

**6.1 INTENT OF PLANNED DEVELOPMENT DISTRICTS**

The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Unified Zoning Ordinance. The use of Planned Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

The Planned Development regulations and procedures may apply to the development of existing developed lands, or vacant lands, and may apply to small and large scale parcels and their relationship with other surrounding uses and the overall characteristic of the area in which it is located.

Planned Development regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life for Ashley residents.

Planned Development projects should also encourage a more efficient use of land, which reflects the changes in the technology of land development, so that resulting economies may accrue to the benefit of the community at large. Examples of this concept would include the preservation of existing trees and the inclusion of recreation areas within new subdivisions.

**6.2 CLASSIFICATIONS OF PLANNED DEVELOPMENTS**

**A. PD-R Residential Planned Development**

Any development consisting of not less than five (5) acres in which more than eighty percent of the interior floor area of all buildings to be included in the development is used for residential purposes or those accessory purposes customarily related to residential use.

**B. PD-B Business Planned Development**

Any development consisting of not less than four (4) acres in which eighty percent of the interior floor area of all buildings to be included in the development is to be used for commercial purposes.

**C. PD-I Industrial Planned Development**

Any development consisting of not less than ten (10) acres in which eighty percent of the total interior and exterior area of all sites and structures be used for manufacturing, warehousing, or other light to medium intensity industrial use.

**D. PD-E Planned Development - Extraordinary**

A development not otherwise distinguishable under any previous classification, containing less than the minimum land area and/or less than the stated minimum proportions of any single dominant use or function, and in which the proposed uses of interior and exterior spaces require unusual design flexibility to achieve a completely logical and complementary conjunction of uses and functions.

6.3 ORIGINATION OF PROPOSALS

Any person or group of persons united in interest, acting jointly, and in pursuance to an agreement to carry out a proposal may propose a Planned Development District in accordance with the procedures hereinafter established. Such person or group of persons making such proposal, however, must demonstrate the requisite capabilities to carry out such a proposal.

A parcel or site proposed for Planned Development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the Commission.

6.4 FILING PROCEDURE

The authorization of a Planned Development (PD) shall be subject to the following procedures:

A petition for rezoning to an appropriate PD classification shall be submitted, which shall be signed by the owner or owners of all real estate involved in the petition for the Planned Development, which petition shall have attached thereto letters of consent of all such owners prior to the filing of such petition, concerning the change to a PD classification of the real estate included.

The petition, which shall include a Preliminary Development Plan and plat for any area proposed for development as a Planned Development shall be filed with the Plan Commission.

6.5 PRELIMINARY DEVELOPMENT PLAN

The following shall be included in the Preliminary Development Plan.

- A. Proposed layout of streets, open space and other basic elements of the plan;
- B. General description of, location of, and types of structures on the site;
- C. Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features;
- D. A separate location map, to scale, shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- E. A general statement of the covenants to be made a part of the Planned Development;
- F. A statement of the proposed order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase;
- G. The use categories within the area, including proposed densities of said uses.
- H. The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed 1"=100'. The preliminary plan may include any additional graphics which will explain the features of the development. It shall also be provided to the following checkpoint agencies for their review and comment:



1. Ashley Zoning Administrator
2. Ashley Plan Commission
3. Ashley Police Department
4. Ashley Fire Department
5. County Soil and Water Conservation District
6. County Drainage Board

Within twenty-five (25) days after filing, the Administrator or designated agent shall meet with the petitioner regarding the preliminary plan and checkpoint agency comments. Checkpoint agency personnel may attend this meeting to provide comments. After such consultation, the petitioner may make modifications to the petition.

After the meeting described above and after making any modifications to the proposed preliminary plans, the petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:

1. Include all documents included in the preliminary plan.
2. Include an index identifying all documents included in the preliminary plan.
3. Include a cover sheet indicating that it is the Final Proposed Preliminary Plan and indicating the date and zoning case number.
4. Be bound or stapled together and all documents therein reduced to a size no larger than 8 2 x 14 inches except for the maps, sketches and plat (if any).

Such final proposed preliminary plan shall be filed with the Zoning Administrator or designated agent at least ten (10) days prior to the preliminary plan hearing.

## 6.6 PRELIMINARY PLAN HEARING

- A. The petition, if and as modified, shall then be heard by the Plan Commission as a petition for zoning map amendment and subject to the procedures applicable thereto. The Plan Commission may recommend approval or disapproval of the plan and may impose any reasonable condition(s) with its affirmative recommendation. If disapproval is recommended, the application shall not be certified to the Town Council of the Town of Ashley. If approval is recommended, the preliminary plan shall be stamped "Approved Preliminary Planned Development" and be signed by the President and Secretary of the Plan Commission. One copy shall be permanently retained in the office of the Plan Commission, one copy shall be returned to the petitioner, and one copy and all conditions shall be certified as described in (B) below.
- B. The approved preliminary Planned Development shall then be certified to the Town Council of the Town of Ashley for adoption as a Planned Development District pursuant to the laws governing proposals to change zoning maps. Upon adoption by the legislative body, the petitioner shall prepare the final detailed plan.

