

4. Timing of installation. All plant material used to meet these requirements shall be planted prior to occupancy or, when no structure is involved, prior to use.
 - i. When weather conditions preclude the timely installation of the landscape materials, planting may be delayed for a period not to exceed six (6) months, provided that a financial guarantee in an amount equal to 110% of the installed cost of the materials is posted with the city prior to occupancy or use of the site.
5. Maintenance. All landscaping shall be properly maintained. Dead plant materials shall be replaced in a timely manner, and landscaped areas shall be kept free of weeds and debris. Failure to maintain landscaping properly shall constitute a violation of this Ordinance.
6. Landscape plans shall be approved by the Executive Director.

C. FENCES AND WALLS

1. Any fence or wall in a front yard shall be a maximum height three (3) feet, and not extend into any street right-of-way or easement.
2. Any fence or wall which is located in a required front yard, including both front yards of a corner lot, shall be subject to the traffic visibility
3. For through-lots, a maximum fence height of seven (7) feet shall be allowed in the yard, opposite the front of the house, which abuts on a street from which no vehicular access to the lot is allowed.

ARTICLE X SIGNS

A. SIGN STANDARDS.

The intent of this Section is to avoid the proliferation of signage encourage signs to be compatible with the scale of buildings, and the surrounding features maintain and enhance the aesthetic environment of the community eliminate potential hazards to motorists, and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of the City of Rushville. Anyone wishing to vary from the following standards is required to obtain a development standards variance from the Board of Zoning Appeals pursuant to this ordinance.

B. GENERAL SIGN STANDARDS.

It shall be unlawful for any property owner(s) to erect, construct, enlarge, move or convert any sign within the City of Rushville, or cause the same to be done without first obtaining a sign permit. The following general sign standards apply to all signs within the City of Rushville.

1. Measuring sign area and height. The sign area shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension including the extreme limits of characters, lettering or figures. The sign height shall be measured from finished grade at the edge of the adjacent right-of-way to the highest point of the sign, and include any poles or other supports. Sign height shall not be measured from

the top of any berm or other artificial grade.

2. Inspection. Signs may be inspected periodically to determine continued compliance with this Ordinance.
3. Removal of sign. The Executive Director may order the removal of any sign erected or maintained in violation of this Ordinance, at the cost of the property owner(s).
4. Maintenance. All signs and their components shall be kept in good repair and in safe, neat, clean, attractive, and structurally sound condition. Owners shall repair or otherwise cause any sign not found to be in good repair or in a safe, neat, clean, attractive and structurally sound condition to be brought into compliance with this ordinance within ten (10) days of notice of violation. Within thirty (30) days of the removal of a sign, the owner(s) shall, at the owner's expense, repair damaged areas when signs are removed.
5. Abandoned sign structures. Signs unused for a period six (6) months shall be deemed as abandoned. Sign structure(s), including poles, frames, supports, and other structural elements, including, electrical, or mechanical, or any other element(s), shall be removed at the owner's expense.
6. Illuminated signs. Illuminated signs, either internal or external shall comply with the following:
 - a. Illuminated signs shall comply with the requirements of the Indiana Electric Code.
 - b. Illuminated Sign. Sign components shall be certified by Underwriters Laboratories (UL).
 - c. All illuminating elements shall be kept in satisfactory working condition or immediately repaired or replaced.
 - d. Neither the direct nor reflected light(s) from illuminated sign(s) shall not create a reflection that would create a traffic hazard to operators of motorized vehicles on any roadway.
 - e. Illumination from any sign shall be shaded, shielded, or directed to prevent spillage onto adjacent properties. In no instance shall the light intensity or brightness exceed three-tenths (0.3) foot-candles at the property line of any adjacent property located in a residential zoning district, or five-tenths (0.5) foot candles at the property line of any adjacent property located in a non-residential zoning district.

