



CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
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Plan Commission Staff Report

To: Plan Commission Members

From: Joanna Myers, Senior Planner and Kevin Tolloty, Associate Planner

Date: June 12, 2012

Re: Case PC 2012-04

ACTION REQUESTED:

Amendment to Article 8 – Sign Standards and Article 13, Chapter 2 – Definitions.

CONSIDERATIONS:

The City of Franklin Planning Department is requesting an amendment to the Zoning Ordinance to repeal and replace Article 8 – Sign Standards and provide revised definitions that apply to signage. The intent of the proposed amendment is to update the City's regulations to address changes that have been occurring in the sign industry.

The Plan Commission forwarded a favorable recommendation to the City Council on April 17, 2012 by a unanimous vote.

The proposed ordinance was introduced at the May 7, 2012 City Council meeting and a public hearing was held at the May 21, 2012 City Council meeting. A copy of the minutes from both meetings are attached.

City Council rejected the proposal per the attached document entitled "Sign Ordinance – Notes from City Council (May 21, 2012)". Please note the highlighted section on Page 3.

Indiana Code (IC 36-7-4-607) states that if the City Council rejects the proposal, the Plan Commission has 45 days in which to consider the rejection and report to the Council. The proposal would then be forwarded back to City Council for their review. They then can adopt, reject, or amend the proposal.

When considering amendments to the text of the Zoning Ordinance, the Indiana Code (IC 36-7-4-603) states that the Plan Commission and legislative body shall pay reasonable regard to (1) the [community's] comprehensive plan; (2) current conditions and the character of current structures and uses in each district; (3) the most desirable use for which the land in each district is adopted; (4) the conservation of property values throughout the jurisdiction; and (5) responsible development and growth. Staff has made the following findings to assist the Plan Commission with their review and recommendation to the City Council for the proposed amendment to the Zoning Ordinance.

City of Franklin Common Council
Regular Meeting Minutes
May 7, 2012

The regular meeting of the Common Council of the City of Franklin, Indiana was called to order at 6:30 p.m. at City Hall, 70 E. Monroe Street, with Mayor Joseph E. McGuinness presiding. Council members Joseph Abban, Joseph Ault, Kenneth Austin, Stephen Barnett, Robert Henderson, Stephen Hougland, and Richard Wertz answered roll call. Clerk-Treasurer Janet P. Alexander, Records Clerk Kathy Cragen, City Attorney Lynnette Gray were also present.

Mayor McGuinness opened the meeting and asked the Clerk-Treasurer to call the roll. Councilor Barnett offered an invocation, which was followed by a recitation of the Pledge of Allegiance.

Consent Agenda

Mayor McGuinness presented the consent agenda for approval.

- o Approval of the April 16, 2012 Common Council Minutes
- o Common Council Budgetary Resolution No.:12-02 Transfer from City Court 400 Capital Outlay to City Court 200 Supplies \$1000.00

Councilor Barnett made a motion to approve the consent agenda as presented, seconded by Councilor Henderson. The motion carried. Councilor Abban abstained from voting.

Old Business

Mayor McGuinness asked for a motion to move Resolution 12-09 from new business to old business since both matters concern the Metro Fiber Net Project. Councilor Barnett made a motion to amend the order of business as requested by the Mayor, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Common Council Ordinance No.: 12-09 - An Ordinance of The Common Council of The City of Franklin, Indiana authorizing the Issuance of the City of Franklin, Indiana Economic Development Revenue Bonds, Series 2012 (Metro FiberNet Project), and the Use of the Proceeds Thereof to Support Metro FiberNet Projects, and Authorizing and Approving Other Actions in Respect Thereto – Councilor Barnett made a motion to read the proposed ordinance by title only, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried, and Mayor McGuinness read the title aloud. Mr. Richard Starkey an attorney at Barnes and Thornburg came forward and stated that this ordinance was introduced a couple of months ago. Mr. Starkey stated that Cinergy will make a twenty-five million dollar investment in the

project. A discussion was held. Mayor McGuinness stated that this is the public hearing for this ordinance and asked if anyone from the public had any questions or concerns. No one asked to speak. Councilor Abban made a motion to close the public hearing, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Councilor Abban made a motion to approve, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried and the ordinance was approved.

Common Council Resolution No.: 12-09 - A Resolution of the Common Council of the City of Franklin, Indiana Approving Certain Matters in Connection With the Formation of a Certain Economic Development Area (Cinergy Metro Net) – Councilor Barnett made a motion to read by title only, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried, and Mayor McGuinness read the title aloud. A discussion was held. Councilor Abban made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Common Council Budgetary Ordinance No.: 12-03 - A Budgetary Ordinance Repealing and Replacing Budgetary Ordinance No.: 12-02 A Budgetary Ordinance Fixing and Authorizing the Payment of Certain Salaries of Appointed Officers and Employees of the City of Franklin, Indiana for Year 2012 (Civil City) As Amended – Councilor Barnett made a motion to read the proposed ordinance by title only, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried, and Mayor McGuinness read the title aloud. The Mayor explained that this amended salary ordinance includes a new full time City Engineer. He stated that 40% of the salary would be drawn from the General Fund – BOW budget, 30% from the Sewer Utility Fund – Sewer Billing Office budget, and 30% from the MS4 budget. The goal is to ensure that the total of funds appropriated between all three funds will be adequate to fund the position and pay all associated employment costs. The Mayor and many others stated that they believe that a full time onsite staff Engineer is needed. A discussion was held. Mayor McGuinness requested the following amendments to the ordinance: 1. The position would be 37.5 hour per week employee, 2. The City Engineer is classified as an exempt employee; 3. The funding for the position of City Engineer is split between funds: 40% General fund, 30% Sewer Utility, and 30% MS4; and 4. The annual salary will not exceed \$75,000 per year including benefits. A discussion was held. Councilor Abban made a motion to amend the ordinance to include the four items discussed, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Councilor Abban made a motion to approve Ordinance 12-03, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Common Council Budgetary Ordinance No.: 12-04 - An Additional Appropriation Ordinance from General Fund 101 to General Board of Works Engineer 101 005 111 in the Amount of \$75,000.00 - Councilor Barnett made a motion to read the proposed ordinance by title only, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay.

