

ORDINANCE #11- 2011

AN ORDINANCE REVISING THE SIGN ORDINANCE FOR THE CITY OF
BATESVILLE

WHEREAS, Upon proper notice, the Batesville Area Plan Commission held public hearing on an ordinance to amend Chapter 151.35 of the Municipal Code regarding Land Use in Batesville, Indiana, revising the existing sign ordinance; and on the 7th day of July, 2011, certified to the Common Council of the City of Batesville an ordinance revising Chapter 151.35 of the Code of Ordinance of the City of Batesville; and

WHEREAS, the Common Council of the City of Batesville voted to review the proposed changes on the 12th day of September, 2011; and

after proper notice pursuant to I.C. 5-14-1.5-5 the Common Council of the City of Batesville has received additional public comment on said ordinance to amend Chapter 151.35 of the Municipal Code regarding Land Use in Batesville, Indiana, as it pertains to the regulation of signs and has determined that it is in the best interest of the City to adopt said ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BATESVILLE that §151.35 be amended to read as follows:

§ 151.35 SIGNS.

(A) Purpose and intent. It is the intent of this section to provide clarification regarding regulations pertaining to signs and to assist those wishing to place signs in the city by comprehensively setting forth 64 provisions governing the installation and construction of signs and advertising devices in 1 location (insofar as is possible) in this Zoning Code. In addition, it is the purpose and intent of this section to:

- (1) Recognize the functions and importance of signs for the business sector and the city as a whole;
- (2) Preserve and enhance the character and visual appearance of the city;
- (3) Recognize the integral part played by signs in the overall appearance of the city;
- (4) Provide a reasonable set of controls that will permit and encourage creative and effective signs that adequately identify a business; and
- (5) Provide standards, guidance and direction for sign users and sign designers as to what constitutes appropriate signage in the city.

(B) Definitions. For the purposes of this section, definitions provided in Chapter 158 shall apply unless the context clearly indicates or requires a different meaning.

(C) General limitations. The following general limitations shall apply.

(1) Provisions of this section regulating the location, placement, gross surface area, projection, height limitation, construction, and number of signs shall be subject to a further restriction by the applicable provisions of this code.

(2) Projects or buildings containing more than 1 store shall have an overall planned sign program.

(3) Low profile, monument signs less than 8 feet high are encouraged, with pylon signs a maximum height of 16 feet.

(4) The name of the business shall be the dominant message on the sign.

(5) The following limitations shall apply in all business and industrial zones: not more than 3 signs as defined herein, provided that the total sign area for all allowable signs, for each site or occupancy, shall not exceed 2 square feet of sign area for each lineal foot of street or occupancy frontage; further, in no case shall the allowable sign area for each site or occupancy exceed 300 square feet. See divisions (7) and (8), below, for limitations on billboards and portable signs.

(6) The various limitations on or billboards are set forth in division 151.35 (D)(4)(a).

(7) The various limitations on portable signs are set forth in division 151.32 (C) (10) (a) and 151.35 (D)(4)(1).

(D) Specifications.

(1) Signs allowed without permit in all districts or zones. The following signs may be placed in all districts or zones of the city without a permit, subject to the restrictions and limitations contained in this section and as contained in division (C) herein.

(a) Bench Signs/Bus Bench Signs. Signs located on benches or other similar structures provided for the use of pedestrians as a temporary resting place. These signs shall be one sided, mounted on or adhered directly to the backrest portion the structure.

1. Size. Shall not exceed the total backrest area of the structure.
2. Height. Shall not exceed the vertical dimension of the backrest area of the structure.
3. Location. Limited to B-2 business districts
4. Other Restrictions. Shall be free standing, secured safely to the surface upon which it is resting. Two bench signs may be allowed per business location. The structure shall be used only for its intended purpose at all times. Bench Signs to be reviewed by the Building Official.

(b) Changeable copy signs "A" Frame & Pedestal (moveable). These signs shall be pedestal mounted or of an "A" frame construction and shall not interfere with pedestrian traffic or line of sight for drivers or cause a nuisance or hazard to the general public.

