

ORDINANCE NO. 020813

An Ordinance to Amend the Unified Development Ordinance of the Town of Fishers, Hamilton County, Indiana - 2006

This is an ordinance to amend the text of the Unified Development Ordinance of the Town of Fishers, Indiana, Ordinance No. 090605A (the "UDO"), and the Fishers Marketplace Planned Unit Development Ordinance No. 070506, as amended by Ordinance 081808D, 032111B, and 081511A (the "Fishers Marketplace PUD Ordinance") previously enacted by the Town of Fishers pursuant to Its authority under the laws of the State of Indiana, IC 36-7-4 et seq., as amended.

WHEREAS, the Plan Commission of the Town of Fishers has conducted a public hearing on Docket No. 2-TA-13 as required by law in regard to the application filed by the ONB Realty I LLC and Thompson Thrift Development, Inc., to amend the Fishers Marketplace PUD Ordinance regarding the subject real estate described in Exhibit A attached hereto (the "Real Estate"); and

WHEREAS, the Plan Commission at its March 12, 2013 meeting sent a favorable recommendation to the Fishers Town Council by a vote of eleven (11) in favor and zero (0) opposed.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fishers, Hamilton County, Indiana, meeting in regular session, that the Fishers Marketplace PUD Ordinance is hereby amended as follows (the "SECTION" references below refer to the Sections of the Fishers Marketplace PUD Ordinance):

1. **SECTION 12. SIGNS. Subsection C. Building Identification Signs. Subsection D. Incidental Signs. Subsection E. Suspended Signs in Integrated Centers**, shall be and hereby are repealed in their entirety and replaced with Article 05.094 § 04 Commercial & Industrial Districts, Sections A (7) through A (15) of the UDO. SR 37, 131st St., Parkside Drive, and the various internal easements depicted on the Frontage Plan, attached hereto as Exhibit B, shall be deemed as frontage.
2. **SECTION 12. SIGNS. Subsection G. Temporary Signs**, shall be amended to include the provisions of Article 05.094 § 04 Commercial & Industrial Districts, Section B (1) and Sections B (3) through B (7) of the UDO.

EFFECTS OF APPROVAL. All other provisions of the Fishers Marketplace PUD Ordinance shall remain in effect with the adoption of this ordinance. All provisions and representations of the Fishers Marketplace PUD Ordinance that conflict with the provisions of this ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this ordinance.

APPROVAL. This ordinance shall be in full force and effect from and after its passage by the Town Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Town Council this 15th day of April Two Thousand and Thirteen.

Fishers Marketplace PUD Amendment



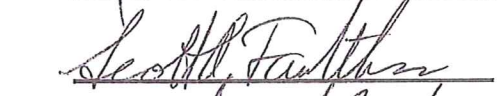
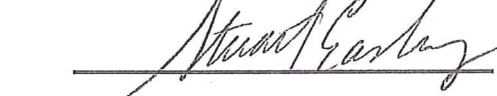
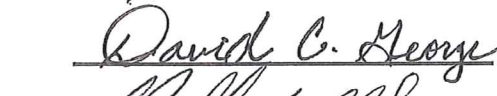
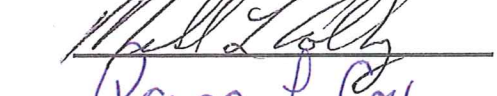
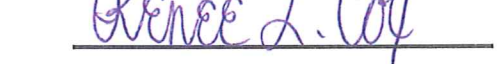
Year
2013

THE TOWN COUNCIL OF THE TOWN OF FISHERS, HAMILTON COUNTY, INDIANA

AYE


NAY

BY:

John W. Weingardt,
President
C. Pete Peterson,
Vice President
Scott A. Faultless,
Member
Stuart F. Easley,
Member
David C. George,
Member
Michael Colby,
Member
Renee Cox,
Member

ATTEST:


Linda Gaye Cordell, Clerk-Treasurer,
The Town of Fishers, Indiana
Ordinance No. 020813

Approved by: Douglas D. Church, Esq., Town Attorney, Church, Church, Hittle and Antrim

Prepared by: Steven D. Hardin, Esq.
Faegre Baker Daniels, LLP, 600 East 96th Street, Suite 600,
Indianapolis, Indiana 46240 (317) 569-9600

Exhibit A - Real Estate

NORTH ONB

Legal Description

TRACT 1:

Parts of the Southeast Quarter of Section 19 and the Northeast Quarter of Section 30, Township 18 North, Range 5 East, Delaware Township, Hamilton County, Indiana, being described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 19; thence South 00 degrees 00 minutes 02 seconds East (an assumed bearing) 2,668.45 feet along the East line of the Southeast Quarter of said Section 19 to the Southeast corner thereof, said point also being the Northeast corner of the Northeast Quarter of said Section 30; thence South 89 degrees 25 minutes 19 seconds West 1,291.52 feet along the North line of the Northeast Quarter of said Section 30 to the Northwest corner of a tract of land granted to Hamilton Southeastern Schools ("School Tract") recorded in Deed Record 266, Page 398, of the Hamilton County, Indiana Recorder's Office and the Point of Beginning of this description; thence South 00 degrees 10 minutes 47 seconds West 865.32 feet; thence North 89 degrees 49 minutes 13 seconds West 582.23 feet; thence South 00 degrees 10 minutes 17 seconds West 566.10 feet along the Western boundary line of said "School Tract"; thence South 89 degrees 29 minutes 44 seconds West 481.11 feet to a point of curvature to the left, said point being located North 00 degrees 30 minutes 16 seconds West 385.00 feet from the radius point of said curve; thence Westerly 266.58 feet along said curve to its point of tangency being located on the Eastern right-of-way line of State Road 37 per Right-of-Way Document recorded in Deed Record 149, page 441 in the Hamilton County Recorder's Office, said point being located North 40 degrees 10 minutes 35 seconds West 385.00 feet from the radius point of said curve, the following Two courses are along the Eastern right-of-way line of State Road 37; 1) thence North 00 degrees 02 minutes 06 seconds West 1,511.40 feet to the North Line of the Northeast Quarter of said Section 30; 2) thence North 00 degrees 02 minutes 06 seconds West 1,336.28 feet; thence North 89 degrees 28 minutes 01 second East 359.46 feet; thence South 00 degrees 00 minutes 16 seconds East 1,336.04 feet to the North line of the Northeast Quarter of said Section 30; thence North 89 degrees 25 minutes 11 seconds East 954.96 feet along said North line to the Point of Beginning, containing 46.496 acres, more or less.

