Passed:

ORDINANCE 99-21

TO AMEND THE TEXT OF TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "ZONING" (Regulating Signage within Designated Scenic and Gateway Corridors)

WHEREAS, the Bloomington Plan Commission wishes to amend Title 20 in order to create designated Scenic / Gateway Corridors and to adopt specific standards for signage within the designated Scenic / Gateway Corridors; and

WHEREAS, the Bloomington Plan Commission has considered this case, ZO-12-99, 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 20.02.05.00, entitled "RULES OF CONSTRUCTION" shall be renumbered as Section 20.02.06.00 and the renumbering shall be reflected in the Table of Contents for Chapter 20.02.

SECTION 2. Section 20.02.05.00, entitled "DEFINITIONS SPECIFIC TO SCENIC/GATEWAY CORRIDORS" shall be inserted and shall read as follows:

20.02.05.00 DEFINITIONS SPECIFIC TO SCENIC/GATEWAY CORRIDORS

Nonresidential Center, Large. "Large Nonresidential Center" means any building or combination of buildings with more than one occupant or business, including Shopping Centers as herein defined, on a single zoning lot in which the total gross square footage of floor area exceeds 50,000 square feet. A Large Nonresidential Center may include one or more outlots.

Nonresidential Center, Small. "Small Nonresidential Center" means any building or combination of buildings with more than one occupants or a business on a single zoning lot in which the total gross square footage of floor area does not exceed 50,000 square feet. A Small Nonresidential Center may include one or more outlots.

Nonresidential Use, Individual. "Individual Nonresidential Use" means any building or combination of buildings with a single tenant or occupant on a single zoning lot. An Individual Nonresidential Use shall not be considered a component of a Large or Small Nonresidential Center.

"Outlot" means a lot of record in a subdivision, nonresidential center or planned unit development which is adjacent to a (public or private) street, roadway or frontage road; and is intended for an additional and separate building or buildings within the development.

"Premise" means a lot, parcel, tract or plot of land together with the buildings and structures thereon.

"Scenic / Gateway Corridor" means a geographic area designated by the city as a special area of control for the purpose of creating a positive image of Bloomington and/or preserving and enhancing the natural beauty of the landscape. Such regulation may include standards for aesthetics, bulk, maintenance and placement of all signs in such areas.

"Shopping Center" means a group of two or more retail establishments, with or without other consumer serving establishments, managed as one unit, sharing a common site, parking area, and entrances to public street(s), and having a gross floor area of at least 50,000 square feet. Free standing buildings having separate parking shall not be counted in such gross floor area.

Sign, Center. "Center Sign" means a sign used to identify a nonresidential center, which may include tenant signage, not to exceed the sign size allotments stated in this ordinance.

Sign, Freestanding. "Freestanding Sign" means any sign, including but not limited to direction, ground, pole, public information, off-premise, real estate and temporary signs, supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, Ground. "Ground Sign" means a sign which is either supported by a base with an aggregate width of at least 40% of the total horizontal width of the sign or whose supports are less than 25% of the vertical height of the sign and not attached to or supported by any building.

SECTION 3. Section 20.06.06.04(i), entitled "Scenic / Gateway Corridors" shall be inserted into the code and shall read as follows:

20.06.06.04 General Sign Regulations

(i) Scenic / Gateway Corridors. For all districts, except CD, the following regulations shall apply to all signs which are placed within a defined Scenic / Gateway Corridor except as otherwise provided herein. The intent of this section is to enhance the economic vitality, improve the aesthetic appeal and encourage the orderly, and safe use of property through the regulation of signage along designated Scenic and/or Gateway Corridors within Bloomington.

