

## ARTICLE I. IN GENERAL

### Sec. 117-1. – Statement of Purpose.

Provisions in this chapter are made to establish reasonable, consistent and objective regulations for all signs and billboards in the City of Gary which are visible to the public. This chapter is intended to serve the public's need to give directions, and to be informed of available products, businesses and services. This chapter is also intended to protect both public and private investment in buildings and open spaces in this municipality. All signs in the City of Gary which are visible to the public shall be subject to this section of the Gary Municipal Code.

### Sec. 117-2 – General Provisions.

- (a) All signs shall be constructed of durable materials, designed to withstand expected wind pressures and erected so as not to sustain damage and deterioration from the elements;
- (b) Every sign shall be maintained in good repair and in a safe, clean, and attractive condition;
- (c) Illuminated signs or sign lighting devices shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights, except as permitted in Sec. 117-4. No sign or lighting device shall be placed or directed to permit beams and illumination to be directed or beamed upon public road, highway, sidewalk, or adjacent premises so as to cause a traffic hazard or nuisance;
- (d) No free-standing pole shall have affixed to it more than one (1) individual sign, with advertising permitted on each sign face.
- (e) No sign or part of a sign shall contain or consist of banners, posters, pennants, ribbons, streamers, or similar moving, fluttering or revolving devices, excluding the following conditions:
  - a. In the case of a grand opening, anniversary or similar event, such sign mechanisms may be used for a period of time determined by the zoning administrator.
  - b. All temporary signs shall be affixed at all four corners or attached to a stable, flat surface. Temporary signs affixed to buildings shall be considered temporary wall signs and conform to requirements in this chapter.

### Sec. 117-3 – Pre-Existing Signs.

Any permanent sign lawfully existing or under construction before the date of enactment of this chapter or upon any date on which this chapter is amended, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign.

- (a) Nonconforming signs may not be enlarged, extended, structurally changed in any manner that will further the nonconformity;
- (b) A building permit is not required for a new sign face, or a change in advertising content appearing on the sign face;
- (c) Nonconforming signs may remain, provided they are maintained in good repair and window signs meet provisions set forth in Sec. 117-8(e).
- (d) If a sign or the structure supporting the sign is damaged or destroyed to the extent of fifty percent (50%) or more, it may be replaced or reinstalled as it was previously constructed unless it is listed as a prohibited sign under Sec. 117-9.

### Sec. 117-4 - Signs in residential districts.

(a) In all residence districts the following classes of signs are permitted in accordance with the following regulations:

(1) Nonflashing, nonilluminated accessory signs, as follows:

a. Nameplates and identification signs, subject to the following:

1. For one- and two-family dwellings, there shall be not more than one (1) nameplate, not to exceed one and a half (1.5) square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation; provided that on a corner lot two (2) such nameplates for each dwelling unit, one (1) facing each street, shall be permitted.
2. For multiple-family dwellings, for apartment hotels and for buildings other than dwellings, a single identification sign not exceeding twenty (20) square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed; provided that on a corner lot two (2) such signs, one (1) facing each street, shall be permitted.
3. No sign shall project more than two (2) inches beyond the property line into the public way.
4. No signs shall project higher than one (1) story or twenty (20) feet above curb level, whichever is lower.

b. "To Rent" signs, subject to the following:

1. There shall be not more than one (1) such sign per lot, except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted. No sign shall exceed sixteen (16) square feet in area nor be closer than eight (8) feet to any other zoning lot.
2. No sign shall project more than two (2) inches beyond the property line into the public way.
3. No sign shall project higher than seven (7) feet above curb level.

c. Signs accessory to parking areas, subject to the following:

1. Signs designating entrances or exits to or from a parking area, limited to one (1) sign for each such exit or entrance and to a maximum size of two (2) square feet each, shall be permitted. One (1) sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine (9) square feet, shall be permitted; provided that on a corner lot two (2) such signs, one (1) facing each street, shall be permitted.
2. No sign shall project more than two (2) inches beyond the property line into the public way.
3. No sign shall project higher than seven (7) feet above the curb level.

(2) Church bulletins, signs identifying parks and public spaces, and signs located at schools, subject to the following conditions:

a. There shall be not more than one (1) sign per lot, except on a corner lot, two (2) signs, one (1) facing each street, shall be permitted.

b. No sign may exceed sixteen (16) square feet in area nor be closer than eight (8) feet to any other zoning lot.