EXCEPT that real estate conveyed to the State of Indiana by Warranty Deed recorded February 26, 2008, as Instrument 2008009323, more particularly described as follows:

A part of the Northeast Quarter of Section 30, Township 18 North, Range 5 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked Exhibit "B", described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 19, Township 18 North Range 5 East; thence South 00 degrees 00 minutes 02 seconds East (an assumed bearing) 2,668.45 feet along the East line of the Southeast Quarter of said Section 19 to the Southeast corner thereof, said point also being the Northeast corner of the Northeast Quarter of said Section 30; thence South 89 degrees 25 minutes 19 seconds West 1,291.52 feet along the North line of the Northeast Quarter of said Section 30 to the Northwest corner of a tract of land granted to Hamilton Southeastern Schools ("School Tract") recorded in Deed Record 266, Page 398, of the Hamilton County, Indiana Recorder's Office; thence South 00 degrees 10 minutes 47 seconds West 865.32 feet; thence North 89 degrees 49 minutes 13 seconds West 582.23 feet; thence South 00 degrees 10 minutes

17 seconds West 566.10 feet along the Western boundary line of said "School Tract"; thence South 89 degrees 29 minutes 44 seconds West 481.11 feet to a point of curvature to the left, said point being located North 00 degrees 30 minutes 16 seconds West 385.00 feet from the radius point of said curve; thence Westerly 266.58 feet along said curve to its point of tangency being located on the Eastern right-of-way line of State Road 37 per Right-of-Way Document recorded in Deed Record 149, Page 441, in the Hamilton County Recorder's Office, said point being located North 40 degrees 10 minutes 35 seconds West 385.00 feet from the radius point of said curve (the foregoing portion of this description beginning with the words "thence South 00 degrees 00 minutes 02 seconds East (an assumed bearing)" is taken from Instrument Number 2007000985) to the East boundary of S.R. 37 and a Northwest corner of a tract of land described in Instrument Number 200600061116 and the Point of Beginning of this description designated as point "201" on said plat; thence North 0 degrees 02 minutes 06 seconds west 1330.22 feet along the East boundary of said S.R. 37 to the point designated "214" on said plat; thence South 9 degrees 52 minutes 07 seconds East 76.12 feet to the point designated "213" on said plat; thence South 44 degrees 28 minutes 51 seconds East 78.54 feet to the point designated "212" on said plat; thence South 89 degrees 57 minutes 33 seconds East 275.33 feet to the point designated "211" on said plat; thence South 0 degrees 02 minutes 06 seconds East 94.00 feet to the point designated "210" on said plat; thence North 89 degrees 57 minutes 33 seconds West 275.33 feet to the point designated "209" on said plat; thence South 47 degrees 44 minutes 01 seconds West 74.28 feet to the point designated "208" on said plat; thence South 0 degrees 02 minutes 06 seconds East 1044.73 feet to a Northeast corner of said tract of land described in said Instrument Number 200600061116; thence along the South line of said tract 16.71 feet along an arc to the left having a radius of 385 feet and subtended by a long chord having a bearing of South 51 degrees 03 minutes 59 seconds West and a length of 16.70 feet to the point of beginning and containing 1.164 acres, more or less.

TRACT 2:

Non-exclusive perpetual easement for vehicular and pedestrian ingress, egress, utilities and incidental purposes as set out in Cross Easement Declaration by and between Britton Park Development, LLC, and H2O Resorts II, LLC, dated December 7, 2006, and recorded January 5, 2007, as Instrument No. 2007000986.

TRACT 3:

Non-exclusive, perpetual easement for drainage, utilities, landscaping, and incidental purposes as set out in Declaration of Easements, Covenants and Restrictions for Fishers Marketplace by Britton Park Development, LLC, dated December 7, 2006, and recorded December 21, 2006, as Instrument 2006075312.

Property Address: 0 SR 37, Fishers, IN 46038

SOUTH ONB

A part of the Northeast Quarter of Section 30, Township 18 North, Range 5 East located in Delaware Township, Hamilton County, Indiana being bounded as follows:

BEGINNING at the southwestern corner of the 3.987 acre tract of land described in the WARRANTY DEED recorded as instrument #2007002262 by the Recorder of Hamilton County, Indiana, said Point of Beginning being on the South Line of the Northeast Quarter of Section 30, Township 18 North, Range 5 East and being South 89 degrees 36 minutes 52 seconds West (assumed bearing) 357.02 feet from the Southeast Corner of said Northeast Quarter; thence South 89 degrees 36 minutes 52 seconds West 1,379.32 feet along the South Line of said Northeast Quarter to the southeastern corner of the 0.502 acre tract of land described in the WARRANTY DEED recorded as instrument #20060006116 by said Recorder, the following three (3) courses are along the boundary of said 0.502 acre tract of land; 1) thence North 00 degrees 21 minutes 23 seconds West 12.68 feet; 2) thence North 63 degrees 40 minutes 12 seconds West 55.90 feet; 3) thence South 89 degrees 45 minutes 54 seconds West 39.99 feet to the southeastern corner of the 0.426 acre tract of land described in the WARRANTY DEED recorded as instrument #2008005304 by said Recorder, the following four (4) courses are along the boundary of said 0.426 acre tract of land; 1) thence North 00 degrees 14 minutes 06 seconds West 27.00 feet; 2) thence North 87 degrees 22 minutes 21 seconds West 160.20 feet; 3) thence South 89 degrees 45 minutes 54 seconds West 400.00 feet; 4) thence North 85 degrees 38 minutes 09 seconds West 127.54 feet to the eastern right-of-way line of State Road 37 per said Right-of-Way Document recorded in Deed Record 149, page 441; thence North 45 degrees 38 minutes 32 seconds West 95.71 feet to the eastern boundary of State Road 37, the eastern boundary of the 0.237 acre tract of land, described in the WARRANTY DEED WITH LIMITATION OF ACCESS recorded as instrument #200600061115 by said Recorder; thence North 00 degrees 02 minutes 06 seconds West 1,002.99 feet and along said eastern boundary and the eastern boundary of the 0.059 acre tract of land described in the WARRANTY DEED WITH LIMITATION OF ACCESS recorded as instrument 2008005305 by said Recorder to the southern boundary of the 46.496 acre tract of land described in the LIMITED WARRANTY DEED recorded as instrument #2007000985 by said Recorder, said point being on a non-tangent curve concave to the south and being North 37 degrees 41 minutes 27 seconds West 385.00 feet from said radius point of said curve; thence northeasterly and easterly 249.88 feet along the southern boundary of said 46.496 acre tract of land and along said curve to its point of tangency, said point of tangency being North 00 degrees 30 minutes 16 seconds West 385.00 feet from said radius point of said curve; thence North 89 degrees 29 minutes 44 seconds East 555.38 feet along the southern boundary of said 46.496 acre tract of land and along the southern boundary of the 0.383 acre tract of land described in the QUITCLAIM DEED recorded as instrument #2008003589 by said Recorder to its southeastern corner, the following four (4) courses are along the boundary of said 0.383 acre tract of land; 1) thence North 00 degrees 23 minutes 08 seconds West 55.16 feet to the point of curvature of a curve to the left (said curve hereinafter referred to as Curve #1), said point of curvature being North 89 degrees 36 minutes 52 seconds East 463.00 feet from said radius point of Curve #1; 2) thence northerly 169.94 feet along Curve #1 to its point of tangency, said point of tangency being North 68 degrees 35 minutes 04 seconds East 463.00 feet from said radius point of Curve #1; 3) thence North 21 degrees 24 minutes 56 seconds West 110.41 feet to the point of curvature of a curve to the right (said curve hereinafter referred to as Curve #2), said point of curvature being South 68 degrees 35 minutes 04 seconds West 537.00 feet from said radius point of Curve #2; 4) thence northerly 1.80 feet along said curve to the eastern boundary of said 46.496 acre tract of land, said point being South 68 degrees 46 minutes 31 seconds West 537.00 feet from said radius

point; thence North 00 degrees 10 minutes 21 seconds East 239.89 feet to a southwestern corner of said 46.496 acre tract of land; thence South 89 degrees 49 minutes 13 seconds East 37.00 feet to the northwestern corner of the 3.000 acre tract of land described in the LIMITED WARRANTY DEED recorded as instrument #2008003590 by said Recorder, the next six (6) courses are along the boundary of said 3.000 acre tract of land and along the boundary of the 3.298 acre tract of land described in said instrument #2008003590; 1) thence South 00 degrees 10 minutes 21 seconds West 43.97 feet to the point of curvature of a curve to the left (said curve is concentric with Curve #2), said point of curvature being North 89 degrees 49 minutes 39 seconds West 463.00 feet from the radius point said curve; 2) thence southerly 174.45 feet along said curve to its point of tangency, said point of tangency being South 68 degrees 35 minutes 04 seconds West 463.00 feet from said radius point of said curve; 3) thence South 21 degrees 24 minutes 56 seconds East 110.41 feet to the point of curvature of a curve to the right (said curve is concentric with Curve #1), said point of curvature being North 68 degrees 35 minutes 04 seconds East 537.00 feet from said radius point of said curve; 4) thence southerly 197.10 feet along said curve to its point of tangency, said point of tangency being North 89 degrees 36 minutes 52 seconds East 537.00 feet from said radius point of said curve; 5) thence South 00 degrees 23 minutes 08 seconds East 55.01 feet; 6) thence North 89 degrees 29 minutes 44 seconds East 433.93 feet to the eastern boundary line of the 103.901 acre tract of land described in the CORPORATE LIMITED WARRANTY DEED recorded as instrument #200500021250 by said Recorder, following four (4) courses are along the boundary of said 103.901 acre tract of land; 1) thence South 00 degrees 10 minutes 47 seconds West 103.82 feet; 2) thence South 89 degrees 25 minutes 19 seconds West 95.31 feet; 3) thence South 00 degrees 10 minutes 47 seconds West 632.17 feet; 4) thence North 89 degrees 36 minutes 54 seconds East 1,029.76 feet to the northwest corner of said 3.987 acre tract of land; thence South 00 degrees 10 minutes 47 seconds West 500.00 feet along the western boundary of said 3.987 acre tract of land to the POINT OF BEGINNING containing 45.290 acres, more or less.

This property is commonly known as: Northeast corner of 131st Street and S.R. 37, Hamilton County, Indiana.

Less the following:

A part of the Northeast Quarter of Section 30, Township 18 North, Range 5 East, in Hamilton County, Indiana, more particularly described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 36 minutes 52 seconds West along the south line of said Northwest Quarter (basis of bearings per Instrument Number 200500021250, on file in the Office of the Recorder of Hamilton County, Indiana) 1,736.33 feet to the southeast corner of the tract of land conveyed to the State of Indiana, described in Instrument Number 200600061116 ("Indiana Tract 1"), on file in the Office of said Recorder, the following three (3) courses are along the east, northeasterly and north lines of said Indiana Tract 1; (1)thence North 00 degrees 21 minutes 23 seconds West 12.68 feet; (2) thence North 63 degrees 40 minutes 12 seconds West 55.90 feet; (3)thence South 89 degrees 45 minutes 54 seconds West 39.99 feet to the southeast corner of a tract of land conveyed to the State of Indiana, described in Instrument Number 2008005304 ("Indiana Tract 2"), the following four (4) courses are along the east and north lines of said Indiana Tract 2; (1)thence North 00 degrees 14 minutes 06 seconds West 27.00 feet; (2)thence North 87 degrees 22 minutes 21