The motion carried, and the Mayor read the title aloud. Clerk-Treasurer Alexander stated that the initial ordinance presented was for \$75,000.00 for the position of the City Engineer in the Board of Works budget. However since 60% of the salary and benefit costs for the position will be paid from Sewer Utility and MS4, the additional appropriation request should be reduced to \$40,000. The Mayor opened the floor for a public hearing. No one asked to speak. Councilor Henderson made a motion to close the public hearing, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay, and the public hearing was closed. Councilor Abban made a motion to amend Ordinance 02-13 approving an additional appropriation of \$40,000 in the Board of Works budget, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Councilor Abban then made a motion to approve Budgetary Ordinance 12-04, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

New Business

Common Council Ordinance No.: 12-11 - An Ordinance Approving Resolution No.: 12-04 of the City of Franklin, Indiana Plan Commission, Amending Article 8 & Amending Article 13 of the City of Franklin Zoning Ordinance (To be known as the Sign Ordinance Amendment) – Councilor Barnett made a motion to read the proposed ordinance by title only, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried, and the Mayor read the title. Planning Director Krista Linke & Associate Planner Kevin Tolloty came forward and gave a presentation concerning the changes to the sign ordinance. A discussion was held. Mayor McGuinness stated that information concerning the sign ordinance is on the City website. Mr. Jerry Tharp speaking on behalf of Karen Duckworth the owner of Jeff Street Pub stated that they are opposed to the limitation allowing banners to be hung no more than 90 days. He asked the Council to remove this restriction. Mr. Tharp stated that the banners attract more people to their business. Mr. Tharp would like the Council to change this part of the ordinance. City Attorney Gray stated that the Board of Zoning Appeals had asked her to cleanup sections of the sign ordinance. The ordinance was presented for introduction only tonight, and will come back for Public Hearing during the next regular meeting set for May 21, 2012.

Other Business

Council Members Comments Concerning Board & Commission Activities

Councilor Austin stated that an EDC meeting is scheduled tomorrow morning at 8:00 a.m. Councilor Henderson stated that the next RDC meeting will be held May 17th and they are considering entering into an agreement with Steve Watson for financial reporting. Councilor Henderson also stated that the RDC is working toward getting old City Hall placed on the national historic register. Councilor

Hougland stated that he had nothing new to report for the FDC. Councilor Henderson asked if the FDC was still trying to purchase the former Red Carpet Inn property. Councilor Hougland said that project is still up in the air. Councilor Barnett asked if anyone had any knowledge about the progress on the Hazelett Building. No one offered any new information. Councilor Barnett stated that the Board of Works tabled consideration of the Franklin Township Fire Contract and that they are discussing changes to the alleyway adjacent to the Artcraft Theatre.

Mayor McGuinness told the Council that the Board of Works had also discussed leasing an area of City Hall (formerly Clementine's) to Franklin College. The space will be run by college students as a juice bar, coffee house, a gallery to display and sell artwork, and as a satellite college bookstore. It would be opened at various times into the evening, and would have free WIFI available, pending Board of Works approval of the lease agreement.

Announcements & Presentations

None

Adjournment

A motion and a second were made to adjourn. As there was no further business to come before the Common Council, the meeting adjourned at 7:53 p.m. The next regular meeting will be held Monday, May 21, 2012 at 6:30 p.m.

Respectfully submitted,
Janet P. Alexander, Clerk-Treasurer

Enrolled 5/17/2012

Approved by Common Council: 5/21/2012

City of Franklin Common Council
Regular Meeting Minutes
May 21, 2012

The regular meeting of the Common Council of the City of Franklin, Indiana was called to order at 6:30 p.m. at City Hall, 70 E. Monroe Street. Mayor McGuinness presided. The Clerk-Treasurer called the roll. Present on roll call were Councilors Joseph Abban, Joseph Ault, Kenneth Austin, Stephen Barnett, Robert Henderson, Stephen Hougland and Richard Wertz. A quorum was attained. Clerk-Treasurer Janet P. Alexander, Records Clerk Kathy Cragen, City Attorney Lynnette Gray were also present.

Councilor Hougland offered an invocation, which was followed by a recitation of the Pledge of Allegiance to the Flag of the United States of America.

Consent Agenda

Mayor McGuinness presented the consent agenda for approval.

1. Approval of the May 7, 2012 Common Council Minutes
2. Common Council Budgetary Resolution No.: 12-03 - A Common Council Budgetary Resolution Authorizing a Transfer From: Cemetery Foreman 112 To: Supplies 200 & Services 300 - Parks Director Chip Orner

Council President Barnett made a motion to approve all items listed on the consent agenda, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Council President Barnett made a motion to move the **Preservation Week Awards Recognizing the City's Best Architecture** up on the agenda, seconded by Councilor Abban. Mr. Rob Shilts of Franklin Heritage and the Artcraft Theatre explained that these awards showcase property owners who have put effort into the restoration of their properties.

The following awards were presented by Mr. Shilts:

- The Little Charmer Award to Scott & Michelle Graham for the home at 110 S. Jackson Street.
- Best Adaptive Reuse of an Existing Historic Structure to Warren & Sharon Isselhardt for their home at 396 N. Main Street.
- The Natural Beauty Award to Greg Quagliara at 368 Yandes Street
- Best new addition to a historic home to Don & Linda Haddock at 100 N. Water Street.
- 2nd Little Charmer Award to Doug & Amy Heavilin at 269 N. Jackson Street.
- The Best Renovation of an Existing Historic Structure Award to Morgan & Kathryn Thomas of 667 Graham Street.

Mr. Shilts thanked the Council and the Mayor for allowing him to present these awards at this meeting.

Old Business

Mayor McGuinness announced the **Second Reading of Common Council Ordinance No.: 12-11 - An Ordinance Approving Resolution 12-04 of The City of Franklin, Indiana Plan Commission, Amending Article 8 and Amending Article 13 of The City of Franklin Zoning Ordinance (To be known as the Sign Ordinance Amendment)**. Council President Barnett made a motion to read by title only, seconded by Councilor Austin. Mayor McGuinness read the title. Associate Planner Kevin Tolloty came forward and explained that this ordinance was prepared in order to clarify language and to change wording in the existing sign ordinance. A discussion was held. Mayor McGuinness stated that this is a public hearing and asked if anyone from the public wished to address the members.

Resident and business owner Mr. Frank Dean spoke in opposition to the ordinance specifically as to the limitation on banners. Mr. Bill Lantz of Home Avenue spoke in opposition to the ordinance specifically as to the limitation on banners. Ms. Mary Barnaby of Don & Dona's spoke in opposition to the ordinance specifically as to the limitation on banners. Ms. Michelle Plummer from the Diamond Office on U.S. 31 spoke in opposition to the ordinance specifically as to the limitation on banners and signs. Mr. Gary Moody commented on the ordinance. Mr. Jerry Tharpe speaking on behalf of the Jeff Street Pub spoke in opposition to the ordinance specifically as to the limitation on banners. As no one else asked to speak Mayor McGuinness closed the public hearing.

