

ARTICLE I. IN GENERAL**Sec. 734-100. Statement of purpose.**

This chapter creates the legal framework for sign regulations that are intended to facilitate an easy and agreeable communication between people. It is recognized that signs serve an important function and, therefore, reasonable and adequate display of signs is permitted under the provisions of this chapter. This chapter recognizes that aesthetics and design quality cannot be satisfactorily legislated, as individual opinions vary and generally public opinions vary from one to another. It is recognized, however, that a great percentage of that which is unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

The purpose of the sign regulations set forth in this document shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy; and which eliminate excessive and confusing sign displays; to retain current residents and attract new residents to the city; to preserve and improve the appearance of the city as a place in which to live and work as an attraction to nonresidents who come to visit or trade; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and to promote the public health, safety, morals and general welfare.

Sec. 734-101. Application of regulations.

- (a) The regulations of this chapter shall apply to the location, erection, and maintenance of signs in all zoning districts within Marion County, Indiana.
- (b) **Moratorium.** Notwithstanding any other provision of this chapter, a moratorium hereby is imposed throughout Marion County, Indiana on the construction, erection, conversion, enlargement, extension, reconstruction or relocation of, or placement of off-premises signs, outdoor advertising signs, and advertising signs, that are subject to the provisions of this chapter, unless a valid improvement location permit for such work has been obtained prior to the effective date of the moratorium. Such moratorium shall be in effect until the date when additional amendments to the outdoor advertising sign provisions of the sign regulations of the zoning ordinance of Marion County, Indiana are adopted or until December 1, 2003, whichever is earlier in time.

(G.O. 44, 2003, § 4)

ARTICLE II. GENERAL REGULATIONS**Sec. 734-200. General regulations.**

The requirements, conditions, prohibitions and exceptions specified in Chapter 730 of this Code shall apply to all signs and sign structures in all zoning districts in Marion County, Indiana.

Sec. 734-201. Exempt signs.

- (a) The following signs are permitted in any zoning district unless specifically limited to certain zoning districts in this section and are exempt from other provisions of this chapter, except the provisions for a clear sight area as noted in section 734-204(j). The area of such signs shall not be included in the calculation of the area of signs permitted for any parcel or use. The requirements for Improvement Location Permits (ILPs) shall not apply to certain of the signs specifically referenced in this section:
- (b) **Construction signs, project.** One (1) construction sign per project construction site shall be permitted on each street frontage of the project, subject to the following:
 - (1) **Maximum sign area.** The construction sign shall not exceed:
 - a. Sixty-four (64) square feet in area.
 - b. Twenty (20) feet in height.

(2) *Additional standards.* Further, such signs shall:

- a. Not be erected until the applicable zoning and platting approvals have been obtained;
- b. Be confined to the site of construction;
- c. Meet the setback requirements for signs in the applicable district; and
- d. Be removed five (5) days after completion of construction and prior to occupancy.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

