

TOWN OF NEW WHITELAND  
ORDINANCE NO. 1068

AN AMENDMENT TO THE TEXT OF THE NEW WHITELAND ZONING  
ORDINANCE TO REVISE THE REGULATIONS FOR TEMPORARY SIGNS

WHEREAS, the New Whiteland Advisory Plan Commission ("Plan Commission") has initiated a proposal to amend the New Whiteland Zoning Ordinance ("Zoning Ordinance") pursuant to Indiana Code 36-7-4-602, to revise the regulations for temporary signs; and

WHEREAS, the Amendments herein are consistent with following purposes, as required under I.C. 36-7-4-601(c):

- a. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- b. Lessening or avoiding congestion in public ways;
- c. Promoting the public health, safety, comfort, morals, convenience, and general welfare; and
- d. Otherwise accomplishing the purposes of I.C. 36-7-4.

WHEREAS, the Plan Commission has given notice and held a public hearing on the proposed zoning text amendment; and

WHEREAS, the Plan Commission, after paying reasonable regard to (1) the New Whiteland Comprehensive Plan, (2) the current conditions and the character of the current structures and use in each district, (3) the most desirable use for which the land in each district is adapted, (4) the conservation of property values throughout the jurisdiction, and (5) responsible development and growth, made a favorable recommendation regarding said change in the text of the Zoning Ordinance and has certified the same to the New Whiteland Town Council; and

WHEREAS, the Council has considered the Plan Commission's recommendation concerning the proposed amendment to the Zoning Ordinance, and paid reasonable regard to items 1 through 5 referred to above; and

WHEREAS, the Council has given notice under I.C. 3-14-1.5-5 (the Open Door Law) of its intention to consider this amendment to the New Whiteland Zoning Ordinance; and

WHEREAS, the New Whiteland Town Council ("Council") has determined it to be appropriate to amend the New Whiteland Zoning Ordinance to revise the regulations for temporary signs;

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

Section 1. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended by deleting Sub-Sections 7-1400(i), (j), (m), and (n), and 7-1405(a), and the remaining subsections shall be renumbered accordingly.

Section 2. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended by revising the introductory paragraph of Section 7-1400 to read as follows:

7-1400 Signs. Except as otherwise provided in this Ordinance, no sign shall be erected, moved, enlarged, improved or altered nor shall any sign be established or changed in use without an improvement location permit issued by the Plan Commission or its designated representative. Permits shall be issued in conformance with this Ordinance. The purpose of the sign regulations of this Ordinance is to promote the use of signs which enhance the visual environment of the Town of New Whiteland and to encourage the use of signs which are harmonious with their surroundings.

Section 3. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended by revising Section 7-1401(a) to read as follows:

- a. A nameplate which shall not exceed one (1) square foot in area is permitted for each dwelling unit of a single family, or multi-family structure; such nameplate shall indicate nothing other than name and/or address of the occupant, and/or customary home occupation. No other sign shall be allowed. No permit is required.

Section 4. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended by adding Subsection 7-1406, to read as follows:

7-1406 **Temporary Signs.** The following temporary signs shall be permitted within any district within the Town of New Whiteland and shall be required to have a permit unless otherwise specified. A temporary sign permitted under this section may be displayed for a time period not to exceed 60 days in a 180 day period unless otherwise specified. Temporary signs that obstruct the flow or sight pattern of vehicular traffic on any established right-of-way shall be prohibited.