List of permitted signs, by zoning district shall be as follows:

Sign Standards						
Standards	Zoning District					
	R-3 R-4	CBD	C-1	C-2	M-1	M-2
Step 1 - Sign Area Calculations						
Building Frontage/Wall Sign Size Ratio (the total sign area permitted, per use)	1.5 square feet for each linear foot of building frontage	1.5 square feet for each linear foot of building frontage	2 square feet for each linear foot of building frontage	2 square feet for each linear foot of building frontage	2 square feet for each linear foot of building frontage	2 square feet for each linear foot of building frontage
Aggregate Sign Area (max.) (square feet)	100	200	200	200	200	200
Step 2: Permitted Sign Types						
Wall Sign		P	P	P	P	P
Awning Sign		P	P	P	P	P
Projecting Sign, provided there is only one per business		P	P	P	P	P
Window Sign			P	P	P	P
Free-standing/Pylon Sing			S	S	S	S

Ground/monument Sign	P	P	P	P	P	P
Changeable Copy Sign			P	P	P	P
Electronic Message Board		P	P	P	P	P
Time & Temperature Sign Component			P	P	P	P
Step 3: Determine General Sign Standards						
Maximum Wall Sign Size (square feet)		100	200	200	200	200
Maximum Projecting Sign Size (square feet)		24	24	24	24	24
Maximum Ground/Monument Sign Height (feet)	6	6	6	8	8	8
Maximum Free-standing/Pylon Sign Area (square feet)	32	32		50	50	50
Maximum Multi-tenant Joint Sign Area (square feet)			+25%	+25%	+25%	
Maximum Multiple-floor Sign Area (square feet) (separate tenant 1 square foot per 1 linear		50	50	50	N/A	N/A

feet of frontage)						
Maximum Window Sign Area Coverage		25%	25%	25%	25%	25%

P = Permitted

S = Special Exception

C. SIGNS FOR GROUND FLOOR USES.

The following standards shall be applicable to any ground floor occupancy, including uses that occupy multiple floors.

1. Sign area. The sign area shall be equivalent to one and one-half (1 ½) square feet for every one (1) linear foot per tenant/business use with frontage on a public right-of-way or private street.
 - a. Sign aggregate area shall not exceed 100 square feet for each tenant/business.
2. Number of signs. Only one (1) sign, from the list below, shall be permitted per tenant/business use.
3. Sign types permitted. Any combination of signs, from the list below, may be used for each ground floor use provided they are consistent with the total area allowed per use, the total number of signs permitted per use.
 - a. Wall sign;
 - b. Awning sign;
 - c. Window sign;
 - d. Free-standing/unified development sign;
 - e. Ground/monument sign;
 - f. Changeable copy;
 - g. Electronic message board; or
 - h. Time and temperature sign component.

D. SIGNS FOR UPPER-FLOOR USES.

1. Signage for an upper-floor use may be permitted provided:
 - a. The upper-floor of the structure is occupied by a single use that is separate and distinct from the use located on the ground floor;
 - b. There is only one (1) square foot of sign area for every one (1) linear foot of building frontage; and
 - c. The total square footage of signs on upper-floor(s) shall not exceed 50 square feet
2. In the event that the upper-floor sign is a wall sign, the wall sign shall be located on the structure between the eaves, cornice or other roof element and the top of windows on the uppermost floor.

E. SIGN DESIGN AND CONSTRUCTION REQUIREMENTS, GENERAL.

1. Design. All signs shall be designed to be an integral part of the architecture and landscape.
2. Compatibility. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of sign(s) shall be restrained and harmonious with the building and site to which it principally relates. Signs shall not compete with or obstruct the visibility of sign(s) on adjacent property.
3. Scale and proportion. Every sign shall be designed to be proportionate with the scale and design of the principle building to which the sign it related and the surrounding area.
4. Franchise signs. Identification signs of standardized design, such as corporation logos, shall comply with the criteria of this ordinance.

F. SIGN DESIGN AND CONSTRUCTION REQUIREMENTS, BY TYPE.

1. Unified development sign.
 - a. Freestanding unified development signage shall be ground mounted and monument-type.
 - b. Pylon signs, may be allowed as a freestanding development sign as a special exception,
 - c. Unified developments under common ownership or management with shared parking, with or without outlots, shall only be allowed to construct a free-standing unified development sign rather than individual free-standing signs.
 - i. All other signage for the development shall be as prescribed by this ordinance.
 - ii. All free-standing unified development signs shall comply with the following provisions:
 - (1) Free-standing unified development signs. Free-standing unified development signs should be monument style signs. In the event that a monument style sign is not feasible, as determined by the Executive Director, a pylon sign may be used instead, provided that it is approved as part of a site development plan, and meets the following standards:
 - (a) The maximum height of a free-standing unified development sign shall be eight (8) feet. A free-standing unified development sign shall not exceed the height of the tallest building.
 - (b) A free-standing unified development sign shall not exceed 200 square feet.
 - d. Wall-mounted unified development signs.
 - i. Wall-mounted unified development signs shall be permitted for unified developments in non-residential districts, provided the following standards are met:
 - (1) The total area of a wall-mounted unified development sign shall be limited to 10% of the façade of the building, or 40 square feet, whichever is the less.
 - (2) Each portion of the sign identifying an individual business shall not

exceed six (6) square feet.