## 6.7 APPROVAL OF FINAL DETAILED PLAN

- A. Before any development takes place, the petitioner shall file with the Plan Commission a minimum of seven sets of the final detailed plan specifying the location, composition, and engineering features of all lots, storm drainage, sanitary sewage, water supply facilities, public or private streets, recreation facilities, site perimeter treatment and buffering, landscaping, plat and other site development features including locations of buildings. The petitioner shall also file the original of all signed and notarized documents pertaining to restrictive covenants, condominium declaration and/or the creation of a homeowners association, along with financial assurance for the satisfactory installation of all public

improvements in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Section VIII of this Ordinance. The Plan Commission shall then approve said final detailed plans by resolution duly adopted, upon an affirmative finding that the final detailed plan is consistent with the approved Preliminary Planned Development as adopted and passed by the Town Council of the Town of Ashley upon rezoning. Having so once approved the final detailed plan, the Plan Commission shall have no further authority to review or act thereon, except as to enforcement, except as to an amendatory ordinance, and except as hereafter provided for.

- B. The approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial final detailed plans, which correspond to the phases involved. Such partial final detailed plans, when approved, shall be treated in the same manner as approved final detailed plans for an entire Planned Development.
- C. The approved final detailed plan or phase thereof shall be stamped "Approved Final Detailed Planned Development" and be signed by the President and Secretary with one copy permanently retained in the office of the Plan Commission following recordation as specified in Section 6.9.
- D. Unless extended by the Plan Commission pursuant to Section 6.12, approval of the first phase of the final detailed plan shall be obtained within two (2) years and approval of the balance of the final detailed plan shall be obtained within five (5) years after adoption of the Planned Development District by the Town Council of the Town of Ashley.
- E. In the event that approval of a final detailed plan is not timely obtained, the Plan Commission may initiate an amendment to the zoning map relating to said land.
- F. In the exercise of continuing jurisdiction, the Administrator or designated agent may from time to time approve only minor modifications of the approved Final Detailed Planned Development in a manner consistent with the approved Preliminary Planned Development. Such modifications shall not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in type of use, or any change in access points.
- G. Approval of a final detailed plan shall expire after a period of five (5) years from the approved phasing of the preliminary plan unless the development is fifty percent (50%) completed in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers. Determination of the amount of completion shall be made by the Plan Commission upon a recommendation of the Administrator or designated agent. Following expiration of the final detailed plan, the Town of Ashley shall declare the bond to be in default and cause all public improvements to be installed according to the final detailed plans.

## 6.8 COVENANTS AND MAINTENANCE

- A. All covenants, when required by the Plan Commission, shall be set forth in detail and shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Plan Commission President and Secretary upon authorization by the Plan Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Plan Commission and shall be specifically enforceable by the Plan Commission in addition to the property owners.



- B. The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Plan Commission a modified final detailed plan for such land, otherwise consistent with the approved Preliminary Planned Development.
  
- C. The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Development. Such development standards may include, but are not limited to, requirements concerning the following:
  - 1. Lot area.
  - 2. Floor area.
  - 3. Ratios of floor space to land space.
  - 4. Area in which structures may be built ("buildable area").
  - 5. Open space.
  - 6. Setback lines and minimum yards.
  - 7. Building separations.
  - 8. Height of structures.
  - 9. Signs.
  - 10. Off-street parking and loading space.
  - 11. Design standards (including landscaping requirements).
  - 12. Phasing of development.
  
- D. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided and recorded which show that the private organization is self-perpetuating.
  
- E. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
  
- F. All private streets shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

**6.9 RECORDING**

All approved Final Detailed Planned Development Plans and Plats and modifications thereof shall be recorded in the Office of the County Recorder within two (2) years after approval, but before any development takes place.

Failure to so record shall automatically void the approval of the Final Detailed Planned Development.

Where upon completion of all development, the exact measurements, as to the location of buildings or structures erected during the development, are deemed desirable for public record by recording thereof, the developer may submit a copy of the approved Final Detailed Planned Development to

the Administrator or designated agent as an amended approved Final Detailed Planned Development with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original approved Final Detailed Planned Development, shall re-approve, date and sign said amended approved Final Detailed Planned Development, which the developer shall then record.

**6.10 PERMIT**

An Improvement Location Permit shall be issued for a Planned Development District upon full compliance with the approved Final Detailed Planned Development.