- a. **"For Sale" or "For Rent"**. One (1) "For Sale" or "For Rent" sign, not more than twelve (12) square feet in area, for each dwelling unit, garage, or other quarters, buildings, structures, or land, shall be permitted. Such a sign is not subject to the generally applicable display time limitations of this Section. No permit is required.
- b. **Agricultural Products**. One (1) sign, not more than twenty (20) square feet in area, pertaining to the sale of agricultural products raised on the premises shall be permitted.
- c. **Public Interest Event**. For an event of public interest such as a county fair, or church event, one (1) sign, not over twenty-four (24) square feet in area and located upon the site of the event shall be permitted, as well as off-site signs advertising such event, not more than twelve (12) square feet in area, and not more than one such sign per parcel. Such signs shall not be erected more than thirty (30) days before the event in question and shall be removed immediately after such event. Also, directional signs shall be permitted, not more than three (3) feet in area, showing only a directional arrow and the name of the event of public interest. Such directional signs shall not be erected more than fourteen (14) days before the event in question and shall be removed immediately after the event. No permit is required for such off-site and directional signs.
- d. **Construction**. Construction signs which identify the architects, engineers, and contractors of individual buildings, and other individuals or firms involved with such construction, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, and limited to a maximum of thirty-two (32) square feet for each firm. Such signs may not include any advertisement of any product. The minimum setback shall be ten (10) feet from any street right-of-way. Such signs shall be confined to the parcel that is the site of building construction and shall be removed within thirty (30) days after the end of construction. Such a sign is not subject to the generally applicable display time limitations of this Section.
- e. **Sale of Subdivision Lots**. For real estate development that has been approved in accordance with the Subdivision Control Ordinance, one (1) temporary sign per entrance, not more than thirty-two (32) square feet of face area advertising the sale of property in such subdivision shall be permitted, but only when located on some portion of the subdivision having undeveloped lots being advertised for sale. Such a sign shall be located a minimum distance of ten feet from any street right-of-way. Such a sign shall not be illuminated. Such a sign shall be maintained only during such time as there are undeveloped subdivision lots advertised for sale that remain unsold. Permits for such signs shall be issued for one (1) year periods and may be renewed for additional one (1) year periods to allow time for reasonable display. Permanent subdivision or project identification signs may be obtained pursuant to Section 7-1401(b). Such a sign is not subject to the generally applicable display time limitations of this Section.
- f. **Banners and Pennants**. Banners, flags, streamers, and pennants shall be permitted so long as they are at least ten (10) feet from any street right-of-way located so as not to obstruct vision or otherwise create a hazard to traffic. No permit shall be required if the banners, flags, streamers, or pennants are being used in a residential district for residential purposes.
- g. **Window Signs**. Window signs are permitted, provided such signs conform to the construction, illumination, and safety regulations of this Ordinance. A "window

sign" shall mean a sign posted, painted, placed, or affixed in or on a window exposed to public view, or an interior sign that faces a window exposed to public view that is located within three feet of the window. No permit is required.

- h. **Portable Signs.** In residential districts, one (1) portable sign of a non-commercial nature may be permitted for a time period not to exceed 72 hours in any seven (7) day period. No permit is required for portable signs in a residential district. In non-residential districts, one (1) portable sign may be permitted for a time period not to exceed sixty (60) days in any one hundred eighty (180)-day period. Renewal permits may be obtained so long as there are no zoning violations relative to said permit. A "portable sign" shall be defined as any sign that is not permanently attached to the ground and that is designed to be transported and used from place to place, including, but not limited to, signs transported by means of wheels; signs attached to A- or T-frames; yard card signs; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used for transportation in the normal day-to-day operation of the business. Such a portable sign shall:
- 1) Be located not less than ten (10) feet from any public right-of-way;
  - 2) Not obstruct the flow or sight pattern of vehicular traffic on any established right-of-way;
  - 3) Be located not less than ten (10) feet from an adjoining residential lot;
  - 4) Have a face not exceeding thirty-two (32) square feet;
  - 5) Meet the illumination requirements as set forth in Section 7-1400(g); and
  - 6) Be approved by the Building Inspector.
- i. **Garage Sale Signs.** Signs advertising the sale of miscellaneous household items for the purpose of a residential garage or yard sale shall not exceed four (4) square feet in area. Such signs may be erected on the premises one (1) week in advance of the sale and shall be removed within forty-eight (48) hours after the sale. If the garage sale is a coordinated neighborhood garage sale, one (1) temporary sign for each entrance of the neighborhood, not more than twenty (20) square feet in area, shall be permitted. No permit is required.
- j. **Political Campaign Signs.** Political campaign signs announcing candidates seeking public political office shall be confined within private property and not within the street right-of-way, shall be permitted no more than forty-five (45) days prior to the scheduled election, and shall be removed within fourteen (14) days after election for which they were made. A permit shall not be required for such signs.
- k. **Model Home Signs.** For lots containing a model home, one (1) sign identifying the model home, not exceeding sixteen (16) square feet in total surface area and four (4) feet in height located on the street frontage of the lot containing the model home. Such a sign shall not be located on or within any public right-of-way or located on the model home building, and shall be removed immediately after the building no longer serves as a model home. A permit shall not be required. Such a sign is not subject to the generally applicable display time limitations of this Section.

Section 5. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended by adding subsection 7-1407 to read as follows:

7-1407 Sign Permits

- a. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to establish any sign within the jurisdictional area of this Ordinance, or cause the same to be done without first obtaining a sign permit for each such sign from the Building Inspector as required by this Ordinance. These directives shall not be construed to require any permit for a change of copy for legal changeable copy, nor for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way to violate the standards or provisions of this Ordinance. No permit is required for signs which are exempted from permits elsewhere in this Ordinance. No new permit is required for signs which have permits and which conform with the requirements of this Ordinance on the date of its

adoption unless and until the sign is altered or relocated in violation of this Ordinance. A permit must be secured when the fee ownership of the property upon which the sign is located has been changed, or when the ground upon which the sign is situated has been leased to a new tenant.

