

Chapter Eight

Sign Regulations

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8.1 Intent

The intent of this Article is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; to maintain and enhance the aesthetic environment of the county; eliminate potential hazards to motorists and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of Whitley County.

8.2 Administration and Enforcement:

- A. Administration: Except where herein otherwise stated, the provisions of this Section shall be administered by the Columbia City/Whitley County Joint Planning and Building Department, or by its designee.

The Department (or its authorized representative) is hereby empowered in performance of Departmental functions to enter upon any land in the County for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon markers, notices, or signs required to effect provisions of this Chapter. The above authorized person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Chapter.

- B. Duties of the Columbia City/Whitley County Joint Planning and Building Department: The Department shall have the power to grant sign permits, and to make inspections of buildings or premises necessary to carry out the Departments duties in the enforcement of this Chapter.

It shall be improper for the Department to approve plans or issue any permits or certificates for any sign until such plans have been inspected in detail and found to be in conformance with this Chapter, nor shall the Department vary or change any terms of this Chapter.

If the Department shall find that any of the provisions of this Chapter are being violated, the Department shall notify in writing the person responsible for such violations, indicating the nature of the violation. The Department shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal signage; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions.

- C. Permit Required: It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, or moving of any sign or sign structure or any portion thereof without first having obtained the necessary permits. Primary responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to ensure that all required permits and approvals have been secured prior to any work being initiated.

Any sign permit under which no construction work has been commenced within six (6) months after the date of issuance of said permit or under which proposed construction has not been completed within one (1) year of the time of issuance shall expire by limitation.

- D. Voiding of Sign Permit: A permit may be revoked by the Department at any time prior to the completion of the sign for which the same was issued, when it shall appear that there is any departure from the plans, specifications, or conditions, as required under terms of the permit, that the same was procured by false representation, or that any provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, the agent, or contractor, or upon any person employed within the building or structure for which such permit was issued, via a stop-work order, which shall be posted

in a prominent location, and thereafter no such construction shall proceed until the violation is remedied.

- E. Compliance with Sign Permits: Sign permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement, or construction.
- F. Violations: If it is found that a sign is in violation of this Ordinance, the Department, or its designee, shall give notice to the owner of the sign, or if the owner cannot be located, to the owner or property management agent of the premises on which the sign is located or, if the sign erection is not complete, to the sign erector, either personally, by certified United States Mail, or by posting such a notice on the premises, such notice stating:
 - 1. The violation found; and
 - 2. That the violations must be brought into compliance within the requirements of this and all other County Ordinances within ten (10) days from the date of such notice; and
 - 3. The requirements which must be met; and
 - 4. That any person found to be in violation of any provision of this Ordinance shall be subject to the penalties established in the Enforcement and Penalties, Chapter 13, Section 13.9, of this Ordinance.

8.3 General Sign Standards

GS-01: Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, within the jurisdiction of the Whitley County Plan Commission or cause the same to be done without first obtaining a sign permit from the Planning Department. The following sign standards apply to all signs within the jurisdiction of the Whitley County Plan Commission.

- A. Inspection: Signs for which a permit is required may be inspected periodically by the Plan Commission or Zoning Administrator for compliance with this Article.
- B. Structural Requirements: All signs shall comply with the pertinent requirements of the Indiana Building Code.
- C. Safety: Any existing sign which is or becomes an immediate danger or hazard to persons or property because of being in an unsafe condition, or which obstructs any fire escape, window, or door, is subject to immediate removal without notice and at the expense of the property and/or sign owner.
- D. Removal of Sign: The Plan Commission or Zoning Administrator may order the removal of any sign erected or maintained in violation of this Article. A written notice shall be given to the owner or business operator describing the violation and stating that the sign must be either removed or brought into compliance within thirty (30) days of the date of the letter. The Plan Commission or Zoning Administrator may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public. Any cost associated with signs removed by the Plan Commission and/or its agent, pursuant to the provisions of this Article, shall be reimbursed by the owner of said sign. Should said sign not be picked up from the County, within sixty (60) days of its removal, it may be disposed of in any manner deemed appropriate by the County.
- E. Maintenance: All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. If failure to maintain a sign is determined by the Plan

Commission or Zoning Administrator, a written notice will be given to the owner, business operator, or lessee of the property. Thirty (30) days shall be given to the owner, business operator, or lessee of the property to comply with the regulations. After thirty (30) days if the owner/business operator fails to comply penalties may be imposed according to Chapter 13.