**6.11 CONSTRUCTION**

- A. No construction or installation work shall be done on any public improvements until the petitioner has, at least twenty-four (24) hours in advance, notified the appropriate Governmental Inspector(s) of his intention to begin such work, in order that inspections may be made as the work progresses.
- B. All development shall be in conformity with the approved and recorded Final Detailed Planned Development and any material deviations from the approved and recorded Final Detailed Planned Development shall be subject to appropriate enforcement action as provided for in this Ordinance.

**6.12 EXTENSIONS, ABANDONMENT, AND EXPIRATION**

- A. Extensions of the time for accomplishing any matters set forth herein may be granted by the Plan Commission at a public hearing for good cause shown.
- B. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Final Detailed Planned Development for twenty-four [24] consecutive months), or upon the expiration of five (5) years from the approval of a Final Detailed Planned Development for a development which has not been completed, an amendment may be initiated as provided by law to the zoning map so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which the legislative body deems appropriate.

**6.13 RULES OF PROCEDURE**

All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not inconsistent with the procedure otherwise stated herein.

**6.14 LIMITATION OF REZONING**

The Plan Commission shall not initiate any amendments to the zoning map concerning the property involved in a Planned Development before completion of the development as long as the development is in conformity with the approved Final Detailed Planned Development and is proceeding in accordance with the time requirements imposed herein.



**7.1 GENERAL PROVISIONS**

This Section of the Ashley Unified Zoning & Subdivision Control Ordinance shall be known as the "Sign Regulations" of the Town of Ashley.

**7.2 DEFINITIONS**

All terms used in this Section, not otherwise defined herein, shall have the definitions provided in Section II of this Ordinance.

**7.3 PERMITS REQUIRED, FEES****A. Permits Required**

Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the permanent copy on an existing sign structure within the jurisdiction of the Ashley Plan Commission, or cause the same to be done without first obtaining a sign permit for each sign from the Zoning Administrator or designated agent.

**B. Application**

Application for a permit shall be made to the Zoning Administrator or designated agent upon a form provided and shall be accompanied by such information as may be required to assure compliance with the laws and regulations of the Town, including:

1. Name and address of the property owner of the premises on which the sign is located or is to be located.
2. Name and address of the owner of the sign.
3. Clear and legible drawings with description showing the location of the sign which is the subject of the permit, and all other signs whose construction requires permits when such signs are on the same premises.
4. Any individual or company seeking to erect, construct, alter, repair, improve, maintain, convert or manufacture any sign adjacent to or visible from any state or federal roadway shall register in writing, a statement that they have all necessary licenses and/or approvals from the other affected governmental agencies.
5. Permission in writing from the person in possession or ownership of shopping centers and/or industrial premises shall be supplied as part of the application documentation.

**C. Permit Fees**

The application, including all required documentation shall be filed with the Zoning Administrator or designated agent together with a permit fee as specified by the Official Fee Schedule. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall not relieve any person from compliance with other provisions of this Ordinance and penalties prescribed herein.

D. **Effect of Sign Permit Issuance**

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall a permit issued hereunder constitute a defense in an action to abate an unlawful sign.

E. **Nullification**

A sign permit shall become null and void if the work authorized thereunder has not been started within a period one (1) year following the date of the permit and completed within three (3) months after the start of construction.

F. **Permit Exceptions**

The following shall not be considered as creating a sign and therefore shall not be required to have sign permit unless otherwise specified.

1. Changeable Copy - The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.
2. Maintenance - Painting, repainting, cleaning, or other normal maintenance and repair of a sign or sign structure unless a structural change is involved, or a change in copy is involved. The changing of logo or verbiage on a sign to update or modernize an existing business's sign without changing ownership or company name is permitted.
3. Temporary or Exempt Sign - Temporary sign as listed per Section 7.8 and exempt signs per Section 7.7 of this Ordinance are exempt from permit requirements unless specified elsewhere.

G. **Variances**

A variance from the sign regulations of this Ordinance may be granted through the procedures established in Section 11.4 of this Ordinance.

## 7.4 INSPECTION, REMOVAL, SAFETY

A. **Inspection**

Signs for which a permit is required may be inspected periodically by the Zoning Administrator or designated agent for compliance with this Ordinance and other codes of the Town.

B. **Removal of Sign**

The Zoning Administrator or designated agent may order the removal of any sign erected or maintained in violation of this Section. He shall give thirty (30) days= written notice to the owner of a permanent sign or place a notice of such violation on the building, structure, premises, or sign in violation to remove the sign or to bring it into compliance. He shall give a three (3)-day notice for temporary or portable signs. The Zoning Administrator or designated agent may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.



Any sign removed by the Zoning Administrator and/or his agent, pursuant to the provisions of this Section shall be held by the Town for redemption by the owner. To redeem, the owner shall pay all costs incurred by the Town for removal. Should said sign not be redeemed within thirty (30) days of its removal, it may be disposed of in any manner deemed appropriate by the Town. The cost of removal shall include any and all incidental expenses incurred by the Town in connection with the sign's removal.