- (3) Wall-mounted unified development sign shall not extend above the roofline of the building on which the sign is located.

2. Subdivision entry sign.

- a. One (1) double-sided or two (2) single-sided ground/monument type signs shall be permitted at each entrance to a subdivision, apartment complex, or other residential development. Subdivision entrance signs, landscaping, and decorative walls shall be shown on development plans, site plans, and subdivision plats.
 - i. Sign area. Subdivision entry sign(s) are limited to 32 square feet.
 - ii. Height. Subdivision entry signs are limited to six (6) feet in height, measured from finish grade. The natural grade shall not be altered by mounding, landscaping or other similar alterations to determine maximum height above finished grade.
 - iii. Setback. Subdivision signs shall be setback a minimum of two (2) feet from any right-of-way, except when placed in a median of a boulevard.
 - (1) Subdivision entry sign(s) shall not be placed in areas required visible sight distance.
 - iv. Features. Ground/monument subdivision entry signs shall incorporate design features into the structure such as decorative brick or stone walls, lighting and landscaping.
 - v. Landscaping. For every one (1) square foot of sign area there shall be a minimum of two (2) square feet of landscaping consisting of shrubs and perennial ground cover at the base of the sign structure.

- 3. Street sign. Street name signs shall be a minimum of 36 inches wide by a minimum of eight (8) inches tall. The letters on the sign shall be a minimum of six (6) inches in height.
- 4. Awning sign. Awning signs shall be considered as wall sign and shall count toward the total square footage of wall signs permitted.
 - a. Awning signs shall contain printing or sewn on lettering.
 - b. Awnings signs shall be mounted on the façade of the principle structure.
 - c. Awning sign shall not be backlit, nor shall the awning be closer than eight and one-half (8 ½) feet above finished grade level.
- 5. Wall sign. Wall signs shall be located on the facade of the primary structure facing a public or private street.
 - a. Wall sign shall not exceed 50% of the maximum sign area, nor shall a wall sign project more than 12 inches from the wall.
- 6. Double-faced sign. Unless otherwise prohibited by this ordinance, all signs permitted by this ordinance may be constructed as a double-faced sign.
 - a. When a sign is double-faced (two (2) sided), only the sign square footage of one side shall be used to calculate the signs total square footage, provided that the

two sides are identical and placed back-to-back.

- i. The maximum distance between the two (2) sides shall not exceed two (2) feet at any point.
7. Ground/monument sign structure. One (1) ground/monument sign per lot shall be permitted provided the ground/monument sign does not exceed 36 square feet or six (6) feet in height above finished grade level.
 - a. Ground/monument signs shall be ten (10) feet from any public right-of-way.
 - b. An increase in square footage may be allowed for multiple tenant usage.
 - c. All ground/monument sign structures shall be constructed of decorative brick, stone, or other masonry, stucco, wood or metal, with the base of the structure constructed of decorative brick, stone, or masonry.
 - d. A minimum of two (2) square feet of landscaping consisting of shrubs and perennial groundcover shall be required for every one (1) square foot of sign square footage.
8. Changeable copy signs. Changeable copy signs are permitted provided the changeable copy does not change more than once in 60 minutes time. Changeable copy signs are those such as theater marquee, or free-standing sign displaying fuel prices or such similar signs.
 - a. Changeable copy signs shall display a static message, no messages that imitates movement.
9. Electronic message board. Electronic message boards shall be permitted subject to the following:
 - a. Location.
 - i. Electronic message board shall not be permitted in residential zoned districts.
 - ii. Electronic message board shall not be permitted within 125 of a signalized intersection.
 - iii. Electronic message board shall be located on the site of the use identified or advertised by the sign.
 - b. Setback from residential districts. The leading edge of any electronic message board shall be 100 feet from an adjacent residential zoned district.
 - c. Setback from other electronic message boards. Electronic message board shall be separated from all other electronic message boards at a minimum of 35 feet.
 - d. Orientation. Electronic message board that are within 150 feet of residential uses shall be oriented such that no portion of the electronic message board is visible from a residential use that is located in a residential zoned district.
 - e. Duration. The image of an electronic message board shall not update, flash, scroll, twirl, change color, fade in or out, or be anything other than static, more than once in 60 minutes time.
 - f. Hours of operation. Electronic message board located within 600 feet of a residential use shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
 - g. Brightness. Electronic message board shall not exceed 460 foot-candle during