Planning Director Krista Linke stated that planning staff reviewed similar ordinances for cities in our area specifically as to the restriction on the number of days a banner is permitted to be hung outside a business. Ms. Linke stated that the department is open to input from businesses and the Council. The council discussed the ordinance at length. The City Attorney Lynn Gray acknowledged the comments and assured the council that the Plan Commission would be advised. Council President Barnett made a motion to refer the proposed sign ordinance back to the Plan Commission for further review, Councilor Abban seconded the motion. Upon a voice vote the motion carried.

New Business

Mayor McGuinness announced the **First Reading of Common Council Resolution No.: 12-10 - A Resolution Granting a Tax Abatement for Mitsubishi**. Planning Director Krista Linke stated that this proposed resolution received a favorable recommendation from Economic Development Commission (EDC) for a seven (7) year abatement. Mr. Bob Francis the General Manager of Mitsubishi addressed the council stating that they want to add machinery costing \$27 million dollars. A discussion was held. Councilor Austin made a motion to read by title only, seconded by Councilor Abban. Mayor McGuinness read the title. Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Mayor McGuinness announced the **First Reading of Common Council Resolution No.: 12-11 - A Resolution of the Common Council of the City of Franklin, Indiana Approving the Consolidation of Economic Development Areas and Related Matters**. Council President Barnett made a motion to read the ordinance by title only, seconded by Councilor Abban. Mayor McGuinness read the title. Attorney Rob H. Schafstall, legal counsel for the RDC stated that the intention of the RDC is to enlarge the redevelopment area which requires the approval of the Common Council. A discussion was held. Mayor McGuinness opened the floor for a public hearing. No one asked to speak. The Mayor closed the public hearing. Council President Barnett made a motion to approve the resolution, seconded by

Councilor Abban. A voice vote was taken with Councilors Barnett, Abban, Austin, Henderson, Hougland & Wertz voting Aye, and Councilor Ault voting Nay. The motion carried 6-0.

Mayor McGuinness announced the **First Reading of Common Council Resolution No.: 12-12 - Of The City of Franklin, Indiana A Blighted Area In Need of Redevelopment Declaratory Resolution.** Council President Barnett made a motion to read the resolution by title only, seconded by Councilor Abban. Mayor McGuinness read the title aloud. Planning Director Krista Linke explained that the resolution is required for a \$250,000 Main Street Revitalization (MSRP) grant through the office of Community & Rural Affairs. Council President Barnett made a motion to approve the resolution, seconded by Councilor Hougland. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Mayor McGuinness announced the **First Reading of Common Council Ordinance No.: 12-12 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 2 & 3 of John Traub's Addition (To be known as John Traub's Addition Lots 2 & 3 Alley Vacation)** – Senior Planner Joanna Myers told the Council that she is requesting that these five Ordinances be set for Public Hearing June 4, 2012. Councilor Abban made a motion to read by title only, seconded by Councilor Austin. Mayor McGuinness read the title. Council President Barnett made a motion to approve on first reading and to set this matter for public hearing, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Mayor McGuinness announced the **First Reading of Common Council Ordinance No.: 12-13 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 4 & 5 of John Traub's Addition (To be known as John Traub's Addition Lots 4 & 5 Alley Vacation)** – Council President Barnett made a motion to read by title only, seconded by Councilor Austin. Mayor McGuinness read the title. Council President Barnett made a motion to approve on first reading and to set this matter for public hearing, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. This matter will be set for second reading public hearing at the next regular meeting.

Mayor McGuinness announced the **First Reading of Common Council Ordinance No.: 12-14 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 7, 8 & 9 of Leach's Addition (To be known as Leach's Addition Lots 7-9 Alley Vacation)** Council President Barnett made a motion to read by title only, seconded by Councilor Austin, Mayor McGuinness read the title. Council President Barnett made a motion to approve on first reading and to set this matter for public hearing, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. This matter will be set for second reading public hearing at the next regular meeting.

Mayor McGuinness announced the **First Reading of Common Council Ordinance No.: 12-15 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 36 & 60 and 37 & 59 of Crim's Addition (To be known as Crim's Addition Lots 36 & 60 and 37 & 59 Alley Vacation)** Council President Barnett made a motion to read by title only, seconded by Councilor Austin. Mayor McGuinness read the title. Council President Barnett made a motion to approve on first reading and to set this matter for public hearing, seconded by Councilor Abban. A

voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. This matter will be set for second reading public hearing at the next regular meeting.

Mayor McGuinness announced the **First Reading of Common Council Ordinance No.: 12-16 - An Ordinance Approving Vacating Right-of-Way Within The City of Franklin, Indiana Between Lots 35, 36, 37 & 38 and 58, 59, 60 & 61 of Crim's Addition (To be known as Crim's Addition Lots 35, 36, 37 & 38 and 58, 59, 60 & 61 Alley Vacation)**. Council Barnett made a motion to read by title only, seconded by Councilor Austin. Mayor McGuinness read the title. Council President Barnett made a motion to approve on first reading and to set this matter for public hearing, seconded by Councilor Abban. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. This matter will be set for second reading public hearing at the next regular meeting.

Other Business

Comments from the City Council Members

Councilor Abban explained that the Plan Commission would vote on the integrated TIF district. Councilor Austin stated that the EDC had not met since they met with Mitsubishi. Councilor Wertz stated that the RDC held a meeting concerning the Metro Fiber Net special TIF district which will break ground soon. Councilor Wertz also stated that the RDC met with the Library Board and that they withdrew their property request from the RDC and the financial commitment. Councilor Henderson stated that the RDC has a project list which includes construction of a shell building in the Franklin Business Park. He also stated that the RDC hired Steve Watson to prepare a cash flow analysis and to prepare financial reports. He stated that he and Mr. Watson, Krista Linke and RDC Attorney Rob H. Schafstall will meet Friday, June 1st to discuss his preliminary findings in preparation for the June RDC meeting. Councilor Hougland stated that there was an FDC meeting last week. Councilor Ault stated that he had fixed the courthouse clock. Mayor McGuinness summarized the actions taken at the Board of Works meeting held prior to the Council meeting.

Announcements & Presentations

There were none.

Adjournment

As there was no further business to come before the Common Council, a motion and a second were made to adjourn at 8:10 p.m. The next regular meeting will be held Monday, June 4, 2012 at 6:30 p.m.