- F. 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 the sign, the Plan Commission or Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Plan Commission or Zoning Administrator may remove the sign at cost to the property owner or lessee.
- G. Illumination: Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares, nor shall the light sources be oriented such that either direct or reflected light creates a nuisance to adjoining properties.
- H. State Right-of-Way Requirements: All signs erected within the jurisdiction of State right-of-way requirements shall meet both State and County requirements. Signs shall not project over any city or county public right-of-way.
- I. Lot lines: Signs shall not project over lot lines.
- J. Exempt Signs: The following signs are exempt from all provisions of this ordinance:
 - 1. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags. No commercial messages or logos are permitted on such flags.
 - 2. 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. No commercial messages or logos are permitted on such integral signs.
 - 3. Public signs erected by or on the order of public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities.
 - 4. Utility signs are permitted to mark cables and lines for public and private utilities unless determined to be a hazard by the Plan Commission or the Zoning Administrator.
 - 5. Seasonal or holiday signs, including lighting erected in connection with the observance of holidays.
 - 6. Political signs or signs announcing political candidates or issues on private property.
 - 7. Residential garage, patio or yard sale signs not to exceed six (6) square feet and located upon the premises where the sale is taking place.
 - 8. Property Real Estate Signs not exceeding six (6) square feet in area on each street frontage of a lot, which advertise the sale, rental, or lease of the premises upon which said signs are located only. The Real Estate Signs shall not exceed six (6) feet in height, and shall not be illuminated in any way.

9. Bulletin boards not over thirty-two (32) square feet in area, for public, charitable, or religious institutions, which are located on the premises of, said institutions. The bulletin board shall not exceed 12 feet in height, and illumination, if any, shall be by constant light.
10. Professional name plates, or occupational signs, and home occupation signs not exceeding two (2) square foot in area, wall-mounted and unlit, adjacent to the main entrance of the building.

K. Prohibited Signs: The following type of signs are expressly prohibited in all Zoning Districts:

1. Animated signs;
2. Any sign erected in a location prohibited by this Chapter.
3. Any sign erected in a public easement or right-of-way;
4. Any sign erected so as to prevent free ingress to or egress from any door or window, or any other exit-way required by the building or fire codes of the County;
5. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property;
6. Any sign erected in any location where, by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color interfere with or be confused with any authorized traffic signal sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on public right-of-way;
7. Any on-premises sign advertising an article or product not manufactured, assembled, processed, repaired or sold or a service not rendered upon the premises upon which the sign is located, and not located or constructed such as to qualify as a “standard outdoor advertising structure or billboard”;
8. Any sign or advertising device such as banners and pennants affixed on poles, wires, ropes or streamers, wind-operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and “A” frames or other portable signs of like nature, and other similar contraptions or techniques except that these devices may be used for a period of thirty (30) days in any twelve-month period by permit from the Department and must be kept in a safe and orderly fashion;
9. Vehicle signs, except for standard advertising or identification markings, which are painted on or permanently, attached to the side of a business or commercial vehicle. Such business or commercial vehicles shall not be parked in any required parking space, nor in any excess parking space adjacent to a street right-of-way;
10. Off-site or off-premises signs except as provided in this Section;
11. Flashing signs including electronic message centers; however, not including digital time and temperature signs, involving only that information and no further or additional information of an advertising nature. Such time/temperature signs shall be constant or steady in nature, and shall not grow, melt, x-ray, up or down scroll, write on, travel, inverse, roll, twinkle, snow or present pictorials or other animation;

12. Portable signs, signs not permanently affixed to the ground;
13. Signs which contain characters, or cartoons, or contain statements, words, or pictures of any obscene, indecent, prurient, or immoral character.

