

## **ORDINANCE NUMBER 2015-21**

### **ORDINANCE ESTABLISHING SIGN REGULATIONS**

WHEREAS, the Town of Albany has developed zoning regulations, including the prohibition of signs in certain zoning districts; and

WHEREAS, the Town Council of the Town of Albany, Indiana has determined that it needs to establish regulations as to signs that are permitted throughout the Town;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Albany, Indiana that:

#### **SECTION 1. PURPOSE.**

- (A) The purpose of this Ordinance is to promote and protect the public health, welfare and safety of the community and its people by regulating existing, proposed and subsequent outdoor advertising and outdoor signs of all types. As a general rule, signs of all sorts are not favored nor encouraged within the Town of Albany.
- (B) The location and maintenance of signs within the Town of Albany shall be consistent with the land usage and neighborhood wherein same shall be found.
- (C) Because signs are generally detrimental except those for public service, the sections herein relative to signage shall be narrowly constructed.

#### **SECTION 2. DEFINITION.**

- (A) A sign is any structure or device designed or intended to attract attention and convey information to the public in pointed, written or pictorial form. Signs include, but are not limited to, billboards, business, free standing, banners, advertising, real estate and portable temporary signs.

#### **SECTION 3. EXEMPT SIGNS.**

The following types of signs shall be exempted from the requirements of this Ordinance:

- (A) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, and/or names of occupants of premises or home service.
- (B) Flags and insignia of any government.
- (C) Legal notices, identification, or directional signs erected by or by order of local governmental bodies.

- (D) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, including logos.

#### **SECTION 4. PROHIBITED SIGNS.**

No signs shall be allowed in any Residential Zone Areas except for those signs that are exempt signs as set forth in Section 3 of this Ordinance.

#### **SECTION 5. REGULATIONS.**

- (A) No sign will be permitted without the issuance of a valid permit issued by the Albany Planning Commission.
- (B) In any district where signs are permitted, except as noted, the provisions of this Section shall be applied to affect the safety of motorists and facilitation traffic movement.
  - (1) No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorize traffic control sign, signal or device.
  - (2) No sign shall contain or make use of any phrase, symbol, shape, form or character in a manner that interferes with, misleads, or confuses moving traffic.
  - (3) Portable signs require notification to the Planning Commission stating location and duration that the sign will be in place. Portable signs without a message are prohibited.
  - (4) All signs not expressly permitted by this Section are prohibited.
- (C) In Income Property, Multiple-Family Residence, Neighborhood Commercial, General Commercial, Industrial, Industrial Reserve and Special Reserve Districts, the provisions of this Subsection shall apply:
  - (1) No part of any sign which is attached to the exterior wall of a building or roof shall be erected to a height in excess of six (6) feet above the roof or parapet line of the building.
  - (2) No illuminated sign shall be permitted within 500 feet of any neighboring Residential District.
  - (3) No part of any free standing sign shall be erected to a height greater than the roof line of any building located on site and served by the sign.
  - (4) Rooftop sign structures shall not extend more than six feet above the roof line.
  - (5) No sign structure shall extend beyond or overhang any exterior wall of the building when the sign structures are secured on the roof.

- (6) The minimum setback of freestanding signs from street rights-of-way shall not be less than those stated below. Setbacks shall be measured from the nearest point of the sign to the edge of the right-of-way.
- (7) The minimum sign setbacks shall be as follows:

<u>Minimum Area of Sign Per Face</u>	<u>Setback</u>	<u>Permit Fee</u>
5 square feet or less	10 feet	\$25.00
5 to 14.9 square feet	15 feet	\$40.00
15 to 49.9 square feet	30 feet	\$60.00
50 to 99.9 square feet	40 feet	\$80.00
100 or more square feet	60 feet	\$100.00

- (8) No free standing sign shall be erected or maintained on or within any easement or right-of-way, public or private, without special permission in writing from the Albany Planning Commission.
- (D) In the Income Property, Multiple-Family Residence, Neighborhood Commercial, General Commercial and Special Reserve Districts, except as herein provided, the provisions of this subsection shall apply:
- (1) Multi-family developments shall be subject to the provisions of division (C) above.
  - (2) Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements:
    - (a) Signs shall not contain information or advertising for any product not sold or produced on the premises;
    - (b) Signs shall not have an aggregate surface size greater than 30 square feet for each business on the premises;
    - (c) Signs shall not project over public rights-of-way;
    - (d) Any sign over 24 square feet shall not be located closer than 50 feet to any residential use, school, church, park, playground or similar use; and
    - (e) Each legal business shall be entitled to one wall mounted sign subject to the foregoing requirements, except that occupying extended common frontages shall be limited to one free standing sign per 200 linear feet of frontage.
- (E) In the Industrial and Industrial Reserve Districts, each User/Owner shall be permitted identification signs as incidental uses, not to exceed two of these types of signs for a total net area of three hundred square feet.



- (F) The signs permitted by this division shall be allowed and/or limited in any district.
- (1) All real estate "For Sale" or "For Rent" signs shall be no more than 800 square inches in size. No "directional" signs or "rider" shall be permitted. However, "Open House" riders shall be permitted only for a period of seven (7) days prior to the open house and same must be removed one hour after the conclusion of the open house.
  - (2) One sign, not more than 12 square feet in area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development is actively underway.
  - (3) For an event of public interest sponsored by a governmental agency, church, school, political organization or charitable organization, one temporary sign not over 100 square feet in area on the premises on which the event will take place shall be permitted, but the sign shall not be erected more than 30 days before the event in question and shall be removed immediately after the event.
  - (4) For each real estate subdivision that has been recorded in accordance with the subdivision regulations, one sign, not over 50 square feet in area, advertising the sale of property in the subdivision shall be permitted within easements recorded for the purpose of erecting subdivision signs, but only when located in some portion of the subdivision itself being advertised for sale. The sign may be illuminated, but no flashing, intermittent, or animate illumination is permitted. The sign shall be maintained only during the time as some portion of the land use advertised for sale remains unsold. Permits for this type of sign shall be issued for one-year periods to allow time for reasonable display.
  - (5) Political advertisement signs on private property may be erected no more than 30 days prior to the election and are to be removed within five days after the election. No political sign may exceed 25 square feet in size.
  - (6) For each major entrance to a real estate subdivision, one sign containing the name of the subdivision shall be permitted on each side of the entrance. The sign shall not exceed 20 square feet and shall have a maximum height of six feet.
- (G) Albany Planning Commission is responsible for permitting and enforcement.

**SECTION 6. EFFECTIVE DATE.**

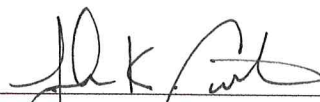
This ordinance shall be effective upon adoption.

Passed and adopted by the Town Council of the Town of Albany, Indiana on the 10<sup>th</sup> day of August, 2015.

  
Philip Evans, Council President

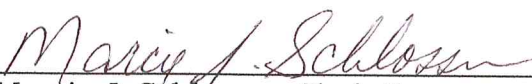
  
James Norris, Council Member

  
Steve Hamilton, Council Member

  
John Coutinho, Council Member

  
Earl Jeff Clark, Council Member

ATTEST:

  
Marcie J. Schlosser, Clerk-Treasurer