C. **Maintenance**

All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. Failure to comply will automatically revoke the permit after such noncompliance has been determined by the Zoning Administrator or designated agent and notice has been given to the owner of the sign as reflected by the records of the Zoning Administrator or designated agent.

D. **Abandoned Signs**

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Zoning Administrator or designated agent shall give the owner ten (10) days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator or his duly authorized representative may remove the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the sign(s) as provided in this Section, this removal requirement shall not apply. The new sign user shall forthwith notify the Zoning Administrator or designated agent's office, in writing, of this change. No new sign permit is required unless the sign is altered or relocated. The Zoning Administrator or designated agent shall be notified in any matters relating to sign relocations.

At the discretion of the Zoning Administrator or designated agent, in cooperation with the Historic Preservation Commission or the Redevelopment Commission, a sign having historic or other significant value may be exempt from the requirements of this provision.

E. **Street Improvement Projects**

Any sign projecting over a roadway right-of-way at the time of the effective date of this Ordinance which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the Town, shall be removed by the owner, or altered at the owner's expense to comply with the regulations of this Section if, as the result of or after completion of a roadway improvement project, said sign does not or would not comply with the provisions of this Ordinance.

F. **Assurance of Discontinuance**

As an additional means of enforcement, the Zoning Administrator or designated agent may accept an assurance of discontinuance of any act or practice deemed in violation of any rule or regulation adopted pursuant thereto, from any owner or person engaging in such act or practice. Such assurance shall be in writing and shall specify a time limit during which said discontinuance is to be accomplished. Failure to perform the assurance shall constitute prima facie proof of a violation of this Ordinance or any rule or regulation adopted pursuant thereto, which makes the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction.

## 7.5 NONCONFORMING USES AND SIGNS

Signs which existed prior (nonconforming) to the time this Ordinance was passed and were in conformance with previous ordinances will be legally nonconforming (grandfathered) until such time a major change is made to the sign. Major changes include changing the name, changing the size, adding lights, refurbishing, and/or relocation.

All signs shall be kept in good repair and safe, neat, clean and attractive condition. In the event signs are not kept in said condition or are demolished by any force whatsoever to the extent of fifty percent (50%) or more of the fair market value of the sign structure, said signs shall then conform to this Ordinance.

Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Ordinance. Nothing in this Ordinance shall be construed to give a legal status to any sign without a sign permit.

## 7.6 PROHIBITED SIGNS

The following type signs are expressly prohibited in all Zone Districts:

"A" Frame Signs - "A" frame signs or sandwich board, sidewalk or curb signs are prohibited if it is deemed hazardous to pedestrian traffic by the Zoning Administrator or designated agent.

Abandoned Signs - Such business signs that advertise an activity, business, product or service no longer conducted or available.

Animated and Intensely Lighted Signs - No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other device or means not providing constant illumination. Public service information signs and other electronic message centers classified as "changing signs" are permitted under special provision of this Section and by special sign permit approval of the Plan Commission.

Lights and Balloons - Search lights, "twirling signs", balloons or other gas-filled figures shall be prohibited except as set forth below. Such items shall be permitted in a commercial or industrial district for a period not to exceed fourteen (14) days per event, and may not be used for more than two (2) events per calendar year and will be permitted in residential districts in conjunction with an open house or model home demonstration conducted by a real estate agent for two (2) days after and not to exceed a total period of ten (10) days.

Miscellaneous Signs and Posters - The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a roadway, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures are prohibited unless otherwise permitted by this Ordinance.

Moving Signs - No sign or any portion thereof shall be permitted which moves or assumes any motion or gives the illusion of moving.

Off-Premise Signs - Off-premise signs shall be prohibited except as expressly permitted in this Ordinance.

Projecting Signs - No privately owned sign shall project over or into the street cartway.

Public Areas - No sign shall be permitted which is placed on any post, pole, electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or roadway except as otherwise expressly authorized by this Ordinance.



Towers (Water, Radio, Etc.) - No sign shall be placed on any tower or tank without the approval of the Plan Commission.

Unclassified Signs - The following signs are prohibited which:

- a. Bear or contain statements, words or pictures of an obscene or pornographic character, or which contain advertising matter which is untruthful or will offend public morals or decency; or
- b. Are painted on or attached to any fence or any wall which is not structurally a part of a building except to identify a residence or residence structure by means of posting the name of the occupant or structure and the street address; or
- c. Operate or employ any motion picture projection or media in conjunction with any advertisements, or have visible moving parts of any portion of which moves or gives the illusion of movements except as permitted in this Ordinance; or
- d. Emit audible sound, odor or visible matter; or
- e. Signs which, by reason of their size, shape, location, movement, content, coloring, or manner of illumination, may be confused with a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle or which hide from view any traffic or roadway sign, signal or device; or
- f. Obstruct any door, fire escape, stairway, or any opening intended to provide air, egress or ingress for any building or structure; or
- g. Are not included under the types of signs permitted in this Ordinance.
- h. Small, free-standing signs shall be prohibited unless otherwise permitted in this Ordinance.

