

ORDINANCE NO. 2016- 03

AN ORDINANCE OF THE CHESTERTON TOWN COUNCIL
AMENDING PORTIONS OF THE TEXT OF
THE UNIFIED COMPREHENSIVE ZONING AND SUBDIVISION
CONTROL ORDINANCE OF CHESTERTON, INDIANA

WHEREAS, the Chesterton Town Council on March 26, 2001, adopted a Unified Comprehensive Zoning and Subdivision Control Ordinance which is Appendix A – Zoning of the Chesterton Town Code (hereafter, “Zoning and Subdivision Control Ordinance” or “Zoning Ordinance”); and

WHEREAS, the Chesterton Advisory Plan Commission has initiated an amendment to the text portion of the Zoning and Subdivision Control Ordinance; and

WHEREAS, a public hearing has been held before the Chesterton Advisory Plan Commission, which has certified its proposal to amend the text of the Zoning and Subdivision Control Ordinance to the Chesterton Town Council; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning this text amendment to the Zoning and Subdivision Control Ordinance; and

WHEREAS, the Chesterton Town Council concurs with its Advisory Plan Commission and accepts its proposal to amend the text of the Zoning and Subdivision Control Ordinance;

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Chesterton Town Council as follows:

SECTION 1: That the definition of "Business Complex" found in Article II of the Zoning Ordinance shall be amended and hereafter read as follows:

Business Complex: (For the purpose of determining allowable signs) A single building, or series of buildings within a development, within which two (2) or more businesses, or non-residential tenants, are located.

SECTION 2: That sub-section (7) of the definition of "Home Occupation" found

in Article II of the Zoning Ordinance shall be amended and hereafter read as follows:

7. permanent signage which exceeds two (2) square feet per sign, subject to the provisions of Article IV of this Ordinance.

SECTION 3: That the definition "Nameplate" found in Article II of the Zoning Ordinance shall be deleted in its entirety.

SECTION 4: That the definition of "Sign" found in Article II of the Zoning Ordinance shall be amended and hereafter read as follows:

Sign: Any device or visual communication, when the display of this device or visual communication is visible from any public right-of-way. The definition of sign does not include anything inside of a building, murals, fences, lawn ornaments, or decorations.

SECTION 5: That the definition of "Sign, Billboard" found in Article II of the Zoning Ordinance shall be amended and hereafter read as follows:

Sign, Billboard: A sign which is a separate structure permanently attached to a building, the ground, or attached to a permanent structure having a location upon the ground.

SECTION 6: That the following definition of "Sign, Bona Fide Triggering Event" shall be added to Article II of the Zoning Ordinance:

Sign, Bona Fide Triggering Event: A bona fide triggering event is an occurrence which allows an owner or occupant to post an additional number of temporary signs on the owner or occupant's real property for a period of time.

SECTION 7: That the definition of "Sign, Gross Surface Area" found in Article II of the Zoning Ordinance shall be amended and hereafter read as follows:

Sign, Gross Surface Area: The maximum area enclosed within a connected geometric shape completely enclosing, as a single unit, the shape of the sign face including both copy, background, and any frame or boxed display. Where a sign has two (2) or more display faces, the area of all faces will determine the gross surface area of the sign. The supporting structure of a sign that is not enclosed within the connected geometric shapes will not be considered as part of the gross surface area of the sign.

SECTION 8: That the definition of "Sign, Monument" found in Article II of the Zoning Ordinance shall be amended and hereafter read as follows:

Sign, Monument: Any ground-mounted sign with a base, which sign has a maximum height, including the base, of eight feet (8') as measured from existing, pre-construction (unaltered) grade.

SECTION 9: That the definition of "Sign, Public" found in Article II of the Zoning Ordinance shall be amended and hereafter read as follows:

Sign, Public: A sign, either permanent or temporary, which is authorized and erected by public officials of the United States, the State, or the Town for the public safety, health, and welfare, including, but not limited to, traffic signs, other municipal signs, railroad crossing signs, danger, warning and other signs.