(1) Corridors. These sign regulations apply to all signs located within three hundred sixty linear feet of the street centerline of the public rights-of-way designated Scenic / Gateway Corridors and new roadways classified as Arterial and Collector Streets by the City of Bloomington Master Thoroughfare Plan. The following street segments are designated either Scenic and/or Gateway Corridors:

(A) Scenic Corridors

1. Indiana SR 45/46 Bypass east of Indiana SR 37 to the East Third Street intersection.
2. The total length of Patterson Drive and Grimes Lane located west of Walnut Street to West Third Street.
3. Tapp Road / E. Winslow Road / W. Country Club Road located east of Indiana SR 37 to S. Henderson Street
4. Sare Road located south of Moores Pike to Rhorer Road
5. Adams Street located south of Kirkwood Avenue/5th Street to Tapp Road.
6. W. Kirkwood Avenue located west of N. College Avenue to N. Adams Street.
7. College Mall Road located south of Third Street and north of Moores Pike

(B) Gateway Corridors

1. Indiana SR 37 from the northern edge (Kinser Pike) to the southern edge (Fullerton Pike) of the Planning Jurisdiction Boundary.
2. S. Walnut Street Pike from S. Walnut Street to the southern edge of the Planning Area Boundary.
3. The total length of Walnut Street / Old State Road 37 from the northern edge of the Planning Jurisdiction Boundary to the southern edge of the Planning Jurisdiction Boundary.
4. 10th Street located east of SR45/46 to the edge (E. Ooley Avenue) of the Planning Jurisdiction Boundary.
5. W. Third Street located west of Adams Street to the edge of the Planning Jurisdiction Boundary.
6. Bloomfield Road / W. Second Street located west of Walnut Street to the edge (S. Curry Pike/S. Leonard Springs Road) of the Planning Jurisdiction Boundary.
7. E. Third Street located east of High Street to the edge (Knightridge Road) of the Planning Jurisdiction Boundary
8. College Avenue located south of N. SR 45 / W. SR 46 to S. Walnut Street.

(C) Future Corridors

1. All new Arterial and Collector (non-local) roadways shall be designated as either Scenic and/or Gateway Corridors.

(2) Applicability. The following types of signs are subject to these Scenic / Gateway Corridors provisions in addition to all other provisions of Section 20.06.06.00 Sign Regulations; provided, where these scenic / gateway provisions are more stringent than any other provisions of these Sign Regulations, the scenic / gateway provisions shall apply:

(A) Large Nonresidential Center Ground Signs
(B) Small Nonresidential Center Ground Signs
(C) Individual Nonresidential Use Ground Signs
(D) Residential Subdivision and Complex Ground Signs
(E) Wall Signs

Signage not listed above or prohibited by the following subsection shall be regulated by the appropriate portion of Section 20.06.06.00.

(3) Prohibited Signs. The following types of freestanding signs are prohibited in Scenic / Gateway Corridors:

(A) Pole Signs
(B) Off-premise Signs

(4) Total Sign Allotment. In residential districts within a Scenic / Gateway Corridor, home occupation and public information signs shall be governed by Section 20.06.06.04(e). Subdivision and residential complex signs shall be governed by Section 20.06.06.04(i)(5). In all nonresidential zoning districts within a Scenic / Gateway Corridor, except CD, the aggregate sign area total permitted for any premise shall not exceed:

(A) Individual Nonresidential Use:

1. One and a half square feet of sign area for each one linear foot of a building fronting on a public street, or

2. Seventy-five hundredth square foot of sign area for each one linear foot of property fronting a public street, whichever is greater. Provided, however, no premise within any nonresidential (except CD) or special district may be restricted to less than seventy-five square feet of sign area nor shall any premise be permitted to display more than five hundred and forty square feet of sign area.

(B) Large and Small Nonresidential Centers:

1. One and a half square feet of sign area for each one linear foot of a building fronting on a public street; or

2. Seventy-five-hundredths square foot of sign area for each one linear foot of property fronting a public street, whichever is greater.

3. Provided, however, no center within any nonresidential (except CD) or special district may be restricted to less than seventy-five square feet of sign area.

(5) Freestanding Sign Development Standards. The height, bulk and density standards for freestanding signs in Scenic / Gateway Corridors to be included in the total sign allotment are described in Table 6-4.