- (c) **Flags, emblems, or insignia of any nation, state or political subdivision** shall be permitted, provided the setback requirements for signs in the applicable district are met. In addition, one (1) flag, displaying a corporate emblem, shall be permitted for each business not located in an integrated center. A flag displaying a corporate emblem, however, shall be included in the calculation of the maximum sign area permitted for freestanding signs for the site. An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.
- (d) **Garage sale signs** are permitted provided there shall be only one (1) sign, not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such sign shall be located on the lot having the sale and not on or within any public right-of-way. In the case of corner lots, one (1) additional sign is permitted on the other street frontage of the lot, for a maximum of two (2) signs on the lot. Further, such sign(s) shall be permitted for no longer than two (2) days prior to the sale and be removed immediately after the sale is completed. An ILP shall not be required if the provisions noted above are satisfied.
- (e) **Historic or commemorative plaques.** An historic or commemorative plaque shall not exceed four (4) square feet. An ILP shall not be required if the provisions noted above are satisfied. Historic or commemorative plaques in excess of four (4) square feet shall be regulated and permitted as wall signs.
- (f) **Home improvement, home construction, home remodeling signs** are permitted, provided there shall be only one (1) such sign not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such sign shall be located on the lot on which the described activity is occurring, shall not be located on or within any public right-of-way, and shall be displayed only while such work is actually occurring. An ILP shall not be required if the provisions noted above are satisfied.
- (g) **House number and name plates.** House numbers and name plates, each not exceeding two (2) square feet in area, are permitted for each residential unit or dwelling. An ILP shall not be required if the provisions noted above are satisfied. House numbers and name plates in excess of two (2) square feet in area shall be regulated as wall signs.
- (h) [Skipped]
- (i) **Interior signs.** Signs located:
- (1) Within the interior of any building, or within an enclosed lobby or court of any building;
 - (2) Located within the inner or outer lobby, court or entrance of any theatre, that are not viewable or intended to be viewable from the public right-of-way and do not qualify as "window signs" as herein defined, are permitted.
- An ILP shall not be required if the provisions noted above are satisfied.
- (j) **Memorial signs or tablets.** Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material. Such signs shall not be located within any public right-of-way. An ILP shall not be required if the provisions noted above are satisfied.
- (k) **Model home signs** are permitted, provided there shall be only one (1) such sign 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 sign shall:
- (1) Not be located on or within any public right-of-way or located on the model home building; and
 - (2) Be removed immediately after the building no longer serves as a model home.

An ILP shall not be required if the provisions noted above are satisfied.

- (l) **Murals**, defined as works of graphic art painted or applied to building walls, which contain no advertising, commercial messages, or logos. An ILP shall not be required if the provisions noted above are satisfied, however, such murals are still subject to all requirements of any overlay district zoning which may apply.
- (m) **Noncommercial opinion sign**, as defined in section 734-501 shall be permitted, provided the following provisions are met:
- (1) Noncommercial opinion signs may be displayed as freestanding signs, as follows:
 - (a) Number of signs per street frontage--Five (5).
 - (b) Maximum sign area--Six (6) square feet.
 - (c) Maximum sign height--Four (4) feet.
 - (d) Setback--Not within the public right-of-way, nor within the clear sight triangular area.
 - (2) Window sign--Regulated per the applicable zoning district provisions pertaining to window signs.
 - (3) Notwithstanding the limitations set forth in Section 734-201(m)(1), noncommercial opinion signs may be displayed on a sign face that has been legally established to display advertising signs, in the same manner and size as an advertising sign is permitted to be displayed on the same sign face.
 - (4) Noncommercial opinion signs shall have no time limits.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

- (n) **Official signs authorized by a government or governmental subdivision** which give traffic, directional, or warning information, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty. An ILP shall not be required if the provisions noted above are satisfied.
- (o) **Public notices**. Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents. An ILP shall not be required.
- (p) **Public signs**. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, or Administrator's approval; which may be of any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected.

Signs authorized by Administrator's approval shall:

- Not be applicable in any "protected district";
- Be preceded by a petition for approval to the hearing examiner of the Metropolitan Development Commission with notice given to each neighborhood organization whose boundaries include all or some part of the subject request, and, including with respect to any petitions within the regional center, notice to all registered neighborhood organizations whose boundaries include all or part of the regional center.

Provided, the Administrator may approve public signs to be located temporarily, for a period not to exceed sixty (60) days, within the Central Business District for purposes of promoting specific civic, sporting or special events, on condition that such signs be removed prior to the end of such period.

An ILP shall not be required.

- (q) **Real estate signs**. Real estate signs announcing the sale or lease of that property by the owner or a real estate company shall be permitted, provided there shall be only one (1) sign for each lot, not exceeding:
- (1) Six (6) square feet in total surface area and four (4) feet in height (for all districts permitting single- or two-family residential development); or
 - (2) Thirty-two (32) square feet in total surface area and four (4) feet in height (for any other zoning district).

Such sign shall be located on the lot for sale or lease and not on or within any public right-of-way.

Real estate signs shall not be directly illuminated and shall be removed within seven (7) days after the sale/lease/rental has been accomplished.