Respectfully submitted,

Janet P. Alexander, Clerk-Treasurer

Enrolled 6/01/2012

Approved by Common Council: 06/04/12

Sign Ordinance – Notes from City Council (May 21, 2012)

Associate Planner Kevin Tolloty introduced the ordinance and clarified some questions raised at the May 5, 2012 City Council meeting.

- The goal of the amended ordinance is to remove any content based regulations, make it more user friendly and generally increase permanent signage and increase the temporary sign allowance, while making it more flexible
- Banners attached to buildings would not be subject to the five foot setback from the right-of-way, as that only pertains to freestanding banners.

Councilmember Austin stated that Jeff Street Pub has issues with the current banner guidelines and asked what those guidelines were.

- Staff answered that banners are currently allowed for 2 weeks over a 2 month period, a total of 84 days per year.

Councilmember Abban asked if there were a large number of complaints about banners and if those were related to the condition of the banners.

- Staff answered that the complaints were mainly about the number and duration of banners as well as potential safety issues due to the location.

Councilmember Barnett addressed a poll done by the Chamber of Commerce asking respondents whether they favored the proposed ordinance, the existing ordinance or prefer something altogether different. The results were 55% for the proposed ordinance, 33% for a whole new revision and 11% for the existing ordinance.

- Tricia Bechman with the Chamber of Commerce answered that there were only 9 responses to the poll.

Councilmember Barnett then commented on the enforcement removal of abandoned signs.

- Legal Counsel explained the intent of the abandoned sign section and that legal non-conforming signs may remain.

Councilmember Austin stated that businesses would like unlimited or at least 200-300 days per year to display banners. He also stated the Jeff Street Pub was at a disadvantage because that had few windows and because of their location.

- Staff answered that there were other alternatives to banners including A-frame signs and changeable copy signs that could be used in conformance with the ordinance.

Councilmember Abban stated that 260 days per year would be preferable for businesses. He also stated that it would take away from banner/sign makers if the display period of banners is limited. He further commented that banners shall be well maintained.

At this time, Legal Counsel explained there were three options available: 1) accept the amended ordinance as proposed, 2) reject the amended ordinance, or 3) remand the ordinance to Plan Commission.

Councilmember Barnett commented that the proposed 90 days would be difficult to enforce, particularly on weekends, and that he does not believe everyone would put up a banner just because they could. He further stated that only businesses in the Downtown Overlay (DT-OL) district should be permitted 365 days to display banners and that businesses on the U.S. 31 corridor should be treated

differently. Additionally, he stated that in speaking with Tommy Thompson from Fletcher Chrysler that larger parcels should be permitted additional freestanding signs.

- Staff answered that larger parcels are already permitted additional permanent signage and that Fletcher Chrysler currently has an electronic reader board sign that is not being used.

Councilmember Austin stated that he overall liked the ordinance, but still had a few concerns

Councilmember Henderson commented on the abandoned sign section and believes that according to the ordinance as written, those signs associated with businesses closed for over 6 months shall be removed.

- Legal Counsel answered that the ordinance could be interpreted that way, but the intent is to bring non-conforming signs into compliance.

Councilmember Ault stated that banner allowance should be more business friendly in the DT-OL. He also commented that he has received complaints about the size and duration limits on changeable copy signs.

****Editor's Note – Staff is unaware of any of these complaints and this section of the ordinance is not proposed to be changed.**

Councilmember Henderson commented that something more than 90 days should be permitted in the DT-OL

Mayor McGuinness then opened up the Public Comments portion, which there were six speakers.

Frank Dean commented that he has been here for seven years and watched businesses fall downtown and that we should support them any way we can. He further commented that it is wrong to look at banners as a problem and we have more important things to do than worry about banners.

Bill Lantz of 500 South Home Avenue commented that government should do as much as they can to stay out of the way of businesses. He said he found out about Don & Dona's being open on Saturday nights because of their banner and that he does not find banners offensive does not believe they detract from historical significance.

Mary Barnaby of Don & Dona's showed pictures of Franklin during the magazine cover shoot showing banners. She commented that she believes the complaints were from those hanging banners against other businesses with banners displayed for a longer duration and not that the banners are offensive or ugly. She further stated that an informal study estimated approximately 700 cars per hour travelled along Jefferson Street and approximately half of the 2,300 meals served weekly were to new customers.

Michelle Plummer of the Diamond Office stated that she appreciated the banner usage but would like it expanded to more than 90 days. She also stated that during a recent event, a number of customers stated that they were not aware that the Diamond Office was there or what services they provided.

Gary Moody offered an anecdote on a Vietnamese restaurant that he heard was told they could not have a grand opening banner and then later closed under unknown circumstances.

Jerry Tharp of Jeff Street Pub stated he still doesn't see a reason why there aren't lines struck through that resolution. He stated that there are 7,000 cars that drive past every day and they could not prosper without banners.

At this point, the Public Comments portion was closed.

Councilmember Abban asked what the impact on sign makers would be and was answered by someone in the audience. **Editor's Note – The response was inaudible.

Councilmember Abban also asked again what were the banner complaints and the potential problem of banners not being securely tied and should that be addressed in the ordinance.

- Planning Director Krista Linke responded that the guidelines of other communities were looked at in preparing this revision and that we are trying to be more flexible. She further stated that banners are tracked, but with some leeway and that there is more to this ordinance than just banners including allowing more permanent signage. In addition, our proposed banner guidelines are more lenient than most other communities and one of very few that does not require permits for banners. She further stated that this proposal is just a starting point and if nothing else, has made people aware of our existing ordinance which has been in effect since 2004 and staff has used previous comments and complaints in crafting this revision, attempting to find a happy middle ground.

Councilmember Barnett stated that each member of Council should state the revisions they would like made to be remanded to Plan Commission.

Barnett – Recommended banners be permitted for 365 days in the DT-OL, less on the U.S. 31 corridor (no specific days specified). Also recommended that larger parcels (no specific size given) be allowed additional temporary signage.

Abban – Recommended banners be allowed 260 days per year (5 days per week), no location mentioned.

Austin – Recommended banners be permitted for 365 days in the entire city.

Wertz - Recommended banners be permitted for 365 days in the entire city, but is concerned about yard cards causing safety concerns.

Henderson - Recommended that banners be permitted for 365 days in the DT-OL and also to clarify language in the abandoned sign section, possibly from "shall remove" to "may remove".

- Editor's note, Henderson also recommended guidelines for political signs, but was advised by the Planning Director that it would fall under content based regulation, and therefore unconstitutional.