1. Size. Signs shall not exceed 24 inches by 42 inches in height, this include both the sign frame and the sign frame per sign facing.
2. Location. Limited to business zones.
3. Other restrictions. Shall be free standing and taken inside at the close of the business day. Such signs shall be secured in the event of high wind conditions and may not be made of iridescent or phosphorescent colors or be illuminated. One sign may be allowed per business, which sign shall not count as part of the total signage per division (C)(6).

(c) Community activity signs. Community activity signs are allowed in business and industrial districts or zones. These signs are allowed in residential zones only if located on the site of the activity and a permit is issued. Additionally, off-premise signs of a temporary nature that are displayed out-of-doors require that a permit be issued by the city, except where conforming existing signs of another type allow community activity signs to temporarily replace their sign message. Community activity signs are generally associated with religious, charitable, cultural, civic, or educational organizations.

1. Size. Shall not exceed 24 square feet per sign facing.
2. Location. Not less than 5 feet inside the property line in residential zones, and not less than 1 foot inside the property line in business and industrial zones.
3. Other restrictions. Shall be temporary and permitted for a period of 14 days prior to the date of the activity and 5 days following the activity. Shall be non-illuminated and identify the organization and shall be at a level consistent with adequate identification and readability without providing just cause for excessive complaints from neighboring property owners.

(d) Garage, Yard, Rummage Sale Signs. Free Standing signs used for garage sales, yard sales or rummage sale.

1. Size. Maximum six (6) square feet per sign facing.
2. Height. Maximum four (4) feet tall
3. Location. It shall be unlawful for any person to place a sign in a public right-of-way or deface any telephone pole, electric pole, fire alarm pole, fence tree railing, trailer, by tacking, posting or pasting bills, advertisement cards, or signs of any description within the City.
4. Other Restrictions. Such sales shall be permitted a maximum of three (3) times during a calendar year and not more than 3 days in duration. Signs shall not be illuminated. Signs shall be placed no more than twenty four (24) hours prior to the sale and removed twenty four (24) hours after the sale. No sign shall be placed between the curb and the sidewalk or on public property or in public right of ways. Garage, Yard, or Rummage sale of more than 3 but not more than 10 days require a temporary improvement location permit.

(e) Governmental or other signs required by law.

1. Size. As required by law.

2. Height. As required by law and not to exceed the height of free standing sign allowance.

3. Location. As required by law.

4. Other restrictions. Shall be non-illuminated unless required by law.

(f) Home occupation sign. One non-illuminated identification sign, not to exceed 2 square feet of sign area for each sign face for the following permitted uses: offices in residences, home occupations, and board-lodging houses. The maximum aggregate sign area shall not be more than 2 square feet.

(g) Manager or office of manager signs. Signs which identify the location of the office manager or the location of the manager of the property. All zones of the city, not less than 5 feet inside the property line in residential zones, and not less than 1 foot inside the property line in business and industrial zones. Four square feet in area, each side, allowed.

(h) Owner-occupied sign. One residential name sign not to exceed 1 square foot in sign area for each sign face identifying only the owner or occupant of a residential building. The maximum aggregate sign area shall not be more than 2 square feet.

(i) Political signs. Political signs shall not exceed 16 square feet in aggregate area. Political signs are prohibited on public property or public right-of-way. No sign shall be placed between the curb and the sidewalk or interfere with pedestrian traffic or line of sight for drivers.

(j) Real estate signs for property of less than one acre. Signs offering developed or undeveloped property of less than 1 acre for sale, lease, or rent.

1. Size. Shall not exceed 12 square feet per sign facing. In the event that the sign refers to a single-family home, then the size of the sign shall not exceed 6 square feet in area.

2. Height. Shall not exceed 6 feet in height if free standing.

3. Location. Not less than 5 feet inside the property lines in residential zones, and not less than 1 foot inside the property lines in business and industrial zones.