8.4 General Sign Requirements

GS-02: Residential and Agricultural Signage: One, Two, Multi-Family Residential, and Agricultural Signs must comply with the General Sign Standards in Section 8.3 of this Chapter. The allowable signage includes all exempt signs in Section 8.3, GS-01,J.

A. Allowable Signs:

1. Identification Signs: One identification sign may be erected on each perimeter street frontage of a multi-family development, manufactured/mobile home park, single-family subdivision, or permitted non-residential uses, including Special Exceptions. The sign shall not be permitted to exceed thirty-two (32) square feet of display surface area. The sign shall not exceed twelve (12) feet in height, and illumination, if any, shall be by a constant light. Additional or Multiple signs may be permitted by the Executive Committee for one or more entrances.
2. Church, Public or Semi-Public Buildings, or Public Park Identification Sign: Not more than one sign per street frontage not exceeding fifty (50) square feet in size per face. The sign shall not exceed twelve (12) feet in height, and illumination, if any, shall be by constant light.
3. Construction Sign: During the period of construction, a temporary sign advertising the construction of improvements on the premises, may be erected on each perimeter street of frontage of the development. The sign shall not exceed thirty-two (32) square feet in surface area, or twelve (12) feet in height, and illumination, if any, shall be by constant light.
4. Directional Signs: Two signs per entry/exit not exceeding six (6) square feet in size per face.
5. Memorial or Tablet Signs: One sign not exceeding six (6) square feet in size per face unless such signs are installed by the Federal, State, County, or City government or agencies thereof.
6. Property Real Estate Signs: One sign per lot frontage not exceeding six (6) square feet in size per face.
7. Special Displays and Other Temporary Signs: See Section 8.3,GS-04 of this Chapter.
8. Informational signs not exceeding two (2) square feet in size per side nor a height of four (4) feet from the ground which identify the occupants, occupation, address, and/or information. Examples of permitted informational signs generally include: privacy sign, trespassing sign, seed sign, etc.
9. Non-illuminated Home Occupation wall sign not exceeding two (2) square feet wall-mounted on the dwelling, and; if allowed with a Special Exception, one (1) non-illuminated yard sign not exceeding six (6) square feet in size per face.

B. Location and Height:

1. No sign placed upon the ground shall be located closer than ten (10) feet to any property line

and shall meet the sight triangle requirements of Chapter 5 of this Ordinance.

2. No sign attached to the wall of a building or other structure shall extend above the roof line of that building or structure.
3. For residential signs without a specific height standard, the sign(s) shall not exceed eight (8) feet in height from the surrounding grade to the highest point of the sign.
4. Directional Signs: No sign shall exceed three and one-half (3.5) feet above the elevation of the adjacent driveway at the point where it meets the road right-of-way.
5. Memorial or Tablet Signs: No sign shall exceed six (6) feet in height from the surrounding grade to the highest point on the sign.
6. Property Real Estate Signs: No sign shall exceed six (6) feet in height from the surrounding grade to the highest point on the sign.

C. Other Requirements:

1. Mobile Construction Signs: Signs identifying mechanics, painters, architects, engineers, and similar artisans and workmen which are attached to or on trailers on the site of construction shall be permitted provided that upon completion of the project the trailer must be removed within one week. These trailers shall not be located closer than ten (10) feet to the property line if such signs are visible from the street.
2. Residential Construction Project Sign:
 - a. On-Site Sign: Such sign shall be removed either at such time as the permanent subdivision entrance sign is erected, or when eighty percent (80%) of the lots and/or dwelling units have been sold, whichever circumstances occurs first.
 - b. Off-Site Signs: Such signs shall be removed either within two (2) years from the date of issuance of the sign permit, or when eighty percent (80%) of the lots and/or dwelling units have been sold, whichever circumstance occurs first.
3. Property Real Estate Signs: Shall be removed within ten (10) days following the date of closing or lease initiation.
4. Directional Sign: May contain the street address and/or name of the business center or the name of the use of the building, trademark, logo, or similar matter, provided that not more than fifty percent (50%) of the sign area is used for this purpose.