Fishers Marketplace PUD Amendment

seconds West 160.20 feet; (3) thence South 89 degrees 45 minutes 54 seconds West 400.00 feet; (4) thence North 85 degrees 38 minutes 09 seconds West 127.54 to the east right-of-way line of State Road 37 per Deed Record 149, Page 441, on file in the Office of said Recorder; thence North 45 degrees 38 minutes 32 seconds West along said east right-of-way line 95.71 feet to the east right-of-way line of State Road 37 as described in Instrument Number 200600061115, on file in the Office of said Recorder; thence North 00 degrees 02 minutes 06 seconds West along said east right-of-way line 795.50 feet; thence North 51 degrees 36 minutes 39 seconds East 180.98 feet; thence North 89 degrees 58 minutes 14 seconds East 99.46 feet to the POINT OF BEGINNING; thence North 00 degrees 00 minutes 10 seconds East 7.10 feet; thence South 89 degrees 59 minutes 55 seconds East 59.00 feet; thence South 00 degrees 00 minutes 10 seconds West 29.00 feet; thence North 89 degrees 59 minutes 55 seconds West 59.00 feet; thence North 00 degrees 00 minutes 10 seconds East 21.90 feet to the POINT OF BEGINNING. Containing 0.039 acres; more or less.

AND

A part of the Northeast Quarter of Section 30, Township 18 North, Range 5 East, in Hamilton County, Indiana, more particularly described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 36 minutes 52 seconds West (basis of bearings per Instrument Number 200500021250, on file in the Office of the Recorder of Hamilton County, Indiana) along the south line of said Northeast Quarter 357.02 feet to the POINT OF BEGINNING; thence continuing along said south line South 89 degrees 36 minutes 52 seconds West 958.58 feet; thence North 00 degrees 23 minutes 06 seconds West 146.03 feet; thence North 51 degrees 42 minutes 47 seconds West 127.50 feet to the point of curve of a curve concave to the south having a radius of 299.00 feet, the radius point of which bears South 38 degrees 17 minutes 13 seconds West; thence westerly along said curve 201.81 feet to a point that bears North 00 degrees 23 minutes 08 seconds West from said radius point; thence South 89 degrees 16 minutes 28 seconds West 84.22 feet; thence North 00 degrees 23 minutes 08 seconds West 33.00 feet; thence South 89 degrees 36 minutes 52 seconds West 2.83 feet; thence North 41 degrees 52 minutes 20 seconds West 45.28 feet; thence North 05 degrees 31 minutes 42 seconds West 63.36 feet; thence North 00 degrees 23 minutes 08 seconds West 633.42 feet; thence North 89 degrees 36 minutes 52 seconds East 11.50 feet; thence North 00 degrees 23 minutes 08 seconds West 11.16 feet; thence North 89 degrees 29 minutes 44 seconds East 336.94 feet to the east line of the 45.290-acre tract of land described in Instrument Number 2009074930, the following two (2) courses are along the east and north lines of said 45.290-acre tract; 1) thence South 00 degrees 10 minutes 47 seconds West 566.10 feet; 2) thence North 89 degrees 36 minutes 54 seconds East 1,029.75 feet to the northwest corner of the 3.987-acre tract described in Instrument Number 2007002262; thence South 00 degrees 10 minutes 47 seconds West along the west line of said 3.987-acre tract 500.00 feet to the POINT OF BEGINNING. Containing 17.759 acres, more or less. Subject to all highways, rights-of-way and easements.

ALSO: Appurtenant easement rights established in that certain Grant of Drainage Easement recorded as Instrument Number 2007026643 in the Office of Recorder of Hamilton County, Indiana.