4. Other restrictions. Shall not be illuminated. Only 1 sign may be displayed on each street frontage of the property to which it refers.

(k) Residential Contractor/Builder Construction Signs. Signs placed on a real property upon which construction is taking place or is to take place, which contain information regarding the contractor/builder or firm providing work as a specific tradesman.

1. Size. Such signs shall not exceed 6 square feet in total sign surface area.

2. Height. Shall not exceed 4 feet.

3. Location. May not be located less than 5 feet inside property line.

4. Other Restrictions. Sign may only be installed 30 days prior to construction and shall be removed within 30 days after issuance of certificate of occupancy or conclusion of construction or work.

(l) Window signs. Window signs with less than 50% coverage. Signs placed or displayed on a window or window frame, covering less than 50% of the window area announcing special sales, change of management, or similar information and designed to be viewed from adjacent streets, sidewalks, public rights-of-way, or parking lots. Shall be temporary signs. Where not temporary, then permanent window signs shall be counted as part of the total allowable sign area and total allowable number of signs.

(2) Signs allowed by permit in all districts or zones. The following signs may be placed in all zones by permit, subject to the restrictions and limitations specified in this division and divisions (C) and (E):

(a) Commercial/ Industrial Construction announcement signs. Signs placed on real property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor or contractors, the real estate licensee, and the future tenant(s). In all these cases, an improvement location permit must have been issued for the construction and remodeling proposed on the lot, provided that a 6 square foot sign may be erected without a (sign) permit.

1. Size. Shall not exceed 20 square feet per sign facing on a parcel of land less than 1 acre. Not to exceed 32 square feet per sign facing on a parcel of land of 1 acre or more.

2. Height. Shall not exceed 6 feet on a parcel of land less than 1 acre. Shall not exceed 8 feet on a parcel of land of 1 acre or more.

3. Location. May not be located less than 5 feet inside the property line in residential zones, and not less than 1 foot inside the property line in business and industrial zones.

4. Other restrictions. Shall be non-illuminated signs. Shall be removed within 7 days after issuance of certificate of occupancy. Only 1 sign may be displayed on each street frontage of the property to which it refers.

(b) Institutional signs. Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, nursing home, or similar institutional facility.

1. Size. The aggregate size of all signs pursuant to this section shall not exceed 24 square feet per sign facing.

2. Height. Shall not exceed 5 feet, if free standing.

3. Location. May not be located less than 5 feet inside the property line in residential zones.

4. Other restrictions. Only 1 sign may be displayed for each street frontage.

(c) Real estate signs for property of one acre or more. Signs offering developed or undeveloped property of 1 acre or more for sale, lease, or rent.

1. Size. Shall not exceed 32 square feet per sign facing. In the event that a sign does not exceed 12 square feet in sign area, a sign permit shall not be required, and the provisions of division (D)(1)(d) shall be applicable.

2. Height. Shall not exceed 8 feet, if free standing.

3. Location. Not less than 5 feet inside the property line in residential zones, and not less than 1 foot inside the property line in commercial and industrial areas.

4. Other restrictions.

a. Shall not be illuminated signs.

b. Only 1 sign may be displayed per street frontage of the property to which it refers.

c. Shall be removed no later than immediately after sale of development or parcel of property.

(3) Signs allowed by permit in all residential districts or zones. The following signs may be placed in all residential zones by permit, subject to the restrictions and limitations specified in this division and divisions (C) and (F):

(a) Apartment/multi-family identification signs. Identifying an apartment or multi-family building or an apartment by name and/or address.

1. Size. Shall not exceed 24 square feet per sign facing.

2. Height. Shall not be more than 5 feet in height.

3. Location. Not less than 5 feet inside the property line.

4. Other restrictions. Only 1 sign may be displayed for each street frontage.

(b) Reserved

(c) Subdivision model home signs. Signs identifying a model home.

1. Size. Shall not exceed 6 square feet in sign area.

2. Height. Shall not exceed 6 feet in height.

3. Other restrictions. May be displayed only on the premises of the model home which it identifies. Only 1 sign may be displayed per model home.

