ORDINANCE 16-01

TO AMEND CHAPTER 20 (UNIFIED DEVELOPMENT ORDINANCE) OF THE BLOOMINGTON MUNICIPAL CODE

Re: Amending 20.05.051 ("Home occupation – General"), 20.05.064 ("Municipal services – General"), 20.05.079 ("Sign standards – General"), 20.05.080 ("Sign standards – Temporary signs"), 20.05.081 ("Sign standards – Residential"), 20.05.082 ("Sign standards – Permanent display cabinets"), 20.05.083 ("Sign standards – Nonresidential"), 20.05.084 ("Sign standards – Commercial limited"), 20.05.085 ("Sign standards – Commercial downtown"), 20.05.086 ("Sign standards – Sandwich board signs"), 20.05.097 ("Special conditions – Community garden"), 20.05.110 ("Temporary uses and structures – Generally"), 20.07.070 ("Easement standards"), 20.07.160 ("Street and right-of-way standards"), 20.07.190 ("Street sign standards – Residential, commercial and industrial"), and 20.11.020 ("Defined Words")

to Render Provisions of the Bloomington Municipal Code Regulating Signs Compliant with the U.S. Supreme Court's Holding in *Reed v. Town of Gilbert*

WHEREAS, On December 20, 2006, the Common Council passed Ordinance 06-24 which created the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code; and

WHEREAS, The UDO, as passed on December 20, 2006, regulates signage in a variety of ways; and

WHEREAS, On June 15, 2015, the United States Supreme Court issued a ruling in the case of *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015) wherein the Court found the Town of Gilbert's sign regulations unconstitutional; and

WHEREAS, The Supreme Court's ruling in *Reed* directly impacts the City of Bloomington's sign regulations in two key ways: (1) it prohibits the City from regulating different classifications of signs differently; and (2) if the City opens up its public right-of-way to one class of signs, it must permit all categories of signs to locate in the same right-of-way; and

WHEREAS, The City of Bloomington's current sign standards treat different sign genres differently than other sign genres and further allows for only particular genres of signs to locate in the right-of-way;

WHEREAS, The City's current sign regulations are unconstitutional in light of the *Reed* decision; and

WHEREAS, Upon learning of the *Reed* decision the City's Administration immediately undertook a comprehensive review of all of its sign regulations in the UDO; and

WHEREAS, Since the decision in *Reed* was rendered, City staff members from multiple departments have participated in numerous state and national conferences and continuing education classes on how best to draft sign regulations so that they are in compliance with the Constitution and the *Reed* decision; and

WHEREAS, In putting together a comprehensive overhaul of the sign regulations in the UDO City staff met with various interest groups and businesses in order to minimize any negative impacts of the revised sign regulations; and

WHEREAS, Because the Supreme Court's decision in *Reed* already required a comprehensive Amendment to the UDO, the Administration made other minor changes to the sign regulations which are unrelated to the ruling in *Reed* but will better serve the Bloomington community; and

WHEREAS, The Administration presented a comprehensive overhaul of the sign regulations in the UDO to the City of Bloomington's Plan Commission via ZO-8-16 on three separate occasions: February 8, 2016, March 7, 2016, and April 11, 2016; and

WHEREAS, On April 11, 2016, the Plan Commission considered ZO-8-16 and made a positive recommendation in favor of a package of amendments to the UDO, as described herein;

WHEREAS, Pursuant to Indiana Code § 36-7-4-607(c), the Plan Commission's positive recommendation was certified on April 13, 2016, and delivered to the Common Council on April 13, 2016;

WHEREAS, The proposed ordinance amendment is intended to effectuate the goals outlined in Section 20.05.079 of the UDO and to fully comply with the rights guaranteed to all persons under the First Amendment to the United States Constitution and Article 1, Section 9 of the Indiana Constitution;

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

SECTION 1. Section 20.05.051(e)(9) shall be deleted in its entirety and all remaining subsections shall be renumbered accordingly.

SECTION 2. A new subsection (d) shall be added to Section 20.05.064, entitled "Municipal services – General", and shall read as follows:

(d) Street Addresses. Every building shall have its numerical street address posted as follows:

(1) Single-Family Residential Structures:

(A) Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than three (3) inches in height.

(B) Street address displays shall be placed on the front of the structure and on the mailbox post where mailboxes are located along the street.

(2) Multifamily Structures:

(A) Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than five (5) inches in height and no more than ten (10) inches in height.

(B) Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.

(3) Nonresidential Structures and Mixed Use Structures:

(A) Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than eight (8) inches in height.

(B) Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.