GS-03: Business and Industrial Signage: Commercial Signs must comply with the General Sign Standards in Section 8.3 of this Chapter. The allowable signage includes all exempt signs in Section 8.3, J.

A. Allowable Signs:

1. Pole Signs: One (1) pole sign per lot and shall not have an aggregate (total from each side combined) surface area greater than three (3) square feet for each foot of width of the principal structure on the premises. Total pole signage shall not exceed three hundred (300) square feet.
2. Ground-Mounted Signs: One (1) ground mounted sign per lot may be substituted for the allowable pole sign. Same surface area requirements as for pole signs.

3. Attached Signs: One attached sign for each side of the building not exceeding ten percent (10%) of the total square footage of the building face upon which it is placed.
4. Window/Door Signs: Shall not cover more than fifty percent (50%) of the total window area or door to which they are applied.
5. Under Canopy Sign: One sign not exceeding two (2) square feet in size displaying the name, occupation, address and/or service located upon the premises.
6. Directories: For buildings with multiple occupancies, a directory sign may be substituted in lieu of the allowable pole sign subject to review and approval by the Board of Zoning Appeals as to height and overall square footage.

B. Location and Height:

1. Pole Signs: Such signs shall not exceed thirty (30) feet in height from the surrounding grade to the highest point on the sign and the overhand shall not be located any closer than one (1) foot to any property line. Such signs shall meet the sight triangle requirements of Chapter 5.
2. Ground-Mounted Sign: Such signs shall not exceed six (6) feet in height from the surrounding grade to the highest point on the sign and shall be located no closer than one (1) foot to any property line. Such signs shall meet the sight triangle requirements of Chapter 5.
3. Attached Signs: Shall be face mounted on the building wall, projecting no more than twelve (12) inches from the face of the building. Such signs shall not project above the parapet wall, mansard, or other roof line, shall maintain a clearance of eight (8) feet above the ground or pavement, and shall be recessed where involving a pitched roof location.
4. Window/Door Signs: Such signs may be attached to either the interior or exterior of a window or glass door and shall be maintained in good repair.
5. Under Canopy Signs: Such signs may be attached to the building or canopy and shall maintain a head clearance of eight (8) feet.
6. Directories: As approved by the Board of Zoning Appeals.

C. Other Requirements:

1. Canopy Use: An attached or detached sign may be used as an attached and/or pole sign. However, the canopy's size does not add to the width or face of the building when calculating for allowable signage.
2. Portable Signs: The use of portable signs for the advertisement of cigarettes, food, or other sundry items are specifically prohibited.
3. Changeable Copy Signs: A manual changeable copy sign may be incorporated as an integral part of the permanent pole, ground, or attached signage permitted upon the property.

GS-04: Special Displays and Other Temporary Signs: Banners and Pennants are a permitted use. However, the Executive Director of the Planning Department can require removal of such Banners and Pennants if they are not kept in a safe and orderly fashion. The following temporary signs may be approved by the Executive Director for up to a thirty (30) day time period. Such signs may be extended beyond the thirty (30) day time period, but only upon review and approval by the Board of Zoning Appeals as a Special Exception.

- A. Signs announcing Openings.
- B. Seasonal or special occasion signs such as special events and special business hours.
- C. Yard signs, such as “Siding by ...”.
- D. Subdivision Directional Signs not exceeding three (3) square feet in size per face.
- E. All other temporary signs not specifically referenced in this Ordinance.
- F. Portable signs, signs not permanently affixed to the ground.

GS-05: Standard Outdoor Advertising Structure (Billboards):

A. Where Permitted: Advertising signs complying with all the requirements of this Ordinance shall only be allowed if they are located on U.S. Highway 24, U.S. Highway 30, U.S. Highway 33 or any State Road. Additionally, they are required to be in the GC General Commercial, IPM Industrial Park/Manufacturing, and IN Industrial zoning districts.