SECTION 10: That the following definition of "Sign, Street Number" shall be added to Article II of the Zoning Ordinance:

Sign, Street Number: The numerals that correspond with the address of the lot, building, or structure. These are subject to the requirements and restrictions of Article VII of this Ordinance.

SECTION 11: That the following definition of "Sign, Temporary" shall be added to Article II of the Zoning Ordinance:

Sign, Temporary: A temporary sign is characterized by materials, construction, design, and placement that allow the sign to be easily removed and carried away. A temporary sign may not be attached to any structure, affixed to the real estate, or otherwise be permanent in nature.

SECTION 12: That the definition of "Sign, Window Identification" shall be deleted in its entirety from Article II of the Zoning Ordinance.

SECTION 13: That the definition of "Sign, Window Promotional" shall be deleted in its entirety from Article II of the Zoning Ordinance.

SECTION 14: That the definition of "Traffic Directional Sign" shall be deleted in its entirety from Article II of the Zoning Ordinance.

SECTION 15: That Section 401 of Article IV of the Zoning Ordinance shall be amended and hereafter read as follows:

Section 401. Signs

No sign is allowed in any district except as provided for in this article.

SECTION 16: That the title and text of Section 402 of Article IV of the Zoning Ordinance shall be amended and hereafter read as follows:

Section 402. Statement of Findings, Purpose, Effect, and Severability

A. Findings. The Town Council hereby finds as follows:

1. Exterior signs have a substantial impact on the character and quality of the Town.
2. Signs provide an important medium through which individuals and groups may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare of the Town and its residents.
4. The Town has an interest in regulating signs in an effort to both provide adequate means of expression for citizens and to promote the economic viability of the business community, while at the same time protecting the Town and its citizens from a proliferation of signs of a type, size, location, and character that would adversely impact the aesthetics of the community and threaten the health, safety, and welfare of the community.
5. The regulation of the physical characteristics of signs within the Town has had a positive impact on traffic safety, property values, and the appearance of the community.

B. Purpose. The purpose of this Article is to establish standards for the regulations of signs in the Town. This Article is not intended to regulate the message displayed on any sign, except where the sign contains speech or expressive content that is unprotected by the First Amendment of the United States Constitution, Article 1 Section 9 of the Indiana Constitution, or when Town has a compelling interest. Nor is this Article intended to regulate any building design, display not defined as a sign, or any sign which cannot be viewed from a public right-of-way. The purpose of this Article is to:

1. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the Town in order to promote the public health, safety, and welfare. This includes protecting pedestrians and motorists in the Town from harm related to distractions and obstructions caused by improperly situated signs, and promoting the convenience and enjoyment of travel and the free flow of traffic within the Town.
2. Maintain, enhance, and improve the aesthetic environment of the Town by preventing visual clutter that is harmful to the appearance of the community.
3. Protect property values within the Town.
4. Preserve the beauty and the unique character of the Town.
5. Promote and aid tourism, which is of importance to the economy.
6. Ensure that signage is compatible with the character of neighborhoods in which it is located.
7. Improve the visual appearance of the Town while providing for effective means of communication, consistent with constitutional guarantees and the Town's goals of public safety and aesthetics. Provide for fair and consistent enforcement of the sign regulations set forth herein.

C. Effect. A sign may be erected, mounted, displayed, or maintained in the Town if it is in conformance with the provisions of this Article. The effect of this Article, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types and sizes in business and industrial districts, and more limited sign types and sizes in other districts, subject to the standards set forth in this Article.
2. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively impact the environment and where there are ample alternative channels of communication with a lesser impact on the public health, safety, and welfare of the community.
3. Provide for the enforcement of the provisions of this Article.

D. Severability. If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, such decision will not affect the validity of the remaining portions of this Article.

SECTION 17: That Section 403 of Article IV of the Zoning Ordinance shall be amended and hereafter read as follows:

Section 403. R-1 and R-2 Zoning Districts-Permitted signs and Provisions.

Only signs that conform to the following standards are allowed, provided that said signs do not project beyond the property line and do not overhang a public street, alley or sidewalk.

