increasing or enhancing the visibility of any sign, shall damage, trim, destroy, or remove any trees, shrubs or other vegetation located:

(A) Within any public street right-of-way unless the work is done pursuant to the express written authorization of the governmental department having jurisdiction over said public street.

- (B) On property that is not under ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; or,
  - (C) In any area where such trees or shrubs are required to remain under a permit issued under this Ordinance.
- (5) Illuminated Signs.
- (A) Lighting directed towards a sign shall be shielded so that it illuminates only the sign surface and does not shine on, cause glare to or otherwise impair the vision of the driver of any motor vehicle traveling on a public right-of-way or the adjoining property owners or tenants.
  - (B) This sub-Section shall not apply to signs that are an integral part of a vending machine, telephone booth or, do not exceed two (2) square feet in sign surface area.

(6) Changeable Copy Signs.

Changeable copy signs shall be permitted as part of an otherwise permitted sign, provided that:

- (A) If a single use site, a maximum of one (1) changeable copy sign shall be permitted which may be part of either a free standing sign or a wall sign;
- (B) If an integrated center, either one (1) changeable copy sign shall be permitted as part of a free standing sign, or each individual use within an integrated center shall be permitted one (1) changeable copy sign as part of a permitted wall sign;
- (C) A changeable copy sign may be used as part of either a free standing sign or as part of a wall sign, but not both; and,
- (D) The changeable copy sign shall not exceed forty (40) percent of the sign surface area of the permitted sign.

(7) Gasoline Service Station Signs.

Signs may be located on a gasoline island canopy, gasoline island spandrels, gasoline pump islands or gasoline dispensers shall not exceed:

- i. fifty (50) percent of the surface area of the façade of the canopy; or,

ii. fifty (50) percent of the façade of the gasoline dispensers, spandrel or pump island upon which such sign is located.

(A) Such signs may be located on either a gasoline island spandrel or a gasoline pump island, but not both.

(8) Maintenance of Signs.

Nothing contained in this Ordinance shall be construed to prevent the maintenance, repainting or posting of legally established signs. Maintenance shall include the replacement of sign surfaces within a sign structure provided that the sign structure is not removed or changed in any dimension. All signs shall be maintained in good repair (e.g. without peeling paint or broken sign faces) and in operable condition (e.g., if internally illuminated, all light bulbs or tubes shall be operational) at all times. The Town of Trail Creek may order the removal of any sign which becomes a public hazard due to lack of maintenance and repair.

(9) Compliance with Other Codes.

All signs shall be constructed, connected, operated and maintained according to the specifications of the building and electrical codes of the Town of Trail Creek.

(10) Clear Sight Areas.

No sign shall interfere with the clear sign area specified in Section 150-139(F) – Clear Sign Area Requirements.

**Section 50-144 Fines and Penalty**

Intent: This Article establishes the monetary fines for violations which may be assessed against those who violate the terms and conditions of this Sign Ordinance.

**(a) All Residential Districts, A and B Districts.**

The monetary fine for the first citation for a sign ordinance violation shall be not less than \_\_\_\_\_ Dollars (\$\_\_\_\_\_.00). The following monetary fines shall apply for each subsequent citation:

Second Citation	Minimum \$ _____ .00
Third Citation	Minimum \$ _____ .00
Each additional	Not to exceed a \$300.00 increase in the previously assessed monetary fine, to a maximum monetary fine for each citation not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).

Each day that a zoning violation remains uncorrected shall constitute a violation which may result in the issuance of a subsequent citation.

**(b) All General Office of Local Business Districts**

The monetary fine for the first citation for a sign ordinance violation shall be not less than \_\_\_\_\_ Dollars (\$\_\_\_\_\_.00). The following monetary fines shall apply for each subsequent citation:

- Second Citation      Minimum \$\_\_\_\_.00 per day that the zoning violation remains uncorrected.
  
- Third Citation      Minimum \$ \_\_\_\_\_.00 per day that the zoning violation remains uncorrected.
  
- Additional Citations    Not to exceed a \$300.00 increase in the previously assessed monetary fine for each day that the zoning violation remains uncorrected, to a maximum monetary fine for each zoning violation not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day that the zoning violation remains uncorrected.

Each day that a zoning violation remains uncorrected shall constitute a violation which may result in the issuance of a subsequent citation.

**(c) All fines prescribed by this Article for zoning violations shall be paid as follows:**

- (1) To the General Fund of the Town of Trail Creek.
  
- (2) The person making the payment shall receive a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Town of Trail Creek.

**(d) If a person who receives a citation fails to:**

- (1) pay the assessed fine within:
  - (A) in a Residential District, fourteen (14) days after the issuance of a citation;
  - (B) in a General Office or Local Business District, seven (7) days after the issuance of a citation; or,
  
- (2) file for variance and appeal,

- (3) give notice of his intention to stand trial. The Town Attorney, or the appropriate enforcement official, may file a lawsuit as provided by applicable law to enforce the terms and provisions of this Ordinance.

**ORDINANCE NO: \_\_\_\_\_**

**AN ORDINANCE TO DELETE ARTICLE VI SECTION 50-138 THRU SECTION 50-143 OF THE TOWN CODE OF TRAIL CREEK AND THE "OFF-PREMISES" SIGN ORDINANCE ADOPTED IN FEBRUARY, 2010, AND ADOPT ATTACHED "ARTICLE VI" TITLED "SIGNS" SECTION 50-138 THRU SECTION 50-144.**

**WHEREAS** the Town Council of the Town of Trail Creek, Indiana, is responsible to update the Town Code regarding zoning within the Town; and

**WHEREAS,** the Town Council of the Town of Trial Creek believe it is in the best interests of the Town to have a more uniform and consistent sign ordinance within the Town.

**NOW, THEREFORE,** be it hereby ordained and enacted by the Town Council of the Town of Trail Creek, LaPorte County, Indiana, as follows:

Article VI, Section 50-138 thru Section 50-143 of the Town Code of Trail Creek and the "off Premises" Ordinance adopted in February, 2010 is hereby repealed and the Town Council hereby adopts and replaces Article VI of the Town Code with attached Index and Article VI titled "Signs", including section 50-138 thru Section 50-144.

Since an emergency exists for the immediate taking effect of this ordinance, and an emergency is hereby declared, this ordinance shall be in full force and effect from and after its passage or as soon thereafter as otherwise provided by law.

**THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AFTER PASSAGE, APPROVAL AND PUBLICATION. THIS ORDINANCE IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TRAIL CREEK, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

**AAYS**

**NAYS**

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**ATTEST:**

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**ANNE DOBBS, Clerk-Treasurer**