(4) Signs allowed by permit in business and industrial districts or zones. The following signs may be placed in business and industrial zones by permit, subject to the restrictions and limitations specified in this division and divisions (C) and (F).

(a) Barber poles. Rotating or stationary cylindrical poles of the traditional red, white, and blue spiral striped design, identifying the premises as a barber shop.

1. Size. Shall not exceed 2-1/2 feet in length.
2. Height. Not applicable.
3. Location. In all business zones.
4. Other restrictions. Shall be attached by brackets to the barber shop being identified. Top of sign shall not extend above the roof line of the barber shop being identified. The signs may move or rotate, notwithstanding the general prohibition of moving or rotating signs in division (E). Also, these signs if illuminated, must be subdued.

(b) Billboards.

1. It is the intent of this division to establish reasonable and uniform limitations, safeguards, and controls for the operation and use of billboards in highway oriented business locations. Advertising requirements are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interests of the community.

2. For purposes of this division, a billboard shall be considered as defined in Chapter 158 and subject to the provisions of this section and § 151.22 special exceptions.

3. One billboard shall be permitted on any lot of at least 300 feet of frontage on a street designated as a primary arterial in the B-2, and B-3, I-1, and I-2 Districts, and 1 additional billboard shall be permitted for each 300 feet of additional frontage.

4. Minimum setback lines shall be provided in accordance with the requirements of the applicable district when located adjacent to Interstate 74. In all other locations, the minimum setback shall be provided in accordance with the requirements of the applicable district, or 50 feet, whichever is greater.

5. No billboard shall be permitted within 100 feet of a residentially zoned district unless the sign is provided with landscape screening.

6. The number of traffic access points shall not exceed 1 for each sign frontage.

7. Along Interstate 74, the face of the billboard shall not be greater than 18 feet in vertical dimension nor greater than 55 feet in horizontal dimension and shall not contain more than 2 billboards per facing. Twin billboards, each no more than 10 feet high and 36 feet wide are permitted on the same structure when placed in a stacked configuration. For twin billboards placed side-by-side, the face of each billboard shall not be greater than 12 feet in vertical dimension nor greater than 25 feet in horizontal dimension. Each side of a billboard (structure) is considered a separate sign.

8. The full face of the sign shall be viewed along the line of travel to which it is exposed for a distance of at least 250 feet along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's center line. However:

a. In the case of a sign parallel (or within 20 degrees of parallel) to a 1-way street, the required viewing distance shall be at least 400 feet;

b. In the case of a sign which is from 3 to 20 degrees of parallel to a 2-way street, the required viewing distance shall be at least 400 feet;

c. In the case of a sign parallel (or within 3 degrees of parallel) to a 2-way street, the required viewing distance shall be at least 250 feet in each direction.

d. In the case of a sign so placed that it can be viewed from more than 1 street, the above viewing distance requirements shall be applicable to only 1 street.

9. The maximum height of billboards erected on the ground shall not exceed 40 feet above the street elevation to which the sign is oriented.

(c) Changeable copy signs (non- electronic, permanent). Exterior signs or sections, that are fixed in place, and designated to be used with removable graphics to allow changing of copy. These signs shall be allowed for facilities used primarily for the presentation of theatrical, cultural or sports events and shall be computed as part of the total sign area allowed. A changeable copy sign (portable sign) shall not be modified and permanently affixed to a building, structure, or the ground.

1. Size, height, location, and other restrictions. Applicable under the appropriate division, depending upon the type of sign utilized.

(d) Commercial banners; commercial flags, pennants. Banners, flags and pennants generally made of flexible material, displayed for business promotion purposes/special events with the

exception of events sponsored by the City

1. Size. Banners are not to exceed 30 square feet per sign facing.
2. Height. Not to extend above the roof of the building.
3. Location. In all commercial, business, and/or industrial zones.
4. Other restrictions. Shall be temporary signs. Shall be non-illuminated signs.