daylight hours or 46 foot-candles for the time period between 1/2 hour before sunset and 1/2 hour after sunrise.

- i. All electronic message boards shall be equipped with an ambient dimmer control and a black background.

10. Time and temperature sign components. Time/temperature sign components shall be permitted and count toward the total sign footage, and shall meet the development standards that are consistent with the manner in which they are mounted.

- a. The illumination of the copy shall not cause glare to be inflicted upon adjacent property owners or the traveling public.
- b. Time and temperature sign components shall not be subject to the duration limitations placed on electronic message boards.

11. Model home/temporary sales facility sign.

- a. Wall, awning, or ground signs shall be permitted on the lot of the sales facility and limited to a total of 32 square feet.
- b. In addition, individual model homes may have one (1) sign not to exceed four (4) square feet and shall be placed a minimum of ten (10) feet from a public right-of-way and ten (10) feet from an adjacent property line.
- c. Signs shall not be located in the required sight distance at intersections.

12. Traffic signs and pavement marker.

Private directional traffic signs and pavement markings intended to direct and control the movement of traffic into, out of, and within the site shall comply with the Manual on Uniform Traffic Control Devices as published by the Indiana Department of Transportation.

13. Warning sign.

- a. "No Swimming" and "No Ice-Skating" signs shall be posted at all detention and retention ponds in all developments.
- b. Where a pond is stocked with fish or where fishing may otherwise be possible, a sign shall be posted warning that "anyone under the age of 18 must be accompanied by an adult."

14. Construction signs. Signs posted on a construction site shall be permitted, provided that:

- a. Shall not be located in a right-of-way;
- b. No more than two (2) construction signs per property;
- c. No single sign shall exceeds six (6) square feet if located in a residential zoned district, or 32 square feet if located in a non-residential zoned district; and
- d. All construction signs shall be removed when construction activity ceases.

G. TEMPORARY SIGNS.

1. Temporary signs shall require a permit for a specified length of time.
2. Temporary signs shall comply with the following:
 - a. Duration. Temporary signs for non-residential use are limited to seven (7) consecutive days. Four (4) times in one (1) calendar year.
 - b. Illumination. Illumination of temporary signs shall comply with Illumination portion of this ordinance. Temporary signs shall not use any flashing, or blinking lights or other effect,
 - c. Height and area. Temporary sign shall not exceed 12 square feet or four (4) feet in height, measured from finished grade.
 - d. Setback. Temporary signs shall be placed a minimum of ten (10) feet from right-of-way and property lines.
 - e. Conversion to a permanent sign. No Temporary sign shall be used as a permanent sign.
 - f. Sandwich board signs. One (1) sandwich board sign may be permitted, provided the Sandwich board sign does not exceed four (4) feet in height, two (2) feet in width, or eight (8) square feet
 - i. Each sandwich board sign shall be located within ten (10) feet of the primary entrance of the business using the sandwich sign board.

H. EXEMPT SIGNS.

The following signs are exempt from the provisions of this ordinance if in compliance with the conditions specified.

1. Integral identification features. Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
2. Public signs erected by or on the order of public official(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs; memorial plaques; signs of historical interest; and signs directing people to public facilities.
3. Utility marker signs necessary to mark cables and lines for public and private utilities.
4. Real estate signs, located on the premises outside of the right-of-way, do not exceed more than two (2) per property, and do not exceed of six (6) square feet per sign in residential zoned districts and 32 square feet per sign in all other zoning districts.
 - a. Subdivision (defined as the area included in each primary and preliminary plat) shall be permitted one (1) temporary sign, not exceeding 32 square feet.
5. Emergency signs, such as those used and authorized by the Board of Public Works.
6. Sponsorship signs, such as those located inside athletic fields and at other athletic facilities and community facilities, provided such signs are oriented to those visiting and using the facility. Sponsorship sign are permitted not to exceed 90 days in one (1) calendar year.
7. Pennants, streamers and any combination of such signs, provided that they are not located in a right-of-way and their use is temporary and does not exceed 30 days in any three (3) month period.
8. One banner shall be permitted per business, provided it does not exceed 24 square feet, and is limited to 30 days of use in any four (4) month period.