Exhibit B - Frontage Plan

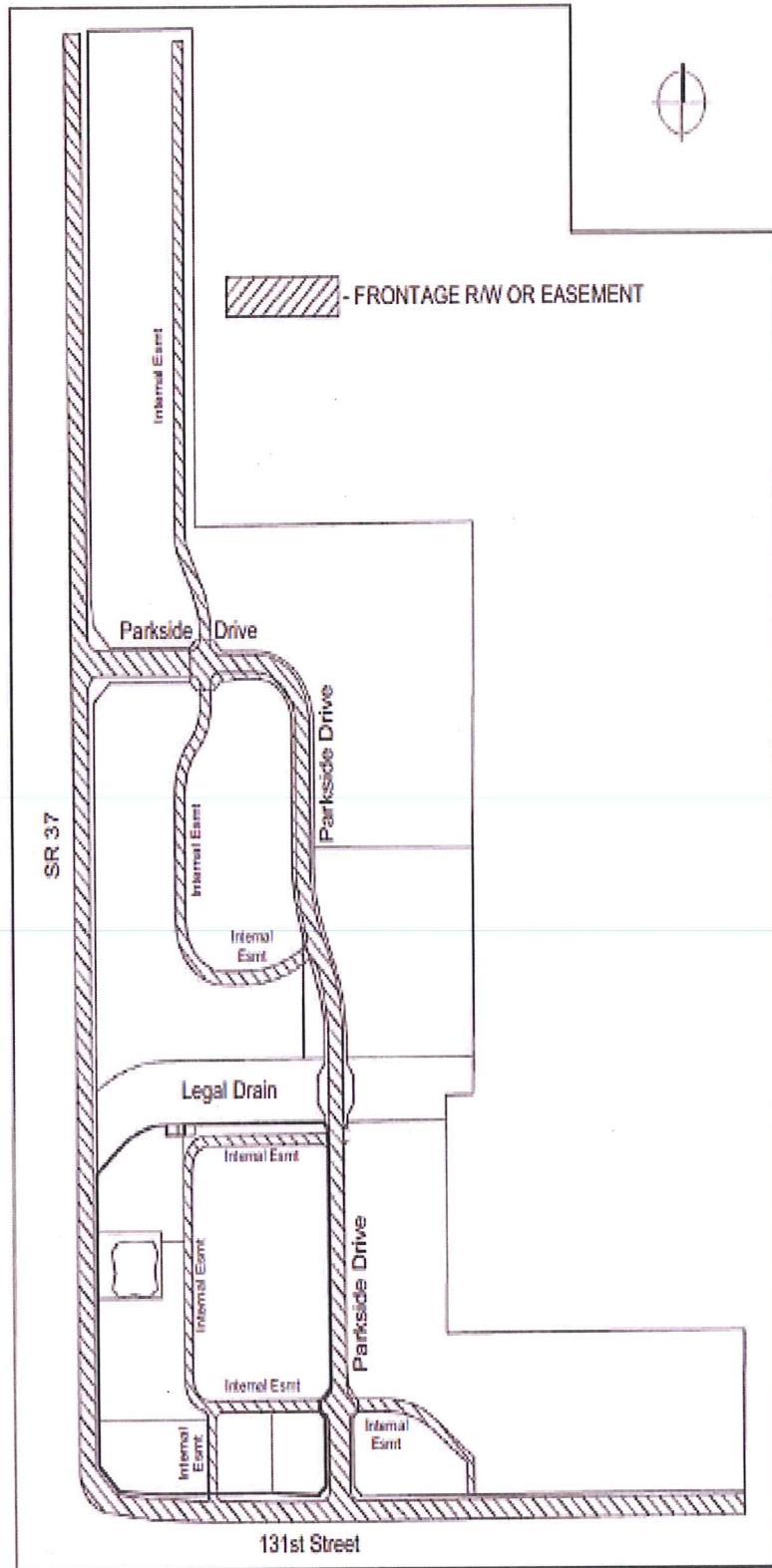
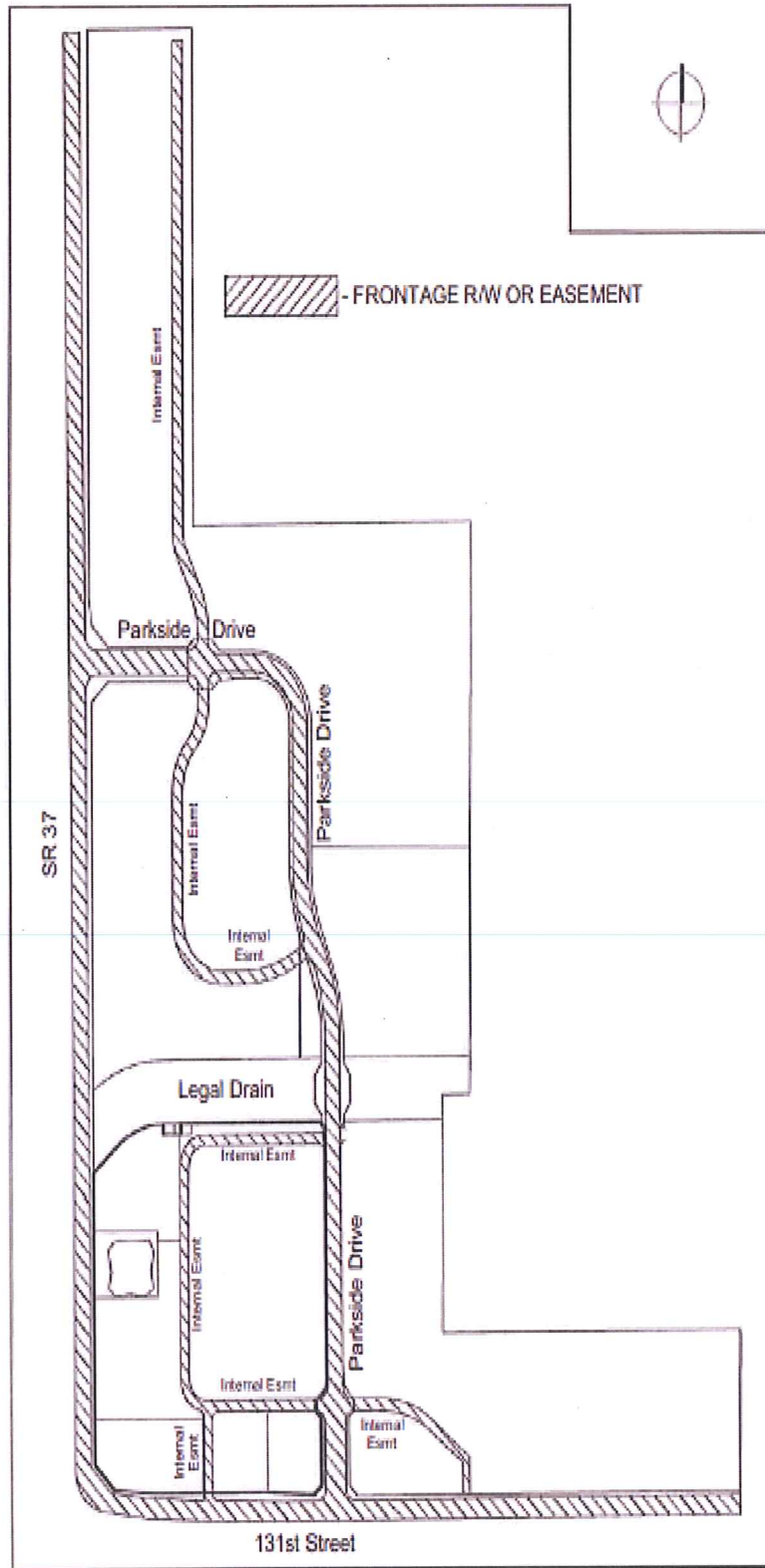


Exhibit B - Frontage Plan



ORIGINAL PUD REGULATIONS TO BE REPEALED

SECTION 12. SIGNS. Subsection C. Building Identification Signs.

Building identification signs shall be subject to the following provisions:

1. Type of Sign – Building identification signs shall be limited to wall signs. Wall signs may be mounted directly onto the surface of the building or affixed to permanent or retractable awnings, canopies or marquees.
2. Number of Signs – There shall be no limit on the number of wall signs per building; provided the following requirements are met:
 - a. wall signs shall be permitted on any building facade which includes an outside entrance serving the general public;
 - b. for building occupants that have outside entrances serving the general public, the sign surface area shall be calculated individually for each building occupant with an outside entrance serving the general public;
 - c. for building occupants utilizing common outside entrances to serve the general public, all signs or message elements shall be on common wall areas (i.e., not a facade on a tenant space with an outside entrance serving the general public) and all signs or sign elements on the such common wall area shall be considered parts of the same sign for the purpose of calculating sign surface area;
 - d. the maximum sign surface area shall be based upon the lesser of the building facade or tenant space facade upon which the sign is located.
3. Maximum Sign Surface Area. The maximum sign surface area shall be calculated as follows:
 - a. Ground Floor Signs – Building or tenant space frontages of 50 lineal feet or less shall be allowed two (2) square feet of sign surface area for every one (1) lineal foot of building or tenant frontage;
 - b. Ground Floor Signs – Building or tenant space frontages of 51 lineal feet or more shall be allowed two (2) square feet of sign for every one (1) lineal foot of building or tenant frontage up to 50 lineal feet, plus one (1) square foot of sign for every one (1) additional foot of building or tenant frontage over 50 feet, up to a maximum of 300 square feet.
 - c. Upper Story Signs – Multistory buildings shall be allowed one wall sign per building frontage subject to the following:

- (1) wall signs shall be limited to the upper most story of the building; and,
- (2) wall signs shall be limited to a maximum of three (3) percent of the facade area above the first floor (i.e., the area of the facade above 18' above grade level) or a maximum size of 300 square feet, whichever is less.

SECTION 12. SIGNS. Subsection D. Incidental Signs.

Incidental Signs.

Incidental signs shall be in compliance with the provisions of Section 158.03 (D)-Private Traffic Directional signs of the Town of Fishers Zoning Ordinance, as amended from time to time, and the following:

1. If a Lot is occupied by a use which includes a drive through facility, one (1) menu board shall be permitted adjacent to the drive through facility as an incidental directional sign to announce the selection of services or products available at the drive through facility and the prices thereof.
2. A menu board permitted as an incidental directional sign adjacent to the drive through facility shall not exceed forty-eight (48) square feet in sign surface area.
3. A menu board freestanding incidental directional ground sign adjacent to a drive through facility shall not exceed seven (7) feet in height above grade.

SECTION 12. SIGNS. Subsection E. Suspended Signs in Integrated Centers.

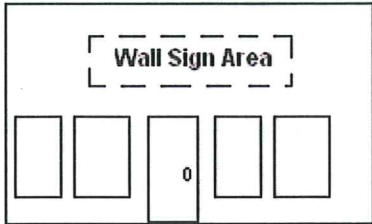
Suspended Signs in Integrated Centers.

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

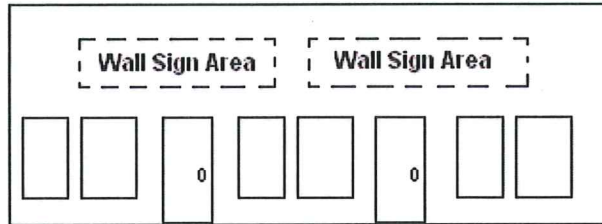
1. There shall be no more than one (1) suspended sign per grade-level tenant.
2. The maximum sign surface area of a suspended sign shall not exceed five (5) square feet.
3. All portions of the suspended sign or sign structure shall be not less than eight (8) feet above finished grade.

7. Wall Signs; General:

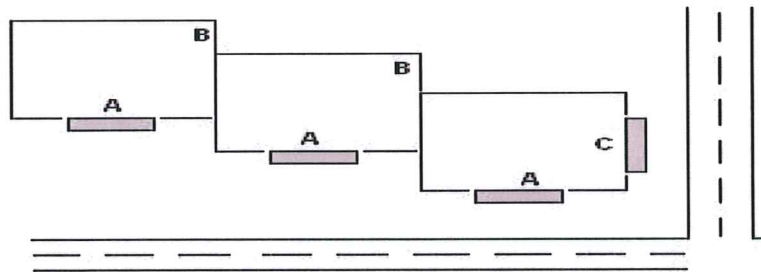
Single-Tenant Building Example



Multi-Tenant Building Example



- a. Wall mounted signs shall be individually mounted letters affixed directly on a wall or raceway. Cabinet signs will be permitted if they are flush with the façade of the building and use routed out letters as the source of internal illumination. A business may incorporate the use of a cabinet sign for their logo; however, logos are limited to twenty percent (20%) of the allowable sign area.
- b. When a wall sign is removed from the façade of a building all previous mounting holes and ghosting images shall be removed and the façade shall match the existing condition of the building. The property owner shall be responsible for the maintenance and restoration of the building facade at the time the existing sign is removed.
- c. Wall signs may be illuminated with external, internal, or reverse (backlit) channel illumination.
- d. In any instance where corporate colors (striping) are used on buildings or accessory structures, in continuation of a wall sign, the total wall sign allowance shall be reduced by fifty percent (50%).
- e. If a permitted wall sign is transferred to an elevation with no frontage the sign area shall be reduced by twenty-five (25%) percent.
- f. Interior window signs: First floor window signs shall not cover more than seventy-five (75%) percent of the window area and shall not interfere with pedestrian ingress/egress. Signs that are illuminated shall not cover more than ten percent (10%) of the window area and shall not flash. Second story and above window signs are prohibited except for buildings within the Town Center districts.
- g. No sign shall be placed in or on an architectural designed area of a primary structure that is created for the sole purpose of gaining more signage or additional height for the wall sign.
- h. Two (2) story buildings, or less, featuring at least fifty percent (50%) unpainted/unglazed brick or natural stone materials, on all frontages, may receive a ten percent (10%) increase in their accumulative wall sign area.
- i. Staggered building design. If the secondary frontage, elevation B (as shown below), is not greater than or equal to the primary frontage, elevation A (as shown below), then elevation B does not qualify as sign frontage; see diagram below.