Ault– Recommended banners should be permitted for 365 days in the entire city.

Hougland – Stated that while banners are not appealing, recommended they be permitted for 365 days in the DT-OL

Mayor McGuinness - Stated the least amount government can do, the better for the business owners.

Councilmember Barnett made the motion that the ordinance be remanded to Plan Commission with the above comments from Council and was seconded by Councilmember Abban. The vote passed unanimously.



CITY OF FRANKLIN

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Plan Commission – Outline of Revisions

Abandoned Sign Structures: Revised to allow flexibility in the removal of signs on properties where the primary structure remains and allows the sign structure to be reused. Also will require sign structures to be removed on properties where the primary structure has been removed

Banners, Downtown Overlay: Revised to allow banners to be displayed 120 days per calendar year, any time during the year. This amount is on the high end of what is typically allowed in cities of similar size throughout Central Indiana and the Midwest.

Banners, remainder of city (Non-Residential): Revised to allow banners to be displayed 120 days per calendar year, any time during the year. While it was carefully considered that this amount is less than the Downtown Overlay District (DT-OL), the overall effectiveness of other types of signage (window signs, A-frame signs) in the DT-OL already provides an advantage due to the proximity of those buildings to the public right-of-way.

Additional temporary signs on larger lots: This has been considered and Staff is of the opinion that since larger buildings on larger lots are already allowed additional permanent signage, additional temporary signage is unnecessary.

Exhibit A

ARTICLE 8 SIGN STANDARDS

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Intent

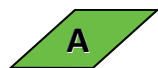
The intent of this Article is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; maintain and enhance the aesthetic environment of the City; eliminate potential hazards to motorists and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of Franklin.

8.1 General Sign Standards

8

Sign Standards

Zoning Districts



Agricultural



Single Family Residential



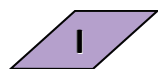
Multi-Family Residential



Mixed Use



Institutional



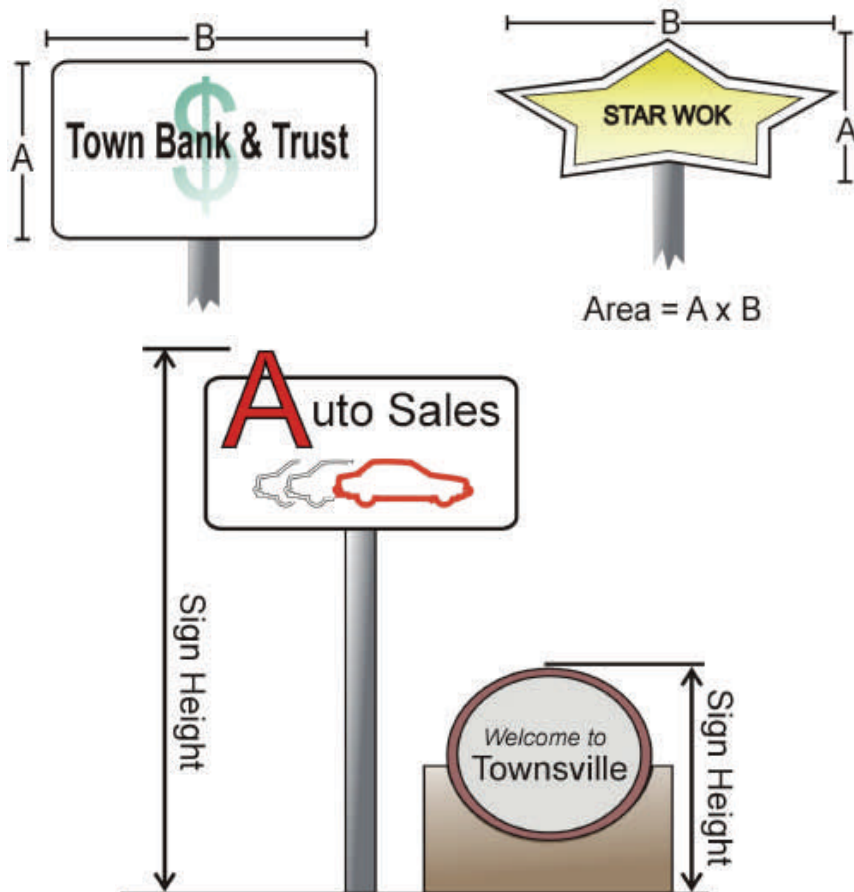
Industrial

General Requirements

These General Sign Standards apply to all zoning districts:

- A. **General Requirements:** Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the City of Franklin Plan Commission, or cause the same to be done without first obtaining a sign permit. The following general sign standards apply to all signs within the jurisdiction of the City of Franklin Plan Commission.
 1. **Measurement:** The area of all signs shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension excluding any poles or supports. The height of all signs shall be measured from natural ground level to the top of the sign, and include any poles or other supports unless otherwise specified in this Article. In no case shall sign height be measured from the top of any berm or other artificial grade.

Sign Area Measurement Examples:



8.1 General Sign Standards (cont.)

8

Sign Standards

General Requirements

2. Double-Faced Signs: For all signs permitted by this Article, a double-faced sign may be erected. Only the face area of 1 of the 2 sides shall be considered the face area of the entire sign. However, the two faces shall be identical in face area, shall be placed back-to-back, and the maximum distance between the 2 faces shall not exceed 2 feet at any point.
3. Inspection: Signs for which a permit is required may be inspected periodically by the Planning Director for compliance with this Article.
4. Removal of Sign: The Planning Director may order the removal of any sign erected or maintained in violation of this Article, at the cost of the property owner, consistent with the provisions of Article 12, Enforcement and Penalties.
5. Maintenance: All signs and their components shall be kept in good repair and in safe, neat, clean, attractive, and structurally sound condition.
6. Abandoned Sign Structures: A sign structure, including all poles, frames, supports, and other structural, electrical, mechanical, and other elements, may be removed by the owner of the premises upon which it is located if it is unused for a period of 6 months or greater. Sign structures on lots in which the primary structure associated with the sign no longer exists, the sign structure, including all poles, frames, supports, and other structural, electrical, mechanical, and other elements, shall be removed by the owner of the premises.
7. Illuminated Signs: All illuminated signs must meet the Exterior Lighting Standards of Chapter 7.18 of this Ordinance.
8. Enforcement: The enforcement of violations of the provisions of this Article shall be as provided by Article 12, Enforcement and Penalties.