(6) Freestanding Sign Landscaping. A landscaped area located around the entire base of a freestanding sign located in a Scenic / Gateway Corridor is required. The landscaped area shall contain living landscaped materials consisting of shrubs, spread no greater than three feet on center, and perennial ground cover densely planted (See section 20.06.04.02 Tables C and D). The landscaped area shall be greater than or equal to eight-tenths of the freestanding sign face area. All sign landscaping shall be installed and maintained in accordance with Section 20.06.04.02(h). Freestanding Sign Landscaping shall be counted towards the overall premises landscaping requirements and shall not require additional D-value for the premise. When a development expansion, change in signage, change in use or street widening occurs for a premise, the above landscaping standards may be reduced by planning staff provided that no reasonable planting area or planting alternative exists.

(7) Design Standards and Sign Illumination. All signage within a Scenic / Gateway Corridor shall be constructed of colors and materials compatible with the principal structure. All sign illumination shall be directed at the sign face, shall illuminate the sign face only, and shall not illuminate beyond the sign face. All sign illumination shall not exceed one foot-candle at any property line and shall not reflect directly or indirectly on residential property. All signage within a Scenic / Gateway Corridor shall also comply with section 20.06.06.04(a), Illumination.

(8) Lawful Nonconforming Signs. Any existing sign located within a Scenic / Gateway Corridor which does not conform to this section and is designated lawfully nonconforming shall either be removed or brought into compliance with these requirements at such time as any new development, expansion, change in signage or change in use occurs on the property upon which the sign is located. In no case shall the replacement of individual tenant name panels on a multi-tenant center sign constitute the need to bring the multi-tenant center sign into compliance with these sign regulations. Any freestanding sign which requires physical relocation due to a Scenic / Gateway Corridor street widening shall either be removed or brought into compliance with these requirements except where a lesser setback is allowed per Section 20.06.06.04(i)(5), or as provided in Section 20.06.06.08. Lawful nonconforming signs may not be relocated and may not be expanded, which includes any increase in height, or altered, except that ordinary maintenance is permitted, and shall include replacements of supports with different materials or design than the previous supports as long as the replaced supports are not enlarged.

Lawful nonconforming signs within a Scenic/Gateway Corridor which were approved by a variance shall be subject to Section 20.01.06.05 Transition Rules, Previously Granted Variances. If a lawful nonconforming sign was approved as part of a sign package for a Planned Unit Development (PUD) that had the effect of establishing PUD specific signage standards different from the standards that otherwise would have applied in the underlying zoning district, then such PUD specific signage standards will continue to govern such sign, not withstanding the remainder of this provision, so long as the original PUD approval remains effective.

Incentive Provision to Convert to Ground Signs: Within two years of the adoption of this Scenic/Gateway Corridor Signage amendment, any property owner who voluntarily replaces a lawful nonconforming pole sign with a ground sign that otherwise complies with these Scenic/Gateway Corridor Signage regulations shall be entitled to the individual sign face maximum area that would have been allowed for that particular sign and property under the 1995 Zoning Ordinance (prior to the adoption of the Scenic/Gateway Corridor Signage amendment).

SECTION 3. Table 6-4 is attached and made a part of this ordinance, and shall appear after 20.06.06.04(i) in the Bloomington Municipal Code.

SECTION 4. 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 5. 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 4th day of August, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 5th day of August, 1999.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 5 day of August, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance regulates signage in designated Scenic and Gateway Corridors. In particular it amends the code by providing definitions (20.02.05.00) and regulations (20.06.06.04(i)) specific to these corridors. It also includes a Table 6-4 that is attached and made a part of the ordinance.

Note: The ordinance was revised on 7/29/99 to correct minor spelling and spacing errors.

Signed copies to:
Clerk
CA/CA
BMC File
Planning
Code Enforcement
Legal 5

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 99-21 is a true and complete copy of Plan Commission Case Number ZO-12-99 which was given a recommendation of approval by a vote of 9 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on June 21, 1999.

Date: June 22,1999.

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_____

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

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.MRG