Real estate signs which remain on the site for no longer than one (1) year shall not be required to obtain an ILP; however, if such signs remain beyond the one-year period, an ILP shall be required, and such signs shall meet the requirements applicable to freestanding identification signs of the district.

Exceptions: In the case of a:

- (1) Corner lot, one (1) additional sign, with the same maximum dimensions, is permitted, for a maximum of two (2) signs on a corner lot.
- (2) Through lot, one (1) additional sign, with the same maximum dimensions, is permitted on a second street frontage, for a maximum of two (2) signs on a through lot.
- (3) Lot which abuts a water body or golf course, one (1) additional sign, with the same maximum dimensions, is permitted on the water or golf course frontage of the lot, for a maximum of two (2) signs on such a lot. This exception shall not apply if the water body is designated as a "greenway corridor" in the "Indianapolis Greenways Plan" adopted by the Metropolitan Development Commission (May, 1994).

An ILP shall not be required if the provisions noted above are satisfied.

- (r) **Real estate signs, temporary directional.** Temporary directional real estate signs shall not exceed twenty (20) per subdivision with no more than five (5) signs per subdivision allowed on the same street, in the same direction.

The maximum number of temporary directional real estate signs at an intersection shall be twelve (12). The intersection, for purposes of this provision, is defined as an area within a one-hundred-foot radius of the intersecting center lines of two (2) or more streets.

Temporary directional real estate signs shall be placed at no less than two hundred (200) feet from any sign of the same subdivision and no closer than twenty (20) feet from another temporary directional real estate sign.

Further, temporary directional real estate signs shall be permitted only if:

- (1) They are limited to freestanding signs not to exceed eight (8) square feet in total area or four (4) feet square feet per sign face and shall not exceed forty (40) inches in height.
- (2) Signs shall not be placed before 5:00 p.m. on Friday and shall be removed by 7:00 a.m. on Monday. Signs shall be installed no earlier than 5:00 p.m. preceding any commonly recognized holiday and shall be removed by 7:00 a.m. the day following a holiday. All poles and stakes shall be completely removed.
- (3) Signs shall not be placed on private property without permission of the owner. Signs shall be placed at least six (6) feet from the pavement edge of the street (such pavement edge of the street includes the shoulder). Signs shall not touch or block any road marking signs, nor shall they be attached to utility poles, trees or natural features.

An ILP shall not be required if the provisions noted above are satisfied.

- (s) **Seasonal or holiday displays** shall not be considered signs and shall not be regulated by these regulations, so long as they contain no commercial message, are primarily decorative in nature, and are clearly incidental and customarily and commonly associated with any national, local or religious holiday.

- (t) **Temporary signs** for grand openings or city-recognized special events provided that the maximum sign area of each sign shall not exceed thirty-two (32) square feet. Temporary signs allowed under this subsection include pennants and banners.

- (1) Grand openings: Temporary signs for grand openings may be erected no more than ten (10) days prior to the grand opening and shall be removed no more than five (5) days after the event. In no case shall such signs remain on the premises for more than thirty (30) days.
- (2) City-recognized special events: Temporary signs for city-recognized special events may be erected throughout the year, however, the maximum number of days such signs may be displayed shall not exceed a total of thirty (30) days per year.

Such signs shall not be located on or within any public right-of-way. An ILP shall not be required if the provisions noted above are satisfied.