8.1 General Sign Standards (cont.)

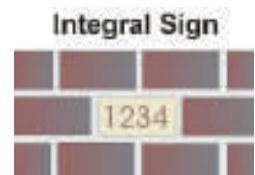
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Sign Standards

Exempt Signs

B. **Exempt Signs:** The following signs are exempt from all provisions of this Ordinance if in compliance with the conditions specified for each. No permit shall be required.

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: Public signs erected by or on the order of public officer(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 and quasi-public facilities.



3. Utility Marker Signs: Utility signs necessary to mark cables and lines for public and private utilities unless such signs are determined to be a hazard by the Planning Director.



4. Emergency Signs: Emergency signs, such as those used by the fire or police department or those displaying employee information.
5. Pennants: 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 3 month period.



8.1 General Sign Standards (cont.)

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Sign Standards

Exempt Signs

6. Holiday Decorations: Holiday decorations, provided they are not located in a public right-of-way, are displayed no more than 30 days before the holiday, and are removed within 30 days of the holiday.

7. Construction Signs: Signs posted on construction sites, provided that they are not located in the right-of-way, do not exceed more than 2 per property, do not exceed 6 square feet per sign in single-family residential zoning districts and 32 square feet per sign in all other zoning districts, and are removed upon completion of construction activity. Signs shall include developer information for emergency purposes.



8. Directional Signs: On-premise vehicle directional signs provided they are no more than 4 feet in height or 6 square feet in area. They shall be setback a minimum of 2 feet from all public rights-of-way.



9. Inflatable Objects: Inflatable objects, provided that they are not located in a public right-of-way, do not exceed more than 1 per property or business use at any time, no single inflatable object exceeds 10 feet in height, and no property or business use makes use of any inflatable sign or signs more than 7 consecutive days 2 times per calendar year.



8.1 General Sign Standards (cont.)

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Sign Standards

Prohibited Signs

C. **Prohibited Signs:** The following types of signs are expressly prohibited in all zoning districts.

1. Animated Signs: Signs that blink, flash or utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.



2. Emissions: Signs that emit audible sound, odor or visible matter.

3. Imitation of Official Signs: Signs that purport to be, are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.



4. Imitation of Emergency Vehicles: Signs that may be construed as a light of an emergency or road equipment vehicle.
5. Visual Impairment: Signs that hide any traffic or roadway sign, signal or device from view, or that interfere with the Sight Visibility Area as defined in Chapter 7.13 of this Ordinance.
6. Encroachment: Signs that are located in any right-of-way including those posted on utility poles or street signs. Projecting signs specified as permitted in this Article and approved by the Franklin Board of Public Works and Safety shall be permitted.
7. Obstruction: Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.

8. Roof-Mounted Signs: Signs that are mounted to the roof of a structure or are mounted to the wall of a structure and extend higher than that wall.



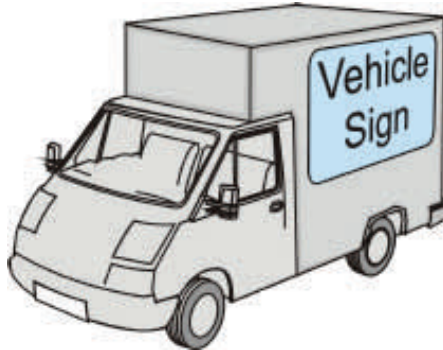
8.1 General Sign Standards (cont.)

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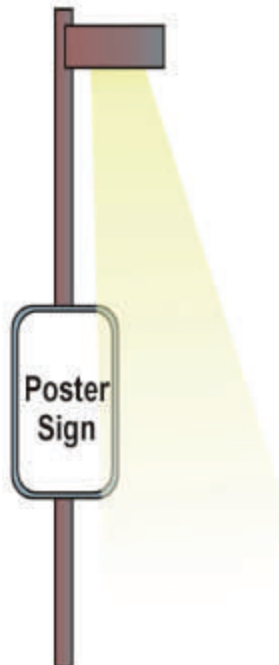
Sign Standards

Prohibited Signs

9. Vehicle Signs: Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for



10. Poster Signs: Posters, placards and other similar signs attached to light poles, gas station canopy supports, trees, and elsewhere outdoors that are not included as permitted temporary or permanent signs as described by this Article.



11. Public Area Signs: No sign shall be placed in or on any right-of-way, curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located in the public right-of-way, except as otherwise expressly authorized by this code.

8.2 Residential Sign Standards

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Sign Standards

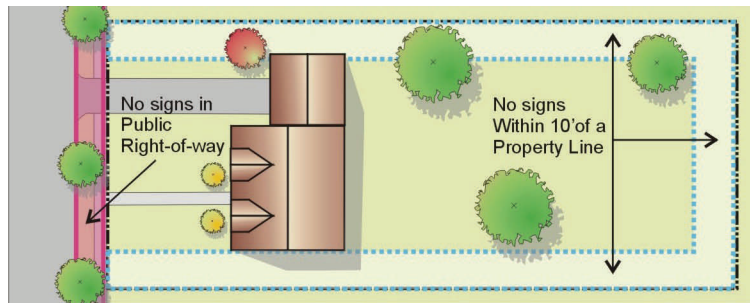
General Sign Note:

The general sign provisions are intended to accommodate political signs, contractor signs, "yard cards" and other similar types of signs.

Residential Sign Standards

These Sign Standards apply to the Agricultural, Single-Family Residential, and Multi-Family Residential zoning districts:

- A. **General Signs:** Every property shall be permitted signs that meet the following standards. No permit shall be required.
1. **Dimensions:** No sign shall be greater 6 square feet in face area or 4 feet in height. In no case may mounding or other alterations of the natural ground level be used as a point of reference for measuring the height of outdoor signs.
 2. **Setback:** No sign shall be located in a public right-of-way or closer than 10 feet to any other property line.



- B. **Identification Signs:** In addition to those specified in Section 8.2(A) above, one permanent sign not exceeding a combined area of 2 square feet is permitted on the primary structure. No illumination is permitted. No permit is required.
- C. **Subdivision / Facility Entry Signs:** Two entry signs are permitted at each entrance to a subdivision, apartment complex, or other residential development. A permit shall be required.
1. **Face Area:** No sign shall exceed 32 square feet in area.
 2. **Height:** No sign shall exceed 6 feet in height, measured from ground level. In no case may mounding or other alterations of the natural ground level be used as a point of reference for measuring sign height.
 3. **Setback:** Each sign shall be set back a minimum of 2 feet from the right-of-way of any public street. Entry signs placed in the right-of-way of a public street, such as in the median of a boulevard street, shall be prohibited.
 4. **Features:** Each entry sign area should incorporate design features such as decorative brick or stone and landscaping.
- D. **Model Home Signs:** In addition to those described above, model homes shall be permitted signs meeting the requirements of Section 7.4(E)(2)(b).
- E. **Temporary Signs:** Temporary signs larger than 6 square feet but no larger than 32 square feet shall be permitted for a period of 7 days, 4 times per year. Messages shall be permanently affixed and no permit shall be required.