## 7.7 EXEMPTIONS

The following types of signs are exempted from all provisions of this Ordinance except for construction and safety regulations and the following requirements.

Business Identification Sign - An identification sign on or near (above or beside) a public entrance or service entrance to a business in a B-1, B-2, or I-1 zone is permitted provided such signs are mounted flush against the wall, and that such signs shall not exceed ten percent (10%) of the front of the building.

Damaged Signs - A sign erected under a legally obtained permit which is damaged or destroyed fifty percent (50%) or more of the fair market value of the sign structure by wind, weather, or other accidental means beyond the control of the applicant may be replaced or restored to its original size, shape, and location (as prior to the accident) without obtaining an additional permit. Replacement of a damaged or destroyed sign with a new sign or different size or location from the original sign shall require a permit.

Integral Signs - Names of 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 structure.

Parking Signs - Signs for public and private parking shall be permitted. Such signs shall be subject to a three- (3) foot setback from right-of-way and shall not be used for advertising purposes. Signs shall be no higher than six (6) feet and no greater than six (6) square feet in area. Such signs shall be installed so as to not present a hazard to traffic entering or leaving the premises.

Private Traffic Direction Signs - Signs directing traffic movement onto or within a premise. Illumination of these signs shall be permitted in accordance with Section 7.9. The leading edge of such signs shall be a minimum of three (3) feet from any curb or traffic movement aisle, the sign shall be no higher than three (3) feet and no greater than six (6) square feet in area.

Public Signs - Signs of a noncommercial nature and in the public interest erected by or on the order of public officer(s) in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, signs directing the traveling public and quasi-public facilities, or signs on public buildings or structures and the like.

Banners and Pennants - Banners and pennants shall be permitted only as a temporary sign as specified in Section 7.8 of this Ordinance.

Small Signs - A nameplate which shall not exceed two (2) square feet in area is permitted for each dwelling unit of a single-family or multi-family dwelling; such nameplate shall state nothing other than the name and/or address of the occupant and/or legal customary home occupation. No other sign shall be allowed. This paragraph shall not be construed to prohibit each dwelling unit from also displaying a house number plate for identification. Signs on the premises announcing rooms, apartments, or house for sale or rent shall not exceed six (6) square feet in area. Also provided that the signs are located three (3) feet from the street right-of-way.

Social or Charitable Organizations - Signs indicating the names and locations of churches, charitable organizations, and community service organizations are permitted provided that the sign area shall not exceed six (6) square feet, shall be located at least three (3) feet off the street right-of-way, and shall in no way obstruct the view of pedestrians or vehicular traffic. Such signs shall be permitted as "off-premises" signs; providing, however, such signs have a minimum spacing of five hundred (500) feet between any two (2) signs in this category, except where there is a community service central display.

Vehicle Signs - Signs on vehicles are permitted provided the sign is painted or attached directly to the body of the original motor-powered vehicle and does not project or extend beyond the original manufactured body proper of the motor-driven vehicle. Such vehicles and/or semi-trailers shall be parked a minimum distance of ten (10) feet from any street right-of-way and shall be located so as to not create an obstruction or hazard to the traveling public. Trucks and/or trailers may be used as signs for special events or sales for a maximum period of thirty (30) days.

Window Signs - Window signs are permitted provided such signs conform to the construction, illumination, and safety regulations of this Ordinance.

## 7.8 TEMPORARY SIGNS

The following signs shall be permitted at any location within the Town of Ashley and shall be required to have a permit unless otherwise specified:

Construction Signs - Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended during the construction period to a maximum of thirty-two (32) square feet for each firm. The minimum setback shall be ten (10) feet from any street right-of-way. The sign shall be confined to the site of construction and shall be removed within thirty (30) days after the end of



construction. No permit shall be required, and the maximum time limit shall be two (2) years, or the duration of construction, whichever is shorter.

Garage Sale Signs - Signs advertising the sale of miscellaneous household items for the purpose of a residential "garage" or "yard" sale shall not exceed four (4) square feet in area. Such signs may be erected on the premises one week in advance of the sale and shall be removed within forty-eight (48) hours after the sale. No permit shall be required. Per I.C. 35-43-1-2, garage sale signs are prohibited from being posted on utility poles.