A. Permanent signs.

1. Signs that conform to subsections 403(A)(2) and 403(A)(3) below do not require a permit before being posted. Signs to which subsection 403(A)(4) applies require a permit in accordance with the fee schedule found in Section 5-44 of the Town Code.
2. In order to assist police, fire, and emergency personnel with carrying out their duties, a street number sign, non-dynamic only, must be displayed, in accordance with the requirements and restrictions of Chapter 5 of the Town Code.
3. Each single- or two-family dwelling may have one (1) additional permanent, non-illuminated and non-dynamic sign on the lot, and not exceeding two (2) square feet in gross surface area.
4. Each public or quasi-public building or lot (including, but not limited to, public or private educational institutions, churches, libraries, hospitals, parks, and playgrounds) is permitted additional, permanent signage, excluding neon signs, not exceeding forty-five (45) square feet in gross surface area.

B. Temporary signs.

1. Notwithstanding any other section, there may be three (3) temporary signs posted on a lot at any time subject to the following:
 - a. A temporary sign allowable under this section does not require a permit if, it is not greater than six (6) square feet in gross surface area. No temporary sign may exceed a maximum height of four feet (4') from grade without a permit. All temporary signs must be situated within the lot lines of the subject parcel and may not be situated in the public right-of-way, non-dynamic, and non-illuminated.
 - b. For the purposes of this Section, a lot means any single parcel of land, or the parcels of land, occupied by a single principal building or structure and its accessory structures.
2. Upon the occurrence of a bona fide triggering event, an owner or occupant may post up to the maximum number of allowable signs, as determined by the underlying bona fide triggering event. The total number of signs allowed based on different triggering events is cumulative, subject to the maximum number below. The burden is on the owner or occupant of the property on which a sign is posted to demonstrate

the existence of a bona fide triggering event justifying the number of signs posted on the property, upon request by the Building Commissioner or Code Enforcement Officer.

3. Bona Fide Triggering Events. The following are the only types of events which will trigger the right of a property owner to post additional temporary signage:

- a. A primary, general, or special election taking place in the Town.
- b. A public event occurring on the premises.
- c. A private event occurring on the premises.

4. There may be up to a maximum of ten (10) temporary signs posted at any time thirty (30) days before and up to five (5) days after a primary, general, or special election, taking place in the Town.

5. There may be two (2) temporary signs posted at any time fourteen (14) days before and up to two (2) days after an on-premises public event. For the purposes of this section, an "on-premises public event" means any event taking place or scheduled to occur on that property, which is open to the public at large.

6. There may be one (1) temporary sign posted at any time seven (7) days before and up to two (2) days after an on-premises private event. For the purposes of this section, an "on-premises private event" means any event on that property, which is not open to the general public (i.e. by invitation only).

7. The number of allowable temporary signs is cumulative, but at no time may there more than ten (10) temporary signs on any lot, as defined in subsection 403(B)(1)(b) above.

8. Subject to the maximum number of signs and the issuance of a permit, an owner or occupant may have one (1) temporary sign larger than six (6) square feet gross surface area, up to a maximum of thirty-two (32) square feet gross surface area, with each side no larger than sixteen (16) square feet, and not exceeding a maximum height of eight feet (8') from unaltered grade.

- a. Only one (1) temporary sign larger than six (6) square feet in gross surface area may be located on a lot at any one time.

A temporary sign larger than six (6) square feet in gross surface area requires a bona fide triggering event. The Building Commissioner must issue the permit upon application and payment of the permit fee, subject to Section 5-44 of the Town Code. The application must identify the applicant, the property where the sign will be located, the applicant's interest in that property (as owner, tenant, etc.), the bona fide triggering event, and the date(s)

of the triggering event. The Building Commissioner may issue, and require the applicant to affix to the sign, a small sticker indicating the dates that the permit is valid.

SECTION 18: That Section 404 of Article IV of the Zoning Ordinance be amended and hereafter read as follows:

Section 404. R-3 and RB Zoning District - Permitted Signs and Provisions.