(4) Legibility. All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

SECTION 3. Section 20.05.079, entitled "Sign standards – General", shall be deleted in its entirety and replaced with the following provision:

20.05.079 SI-01 (Sign standards—General).

Purpose. The intent of these sign standards is to:

A. Accomplish the goals of the growth policies plan;

B. Avoid unnecessary proliferation of signs;

C. Provide developments with appropriate identification;

D. Create a consistent streetscape;

E. Maintain and enhance the aesthetic environment of the city and its planning jurisdiction;

F. Eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and

G. Promote the health, safety, and welfare of the residents of the city of Bloomington and its planning jurisdiction.

H. Nothing in these standards shall in any way be interpreted to infringe upon those rights guaranteed by the First Amendment to the United States Constitution or Article 1, Section 9 of the Indiana Constitution.

This sign standards section applies to the following zoning districts:

RE RS RC RM RH MH CL CG CA CD IG BP IN MD UV

(a) Permit Required. A sign permit shall be required for all signs located, erected, constructed, reconstructed, moved, or altered unless specifically exempted by this chapter.

(b) Nonconforming Signage. All existing nonconforming signage is subject to the provisions of Chapter 20.08, Nonconforming Lots, Sites, Structures and Uses.

(c) Sign Measurements. Sign height and sign area measurements shall be calculated as follows:

(1) The area of wall signs shall be calculated as the smallest regular geometric figure needed to circumscribe any logos, text, or other identifying trait placed on a structure.

(2) The area of freestanding signs shall be calculated as the smallest regular geometric figure needed to circumscribe the sign, exclusive of supporting structures.

(3) The height of a freestanding sign shall be measured from the grade beneath the sign or from the crown of the adjacent street, whichever is higher. The ground beneath a sign shall not be raised to artificially change the point at which the sign height is measured.

(d) Double-faced Signs. For all freestanding, projecting signs, and temporary signs permitted by this chapter, a double-faced sign may be erected. Only the face area of one of the two sides shall be considered the face area of the entire sign. In such cases, the two sign faces shall be identical in area, shall be placed back to back, and shall be separated by a distance of no more than two (2) feet.

(e) Maintenance. All signs and components thereof shall be kept in good repair and in safe, clean, neatly painted, and working condition.

(f) Miscellaneous Signs. The following signs are exempt from permit requirements, unless specifically required by another section of this title:

(1) Public Signs.

(2) Small Signs. Any sign of not more than one and one-half square (1 ½) feet in area.

(3) Temporary Signs.

(A) In all zoning districts, each property is allowed to have two (2) signs, neither of which shall exceed five (5) square feet, and one (1) additional sign which shall not exceed eight (8) square feet.

(B) In nonresidential zoning districts, each vacant property, or property that is under construction, is allowed to have one (1) sign which shall not exceed thirty-two (32) square feet.

(C) In all nonresidential zoning districts, each vacant tenant space, or tenant space that is under construction, is allowed to have one (1) sign which shall not exceed thirty-two (32) square feet that must be attached to the wall of the vacant space.

(4) Murals.

(5) Window Signs.

(A) Allotment. Window signs shall not count toward the wall signage allotment of the use.

(B) Area. Window signage shall not exceed twenty-five percent of the glass area of any individual window frame.

(g) Prohibited Sign Types. The following signs are prohibited in all zoning districts unless specifically authorized by another section of this title:

(1) Animated Signs. Signs that utilize any motion picture, laser, or visual projection of images or copy.

(2) Bench Signs. A sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

(3) Imitation of Public Signs. Signs that purport to be, are in imitation of, or resemble a public sign as described by the Manual on Uniform Traffic Control Devises. Examples include, but are not limited to, Stop signs, Yield Signs, Pedestrian Crossing Signs, etc.

(4) Off-premise Signs. Signs advertising goods, products, services, events or activities not located, sold or offered on the premises on which the sign is located, except for signs as provided in Section 20.05.079(f)(2), Section 20.05.079(f)(3), Section 20.05.082(f) and Section 20.05.083(f).

(5) Vehicle Signs. Vehicles, vans, trailers or trucks cannot be parked continuously in the same general location to be used to display signs. This does not prohibit vehicle or trailer owners from having vehicles or trailers with signs provided the vehicles or trailers are in use on a regular basis and are not continuously parked in one parking lot or parking space and are not being used to serve in the same manner as an additional freestanding sign or temporary sign.

(6) Intermittent Lights. Signs that have intermittent blinking, flashing, or fluttering lights, including any device which has a changing light intensity, brightness of color, or gives such illusion. Strobe lights shall be considered intermittent lights.

(7) Pole Signs. Signs that are mounted on a freestanding pole or other support that is not part of or attached to a building or structure.