- c. No sign shall project more than two (2) inches beyond the property line into the public way.
- d. No sign shall project higher than fifteen (15) feet above the curb level.
- e. Any scrolling marquee or illuminated informational sign shall use LED lighting technology; all other flashing or illuminated signs are expressly prohibited.

Sec. 117- 5. - Signs in business districts.

(a) In B1-1 and B1-2 districts, business signs are permitted, subject to the following:

- (1) The gross area in square feet of all signs on a zoning lot shall not exceed two and a half (2.5) times the lineal frontage of the primary building on that lot.
- (2) No sign shall project more than twenty-four (24) inches across the property line into the public way, except as provided for awnings, marquees and canopies.
- (3) No sign shall project higher than forty-five (45) feet above curb level.

(b) In B2, B3, B4, and B5 districts, business and advertising signs are permitted subject to the following:

- (1) The gross area in square feet of all business and advertising signs on a zoning lot shall not exceed three (3) times the lineal frontage of the primary building on that lot; provided, however, that the gross area in square feet of all business signs projecting into a public way shall not exceed two (2) times the lineal feet of frontage of the building.
- (2) No sign shall project across the property line more than ten (10) feet. However, advertising signs shall not project into a public way except where attached flat against a building and in such case shall project not more than twelve (12) inches. A business sign attached flat against a building and extending over a public way not more than twelve (12) inches shall not be considered a projecting sign.
- (3) No sign shall project higher than forty-five (45) feet above curb level.

(c) In manufacturing districts, business and advertising signs are permitted subject to the following:

- (1) The gross area in square feet of all business and advertising signs on a zoning lot shall not exceed three (3) times the lineal frontage of the subject property; provided, however, that the gross area in square feet of all business signs projecting into a public way shall not exceed two (2) times the lineal feet of frontage of the property.
- (2) No sign shall project across the property more than fifteen (15) feet. However, advertising signs shall not project into a public way except where attached flat against a building and in such case shall project not more than twelve (12) inches. A business sign attached flat against a building and extending over a public way not more than twelve (12) inches shall not be considered a projecting sign.
- (3) No sign shall project higher than forty-five (45) feet above curb level in M1 districts.

Sec. 117- 6. - Signs near parks or real estate.

No advertising sign shall be located within four hundred (400) feet of any public park of ten (10) or more acres in area if the face of such sign is visible from the park. No advertising sign shall be located within seventy-five (75) feet of any real estate located in a residence district.

Sec. 117- 7. - Diagonal signs.

Signs placed on corner lots at an angle, so that the face thereof is visible from both frontages, shall be known as diagonal signs. The gross area in square feet of all diagonal signs on a zoning lot shall not exceed one third (1/3) the total gross square feet area permitted on all frontages.

Sec. 117- 8. - Size and space regulations.

- (a) No free-standing advertising signs facing upon the same frontage shall be installed, constructed, or erected closer than seventy-five (75) feet apart.
- (b) No single advertising sign shall exceed three hundred (300) square feet in area.
- (c) No sign shall be placed upon any sidewalk, street, or other public way, except upon public convenience benches located at bus stops, in districts zoned for business, manufacturing and floodplain, subject to the issuance of a zoning clearance certificate for the location in properly zoned districts.
- (d) For the purposes of calculation, each side of a building that abuts a public way shall be considered a separate building frontage; however the surface area of signage attributable to each frontage must face such frontage.
- (e) Any window displaying a sign shall be at least seventy-five percent (75%) free of signage.

Secs. 117- 9. - Prohibited Signs.

The following signs are expressly prohibited, unless otherwise stated in this ordinance:

- (a) Any sign or other display with either kinetic energy or illusionary motion powered by natural, manual, mechanical, electrical or other means, including but not limited to flags having commercial messages, and all pennants, banners, streamers, propellers, and discs, as well as flashing signs with illuminated elements that are used to simulate the impression of motion, and searchlights.
- (b) Any signs that include lights or messages which change, flash, blink, or turn on or off intermittently, but specifically excluding time and temperature signs, which display no other images and any such sign erected by government agency or school display.
- (c) Any sign or other advertising device erected or maintained at any road intersection in a manner that obstructs free and clear vision of the intersection.
- (d) Any signs and other objects intended for advertising which are inflated, including, but not limited to, balloons.
- (e) Any posters or handbills affixed to any structures, trees, or other natural vegetation, rocks or poles.
- (f) Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct any road intersection, or extend into the public right-of-way.
- (g) Any sign located on public property, excluding authorized signs erected by a government agency.