The restrictions, prohibitions, and regulations for R-3 and RB Zoning Districts are the same as R-1 and R-2 Zoning Districts, with the following additions:

A. Apartment or condominium complexes consisting of one (1) to three (3) buildings are permitted, in addition to those signs required by Chapter 5 of Town Code, one permanent sign, per building. Each sign must be attached to the building, must not be projecting, and must not exceed six (6) square feet in gross surface area. In no event may any such complexes be permitted more than three (3) additional permanent signs.

B. Apartment or condominium complexes of four (4) or more buildings are permitted one (1) monument sign in lieu of permanent individual building signs, to be constructed to the following specifications:

1. The sign may have not more than two (2) display surfaces not exceeding forty-five (45) square feet in total gross surface area.
2. The sign must not be placed closer than ten feet (10') to any property line.
3. The top of the sign must not be higher than six feet (6') from existing, unaltered grade.

SECTION 19: That Section 405 of Article IV of the Zoning Ordinance be amended and hereafter read as follows:

Section 405. B-1, B-2, B-3, I-1, and I-2 Zoning Districts.

The following regulations apply to B-1, B-2, B-3, I-1, and I-2 Zoning Districts:

A. Permitted signs

1. Any sign permitted in Section 403(B)(1) is permitted, subject to the same restrictions.

2. Single occupant buildings located at street level with a setback of less than thirty (30') feet are permitted one (1) principal sign with a maximum gross surface area of eighty (80) square feet. Multi-unit, -tenant, or -store buildings with less than a thirty foot (30') setback are permitted one-hundred and twenty (120) square feet of signage to be divided among the units.
3. Each business is permitted a permanent sign on a door or immediately adjacent to the door, not to exceed six (6) square feet in gross surface area. A permanent sign permitted under this section will not be included in the computation of the total signage, but is subject to the permitting and fee schedule contained in Section 5-44 of the Town Code.
4. A temporary sign is permitted corresponding to the maximum allowable speed limit traveled on the road fronting the property as follows:
 - (a) Less than thirty (30) miles per hour: eight (8) square feet, with the highest point of the sign measuring no higher than six feet (6') off the ground.
 - (b) Equal to or more than thirty (30) miles per hour and less than or equal to forty-five (45) miles per hour: twenty-four (24) square feet, with the highest point of the sign measuring no higher than six feet (6') off the ground.
 - (c) More than forty-five (45) miles per hour: forty-eight (48) square feet, with the highest point of the sign measuring no higher than eight feet (8') off the ground.
5. Additional Temporary sign – One (1) non-illuminated temporary sign is allowed during construction work located on the premises, but not to exceed thirty-two (32) square feet in total gross surface area, and subject to a maximum height of eight feet (8') from existing, unaltered grade. The sign must be removed within seven (7) days after an occupancy permit is issued. A sign permit is required for all such signs, and fee paid in accordance with Section 5-44 of the Town Code.
6. Specialty signs, including blade signs, banners, and other signs that would exceed the permissible dimensions of allowable temporary signs, may be posted for a maximum of thirty (30) days in a calendar year. All portable specialty signs displayed pursuant to this Section must be removed at the close of each business day and when conditions exist which have the potential of causing the sign to fall over or become a danger to the public health and safety.
7. A business with a parking lot(s) may erect two (2) permanent signs per lot, each not to exceed four (4) square feet in gross surface area and not higher than four feet (4') from grade. Such signs may be illuminated, subject to the rules governing commercial property adjacent to residential zones, but may not be dynamic.

