Passed: 5-3

ORDINANCE 99-20

TO AMEND THE TEXT OF TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "ZONING" (Prohibiting the Relocation of Off-Premise Signs From One Zoning Lot to Another (20.05.04.06(z)) and Further Restricting the Relocation of Lawful Nonconforming Signs On the Same Zoning Lot (20.06.06.08))

WHEREAS, the Bloomington Plan Commission wishes to delete the provisions in the Zoning Ordinance which permit the relocation of off-premise signs as a conditional use and to provide specific guidelines for permitting the relocation of such signs, and

WHEREAS, the Bloomington Plan Commission has considered this case, ZO-31-99, and recommended that the Bloomington Municipal Code be changed and requests that the Common Council consider their petition;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 20.05 04.06(z), entitled "Off-premise sign relocation" shall be deleted in its entirety and the following sections shall be re-designated accordingly:

a) Section 20.05.04.06(aa) entitled "Brewpubs/Breweries" shall be redesignated as Section 20.05.04.06(z); and,

b) Section 20.05.04.06 (BB) entitled "Communications Facilities" shall be redesignated as Section 20.05.06.04 (AA) and shall appear after Section 20.05.04.06 (z) in the code.

SECTION 2. Section 20.06.06.08, entitled "Lawful Nonconforming Signs" shall be amended to read as follows:

20.06.06.08 Lawful Nonconforming Signs

Any sign which does not conform to the regulations embodied in this chapter and which is designated lawfully nonconforming shall either be removed or brought into compliance with these requirements at such time as any new development, expansion, or change in use occurs on the property upon which the sign is located. Lawful nonconforming signs may not be expanded, which includes any increase in height, altered, or relocated except as follows:

A. Ordinary maintenance is permitted, and shall include replacement of supports with different materials or design than the previous supports. The dimensions of replaced supports shall not be enlarged.

B. Relocation of a lawful nonconforming on-premise sign shall not be permitted unless specifically permitted by a separate section of this ordinance.

C. It is the express intent of this provision that allowing relocation of nonconforming signs hereunder is for the sole purpose of avoiding possible inverse condemnation in situations where a public body has not chosen or been able to purchase or condemn such property interests as may be involved. Relocation of a lawful nonconforming off-premise sign may be permitted by the Planning Staff in the event of a street widening provided each of the following criteria are satisfied:

1. No public authority has offered an appraised value to purchase, or initiated eminent domain proceedings to obtain, permanent removal of the sign, and the street widening project is at such stage that all initial offers for right-of-way acquisition adjacent to the sign have been tendered.
2. The off-premise sign is relocated on the same zoning lot as its original location.
3. The relocated off-premise sign's street setback shall not be decreased from the original street setback. The relocated off-premise sign's side yard setbacks shall maintain the smaller (lesser)

side yard setback along the same side of the zoning lot of the off-premise sign's original location. The relocated off-premise sign's rear setback shall meet the rear building setback requirement established elsewhere in this ordinance.

4. All clear-sight triangle standards (Section 20.06.06.03.B) for the relocated off-premise sign are met.
5. All other requirements of this section (20.06.06.08) are met, including but not limited to the prohibition on expansion, which includes increase in height, and alteration, of the sign.

SECTION 3. Section 20.07.08.03 (CG District), entitled "Conditional Uses" shall be amended to delete the term "Relocation of off-premise signs (z)".

SECTION 4. Section 20.07.09.03 (CA District), entitled "Conditional Uses" shall be amended to delete the term "Relocation of off-premise signs (z)".

SECTION 5. Section 20.07.11.03 (IL District), entitled "Conditional Uses" shall be amended to delete the term "Relocation of off-premise signs (z)".

SECTION 6. Section 20.07.12.03 (IG District), entitled "Conditional Uses" shall be amended to delete the term "Relocation of off-premise signs (z)".

SECTION 7. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 8. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and promulgation by law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21 day of July, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22nd day of July, 1999.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 22nd day of July, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance eliminates the relocation of off-premise signs from one lot to another as a conditional use. The ordinance will, however, allow the relocation of an off-premise sign on the same lot in the event of a road-widening project, where the City chooses not to purchase the billboard and certain setback and visibility requirements are met.

Signed copies to:
Clerk
Lorie
BMC File
Legal - 5
Planning

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 99-20 is a true and complete copy of Plan Commission Case Number ZO-31-99 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on June 7, 1999.

Date: June 8,1999.

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this ____ day of _____,1999.

Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement Ordinance #_____ Resolution #_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other_____

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure_____ Emergency_____
Unforseen Need _____ Other_____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	$	$
Revenue to Date		
Revenue Expected for Rest of year		
Appropriations to Date		
Unappropriated Balance		
Effect of Proposed Legislation (+/-)		
Projected Balance	$	$

Signature of Controller_____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes_____ No X

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Staff anticipates the amendment will affect only 12-15 billboard sign faces from an existing total of 171 billboard faces over the 10-15 years. However, there is no necessary direct fiscal impact because this ordinance does not require the purchase or removal of any billboard.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

FILENAME: ORD-CERT.BBD