B. Area:

1. On U.S. Highway 24 & 30: The maximum area for any one sign shall not exceed six hundred seventy-two (672) square feet in size per face excluding extensions and embellishments, with a maximum height of fourteen (14) feet and a maximum width of forty-eight (48) feet inclusive of border and trim, but excluding the base, apron, supports, and other structural members.
2. On U.S. Highway 33 or any State Road: The maximum area for one sign shall not exceed three hundred (300) square feet per face.
3. On U.S. Highway 24 & 30: Extensions to the top of advertising signs are permitted. However, in no case shall any extension exceed ninety-six (96) square feet in total feet in total area or extend more than five and one-half (5 ½) feet in height above top of said sign. Other extensions are permitted as follows:
 - a. Side Extension: Two (2) feet on each side.
 - b. Bottom Extension: One (1) foot.
 - c. Embellishments to advertising signs shall not exceed one (1) foot out from the facing of said sign.
4. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back-to-back or in V-Type construction with not more than three side-by-side displays to each facing, but such sign structures shall be considered as one sign. A group of not more than two (2) advertising signs shall be permitted on one sign structure. However, there shall be no vertical stacking signs.

C. Height:

1. On U.S. Highway 24 & 30: The maximum height shall not exceed fifty (50) feet from the highest point on the sign to surrounding grade or street level, whichever is higher.
2. On U.S. Highway 33 or any State Road: The maximum height shall not exceed thirty-five (35) feet from the highest point on the sign to surrounding grade or street level, whichever is higher.

D. Location:

1. No such sign shall be erected within one thousand (1,000) lineal feet of an existing sign on the same side of the road.
2. No such sign shall be located within five hundred (500) lineal feet of a residential zoning district along the street on which the sign is intended to be located.
3. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
4. No such sign shall be placed closer than five hundred (500) feet to an intersection with a Limited Access Highway and measured from the nearest edge of the right-of-way. No such sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
5. On U.S. Highway 24 & 30: The minimum front yard setback for such signs shall be a minimum of fifty (50) feet from any public right-of-way and/or private roadway easement.

On U.S. Highway 33 or any State Road: The minimum front yard setback for such signs shall be a minimum of twenty (20) feet from any public right-of-way and/or private roadway easement.
6. No sign shall be located on any public or private utility easement, road, drainage easement or railroad right-of-way.
7. All lineal distances required by this section shall be measured from the nearest outside edge of the subject sign, whether a support, structural member, or the sign surface itself to the nearest outside edge of the corresponding sign, building, right-of-way or easement involved.

E. Plans Required: An application to erect such a sign shall be accompanied by the following:

1. A set of plans, to scale, approved and sealed by a licensed engineer in the State of Indiana, providing all necessary construction and electrical details of the sign and sign structure, including height.
2. A site plan, to scale containing:
 - a. The proposed location of the sign upon the property.
 - b. The distance from the proposed sign location to any buildings upon the property, and adjoining road right-of-way lines, and driveway entrances.
 - c. The distance from the proposed sign location to the next nearest billboard sign on either side of the road in either direction.
 - d. The distance from the proposed sign location to the nearest road intersection in either direction.
3. A representation of the proposed sign, to scale, including the width and length of the sign faces, and height from surrounding grade.

F. Construction Specifications: Henceforth, any such sign erected under this Ordinance shall be a single pedestal type, constructed of non-flammable material, excluding wood. Construction of the sign and material specifications shall comply with the following Sections of the Indiana Department of Highways Standard Specifications: 802, 803, 909.14, 909.19, and 912.10, as applicable, and must meet the structural requirements of the City's Building Code.

G. Prohibited Outdoor Advertising Structure Signage:

1. Roof-mounted signs or signs affixed directly to the side of any building.
2. Flashing signs, including automatic changing signs such as time, temperature, and date signs as well as electronically controlled message centers.
3. Fluttering signs, pinwheels, pennants, streamers and banners.
4. Moving signs or swinging signs.
5. Signs which contain characters, cartoons or statements, words, or pictures of any obscene, indecent, prurient or immoral character.
6. Signs which contain or are an imitation of any official traffic sign or signal, or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or constructed as a traffic control device, or which may hide from view any traffic or street sign or signal.
7. Any sign constructed or located in such a manner such that it becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of an adjacent building. Such signs will be subject to immediate removal by the Building Commissioner or his designee, without notice, at the expense of the property owners.