8. Drive-in merchandising - Drive-in or drive-through merchandising businesses are allowed the following additional signs:
 - a. A permanent sign for each point of ingress and egress of the business. Each sign permitted under this subsection must not exceed four feet (4') in height from grade, or six (6) square feet in gross surface area. Each sign permitted under this subsection must be within six feet (6') of the curb area at the point of ingress or egress, must not obstruct the view of motorists or pedestrians, and must not impede the free flow and safe passage of pedestrian and vehicular traffic.
 - b. No more than two (2) permanent signs along the driveway or drive-through to the pick-up area. Signs permitted under this subsection must not exceed nine feet (9') in height as measured from grade. The first such sign may not exceed thirty-two (32) square feet in gross surface area. A second sign, if any, may not exceed eighteen (18) square feet in gross surface area.
9. If a building has a rear and/or side parking lot, or is on a corner lot and adjoins a public street, an additional sign developed to the same restrictions noted in this Section is permitted on only one (1) side or rear of the building, provided the total gross surface area for all signs does not exceed eighty (80) square feet. Illuminated signs placed adjacent to a residential district sign must be indirectly lighted in such a manner as not to illuminate the adjoining residential property.
10. Awnings and canopies – Each canopy or awning is subject to the maximum sign square footage contained in Section 405(A)(2). The maximum height of the top of the canopy or awning may be no higher than twenty feet (20') above the curb level. Signage must be affixed flat to the surface of the canopy or awning, and must not extend vertically or horizontally beyond it. There must be a minimum clearance of eight feet (8') between the bottom of the canopy or awning and the sidewalk or ground.
11. The following regulations apply to non-residential buildings, and business complexes which are situated more than thirty (30') feet and less than one-hundred feet (100') from a public right of way:
 - a. A non-residential building or complex that meets these set-back requirements may have any combination of wall-mounted, awning, canopy, or monument signs. Freestanding signs are not allowed under this section.
 - b. The total combined gross surface area for all signs must not exceed a maximum of one-hundred and twenty (120) square feet, subject to the following exceptions:
 - i. In any multi-unit, -tenant, or -store building or complex, each unit may have up to twenty-five (25) square feet in gross surface area

of wall-mounted, awning, or canopy signage, in addition to the maximum gross surface area of one-hundred and twenty (120) square feet.

- ii. This additional signage must be contained within the boundaries of the unit or portion of the building actually occupied by the tenant or store.
 - c. No building or complex covered by this subsection 405(A)(10) may have more than one (1) monument sign. Monument signs shall not exceed a maximum size of ninety-six (96) square feet gross surface area, regardless of the number of units, tenants, or stores located in the building or complex.
12. The following regulations apply to non-residential buildings, and business complexes which are situated one-hundred (100') feet or further from a public right of way:
- a. A non-residential building or complex that meets this set-back requirement may have any combination of wall mounted, awning, canopy, monument, or freestanding signs.
 - b. A building with only one unit or tenant may have a maximum of one-hundred and twenty (120) square feet gross surface area of signage, in total.
 - c. In any multi-unit, -tenant, or -store building or complex occupied and in existence prior to the effective date of this ordinance, each unit may have up to twenty-five (25) square feet in gross surface area of wall-mounted, awning, or canopy signage, additional to the maximum gross surface area of one-hundred and twenty (120) square feet. This additional signage must be contained within the boundaries of the unit or portion of the building actually occupied by the tenant or store.
 - d. Freestanding or monument signs are limited to a maximum of one-hundred and twenty (120) square feet total gross surface area, regardless of the number of units, tenants, or stores in the complex.
 - e. Each tenant, unit, store, or other division, is permitted one door sign, not to exceed six (6) square feet gross surface area, which signage will not count towards the maximum signage permitted for the building or complex nor towards the maximum signage permitted for the unit, tenant, or business. A door sign is subject to permitting and fee schedule contained in Section 5-44 of the Town Code.