8. Wall Signs; Single-Level Buildings

- a. **Single-Tenant Building:** Single tenant buildings are permitted one (1) wall sign per street frontage with the following requirements:
 - i. The primary wall sign shall not exceed one and one-half (1.5) square feet of sign area per one (1) lineal foot of frontage. The maximum sign area shall be three-hundred (300) square feet.
 - ii. If a single tenant building has a primary frontage greater than fifty (50) lineal feet then an aggregate sign area is permitted; however, in this instance no more than two (2) wall signs per frontage are permitted. If a tenant has a primary frontage greater than one-hundred (100) linear feet than an aggregate sign area is permitted; however, in this instance no more than three (3) wall signs per frontage are permitted.
 - iii. If a building has secondary frontages then the secondary wall signs shall not exceed one and one-half (1.5) square feet of sign area per one (1) lineal foot of frontage; and shall be reduced by twenty-five percent (25%) in sign area. The maximum sign area for secondary wall signs shall be two-hundred and twenty-five (225) square feet.
- b. **Multi-Tenant Building - Independent Customer Entrances:** Multiple tenant buildings having independent customer entrances shall be permitted one wall sign, per street frontage, for each tenant with the following requirements:
 - i. The primary sign, of a tenant space, shall not exceed one and one-half (1.5) square feet per one (1) lineal foot of frontage. The maximum sign area shall be three-hundred (300) square feet.
 - ii. If a tenant has a primary frontage greater than fifty (50) lineal feet then an aggregate sign area is permitted; however, in this instance no more than two (2) wall signs per frontage are permitted. If a tenant has a primary frontage greater than one-hundred (100) linear feet than an aggregate sign area is permitted; however, in this instance no more than three (3) wall signs per frontage are permitted.
 - iii. If a tenant space has secondary frontages then the secondary wall signs shall not exceed one and one-half (1.5) square feet of sign area per one (1) lineal foot of frontage; and shall be reduced by twenty-five percent (25%) in sign area. The maximum sign area for secondary wall signs shall be two-hundred and twenty-five (225) square feet.
- c. **Multi-Tenant Building - Shared Customer Entrance:** Multi-tenant buildings having two (2) or more permitted tenants with a shared customer entrance shall be permitted one (1) wall sign per street frontage with the following guidelines:
 - i. The primary sign shall not exceed one and one-half (1.5) square feet per one (1) lineal foot of frontage. The maximum sign area shall be three-hundred (300) square feet.
 - ii. If the primary frontage is greater than fifty (50) lineal feet then an aggregate sign area is permitted; however, in this instance no more than two (2) wall signs per frontage are permitted. If the primary frontage is greater than one-hundred (100) linear feet than an aggregate sign area is permitted; however, in this instance no more than three (3) wall signs per frontage are permitted.
 - iii. If a building has secondary frontages then the wall signs shall not exceed one and one-half (1.5) square feet of sign area per one (1) lineal foot of frontage; and shall be reduced by twenty-five percent (25%) in sign area. The maximum sign area for secondary wall signs shall be two-hundred and twenty-five (225) square feet.

9. Wall Signs; Multi-Level Buildings

- a. **Multi-Level Buildings – Less Than 50,000 Sq. Ft.:** Multi-level building having less than fifty-thousand (50,000) square feet of floor area shall be permitted wall signs as follows:
 - i. Shall be permitted an aggregate wall sign area of one-hundred and fifty (150) square feet per building frontage; however, no more than two (2) wall signs are permitted per frontage.
 - ii. Multi-Level buildings having retail on the first floor are permitted one (1) additional wall sign per ground floor tenant, having an independent customer entrances, at one (1) square foot of sign area for every one (1) linear foot of tenant space frontage; with a maximum sign area of fifty (50) square feet.
 - iii. Signage shall be located above the windows on the highest floor or above the customer entrances on the ground floor; see diagram below.



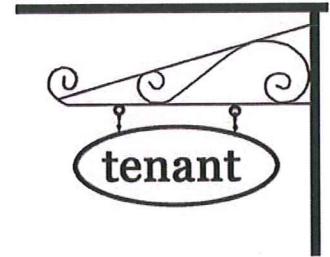
- b. **Multi-Level Buildings – 50,000 + Sq. Ft. & 3 Levels or More:** Multi-level buildings having fifty-thousand (50,000) or more square feet of floor area shall be permitted wall signs as follows:
 - i. Shall be permitted an aggregate sign area of three-hundred (300) square feet per building frontage; however, no more than three (3) signs per frontage.
 - ii. Multi-Level buildings having retail on the first floor are permitted one (1) additional wall sign per ground floor tenant, having an independent customer entrances, at one (1) square foot of sign area for every one (1) linear foot of tenant space frontage; with a maximum sign area of fifty (50) square feet.
 - iii. Signs shall be located above the windows on the highest floor or above the customer door entrance; see diagram below.



Sign Standards (SS)

10. **Awning and Canopy Signs:** An awning or canopy sign is permitted for commercial buildings, in lieu of a permitted wall sign, for tenants located on the first floor only with the following requirements:
- Maximum size of the sign area on an awning shall be equal to the sign area permitted by the wall sign standards as determined herein.
 - Only the sign area of an awning or canopy may be illuminated. The balance of the awning or canopy shall be opaque to prevent the transmission of light. If the entire awning or canopy is illuminated then the entire awning/canopy shall count towards the allowable sign area.

11. **Pedestrian Blade Signs:** Pedestrian blade signs are encouraged for tenants within a multi-tenant building. One (1) blade sign shall be permitted for each first floor tenant and each second floor tenant having an external customer entrance accessible from a ground floor public entrance. Pedestrian Blade signs do not count towards the overall allowable wall sign area. The following are requirements for all pedestrian blade signs:



- Blade signs shall be of the same orientation, design and color for the building to create a sense of uniformity for the sidewalk-scape along each building's façade. Such sign may be suspended from an arm or bracket, or may be directly mounted to a building wall or the underside of a canopy, a ceiling, or awning
- If the sign projects into the right-of-way, the owner may be required to submit proof of insurance and certified engineered drawings detailing how the sign is attached to the building.
- The minimum distance between the bottom of the sign and the existing grade shall be eight (8) feet and the top edge of the sign shall not project higher than the wall to which the sign is affixed.
- The maximum sign area allowed shall be two (2) square feet and shall not project more than three (3) feet from the wall
- Pedestrian blade signs shall be non-illuminated.
- All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the town, its officers, agents and employees, against any and all claims of negligence resulting from such work insofar as this chapter has not specifically directed the placement of a sign.

12. **Private Traffic Directional Signs:** Signs directing traffic movement onto a premise or within a premise shall have the following guidelines:

- Shall not exceed four (4) square feet in sign area and may incorporate the business name and logo.
- Ground mounted directional signs shall have a maximum height of three (3) feet.
- Directional signs mounted on a wall shall not exceed four (4) square feet, and shall not contain commercial content.
- Horizontal directional signs on and flush with paved areas having no commercial content are exempt from these standards.
- Illumination of these signs may be internally, externally or non-illuminated.