(8) Temporary Signs. Any temporary sign not specifically permitted in Section 20.05.080(g), Section 20.05.081(f), Section 20.05.082(d), and Section 20.05.083(e) or specifically exempted in Section 20.05.079(f)(3), including, but not limited to, pennants, streamers, balloons, inflatable signs, spinners, and banners.

(9) Projecting Signs. Any sign that projects outward from the facade of a building in excess of twelve (12) inches, except as provided in Section 20.05.082, SI-04 (Sign standards—Commercial limited) and Section 20.05.083, SI-05 (Sign standards—Commercial downtown).

(10) Electronic Reader Board Signs. Any electronic reader board sign not specifically permitted in Section 20.05.079(i)(3).

(h) Prohibited Sign Locations. Signs shall not be installed at any of the following locations:

(1) Public Easement. In any public easement, unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the city.

(2) Public Right-of-way. In any public right-of-way, unless:

(A) The sign is a public sign authorized by Section 20.05.079(f)(1) and is further authorized by the City;
(B) The sign is authorized by Section 20.05.082(f); or
(C) The sign is authorized by Section 20.05.083(f).

(3) Roofs. On the roof of a structure, or extending above the eave, roof line or parapet of a building.

(4) Vision Clearance Triangle. Within a vision clearance triangle as specified in this municipal code.

(5) Miscellaneous. On any traffic control signs, highway construction signs, fences, utility poles, street signs, trees or other natural objects.

(i) Design Standards.

(1) Freestanding Signs. All freestanding signs shall be designed as follows:

(A) Setback. All freestanding signs shall be set back a minimum of two (2) feet from the front property line or outside of the clear zone unless specifically approved by the City's Transportation and Traffic Engineer, whichever is greater.

(B) Mounting. All freestanding signs shall be permanently affixed to the ground.

(C) Base. Sign bases shall conform to the following standards:

(i) Sign bases shall have an aggregate width of at least forty percent of the total horizontal width of the sign; or have supports that are less than twenty five percent of the vertical height of the sign.

(ii) The base and exposed foundation of all freestanding signs shall be covered with a finished material such as brick, stone, metal, or wood.

(D) Cap. A decorative cap may extend up to eighteen (18) inches above the height limit specified in this chapter. The decorative cap shall have no identifying text, logos, or identifying traits.

(E) Landscaping: For any new freestanding sign, a landscaped area located around the entire base of a freestanding sign is required. The landscaped area shall contain materials consisting of shrubs, spread no greater than three feet on center, and densely planted perennial ground cover. The landscaped area shall be greater than or equal to the freestanding sign face area.

(F) Illumination. Sign lighting shall abide by the light trespass regulations in this chapter.

(2) Changeable Copy. Unless specified otherwise in this unified development ordinance, signs may incorporate areas for changeable copy, provided that the changeable copy area does not exceed forty percent of the total sign area.

(3) Electronic Reader Boards. Electronic reader boards may be incorporated into permanent signage. Information may be displayed in increments of no less than twenty (20) seconds. Electronic reader boards shall not comprise more than forty percent of the total area of any sign face.

(j) Waiver of Right to Damages.

(1) The plan commission, the board of zoning appeals, and the staff are each authorized to request waivers of the right to and receipt of damages pursuant to Indiana Code 22-13-2-1.5, Indiana Code 36-7-2-5.5, and Indiana Code 32-24, in connection with any application for a permit or other approval that may involve erection of a new sign or removal or alteration of a lawfully erected sign, including a lawful nonconforming sign.

(2) Waivers may be requested from the following:

(A) The applicant;

(B) The property owner;

(C) The sign owner; and

(D) Any other person with an interest in the site or the sign.

(3) The owner and/or the applicant shall be responsible for obtaining waivers from all persons listed in subsection (j)(2) of this section.

(4) An owner or applicant who fails to provide and/or to obtain waivers in accordance with this section may be denied a permit or approval seeking to alter or remove a lawfully erected sign unless the owner or applicant agrees to hold harmless and indemnify the city from any and all claims for damages pursuant to the statutes referenced in subsection (j)(1) of this section.

SECTION 4. Section 20.05.080, entitled "Sign standards – Temporary signs) shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 20.05, and all remaining sections shall be renumbered accordingly.

SECTION 5. The presently numbered Section 20.05.081, entitled "Sign standards – Residential) shall be deleted in its entirety and replaced with the following provisions, to be numbered 20.05.080:

20.05.080 SI-02 (Sign standards—Residential).

This sign standards section applies to the following zoning districts:

RE RS RC RM RH MH

(a) Single-Family and Condominium Subdivision. Each subdivision shall be permitted one (1) freestanding sign per development entrance, subject to the following standards:

(1) Freestanding Sign Area. The maximum sign area shall not exceed thirty-two (32) square feet per side.