8.3 Non-Residential Sign Standards



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Sign Standards

Non-Residential Temporary Signs

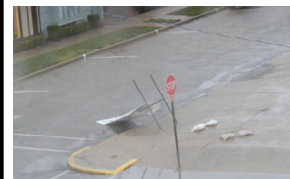
Part 1: These Sign Standards apply to all temporary signs in all non-residential zoning districts.

- A. **All non-residential zoning districts except those within the Downtown Overlay district:** The following applies to all temporary signage in all non-residential zones, other than the DT-OL district.

1. **Banners:** Shall be permitted provided they meet the following guidelines:
 - a. Shall be permitted for 120 days per year.
 - b. Maximum size of 32 sq. ft.
 - c. Only one banner permitted per business use.
 - d. Messages shall be permanently affixed with no changeable copy.
 - e. All parts of any freestanding banner shall be a minimum of 5 feet from the right-of-way.
 - f. Signs shall not be illuminated in any way.



Freestanding Banner



Freestanding banner within 10' of right-of-way



Wall Mounted Banner



Yard Card Banner

2. **A-Frame Signs:** Shall be permitted provided they meet the following guidelines:
 - a. Maximum size of 8 sq. ft.
 - b. Must be located within 5 feet of main entrance.
 - c. No permit shall be required.
 - d. One (1) sign permitted per business use.



A-Frame Sign

8.3 Non-Residential Sign Standards (cont.)

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Sign Standards

MX

IN

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Non-Residential Temporary Signs

3. Other Portable Signs: Freestanding signs that are temporary in nature, may be easily moved and not specifically mentioned above:

- a. Yard Signs (under 6 sq. ft.):

1. Permitted for 90 days per year.
2. Up to two (2) signs may be permitted per business use at any one time.
3. No permit shall be required.
4. Messages shall be permanently affixed with no changeable copy.
5. Shall be located a minimum of five (5) feet from any property line.



Yard Sign

- b. Changeable Copy Signs: Shall include any portable type signs with changeable copy.

1. Maximum size of 12 sq. ft.
2. Permitted for a period of 7 days, 4 times per calendar year, with a minimum of 14 days between permits.
3. A permit shall be required for each 7 day period.
4. Signs may be illuminated consistent with the Exterior Lighting Standards of Section 7.18 of this Ordinance. In no instance shall any temporary sign use flashing, blinking or any other effect prohibited by this Ordinance.

Changeable Copy—
Portable Sign

5. Shall be located a minimum of five (5) feet from any property line.
6. No sign manufactured, designed and otherwise intended for use as a temporary sign shall be used as a permanent sign.

4. Window Signs: Window signage shall be permitted provided they meet the following guidelines:
 - a. Maximum coverage of 25% of total glass area.
 - b. No permit shall be required.

8.3 Non-Residential Sign Standards (cont.)

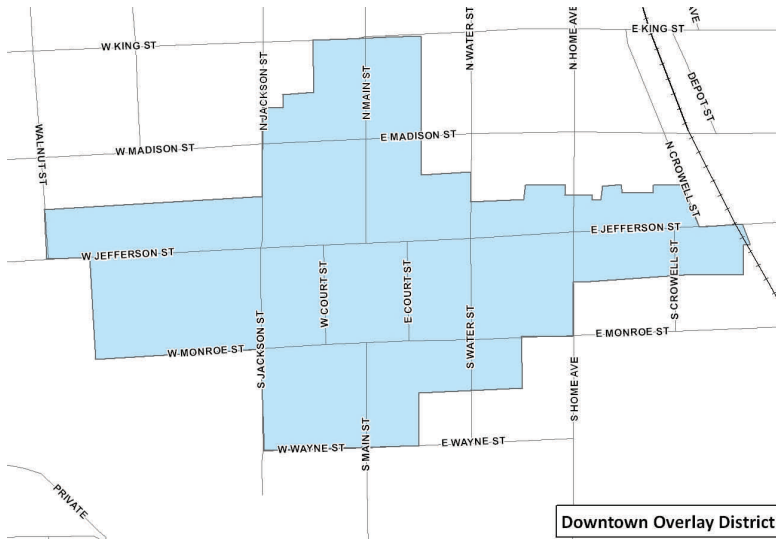
MX—Downtown Overlay

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Sign Standards

Non-Residential Temporary Signs

- B. **Downtown Overlay District:** All non-residential zoning districts that lie within the DT-OL:



The following applies to all temporary signage in all non-residential zones within the Downtown Overlay District.

1. **Banners:** Shall be permitted provided they meet the following guidelines:
 - a. Shall be permitted for 120 days per calendar year.
 - b. Maximum size of 32 sq. ft.
 - c. Only one banner permitted per business use.
 - d. All parts of any freestanding banner shall be a minimum of 5 feet from the right-of-way.
 - e. Messages shall be permanently affixed with no changeable copy.
 - f. Signs shall not be illuminated in any way.
2. **A-Frame Signs:** Shall be permitted provided they meet the following guidelines:
 - a. Maximum size of 8 sq. ft.
 - b. Maximum width of sign is 2 feet.
 - c. Must be located within 10 feet on main entrance.
 - d. No permit shall be required.
 - e. One (1) sign permitted per business use.
3. **Other Portable Signs:** All other portable type signs are prohibited.
4. **Window Signs:** Window signage shall be permitted provided they meet the following guidelines:
 - a. Maximum coverage of 25% of total glass area.
 - b. No permit shall be required.

8.3 Non-Residential Sign Standards (cont.)

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Sign Standards

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Non-Residential Permanent Signs

Part 2: These Sign Standards apply to all permanent signs to all mixed-use and industrial zoning districts. Sign permits shall be required for each of the following signs unless otherwise notified.