- (u) **Tombstones.** An ILP shall not be required.
- (v) **Works of art.** Three-dimensional works of art (statuary, sculptures) and two-dimensional works of art (i.e., murals) that are clearly artistic in nature and which do not promote commercial interests are exempt from regulation under this chapter. An ILP shall not be required if the provisions noted above are satisfied.
- (w) **Incidental signs,** other than directional, and parking and loading signs shall be permitted, subject to the following:
- (1) The maximum height of the sign shall not exceed four (4) feet.
 - (2) The maximum sign surface area shall not exceed (1) square foot.
 - (3) The sign shall be set back a minimum of ten (10) feet from the existing street right-of-way.
- An ILP shall not be required if the provisions noted above are satisfied.
- (x) **Building outline lighting.** Outlining of structural/architectural elements of buildings, such as roof lines, doors, windows or wall edges using neon, incandescent, or similar type of lighting in any commercial and industrial district shall not be considered a sign, nor regulated by this chapter. If however, such outline contains text or logos, such items shall be considered signs and regulated by this chapter according to their type and placement. Outlining of structural/architectural elements of buildings using neon, incandescent or similar type of lighting shall be prohibited in any protected district, and in no case shall it be permitted within six hundred (600) feet of a protected district. (See also section 734-202(k) for restrictions on other types of outline lighting.) In no case, however, shall such building outlining flash or be animated.
- (y) **Temporary signs, including pennants and banners,** shall be allowed in SU-1, SU-2, SU-7 and SU-16 districts, without obtaining an ILP, provided that the signs do not exceed a size of thirty-six (36) by thirty-six (36) inches, subject to the following:
- (1) The temporary sign must be placed on the property of the owner of the sign and no more than one (1) temporary sign for each public street frontage may be placed on a lot.
 - (2) Temporary signs may not be posted for more than twenty eight (28) hours.
 - (3) No sign may be erected or posted in a public right-of-way.
 - (4) No sign may be posted more than four (4) times in any thirty (30) day period.

(G.O. 1, 2000, § 1A; G.O. 1, 2003, § 1)

Sec. 734-202. Prohibited signs.

The following signs are prohibited in all zoning districts:

- (a) **Signs in the public right-of-way.** No sign or sign structure may be placed on or in the right-of-way of an alley or a street, with the exception of governmental and public signs and signs associated with an approved outdoor cafe within the Regional Center (as noted in section 734-204(k), or projecting signs permitted by this chapter and having obtained an encroachment license from the proper governmental agency.
- (b) **Signs which interfere with official signs/traffic devices.**
- (1) No sign or sign structure shall be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with or obstructs the view of, or can be confused with, imitates, or resembles any official traffic sign, signal, or device. No rotating beam, beacon or flashing illumination resembling any emergency light shall be used in connection with any sign display.
 - (2) No sign shall be permitted which prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign and approaching or merging traffic. (See section 734-204(j), clear sight triangular area.)

- (c) **Interference with street intersections.** No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing. (See section 734-204(j), clear sight triangular area.)
- (d) **Prohibition of signs affixed to utility poles, etc.** No sign or sign structure shall be affixed to, displayed, or located upon any utility pole, light standard, tree, public transportation or school bus passenger shelter or bench, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless authorized under section 734-210(q), public signs.
- (e) **Signs on natural features.** No signs shall be permitted to be painted on, attached to, or maintained upon trees, rocks or other natural features.
- (f) **Pennants.** Pennants shall not be permitted.
Exception: Temporary exception to this stipulation is noted in section 734-201(u), temporary signs for grand openings and special events.
- (g) **Banners.** Banners shall not be permitted.
Exceptions:
 - (1) Temporary exception to this stipulation is noted in section 734-201(n), temporary signs for grand openings and special events.
 - (2) Special regulations governing temporary promotional banners within the central business districts are found in section 734-305.
 - (3) Banners that are attached securely to the wall of a building on all four (4) corners shall be considered and regulated as wall signs.
- (h) **Wind signs.** Wind signs shall not be permitted. Temporary exception to this stipulation is noted in section 734-201(o), temporary signs for grand openings and special events.
- (i) **Portable signs.** Portable signs including but not limited to A- or T-frame, or signs on trailer frames whether or not the trailer wheels have been removed, shall be prohibited. No person shall park any vehicle or trailer or truck trailer on a public right-of-way, public property or on private property which is visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to business or commercial vehicles such as buses or cabs.
- (j) **Statuary, commercial.** Statues utilized and intended for commercial advertising purposes shall be prohibited.
- (k) **Outline lighting.** Outlining of property lines or open sales areas, whether flashing or constant, shall be prohibited.
- (l) **Balloon signs.** Lighter-than-air or gas-filled balloons or other similar devices used to advertise or define a fixed location shall be prohibited.

(G.O. 1, 2000, § 1B)