Passed: 9-0

ORDINANCE 99-22

TO AMEND THE TEXT OF TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "ZONING" (Regulating Sandwich Board and Restaurant Menu Signs in the Downtown Commercial (CD) District)

WHEREAS, the Bloomington Plan Commission wishes to establish sign standards for sandwich board signs and restaurant menu signs in the Zoning Ordinance and to provide specific guidelines for permitting such signs; and

WHEREAS, the Bloomington Plan Commission has considered this case, ZO-30-99, 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 20.02.01.00, entitled "DEFINITIONS" shall be amended to add the following two new definitions:

Sign, Sandwich Board. "Sandwich Board Sign" means a portable sign for display in front of a business for the specific use of advertising that business.

Sign, Restaurant Menu. "Restaurant Menu Sign" means any display of all or part of a restaurant menu, or a summary thereof, in such a way that it is visible from the exterior of the building.

SECTION 2. Section 20.06.06.00, entitled "General Sign Regulation" shall be amended to add a new Section 20.06.06.04(j) as follows.

20.06.06.04 General Sign Regulation

(j) Downtown Signs. The following regulations shall only apply to the Downtown Commercial, CD, District. The intent of this section is to enhance the economic vitality and aesthetic appeal of the CD District, and to encourage the orderly, safe use of property within the CD District.

(1) Restaurant Menu Signs. One (1) Restaurant Menu Sign per restaurant shall be permitted only when contained within a display box mounted on a building with:
- (A) A maximum total sign area of six (6) square feet;
- (B) A clear face to protect the menus from the weather;
- (C) A maximum extension of four (4) inches from the building;
- (D) A mounting of the sign between 36 inches and 72 inches (60 inches encouraged) from the sidewalk;
- (E) A location which shall not interfere with outward opening doors or windows; and
- (F) A design which architecturally complements and coordinates with the building.

(2) Sandwich Board Signs. Sandwich Board Signs shall only be permitted in the CD District and shall conform to the following regulations.

(A) Sign Standards. Sandwich Board Signs shall meet the following design standards:

1. A maximum of one (1) Sandwich Board Sign per individual retail use/retail service business (including restaurants) is permitted.
2. Signs shall be permitted a maximum sign face area of five (5) square feet per sign side (which shall count towards the total sign allotment for the business utilizing the sandwich board sign).

3. Signs shall be permitted a maximum sign face width of two and three-fourth (2 3/4) feet measured from the sign legs.
4. Signs shall be permitted a maximum sign height of four and one half (4 ½) feet measured from the ground to the top of the sign.
5. Sign bases shall be weighted with a minimum ten (10) pound ballast, colored solid black, to ensure sign stability in windy conditions.
6. Signs shall be placed a minimum of ten (10) linear feet from the base of another Sandwich Board Sign.

(B) Sign Placement. Sandwich Boards shall meet the following placement criteria:

1. Signs must be truly portable and cannot be permanently affixed to any structure or sidewalk, and must be removed from the public right-of-way at the end of each business day.
2. Signs shall only be placed on sidewalks with a minimum width of seven (7) feet.
3. Signs shall be placed either: (1) on the sidewalk a maximum of two (2) feet from the advertised business' building; or, (2) in the tree plot outside the sidewalk, to be determined by staff based on accessibility and safety standards including the following: location and proximity of door ways; width of tree plot; maximum distance between pedestrian obstacles; location of cross walks; and other physical features of the location that affect accessibility and safety.
4. Signs shall be placed a minimum of forty-eight (48) inches from all obstructions within the sidewalk right-of-way including newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement. Sign placement shall also meet all Americans with Disabilities Act requirements.
5. Signs shall be placed a minimum of ten (10) feet from a building corner or pedestrian crosswalk.

(C) Enforcement. All placement of Sandwich Board Signs shall require permission from the Bloomington Board of Public Works to allow the sign to encroach on public right-of-way, and a Certificate of Zoning Compliance from the Bloomington Planning Department. Any violation of this section by a business shall be monitored by the Bloomington Planning Department. More than two (2) violations in one (1) calendar year shall result in the termination of the Sandwich Board Sign Permit and require removal of the Sandwich Board. A new Sandwich Board Sign shall not be permitted for the business for at least twelve (12) months from the date of the sign permit revocation.

SECTION 3. 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 4. 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, 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, 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 amends Title 20 of the Bloomington Municipal Code in order to regulate Sandwich Board and Restaurant Menu Board Signs in the Downtown Commercial (CD) District. The amendments add Section 20.06.06.04(j), which sets forth the requirements for the signage, and insert definitions for these signs in Section 20.02.01.00.

Signed copies to:
Clerk
Council
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 99-22 is a true and complete copy of Plan Commission Case Number ZO-30-99 which was given a recommendation of approval by a vote of 8 Ayes, 2 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 22nd day of June, 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.DTN