9. Directional signs that are located on-premise are permitted and are limited to a height of four (4) feet above finished grade or eight (8) square feet in area. On-premise directional signs shall be setback a minimum of two (2) feet from all public rights-of-way, measured from the right-of-way, and shall be free of advertising.
10. No window sign shall exceed 10% of the window area, nor shall any individual letter be greater than three (3) inches in size.
11. Temporary non-commercial opinion signs are permitted, as following:
 - a. All opinion signs shall be placed a minimum of five (5) feet from the property line. Political signs shall not be placed within public right-of-way.
 - b. Opinion sign shall not be illuminated.
 - c. The sign shall be less than nine (9) square feet and three (3) feet in height measured from the ground.
 - d. No more than two (2) opinion signs per residential unit shall be permitted throughout one (1) calendar year.
 - e. No opinion shall be erected for a period exceeding six (6) consecutive months in any one (1) calendar year.
12. In all zoned districts, political signs shall be permitted for 60 days for primary or general election, including special elections.
 - a. Political sign shall be removed from the property within five (5) days of the conclusion of the Election Day. ,
 - b. The maximum number of political and /or opinion signs permitted shall be equal to the number of offices and issues on the local ballot.
 - c. Political signs located in residential zoned areas shall be limited to six (6) square feet.
 - d. Political signs located in non-residential zoned areas shall be limited to 32 square feet.

I. PROHIBITED SIGNS.

The following types of signs are hereby expressly prohibited.

1. Off-premise signs
2. Individual pole signs.
3. Portable signs.
4. Animated signs utilize any flashing lights, motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.
5. Signs that emit audible sound, odor or visible matter.
6. Signs that purport to be, are an imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
7. Signs that may be construed as a light of an emergency or road equipment vehicle.
8. Signs that hide any traffic or roadway sign, signal or device from view, or that interfere with sight visibility
9. Signs that are located in any right-of-way including those posted on utility poles or street signs are prohibited.
10. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.
11. Signs placed on vehicles or trailers parked on public or private property primarily

for the purpose of displaying the sign.

- a. Prohibited vehicle signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries, or sales or service calls.
 - b. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, or vehicles parked at a driver's place of residence during non-business hours.
12. Posters, placards and other similar signs attached to light poles, gas station canopy supports, trees, and elsewhere outdoors.
 13. Signs that are mounted to the roof of a structure or are mounted to the wall of a structure and extend higher than the wall of the structure.
 14. Home occupation signs.
 15. Inflatable signs.

ARTICLE XI NON-CONFORMING USES

Lawful existing uses which would be prohibited or restricted under the terms of this Ordinance, or future amendments. And which do not conform to the regulations of the district in which they are located, shall be subject to certain limitations. The regulations set forth below are intended to provide a means whereby nonconforming uses can be gradually eliminated and re-established in more suitable locations in the City.

A. GENERAL

1. Purpose and intent. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is the general policy of the city to allow legally existing uses and structures to continue in productive use, but also to bring these uses as nearly into compliance with existing regulations as is reasonably possible.
 - a. These regulations are intended to do the following:
 - i. Recognize the interests of property owners in continuing to use their property;
 - ii. Promote reuse and rehabilitation of existing buildings; and
 - iii. Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.
 - b. Applicability. This ordinance applies to nonconformities created by initial adoption or amendments to this ordinance. It also applies to nonconformities that were legal nonconformities under previously applicable ordinances, even if the type or extent of nonconformity is different.
 - c. Authority to continue. Any nonconformity that legally exists on the effective date of this ordinance or that becomes nonconforming upon the adoption of any amendment to this ordinance may be continued in accordance with the provisions of this ordinance.
 - d. Determination of nonconformity status.
 - i. The burden of establishing that any nonconformity is a legal nonconformity shall in all cases be solely upon the owner of such nonconformity.