- b. Every sign permit issued by the Building Inspector shall become null and void if the sign is not established within six (6) months after the issuance of such permit. Signs which require approval by the Commission must be established within one (1) year after the date such approval is granted, or such approval shall become null and void. Signs which require variance approval from the Board shall be established within one (1) year.
- c. No person shall establish any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building, if any, or their authorized representative.
- d. Application for a permit shall be made to the Building Inspector upon a form provided by the Building Inspector and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the Town including, but not limited to:
  - 1) Name and address of the owner of the sign.
  - 2) Name and address of the owner (fee owner) of the premises where the sign is to be located.
  - 3) Name and address of the person leasing the premises (if applicable).
  - 4) Clear and legible drawing(s) clearly indicating the proposed location of the sign which is the subject of the permit, and all other existing signs that require permits, when such signs are on the same premises.
  - 5) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials, and design of the sign and method of attachment. The design, quality, materials, and loading shall conform to the requirements of the Building Official's and Administrative Code (B.O.A.C.), as amended. If required by the Building Inspector, engineering data shall be supplied on plans submitted certified by a duly licensed engineer.
- e. The Building Inspector shall issue a permit for the establishment of a sign when an application therefore has been properly made to the Town. The person establishing a sign shall notify the Building Inspector upon completion of the work for which permits are required, and shall submit a color photograph of the established sign to the Building Inspector. All signs shall be subject to an inspection by the Inspector.
- f. The Building Inspector may, in writing, suspend or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a misstatement of fact or fraud after due notice by and hearing before the Building Inspector. When a sign permit is denied or revoked by the Building Inspector, he shall give written notice of the denial to the applicant together with a brief written statement of the reasons for the denial. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign. An appeal may be taken to the Board from either the Building Inspector's denial or revocation of a permit or from the failure of the Building Inspector to formally grant or deny a permit within thirty (30) days.
- g. **Permit Fees.** The application, including all required documentation, shall be filed with the Building Inspector together with the appropriate permit fee. If any sign is hereafter erected, placed, installed to or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall not relieve any person from compliance with other provisions of this code and penalties prescribed herein.

Section 6. The Zoning Ordinance of the Town of New Whiteland, as amended, shall be amended by adding Subsection 7-1408 to read as follows:

7-1408 **Variance.** A variance from the terms of these regulations may be submitted to the New Whiteland Board of Zoning Appeals as stated in Section 4-300 of this Ordinance.

Section 7. The New Whiteland Plan Commission is hereby authorized to make the above-described changes to the zoning ordinance text, to print the text of the amendments so as to be inserted into the book version of the New Whiteland Zoning Ordinance, and to file two (2) copies of this Ordinance in the office of the New Whiteland Clerk-Treasurer to keep on file for public inspection.

Section 8. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

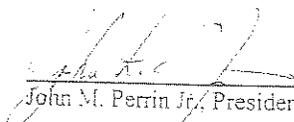
Section 9. This Ordinance shall have no effect on existing litigation or causes in action, and shall not operate as an abatement of any action or proceeding now pending or which could be brought as to changing any other provision of the New Whiteland Town Ordinances, by virtue of the ordinances or sections of ordinances so amended or repealed and this Ordinance is to amend only as provided above and does not affect any other sections of the New Whiteland Zoning Ordinance or other New Whiteland Ordinances, except to the extent necessary to give this Ordinance full force and effect.

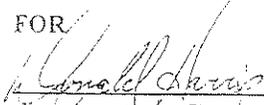
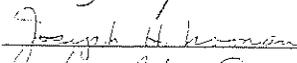
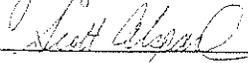
Section 10. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

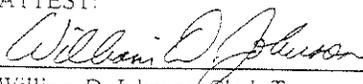
Introduced to the Town Council of the Town of New Whiteland, Indiana, on the 16<sup>th</sup> day of September, 2003.

Duly passed and adopted on this 16<sup>th</sup> day of September, 2003, by a vote of 5 in favor and 0 against.

  
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John M. Perrin Jr., President

FOR  
  
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AGAINST  
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ATTEST:  
  
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William D. Johnson, Clerk-Treasurer