Political Campaign Signs - Political campaign signs announcing the candidates seeking public political office shall be confined within private property and not within the street right-of-way. They shall be permitted no more than sixty (60) days prior to the scheduled election and shall be removed within fourteen (14) days after the election for which they were made. Such signs shall be placed at least three (3) feet from any public right-of-way and shall not require a permit.

Portable Signs - Signs placed upon wheels or lightweight frames for convenient moving and with changeable letter boards for convenient changing of copy, shall be utilized only as noted below:

Portable signs shall be permitted in a commercial or industrial district, provided that such sign shall:

- a. Be located not less than five (5) feet from any public right-of-way; and
- b. Not extend more than seven (7) feet from ground level; and
- c. Not obstruct the flow or sight pattern of vehicular traffic on any established right-of-way; and
- d. Not be less than ten (10) feet from adjoining residential lots; and
- e. Have a face not exceeding thirty-two (32) square feet; and
- f. Not have blinking lights; and
- g. Be used for no more than sixty (60) days per calendar year; and
- h. Be used for no more than thirty (30) consecutive days; and
- i. Not be used for a period of at least fifteen (15) days between uses; and
- j. Be used no more than two (2) times in each of the six month periods listed below:
  - January 1 through June 30
  - July 1 through December 31; and
- k. First obtain a permit from the Zoning Administrator or designated agent.
- l. Service and charitable organizations shall be permitted the use of these portable signs six (6) times per calendar year for a maximum of fourteen (14) days each time.
- m. Businesses located in a residential district shall NOT be permitted the use of these portable signs.

Real Estate Signs - One (1) real estate sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed shall not exceed six (6) square feet in R-1 and R-2 Districts; and thirty-two (32) square feet in R-3, business, or industrial districts. Such signs shall be removed within fourteen (14) days of the sale, rental, or lease. The minimum setback from street

right-of-way shall be ten (10) feet. Signs shall reflect no advertising or promotional material other than to indicate the party listing the property for sale, rental, or lease. Such sign shall not be required to obtain a permit. "A" frame real estate directional signs shall be permitted for a period of forty-eight (48) hours in a seven- (7) day period, except as may be prohibited under Section 7.6 herein.

Banners - Banners shall be permitted in a commercial or industrial district only under the following conditions:

- a. It shall be placed as a building wall sign and shall adhere to the stipulations as noted elsewhere in this Ordinance; and
- b. Be used for no more than ninety (90) days per calendar year; and
- c. Be used for no more than thirty (30) consecutive days; and
- d. Not be used for a period of at least fifteen (15) days between uses; and
- e. Be used no more than three (3) times in each of the six month periods listed below:
  - January 1 through June 30
  - July 1 through December 31.
- f. Street banners shall be permitted in designated areas and shall be permitted for a period of thirty (30) days. The requesting organization shall provide proof of insurance and be responsible for installation and removal of banner.
- g. Banners shall be permitted in a residential district two (2) times per calendar year for a maximum of seven (7) days each time.

Subdivision or Multi-Family Sign - One (1) temporary subdivision or multiple-family project identity sign indicating only the name and/or address of the premises and/or the name of the management. Such a sign shall not exceed thirty-two (32) square feet of area and shall be located a minimum distance of ten (10) feet from any street right-of-way. Excepting, however, for each additional foot beyond ten (10) feet that the setback distance is increased, the face area of the sign may be increased by one (1) square foot up to a maximum allowable size of one hundred (100) square feet. The maximum time period will be twelve (12) months from the date the sign permit is issued. Such sign may be extended for another twelve (12) months by the Plan Commission or until the project is eight-five percent (85%) completed or is occupied. Temporary project signs shall be removed within ten (10) days of the erection of any permanent or temporary project identity sign.

## 7.9 ILLUMINATION

All signs must meet the illumination criteria listed below:

- A. All illuminated signs must meet the standards as specified in the National Electric Code, as adopted and amended by the State of Indiana.
- B. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness or color, or give such illusion.
- C. The full number of illuminating elements thereof shall be kept in satisfactory working condition or be immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical wiring shall be in conduit and not exposed to the elements of external streets in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place.



- D. The direct non-reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
- E. Light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to the surrounding areas. No light shall shine directly onto adjacent property.

#### 7.10 SIGN STANDARDS BY ZONING DISTRICTS

- A. The following sign standards by districts are intended to apply to every zoning district within the jurisdiction of the Town of Ashley. The districts are as defined in Section 3.1 of this Ordinance and are shown on the Official Map. Only signs as described herein and as may be described under Sections 7.7 and 7.8 shall be permitted in each particular zone.
- B. If any zone is omitted from this Ordinance, or if a new district is created after enactment of this Ordinance, no sign shall be permitted therein until this Ordinance is amended to include the new district.