(2) Freestanding Sign Height. The maximum height shall not exceed six (6) feet in height.

(3) Changeable Copy. Changeable copy shall be prohibited as part of a freestanding sign.

(4) Number. The permitted subdivision sign may be replaced with two (2) signs of a maximum sixteen (16) square feet in area per sign if a sign is placed on each side of the entrance.

(5) Wall Signage. No wall signage is permitted.

(b) Multifamily.

(1) Multifamily developments containing at least fifteen (15) dwelling units shall be permitted one (1) freestanding sign per development entrance, subject to the below-listed standards, and wall signage which shall not exceed twenty-four (24) square feet per development:

(A) Freestanding Sign Area. The maximum sign area shall not exceed thirty-two (32) square feet per side.

(B) Freestanding Sign Height. The maximum sign height shall not exceed six (6) feet.

(2) Multifamily developments containing more than two and fewer than fifteen (15) dwelling units shall be permitted one (1) wall sign not to exceed twenty-four (24) square feet per development.

(c) Conforming Nonresidential Uses. For any nonresidential use approved as a permitted use, conditional use, or use variance, the provisions of Section 20.05.082, SI-04 (Sign standards—Commercial limited) shall apply. These provisions may be modified by action of the board of zoning appeals as part of a conditional use or use variance approval.

(d) Legal Nonconforming, Multifamily Residential Uses. Legal nonconforming multifamily residential uses in single family zoning districts with at least three (3) units shall be permitted wall signage not to exceed ten (10) square feet.

(1) This subsection supersedes subsection 20.05.080(b)(2).

(2) Freestanding signage is prohibited.

(e) Legal Nonconforming, Nonresidential Uses.

(1) Wall Sign Area. Wall signage shall not exceed ten (10) square feet in area.

(2) Freestanding Sign Area. Freestanding signs shall not exceed twelve (12) square feet per side.

(A) Number. A maximum of one (1) freestanding sign shall be permitted. Lots with less than thirty (30) feet of street frontage shall not be permitted any freestanding signs.

(B) Height. Freestanding signs shall not exceed four (4) feet in height.

(f) Illumination. Signs within residential districts shall not be internally illuminated.

(g) Window Signs. Window signs are not permitted for residential uses.

(h) Temporary Signs. In addition to the temporary signs exempted under Section 20.05.079(f)(3), conforming nonresidential uses and multifamily structures with at least fifteen (15) dwelling units are permitted to display temporary signage with a permit as follows:

(1) Area. Temporary signs shall not exceed sixteen (16) square feet in area per side.

(2) Height. Freestanding temporary signs shall not exceed six (6) feet in height.

(3) Type. Temporary sign types shall be limited to printed banners or freestanding, portable signs.

(4) Lighting. External illumination of temporary signs is prohibited.

(5) Number. A maximum of three (3) temporary signs.

(6) Display Periods. Temporary signs shall be permitted for the following durations:

(A) Display of temporary signs shall be permitted for three (3) periods of up to thirty (30) days per period, per calendar year.

(B) All temporary signs shall receive a sign permit from the Planning and Transportation Department prior to being displayed.

(C) The three (3) temporary sign display periods provided in subsection (k)(5)(A) above may be combined.

SECTION 6. Section 20.05.082, entitled "Permanent display cabinets", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 20.05, and all remaining sections shall be renumbered accordingly.

SECTION 7. The presently numbered Section 20.05.083, entitled "Sign standards – Nonresidential", shall be deleted in its entirety and replaced with the following provision, to be numbered 20.05.081:

20.05.081 SI-03 (Sign standards—Nonresidential).

This sign standards section applies to the following zoning districts:

CG CA IG BP IN MD OY

(a) Wall Signs. The following standards shall apply to wall signs for individual uses or tenants within a multi-tenant center:

(1) Allotment.

(A) Individual Nonresidential Uses. The cumulative square footage of all wall signs shall not exceed one and one-half square (1 ½) feet per lineal foot of primary facade facing a public or private street.

(B) Multi-tenant Nonresidential Center. The cumulative square footage of all wall signs for any individual tenant shall not exceed one and one-half (1 ½) square feet per lineal foot of the tenant's facade width.

(C) Limits. No use shall be limited to less than thirty (30) square feet of wall signage and no use shall be permitted to exceed three hundred (300) square feet of wall signage.