- (h) Any sign displayed on a parked trailer or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes.
- (i) Any sign that is made of scrap lumber, corrugated cardboard, or similar materials.
- (j) Multiple signs, logos, or insignia on a single canopy or awning attached to a building or other structure are prohibited.
- (k) Signs which prevent the free ingress or egress from any door, window, fire escape, or that prevent free access from one part of the roof to any other part. No sign of any kind shall be attached to a stand-pipe or fire escape.
- (l) Any roof sign, or any sign affixed to a wall or building projecting higher than the roofline of that building is prohibited.
- (m) No mirror device shall be used as part of a sign.
- (n) No sign shall contain spray painted characters, logos, or insignia of any kind.

Secs. 117- 10. – Temporary Signs.

Temporary signs may be erected in all districts only after obtaining approval from the zoning administrator; such approval shall cite the location of the sign and the length of time the sign may be displayed, specifically excluding temporary construction signs provided that such signs are erected no more than ten (10) days prior to the commencement of construction and are removed no more than seven (7) days after construction has ended.

- (a) On-premises signs announcing special events including, but not limited to, auctions, grand openings, new management, going out-of-business sales, and events by religious, charitable or public service groups are permitted subject to the following:
  - a. Signs shall not exceed fifty (50) square feet in area and shall be removed upon seven (7) days notice from the zoning administrator.
  - b. A special event sign shall not be used to continuously advertise the same event.
- (b) Signs advertising a political candidate seeking office, slates of candidates, political parties, and/or political and public issues appearing on a ballot shall be posted no more than thirty (30) days in advance of the election to which they pertain and must be removed within seven (7) calendar days following the election; political signs do not require approval from the zoning administrator provided they conform to all relevant requirements provided in this chapter.
- (c) No temporary sign shall be placed within five (5) feet of any adjacent street or public right-of-way.

Secs 117-11. Gasoline Station Signs.

Any business that dispenses gasoline products at the pump to the public for motor vehicles may display, in addition to all other signs permitted in its zoning district, not more than two (2) additional signs. Each of these signs shall not exceed eight (8) square feet in surface area and shall be for the purpose of indicating the pump price of fuel sold or the announcement of special offers. The area of such signs shall not be counted against the total sign area limit of the zoning district in which the business is located.

Secs. 117- 12. – Off-Premises Signs.

Off-premises signs include signs, graphics, and other displays for commercial, industrial, institutional, service or entertainment purposes, products, uses, or services conducted, sold, or offered elsewhere than upon the same premises where the sign is located. Off-premises signs are subject to the following:

- (a) Off-premises signs are permitted within three hundred (300) feet of the following arterials only:
  - a. Indiana State Road 912 (Cline Avenue)
  - b. Indiana Interstate 90 (Indiana Toll Road)
  - c. Interstate 80/94 (Borman Expressway)
  - d. Interstate 65
- (b) An engineering certificate shall accompany the application for an off-premises sign building permit. The engineering certificate shall indicate, under the seal of a professional engineer, that the existence of the proposed off-premises sign shall not present a safety hazard.
- (c) The minimum distance between all off-premises signs shall be 1,760 feet (1/3 miles) as measured along the centerline of the abutting roadway. Signs located on the opposite sides of the road or in an adjacent municipality are subject to the distance requirements.
- (d) No off-premises sign shall be erected within six hundred (600) feet of any existing dwelling or residential district.
- (e) All off-premises signs must include landscaping as follows:
  - a. A landscaped island containing shrubs, flowers, and/or native trees with a minimum of thirty-two (32) square feet in area. The island shall be formed from materials such as, but not limited to, stone, brick, mulch or landscape timbers.
  - b. The landscaped islands shall be maintained and kept free of weeds, debris, and brush; it is the responsibility of the property owner of record to maintain the island.
- (f) Any tree removed for construction of an off-premises sign shall be replaced on-site at ratio of one (1) replacement tree using native species for each removed tree; trees greater than four (4) inches in diameter removed for construction shall be replaced with a native tree no less than three (3) inches in diameter.

Secs 117-13 —117-34. - Reserved.