#### 7.11 RESIDENTIAL ZONING DISTRICTS

These regulations shall apply to all districts designated as R-1, R-2, or R-3, Single-Family, Multiple-Family, Cluster Housing, Condominiums, High-Rise Apartments, or any combination of residential uses.

##### A. **Single-Family Residential (R-1)**

The following signs shall be permitted in an R-1 District:

1. One (1) nameplate not exceeding a combined area of two (2) square feet in area is permitted for single family homes. Said nameplate shall not be subject to the permit requirements of this Ordinance, but shall be in conformance with the provisions of this ordinance and other standards.
2. Signs in conjunction with home occupations, not exceeding two (2) square feet and shall not be illuminated.
3. A church, school, golf course, lodge, or public building bulletin board or sign, not exceeding thirty-two (32) square feet in area, may be illuminated but shall conform to the provisions of Section 7.9 of this Ordinance. A wall sign not exceeding one hundred (100) square feet, stating only the name of the church, school, golf course, lodge, or public building may be approved by the Plan Commission.
4. For commercial uses either permitted or allowed by special exception (not home occupations) in an R-1 district, an illuminated nameplate of not more than two (2) square feet and/or ground sign of not more than thirty-two (32) square feet shall be permitted.
5. Any sign as permitted under Sections 7.8 and 7.7 of this Ordinance.
6. One (1) subdivision identity sign as permitted under Section 7.8 of this Ordinance. Such sign shall not be illuminated. In the event the subdivision has entries from more than one (1) street, additional identity signs may be permitted by the Plan Commission.

7. Permanent or temporary subdivision identity signs shall be permitted. In the event the subdivision has entries from more than one (1) street, additional signs may be permitted by the Plan Commission. Any temporary signs as provided by Section 7.7 of this Ordinance shall be removed before a permanent sign may be erected. A maximum of two (2) signs shall be permitted for the main entryway. Said signs shall not exceed six (6) feet in height and shall be located at least ten (10) feet from any street right-of-way. Maximum size shall be one hundred (100) square feet in area.

**B. Two-Family and Multi-Family Residential (R-2 and R-3)**

The following signs shall be permitted in an R-2 or R-3 District:

1. For each duplex and/or multiple-family building, one (1) nameplate per occupancy not to exceed two (2) square feet in area is permitted. Such nameplate shall not be subject to the permit requirements of this Ordinance. No illumination shall be permitted.
2. Home occupation signage as provided in Section 7.11 A 2 may be utilized.
3. A church, school, golf course, lodge, or public building ground sign, not exceeding thirty-two (32) square feet in area is permitted at each major entrance and may be illuminated but shall conform to Sections 7.9 and 7.10 of this Ordinance. An additional wall sign stating only the name of the church, school, golf course, lodge, or public building may be approved by the Plan Commission not to exceed one hundred (100) square feet.
4. Any sign as permitted under Sections 7.7 or 7.8 of this Ordinance is permitted. Only the multi-family project identity sign may be illuminated but shall conform to Section 7.9 of this Ordinance.
5. For commercial uses either permitted or allowed by special exception (not home occupations) in an R-2 or R-3 district, an illuminated nameplate of not more than two (2) square feet and/or ground sign of not more than thirty-two (32) square feet shall be permitted.
6. A maximum of two (2) permanent or temporary multi-family project identity signs shall be permitted for the main entryway. In the event the project has entries from more than one (1) street, additional identity signs may be permitted by the Plan Commission. Any temporary sign, as provided in Section 7.8 of this Ordinance shall be removed before a permanent sign may be erected. Project identity signs shall not exceed six (6) feet in height and shall be located at least ten (10) feet from any street right-of-way. Maximum size shall be one hundred (100) square feet in area.

**C. Location**

1. A permanent or temporary identity sign for a single-family subdivision or for a multi-family project shall be placed a minimum distance of ten (10) feet from any street right-of-way. The face of any such sign shall not exceed one hundred (100) square feet in area.
2. Building-mounted signs shall be flush mounted. There shall be no projection of any sign above the roof line.
3. All signs shall be placed a minimum of ten (10) feet from any street right-of-way.



4. Permitted signs shall not be placed on utility easements or drainage easements as defined on recorded plats or site plans without the express consent of the Advisory Plan Commission and all applicable utilities or other agencies.
5. Signs shall not be placed as to interfere with the sight path of vehicular traffic.
6. Permanent or temporary identity signs for residential projects shall not exceed six (6) feet in height and may be constructed as free-standing ground signs or placed on decorative walls or fences.

## 7.12 BUSINESS/COMMERCIAL DISTRICTS

### A. General

The regulations described in this Section shall apply to all uses in B-1 and B-2 Districts.