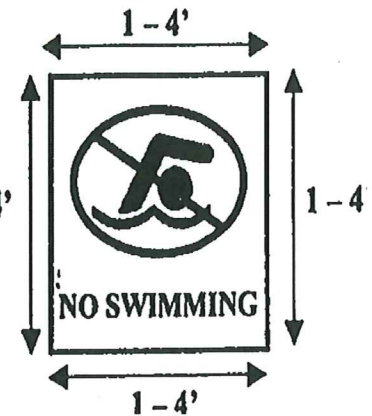
13. **Menu Boards:** Food operations with drive-through services located in C3 Zoning Districts, in addition to other permitted signs, may also display one menu board per drive-through lane with the following limitations.

- Menu boards shall have a maximum height of six (6) feet with a maximum sign area of forty (40) square feet.
- Shall have a masonry base or materials architecturally compatible with that of the building.

14. **Fueling Stations:** Fueling station shall follow the same standards as described in Sections 5.095 (A) (1) and (2) for ground signs and Sections 5.095 (A) (6) and (7) for wall signs. In addition to the above mentioned signs fueling station may incorporate the following signs into their gas pumps.
- Fueling stations may place one (1) fueling pump decal on each of the vehicle fueling dispensers (double sided) having a maximum of one (1) square foot in sign area per decal.
 - Animated TV screens may be incorporated into fueling station pumps with a maximum size of two (2) square feet.
 - Public safety information signage may be placed under the canopy or next to the appropriate emergency safety areas.

15. **Pond Safety Signs:** Permanent pond safety sign guidelines for ponds constructed after August 20, 2001 (Ordinance 080601E) shall be as follows:

- Size: Minimum sign area of one (1) square foot and a maximum sign area of four (4) square feet.
- Distance: No more than five-hundred (500) feet apart, with no less than four (4) signs per pond. A sign must be placed 1 - 4' at all public access areas to the pond.
- Material: Permanent material, either wood or metal.
- Text: At minimum, pond safety signs must have the words "no swimming" and a "no swimming" symbol. Warning can also prohibit trespassing, wading, or other recreational activities that would involve a person entering a pond.
- Color: To be determined by the Homeowners Association or developer.
- Maintenance: Each developer of the construction area and subsequent Home Owners Association or Property Owners Association shall be responsible for the cost of maintenance and replacement if their pond safety sign(s) must be replaced for any reason.



B. TEMPORARY SIGNS (COMMERCIAL & INDUSTRIAL)

1. Temporary Signs; General

- Temporary signs shall require a sign permit unless otherwise stated herein.
- Nothing in this chapter shall be construed as approval to place a sign on private property not owned by the applicant.
- Temporary signs shall be non-illuminated unless otherwise stated herein.
- Temporary signs shall only be placed in yards with road frontage.
- Temporary signs shall not be located closer than five (5) feet from the property line, or ten (10) feet from the pavement edge, whichever distance is farther from the Town's right-of-way.
- Temporary signs shall not be located within medians. Temporary signs, greater than eight (8) square feet in sign area, which are displayed longer than six (6) months shall be required to install landscaping around the base equal to the sign area. The landscaping shall be at least fifty (50%) percent evergreen. Landscaping plans must be included for review as part of the sign permit application.

Sign Standards (SS)

3. **Real Estate Signs:** One real estate sign per frontage shall be permitted so as to advertise the sale, rental, or lease of commercial property as follows:
 - a. Shall not exceed thirty-two (32) square feet in sign area. Properties with frontage along State Road 37 or Interstate 69 shall not exceed sixty-four (64) square feet in sign area.
 - b. Shall not exceed six (6) feet in height. Properties having frontage along State Road 37 or Interstate 69 shall not exceed ten (10) feet in height.
 - c. Shall be removed within fourteen (14) days of obtaining one-hundred percent (100%) occupancy of the property.
 - d. Shall be located on the property which is to be sold, leased or rented.
4. **Banners:** One banner may be permitted per building. Multi-tenant buildings may be permitted one banner per tenant space having an external customer entrance. Permits may be granted for a thirty (30) day period and may be renewed for one consecutive thirty (30) day period. After another thirty (30) day period, during which the banner is not displayed, the applicant may apply for another permit. The following guidelines shall apply:
 - a. Banners shall be no greater than fifty percent (50%) of the permanent sign area.
 - b. Banners shall be attached to the building or structure of the use for which it was approved.
 - c. A banner is permitted to be established, without a fee, provided:
 - i. The banner is placed in the same location and does not exceed the sign area of the permanent sign for thirty (30) days while the permanent sign is being fabricated, and
 - ii. That a valid permanent sign permit has been issued for that location.
5. **Special Events:** The Administrator may issue a three (3) day special event permit, up to two (2) times per calendar year, for special occasions such as a anniversary or civic event with the following requirements:
 - a. All signs, balloons, streamers, and decoration must be placed on the property of which the permit is approved.
 - b. No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to lettering on vehicles operating during the normal course of business.
 - c. No sign shall be placed within the right-of-way of any public street without the approval of the Town.
6. **Grand Opening:** A one time grand opening permit may be issued for new businesses. This grand opening permit may be granted for a seventeen (17) day period with no fees. The following guidelines shall apply:
 - a. All signs, balloons, streamers, and decoration must be placed on the property of which the permit is approved.
 - b. No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to lettering on vehicles operating during the normal course of business.
 - c. No sign shall be placed within the right-of-way of any public street without the approval of the Town.
7. **Political Signs:** Political campaign signs announcing the candidates seeking public offices and other data pertinent thereto are permitted with the following requirements:
 - a. Political signs eight (8) square feet or less are permitted without a sign permit.
 - b. Political signs larger than eight (8) square feet will be required to obtain a permit. Signs of this nature shall not exceed either thirty-two (32) square feet in size, or eight (8) feet in height. These signs shall not be attached to utility poles, trees, or any public or private sign standards. Such signs shall be exempt from a permit fee.