Not more than 4 permits for signs pursuant to this division shall be issued to any 1 business entity in any 1 calendar year with a maximum of no more than 3 permits being issued for consecutive periods. Length of time to be specified in the permit application. A person or business may not place, maintain, or display an advertising sign, signal or device on or over any roadway. See §§ 151.30(A)(6) and 151.36(F)(6) for additional restrictions and procedure for pennants and other similar attracting or advertising devices.

(e) Directory signs. A sign, or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the businesses within a building or business complex. Directory signs may be a part of a free standing sign or may be placed separately on a building. For conditions regarding free standing signs see division (D)(4)(f).

1. Size. When placed on a building, signs shall not exceed 6 square feet per sign facing for any 1 business so identified. This division refers only to those signs that are to be placed upon an exterior wall or façade of the building. The total area of occupancy signs shall be limited to 10% of the façade of the building and shall not exceed 40 square feet in area.

2. Height. When mounted on a building, shall not extend above the roof line of the building on which the sign display is placed.

3. Location. In all business and industrial zones.

4. Other restrictions. Directory signs may be combined with a free standing sign. When combined with a free standing sign, the combination shall be counted as part of the allowable sign area. For double-faced signs, that are free standing, the double-faced sign may not exceed 24 inches in thickness. As with free standing signs, they shall be required to be placed in a landscaped area no less than 70 square feet in size. They should be monument base style signs. When it is not possible or feasible to use a monument base style sign, then pole signs may be used as long as they do not exceed 8 feet in height. The design, materials, and color of the structure supporting a free standing sign or business directory or combination thereof, shall be required to have a design, similar materials, and colors of the structure or structures being identified. Materials allowed are wood, masonry, stucco over wood or steel frame, and pre-cast concrete, or other durable materials used as a standard product by the sign fabrication industry.

(f) Electronic Changeable Message Signs. Signs that are digital outdoor advertising boards and/or signs. This section only applies to the changeable message portion of a sign the remaining portion of the sign is governed by applicable sections of the sign ordinance.

1. Size. Shall not exceed 25 square feet per sign facing.
2. Height. Shall not exceed 16 feet if standing.
3. Location. Allowed only in the B-1, B-2 and B-3 districts.
4. Other restrictions.

a. If mounted on a building, the top of the sign shall not extend above the roof line of the building on which it is displayed. The sign area shall be computed as part of the total signage allowance for each business, profession, or industry being identified.

b. Messages shall remain stationary for a minimum of (6) seconds, no portion of the sign shall flash, scrolling of letters and numbers at a legible rate is permitted, but only at a consistent pace throughout the day.

c. Message Signs may not operate at brightness levels of more than (300) NITS (candles per square meter) at any time between one-half (½) hour after sunset until one-half before sunrise or five thousand (5000) NITs between one-half (½) hour before sunrise until one-half (½) hour after sunset.

d. Each Sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

e. The City, through appropriate personnel, may exercise its police powers to protect the public health, safety, and welfare by requesting that emergency information be displayed on the message sign. With the consent of the Electronic Changeable Message Sign Owner, the sign operator may display, in appropriate sign rotation: Amber Alert emergency information, or emergency information regarding terrorist attacks, or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

f. If the City of Batesville finds that the Changeable Message Sign causes a glare or otherwise impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle, the owner of the sign, within twenty four (24) hours, of a request by the City, shall reduce the intensity of the sign to a level acceptable to the City.

g. Changeable Message Signs shall meet the same installation and permitting requirements and inspections as set out for electrical and all other sign permits.

h. Each sign must comply with all Indiana Department of Transportation rules and regulations applicable to Changeable Message Signs which are not in conflict with this Ordinance.

i. Message Signs shall not resemble or simulate any warning or danger signals, or any official traffic control device, sign, signal or light.

j. Message Signs shall display only those services to the site it is serving or for public service announcements.

k. A Changeable Message Sign shall contain a default design that will freeze the sign in a dark or blank position if a malfunction occurs.