- A. Sign Area:** The total square footage of sign face area allowed for each business use shall be determined by the length of the front facade of the building that is occupied by that use as specified in the Permitted Signs table.
- Corner Properties:* Corner Properties may use only the largest frontage for the purpose of sign area calculation, however, signs may be placed on any building side.
 - Over-riding Limitation:* In no instance shall any legally established parcel or single business use be limited to less than 50 square feet of signage, regardless of the presence of a building or the amount of building frontage.
- B. Freestanding Signs:** Permanent signs that are not attached to any building or other structure.
- Only one freestanding sign per parcel, with the following exceptions:
 - Parcels over 5 acres in size and contain multiple street frontages are allowed one additional freestanding sign that does not count against the maximum total number of signs allowed.
 - All parts of all freestanding signs must be located a minimum of 10 feet from the public right-of-way.
 - Signs may be pole or monument type.



Monument Sign



Pole Sign



Wall Sign

- C. Wall Signs:** Any sign attached to or painted on the façade of the primary structure and does not project more than 12 inches.

- D. Awning Signs:** Any awning containing words and/or logos incorporated into the awning shall be considered an awning sign. Only the advertising area shall be measured for size requirements.



Awning Sign

8.3 Non-Residential Sign Standards (cont.)

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Non-Residential Permanent Signs



Projecting Sign

E. **Projecting Signs:** Signs which are attached to the façade of the main building and project more than 12 inches.

1. Any projecting sign must be a minimum of 8.5 feet above grade level.
2. Only one projecting sign shall be permitted per business use.



Changeable Copy

F. **Changeable Copy Signs:** Signs either incorporated into a pole or monument sign or permanently attached as a wall sign.

G. **Electronic Message Board Signs:** Shall be permitted if the following conditions are met:

1. Each frame must be static for a minimum of 8 seconds;
2. No flashing, scrolling or other animation is permitted;
3. Only one color is permitted per frame.



Electronic Message Board

H. **Signs for Upper Floor Uses:** Signage for upper floor uses shall be permitted in addition to the signage for ground floor uses, subject to the following standards. A permit shall be required.

1. Single Upper-Floor Uses; If the upper-floors of any structure are occupied by a single use that is separate and distinct from any use located on the ground floor, that use shall be permitted wall signs not exceeding a total of 1.5 square feet for every one linear foot of building frontage, with a maximum of 100 square feet allowed
2. Multiple Upper-Floor Uses; If the upper-floors of any structure are occupied by multiple uses, separate and distinct from any use located on the ground floor, a multi tenant joint wall sign shall be provided. The size shall average 10 square feet for upper-floor business use, with a maximum of 100 square feet allowed.

I. **Signs for Residential Uses:** Residential uses located within a Mixed Use or Industrial zoning district shall be permitted signs consistent with the provisions of Chapter 8.2.

Projecting Sign Note:

Signs that project into the right-of-way of a public street shall require the approval of the Franklin Board of Public Works & Safety.

Off-Premise and "Billboard" Sign Note:

These sign standards establish a maximum allotment of signage that may be installed on each property for each zoning district. In no instance shall these regulations be interpreted as limiting the content of any type of sign. Billboards and other off-premise signs are permitted, but shall be counted against the allotment of signage provided to each property. In no instance shall a billboard or other off-premise sign be interpreted as being permitted in addition to the signage permitted per property.

8.3 Non-Residential Sign Standards (cont.)

8

IN

Sign Standards

Non-Residential Permanent Signs

- J. **Multi-Tenant Joint Signs:** Structures and/or centers containing multiple businesses shall establish one freestanding sign for the structure for the joint use of all tenants for which the facility is designed, including outlots. The use of individual freestanding signs for each tenant, including those on outlots, is prohibited. Shall not count toward total square footage of signage allowed.



Multi-Tenant Joint Sign

Institutional Sign Standards

Part 3: These Institutional Permanent Sign Standards apply to the Institutional zoning district:

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

- A. **Maps and Directories:** All maps, directories, and other pedestrian directional signs may be placed without a permit. Each sign shall be set back a minimum of 2 feet from all public rights-of-way, and shall not exceed 8 feet in height or 32 square feet in area.
- B. **Identification Signs:** Signs identifying the facility may be located at its entrances.
1. Location: There shall be no limit to the number of locations at which identification signs may be placed, however, generally no more than one sign shall be placed at any one location. A maximum of two signs may be placed at any one location if they are used to create an entrance.
 2. Setback: No such sign shall be located closer than 10 feet to a public right-of-way.
 3. Height and Area: No such sign shall exceed 6 feet in height or 32 square feet in area.
- C. **Structure Identification Signs:** Signs identifying individual structures at the facility may be placed as a wall sign and/or a free-standing sign.
1. Wall Sign: Wall signs shall be located on the facade of the structure.
 2. Free-standing Sign: Free-standing signs shall be placed a minimum of 10 feet from all public rights-of way, and shall not exceed 6 feet in height.
 3. Sign Area: No sign shall exceed 100 square feet in area.

8.3 Non-Residential Sign Standards (cont.)



8

Sign Standards

Permitted Non-Residential Sign Chart

Sign Standard	Zoning District						
	MXD	MXN	MXC	MXR	IBD	IL	IG
Step 1 - Calculate Permitted Sign Area & Number of Signs Allowed							
Building Frontage/Sign Size Ratio	1.5 sf/1 linear foot of bldg. frontage	1.5 sf/1 linear foot of bldg. frontage	2 sf/1 linear foot of bldg. frontage	2 sf/1 linear foot of bldg. frontage	1.5 sf/1 linear foot of bldg. frontage	2 sf/1 linear foot of bldg. frontage	2 sf/1 linear foot of bldg. frontage
Maximum Total Signage Allowed (square feet)	200	200	500	600	350	500	500
Maximum Number of Signs	2	3	5	5	3	4	4
Step 2 - Identify Permitted Sign Types (P - Permitted, X - Not Permitted)							
Wall	P	P	P	P	P	P	P
Awning	P	P	P	P	P	P	P
Projecting	P	P	P	P	P	P	P
Changeable Copy*	P	P	P	P	P	P	P
Freestanding	P	P	P	P	P	P	P
Multi-Tenant	P	P	P	P	P	P	P
Step 3 - Review the General Sign Standards							
Maximum Sign Size (square feet) & Height							
Wall	100	100	200	200	200	200	200
Projecting	50	50	50	50	50	50	50
Freestanding	40	40	80	100	80	100	100
Freestanding - Maximum Height	10	10	25	25	25	25	25
Changeable Copy	32	32	32	32	32	32	32
Multi-Tenant Joint Sign - Height	10	10	25	25	25	25	25
Multi-Tenant Joint Sign - Area per Tenant	20	30	50	50	50	50	50
Window Signs	25%	25%	25%	25%	25%	25%	25%

*Includes electronic message board type signs