### B. Free-Standing Single Use Buildings

Permitted signs for free-standing buildings having a single occupant are as follows:

1. Ground or Pole Signs - Either one (1) ground sign or one (1) pole sign (but not both) indicating only the name and nature of the occupancy shall be permitted for each business parcel. Such sign shall not exceed one hundred (100) square feet in area and a pole sign shall not exceed thirty-five (35) feet in height. Such sign shall be installed in accordance with location criteria as explained in Section 7.11 of this Ordinance. Such ground sign may be illuminated as provided in Section 7.9 of this Ordinance. Where the business lot frontage is one hundred (100) feet or less, only a ground sign shall be permitted. Such ground or pole signs should be adequately landscaped.
2. Wall Signs - Signage on the wall of a building shall not exceed twenty percent (20%) of the total area of the wall, up to a maximum of two hundred (200) square feet per wall. In computing wall area for the purposes of this Section, the areas covered by doors or windows shall be excluded.
3. Marquee Signs - Marquee signs are permitted on the face of marquees subject to approval of the Plan Commission. The lower edge of the marquee sign shall be no less than eight (8) feet above the sidewalk at any point. Unless otherwise approved by the Commission, no part of such sign shall project above the roof line.
4. Bench Signs - Bench signs which are located for the convenience of the public may be approved by the Plan Commission.
5. Awnings - Awning signs are permitted on awnings subject to approval of the Plan Commission. The lower edge of the awning shall be no less than eight (8) feet above the sidewalk at any point, unless approved by the Commission.

### C. Shopping Centers

Permitted signs for shopping centers and other multi-occupant commercial/office buildings are as follows:

1. Pole Signs - Pole signs at shopping centers may be made a part of the site development plan or erected at a later date, subject to the approval of the Plan Commission and shall meet the following requirements:

- a. One (1) pole sign shall be permitted; and
  - b. Such sign shall indicate only the name and location of such business or businesses; and
  - c. Such sign shall have a maximum surface area not exceeding two hundred (200) square feet;
  - d. Where a strip shopping center or developed parcel in an industrial zone has in excess of two hundred (200) feet of street frontage; one (1) additional free-standing pole sign may be approved by the Plan Commission; and
  - e. Where a strip shopping center or developed parcel in an industrial zone is authorized by the Plan Commission to have more than one (1) free-standing pole sign, the distance between each sign shall be not less than one hundred (100) feet; and
  - f. Such signs may be illuminated as provided in Section 7.9 of this Ordinance, or as approved by the Plan Commission.
  - g. Such pole signs should be adequately landscaped.
2. Wall Signs - Signage on the wall of a building shall not exceed twenty percent (20%) of the total area of the wall up to a maximum of two hundred (200) square feet per wall. In computing wall area, the areas covered by door or windows shall be excluded.
  3. Marquee Signs - Marquee signs as provided in Section 7.12 B 3 of this Ordinance shall be permitted.
  4. Bench Signs - Bench signs as provided in Section 7.12 B 4 of this Ordinance shall be permitted.

**D. Commerce and Industrial Parks**

Off-premise signs shall be permitted for directing the traveling public to commerce or industrial parks (strip shopping center or mall not included), providing the following requirements are met:

1. A permit shall be obtained prior to the erection of the sign; and
2. Such sign shall indicate only the name, location, and information about the park itself. Products or services shall not be advertised; and
3. Such sign shall have a maximum sign face area of one hundred (100) square feet, a maximum height of nine (9) feet above grade level, and a minimum setback of fifteen (15) feet from street right-of-way; and
4. Such sign shall be a minimum distance of one hundred (100) feet from any residential zoning district.
5. Such sign shall be a minimum distance of five hundred (500) feet from any other "off-premises" sign.
6. Such signs should be adequately landscaped.



### 7.13 INDUSTRIAL DISTRICT

Signs permitted in an industrial district are as follows:

#### A. Ground Signs

1. Limit of One (1): One (1) ground sign indicating the name and nature of the business shall be permitted for each business parcel.
2. Height - The height of any ground sign shall be such that no part of the sign face shall exceed a maximum height of six (6) feet.
3. Size and Location - A ground sign shall be placed a minimum distance of ten (10) feet from any street right-of-way. The face of any such sign shall not exceed fifty (50) square feet in area.
4. Illumination - All permitted signs in this district may be internally or externally lit, but shall not shine directly or indirectly into adjacent residential areas.
5. Landscaping - All permitted ground signs should be adequately landscaped.

#### B. Wall Signs

One wall sign shall be permitted on each building. Maximum sign area shall be one and one-half square feet for each lineal foot of building frontage; however, in no instance shall such signage exceed two hundred (200) square feet for a single business. Wall signs shall be mounted flush against the building.

#### C. Entrance Signs

Two (2) on-site entrance signs are permitted at each entrance to an industrial or business park. Such signs are subject to the provisions of Section 7.12 D of this Ordinance and may be internally or externally lit, but shall not shine directly or indirectly into adjacent residential areas.