5. Sign Setbacks

a. Message Signs, if visible from any Residential District other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall not be located within (300) feet from such district or area, unless the owner of the building consents in writing to the location of the changeable message sign.

b. Message Signs with a display area larger than (25) square feet which are visible from any Residential District other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall not be located within (150) feet from such district or area.

c. Message Signs shall be setback a minimum distance of (6) feet from the street, highway, or road right-of-way.

d. No such sign shall be located within Seventy Five (75) feet of the driving surface of a signalized intersection.

e. No such sign shall be located within ten (10) feet of the driving surface of the street.

f. No sign structure shall be erected within one hundred (100) feet of another sign structure on the same side of the road or highway.

(g) Free standing business center identification signs. Free standing signs which identify a business center (Strip mall, multi unit business and/or service oriented complex. These may be double-faced signs. They shall be maintained in a landscaped area surrounding the base of the sign not less than 70 square feet in area. In the event it is not possible or feasible to provide the minimum landscaped area, then a pole sign may be used without a structural base. When a structural base is provided it shall be limited to wood, masonry, stucco over wood or steel frame, and pre-cast concrete. The design, color, and materials shall be similar to the structure or structures being identified.

1. Size and height. Height shall be limited to 16 feet. The total sign area may not exceed 60 square feet per sign facing. Free standing signs may be combined with directory signs.

2. Location. In all business and industrial zones, not less than 3 foot inside the property line, unless indicated otherwise elsewhere in this code.

3. Other restrictions. See "Directory Signs - Other Restrictions." Only 1 sign may be displayed in each business center, or at each business existing on an individual legal parcel of land. In the event that a business center being identified by 1 sign consists of 3 or fewer individual businesses, then each business may be identified on the free standing sign. These signs shall be encouraged as a means of reducing the need for additional signage on the face of the buildings.

(h) Free standing individual business signs. Free standing signs which identify a building, business, profession or industry not associated with a business center.

1. Size and height. See Free Standing Signs above.

5. Location. In all business and industrial zones, not less than 3 foot inside the property line.

6. Other restrictions. No more than 1 sign may be displayed on a legal parcel or lot. However, in the event that the parcel on which the individual business is located has 2 or more street frontages, each of which has 200 feet or more, an additional sign shall be allowed for each frontage. See also, Directory Signs - Other Restrictions.

(i) Gasoline price signs. On premise signs identifying the brand and/or type and price of

gasoline sold.

1. Size. Governed by state law; however, the city recommends that these not exceed 12 square feet per sign facing unless dictated by law.

2. Height. Sixteen (16) feet

3. Location. In all business and industrial zones.

4. Other restrictions. These signs shall be mounted as specified by law and shall be mounted in a fashion so that they are in a unified sign display.

(j) Off premise signs. Signs identifying a business activity, property, or product at some location other than where the sign is displayed.

1. Size. Shall not exceed 12 square feet per sign facing for a sign mounted flat on a building, or 25 square feet for a free standing sign.

2. Height. Shall not exceed 8 feet if free standing.

3. Location. In all business and industrial zones.

4. Other restrictions. These signs may only identify a building, business, profession, or industry that's located on a dead end street or not fronting on any road or street, but only having a vehicle access to a road or street by means of an easement. If a tractor/truck is not attached to the trailer; the trailer will be deemed outdoor advertising and a permit must be applied for, received (if zoning and spacing as for conventional signs are acceptable), and affixed to the trailer in a position clearly visible from the roadway. Only 1 sign should be displayed for each building, business, profession, or industry. See also Directory Signs - Other Restrictions.

(k) On-building identification signs. Permanent signs mounted flat on a building which identify a building and/or which identify 1 or more businesses, professions, or industries conducted on the premises. These signs shall be allowed as long as no more than 3 signs for identification purposes are provided for any business, profession, or industry. For further definition, see division (D)(4)(e).