B. Freestanding signs

1. Location, height and area limitations – It is unlawful to erect any freestanding sign the total height of which is greater than eighteen feet (18') above the level of the street upon which the sign's lot has frontage above the unaltered ground level, whichever is lower, upon which the sign is to be placed. The ground level may not be altered in any manner in order to erect a sign that stands higher than that which is permitted herein. A freestanding sign must not exceed sixty (60) gross square feet on any display surface.
 2. Placement – A freestanding sign must not be nearer than ten (10') feet to any building or structure, or nearer than seventy-five (75') feet to any other freestanding sign on the same side of the street, or within ten (10') feet of any property line.
 3. Display surface - A freestanding sign having more than one (1) or more display surface planes may not have more than one hundred and twenty (120) square feet of gross surface area.
- C. Projecting Signs. A business may erect one (1) projecting sign no less than seven feet (7') nor more than nine feet (9') in height, as measured from grade. A projecting sign permitted by this Section may be no greater than six (6) square feet in gross surface area and may not be internally illuminated. A projecting sign may be set at a building corner at no greater than 135 degrees to each facade. In no event may a projecting sign, or the apparatus attaching the sign to the building, proceed farther than four feet (4') from the facade of the building, and in no case may it extend over a curb or street line. The total size of a projecting sign erected pursuant to this Section shall not be included in the maximum gross surface area permitted pursuant to this Article.
- D. Sandwich Signs. A business may display one (1) sandwich sign not exceeding ten (10) square feet of gross surface area in accordance with this Section. The sandwich sign permitted by this Section must be located on the property of the business or on the sidewalk in the front profile of the business, provided that, in the case of a sandwich sign located on a sidewalk, the sign must be situated not less than one foot (1') off of the street or curb line and must allow not less than thirty-six inches (36") of passage or the minimum width permitted under the most current provisions of the Americans with Disabilities Act, whichever is greater. The total surface area of a sandwich sign permitted pursuant to this Section shall not be included in the maximum gross surface area permitted pursuant to this Article. All sandwich signs must be removed at the close of business each day and when high winds or other weather conditions exist which would knock over the sign.

SECTION 20: That Section 406 of Article IV of the Zoning Ordinance shall be amended and hereafter read as follows:

Section 406. Prohibited Signs.

The following signs are hereby expressly prohibited for erection, construction maintenance, repair, alteration, location, or relocation within the Town, except as exempt under Section 410:

- A. Flashing signs, excepting those public signs defined in Article II - Definitions of this Ordinance and those that give safety warnings.
- B. Moving signs.
- C. Signs with lamps or lights for letters, except neon signs.
- D. Signs on fences, utility poles, street lights, or trees.
- E. Signs which resemble or are confusingly similar to any official marker erected by the Town, State or other governmental unit or agency, or which by reason of position, shape or color would confuse or conflict with the proper functioning of any traffic sign or signal.
- F. Signs extending over or placed upon a public sidewalk, alley, or right-of-way except awnings and canopies, projecting signs as permitted in Section 405 (C), and sandwich signs as permitted in Section 405 (D).
- G. Specialty signs, except as permitted under Section 405(A)(6) of this Article.
- H. Signs containing obscenity, or deemed harmful to public safety.

SECTION 21: That Section 409 of Article IV of the Zoning Ordinance shall be amended and hereafter read as follows:

Section 409. Restrictions. All signs must conform as follows:

- A. All size limitations listed elsewhere in this Article are for gross surface area per display unless otherwise indicated.
- B. No sign may be placed in such a manner that it would block or obscure the vision of the driver of a motor vehicle stopped at a stop sign, traffic light, or entrance to a public street for a distance of 400 feet in any direction in which there is oncoming traffic.
- C. No sign may be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, fire escape, or public walkway.
- D. A freestanding sign must be securely built, constructed, and erected.
- E. The sign owner must properly maintain all parts and supports, including display surfaces, of the approved sign.

F. Restrictions on Dynamic Signs. All Dynamic Signs must conform to the following regulations:

1. All dynamic signs must conform to all other provisions of this ordinance applicable to business signs.
2. A dynamic sign may not be permitted where such sign will create a public nuisance or result in unsafe driving conditions.
3. A dynamic sign must not contain images that flash, scroll, turn, twinkle, or have any other type of movement. All images must be still.
4. The display screen on a dynamic sign must not change images more frequently than once every eight (8) seconds. Changes from one image to the next must fade gradually in a timeframe of not less than two (2) seconds.
5. All dynamic signs must come equipped with automatic dimming technology which automatically adjusts the brightness based on ambient light conditions. No dynamic sign may exceed 0.3 foot candles above ambient light as measured using a foot candle (lux) meter at a present distance depending on the sign area to be measured as follows:

Area of Sign (square feet)	Measurement (Distance in feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

For signs with an area in square feet other than specifically listed in the table, the measurement distance will be calculated using the following formula:

$$\text{Measurement Distance} = \text{Square root of (area of sign } \times 100)$$

6. Notwithstanding subsection (5), dynamic signs must not cause glare.
7. All dynamic signs must be equipped with adjustable light sensors capable of adjusting light intensity according to ambient light levels (*i.e.*, day and night). If the light intensity of the dynamic sign is glaring, the building commissioner, or his designee, will notify the owner or the owner's representative, and the light intensity must be corrected within 24 hours of notification to the owner or the owner's representative. The owner must maintain at all times current notification contact information in the office of Building Commissioner.