1. Size. Shall be computed as part of the allowable 120 square feet of signage.

2. Height. Shall not exceed above the roof line of the same building upon which the sign is placed or displayed.

3. Location. In all business or industrial zones.

4. Other restrictions. Only one on-building identification sign shall be displayed per side of a commercial or industrial building with no more than 4 signs per building. In no event, shall the signs face onto a residential area. The Building Commissioner may issue a temporary permit, not to exceed 90 days, for provision of temporary signs until the time as permanent signs can be installed on buildings. Temporary signs shall be governed by all of the rules and regulations specified in this section.

(l) Parking lot signs. Signs placed or displayed in parking lots to supply information to people using the lots, including information in respect to liability, entry, exit, and directional information, as necessary to facilitate the safe movement of vehicles served by the parking area. Handicap parking provision signs are also covered under this division. These signs are not intended to be advertising signs.

1. Size. Shall not exceed 4 square feet per sign facing.

2. Height. Shall not exceed 8 feet, unless there are extenuating circumstances requiring identification of handicapped stall locations, as a result of changes in topography, or ground level, that do not permit handicapped persons access to visibility of the signs upon entry to parking lot areas.

3. Location. In all business and industrial zones, or on public use sites located in residential zones.

4. Other restrictions. Not applicable.

(m) Portable signs. A temporary sign designed to be moved from place to place - not permanently affixed to a building, structure, or the ground. A-Frame and Pedestal signs covered in section (D) (1) (i).

1. Size. Shall not exceed 32 square feet per sign facing.

2. Height. Shall not exceed 6 feet.

3. Location. In B-1 (Local Business Districts) and B-2 (Planned Business Districts), and never closer than 5 feet to a street right-of-way line.

4. Other restrictions. Notwithstanding any other provisions of this section, a permit for a portable sign shall not be issued unless the sign has been approved by the Building Commissioner, and is in conformance with the Building Code. Under no circumstances shall portable signs have flashing or intermittent lights, be animated, display words such as “stop, slow, go, caution” or be shaped like a traffic sign. All portable signs shall be securely attached to the ground or the surface to which it is affixed. The time period for the sign shall not exceed 10 days and the time period shall be noted on the application for the permit. Maximum of 4 permits in a calendar year with only 3 allowed consecutively. (See § 151.35 for locating portable signs in business districts and § 151.32 for locating portable signs in a residence district.)

(n) Projecting signs. A sign characterized by its attachment at an angle to the face of the building as opposed to being mounted flat on the surface of a building.

1. Size. The area of the signs shall be in accordance with division (D)(4)(i). These signs shall be counted as part of the total sign allowance on a particular site. These signs shall be discouraged where it is possible to provide adequate signage flat against a building and below the roof line of a building. In no event shall the signs extend above the roof line of a building.

2. Height. Shall not exceed the height of the building as measured to the top of roof or mansard.

3. Location. In all business and industrial zones.

4. Other restrictions. Notwithstanding any other provisions of this section, a permit for a projecting sign shall not be issued unless the sign has been approved by the Building Commissioner and in conformance with the Building Code.

(o) Under canopy signs. Signs suspended no lower than 8 feet above a walkway, under a canopy of a building, which identify a business, profession, or industry conducted on the premises. Shall be computed as part of the total allowable sign area.

1. Size. Shall not exceed 4 square feet per sign facing.

2. Height. The sign shall extend no lower than 8 feet above the area over which it is suspended.

3. Location. In all business and industrial zones.

4. Other restrictions. The signs shall identify only a building, business, profession, or industry. Only 1 sign shall be displayed per entrance.

(E) Signs prohibited in all zones.

(1) Flashing signs. Signs containing lights which flash, blink, or which give the appearance of the same are prohibited, except for time and temperature signs as allowed by division (D)(4)(n).

(2) Moving or rotating signs. Signs designed to move or rotate in whole or in part are prohibited, except for barber poles as allowed in division (D)(4)(b).

(3) Obsolete signs. Signs no longer identifying a business, profession, or industry that they were intended to identify. These signs shall be removed within 90 days following the dissolution of a business, professional office, or industrial activity

(4) Off premise advertising signs. Signs used to advertise the availability of goods, property, or services at locations other than the premises on which the sign is located are prohibited, except for advertising signs or billboards as allowed by division (D)(4)(a) and sub divisional directional signs, and off-premise signs as allowed by division (D)(4)(j).

(5) Portable Signs. Sandwich Board “A” frame signs are prohibited, that are carried by a person.

(6) Roof signs. Signs which project above the roof line of the building are prohibited.

(7) Signs interfering with traffic safety. Signs adversely affecting vehicular traffic and pedestrian safety are prohibited.

(8) Vehicle signs. Signs placed or displayed on vehicles, trailer parked primarily for the purpose of displaying the sign are prohibited, except for signs as required by law.

(F) Permit procedures. All signs identified by this chapter, as requiring the issuance of a permit, shall be governed by the criteria for permit applications established by the Planning Commission.

(1) Criteria for all signs requiring a permit. A permit application, for a sign otherwise in compliance with this section, shall be approved if the sign complies with the following criteria:

(a) The sign should serve primarily to identify the business, the establishment, or the type of activity conducted on the same premises, of the project, service or interest being offered for sale, lease or rent thereon, except as otherwise specifically provided above.

(b) Illumination of signs, where not specifically prohibited by this chapter, should be at a level consistent with adequate identification and readability.

(c) Signs requiring approval of the Board of Zoning Appeals for special exceptions in § 151.22 or temporary uses set forth in Division (C)(10),(11), and (12) of § 151.32 must first receive the Board's approval.

(d) Appropriate fees have been paid.

(2) Duration of permit. All permits are good for the life of the sign and as long as in compliance with the provisions set forth above, except for permits for those signs which are expressly specified as temporary signs pursuant to this section.

(3) Nullity of permit. A sign permit shall become null and void if the sign or sign program for which the permit was issued has not been installed within 12 months of issuance of the permit.

(4) Permit application procedure.

(a) When a sign permit is required. Applicants are required to apply for permits prior to undertaking any construction. See § 151.44(J) for late-filing fee.

(b) Sign program. Only 1 sign permit shall be required for each sign program. Applicants shall be encouraged to provide a sign program as opposed to obtaining single permits for groups of businesses, professional offices, or industrial complexes.

(c) Application. Application shall be made on an application form provided by the Building Commissioner.

(5) Sign permit application and fees. Before a sign permit application is approved, the applicant must submit information to the Building Commissioner, as specified in the permit procedures required under division (F)(1) and pay the following fees.

Temporary Signs or Banners (10 days or less)	\$25
Fixed Signs	
To 32 square feet	\$50
33 to 150 square feet	\$80
151 to 300 square feet	\$125
Billboards	\$450

(Am. Ord. 5-2001, passed 11-14-2000) (Am. Ord. 11-2011, passed _____ 2011)

(G) Revocation of permit. After notice and public hearing, any sign permit granted in accordance with the provisions of this section may be revoked upon a finding by the Board of Zoning Appeals, that the sign, or sign program, for which the permit was granted advertises the availability or sale of goods, property, or services not or no longer available, or is constructed, installed, or maintained in a manner that is not in accordance with the approved application.

(Ord. 13-88, passed 7-11-1988; Am. Ord. 1-90, passed 1-8-1990; Am. Ord. 5-95, passed 5-8-1995; Am. Ord. 7-97, passed 7-14-1997; Am. Ord. 2-98, passed 2-9-1998; Am. Ord. 16-2001, passed 9-10-2001; Am. Ord. 11-2004, passed 1-10-2005 Am. Ord.)”

Passed this 8th day of August, 2011 by the Common Council of the City of Batesville, and finally adopted this 12th day of September, 2011.

Ayes: Struewing, Lambert, Hunter, Narwold, Dreyer
Nays: None

WHEREUPON, the Mayor declared such ordinance finally and legally adopted.

Richard Fledderman, Mayor

Attest:

Ronald C. Weigel, Clerk-Treasurer