SECTION 22: That Section 410 of Article IV of the Zoning Ordinance shall be amended and hereafter read as follows:

Section 410. Exemptions. The provisions and regulations of this Article do not apply to the following:

- A. Signs posted by, erected by, required to be posted or erected by governmental units.
- B. All non-illuminated signs or other displays on the interior portion of a window.
- C. When displayed by governmental units: flags of the Town, the State of Indiana, the United States of America, or official historic plaques of any government jurisdiction or agency. Flag poles must not exceed 35 feet in height.
- D. The Town Council may authorize the Building or Streets Department to hang signs that advertise a Town-wide or community event or drive, across or above Calumet Road, Indian Boundary Road, Broadway, or Porter Avenue, within a business or industrial district.
- E. Small informational signs to warn the public of hazards and potential hazards, including but not limited to "No Dumping," "Beware of Dog," are exempt as long as the signs do not exceed two (2) square feet in gross surface area.

SECTION 23: That Section 411 of Article IV of the Zoning Ordinance shall be amended and hereafter read as follows:

Section 411. All legal nonconforming signs may remain until:

1. Removed and replaced by a legal conforming sign;
2. The sign constitutes a danger or threat to public health or safety as determined by the Building Commissioner and remains in such condition for thirty (30) days after notice of such condition is provided to the owner by the Building Commissioner;
3. A permit, variance, condition or commitment, pursuant to which the sign was allowed, expires;
4. The height, gross surface area or location of the sign is changed; or
5. The business, or other entity, on the same property where the sign is located has ceased to operate for six (6) months or more, in which case there is a rebuttable presumption that the legal nonconforming sign has been abandoned and must be removed or replaced with a conforming sign. The presumption may be rebutted by a showing by the owner of the real estate where the sign is located that notice has been placed on record with the Building Commissioner's office regarding the cessation of the operation of the business and the intention to resume the operation of a business, or other entity, at that location on or before a specific date. In no event may a legal non-conforming sign remain for more than one (1) year after the business on the same property where the sign is located has ceased operations.

SECTION 24: That Section 412 of Article IV of the Zoning Ordinance shall be amended and hereafter read as follows:

Section 412. Sign Permit – Requirements and Procedures.

Unless exempted by this Article, a sign permit is required prior to erecting, altering, or relocating any permanent or temporary sign. A person may apply for a sign permit from the Building Commissioner and pay the fee required by Section 5-44 of the Town Code. All temporary signs less than eight (8) square feet shall not require a permit.

SECTION 25: That Section 413 of Article IV of the Zoning Ordinance shall be amended and hereafter read as follows:

Section 413. Enforcement.

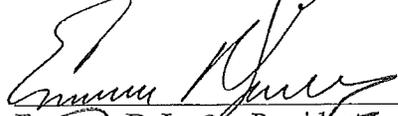
If the Building Commissioner finds that any sign or other structure regulated herein is unsafe, or has been constructed, erected, or is being maintained in violation of the provisions of this Article, he then will give a 10-day written notice to the permittee thereof to remove the sign or structure or bring the same into compliance with this Article. Failure to comply with said written notice is a violation of the Town Code. The

Building Commissioner may cause any sign or other structure, which is in immediate peril to person or property, to be removed summarily and without notice at the expense of the permittee or owner.

SECTION 26: This Ordinance shall be in full force and effect from and after its passage and adoption as provided by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Chesterton, Porter County, Indiana, this 11 day of April, 2016.

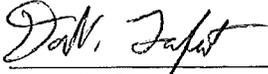
CHESTERTON TOWN COUNCIL


Emerson DeLaney, President


James G. Ton


Lloyd Kittredge, Jr.


Nathan Cobbs


Dane Lafata



ATTEST:


Stephanie, Kuziela, Clerk-Treasurer