(2) Maximum Projection. Except an awning sign, no part of a wall sign shall project more than twelve (12) inches from the wall or face of the building to which it is attached.

(3) Location. Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on a wall of the tenant's lease space.

(4) Multi-tenant Nonresidential Center Signs. Multi-tenant nonresidential centers shall be permitted a single wall sign advertising the center as a whole. Such wall signs shall not exceed twenty (20) square feet in area, and shall not include any signage for individual tenants of the center.

(b) Freestanding Signs. The following standards shall apply to all freestanding signs:

(1) Number.

(A) Lots with thirty (30) feet or less of public street frontage are not permitted any freestanding signs.

(B) Lots with greater than thirty (30) feet and less than five hundred (500) feet of frontage on a public street are permitted one (1) freestanding sign.

(C) Lots with five hundred (500) feet or more of public street frontage shall be permitted two (2) freestanding signs.

(D) Where a lot has more than one (1) public street frontage, each street frontage shall be regulated independently.

(E) In no case shall any lot have more than four (4) freestanding signs.

(2) Area.

(A) Individual Nonresidential Uses.

(i) Freestanding signs on lots with greater than thirty (30) feet and less than fifty (50) feet of public street frontage shall not exceed twenty (20) square feet.

(ii) Freestanding signs on lots with at least fifty (50) feet and less than seventy-five (75) feet of public street frontage shall not exceed thirty (30) square feet.

(iii) Freestanding signs on lots with at least seventy-five (75) feet of public street frontage shall not exceed forty-five (45) square feet

(iv) Where a lot has more than one (1) public street frontage, each street frontage shall be regulated independently.

(B) Multi-tenant Centers.

(i) Freestanding signs for centers with less than twenty thousand (20,000) square feet of gross floor area are permitted a maximum sign area based on individual nonresidential use allotments listed in the above subsection (b)(2)(A), Individual Nonresidential Uses.

(ii) Freestanding signs for centers with at least twenty thousand (20,000) and less than thirty-five thousand (35,000) square feet of gross floor area shall not exceed sixty (60) square feet.

(iii) Freestanding signs for centers with at least thirty-five thousand (35,000) and less than fifty thousand (50,000) square feet of gross floor area shall not exceed seventy-five (75) square feet.

(iv) Freestanding signs for centers with at least fifty thousand (50,000) square feet of gross floor area shall not exceed one hundred twenty-five (125) square feet.

(v) Individual tenant panels shall not exceed thirty-six (36) square feet.

(vi) Outlots that are not counted toward center square footages shall be permitted freestanding signage based on individual nonresidential uses in the above subsection (b)(2)(A), Individual Nonresidential Uses.

(vii) Replacement or switch-out of individual tenant panels on a multi-tenant sign shall not require compliance of the entire freestanding sign.

(viii) In no instance shall the gross floor area calculations described in this subsection (b)(2)(B) include any square footage associated with a residential use.

(3) Height.

(A) For individual nonresidential uses and multi-tenant centers of less than twenty thousand (20,000) square feet of gross floor area, the maximum freestanding sign height shall be six (6) feet.

(B) For multi-tenant centers with at least twenty thousand (20,000) square feet and less than fifty thousand (50,000) square feet of gross floor area, the maximum freestanding sign height shall be eight (8) feet.

(C) For multi-tenant centers with at least fifty thousand (50,000) square feet of gross floor area, the maximum sign height shall be fifteen (15) feet.

(D) In no instance shall the gross floor area calculations described in this subsection (b)(3) include any square footage associated with a residential use.

(4) Separation. Where a lot is permitted multiple freestanding signs, no two (2) freestanding signs shall be within one hundred (100) feet of each other, as measured along the public right-of-way.

(5) Changeable Copy. A maximum of eighty percent of any freestanding sign may be dedicated to changeable copy.

(c) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:

(1) Contents. Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(2) Signage Allotment. Permanent display cabinets shall count toward the wall signage allotment of the use.

(3) Sign Area. Individual display cabinets shall not exceed sixteen (16) square feet in area per display, measured at the outer edge of the cabinet frame.

(4) Height. A permanent display cabinet shall not exceed eight (8) feet in height from ground level.

(5) Frame. The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(d)Structures with a Drive-through. Structures with a drive-through shall be permitted one (1) additional sign at the entrance to or each area connected to a drive-through lane, subject to the following standards:

(1) Sign Area. Signs shall not exceed thirty-six (36) square feet in area and shall be single-sided.

(2) Height. Signs shall not exceed six (6) feet.

(e) Multifamily. Developments containing at least fifteen (15) dwelling units shall be permitted one (1) freestanding sign per development entrance, subject to the below-listed standards, and wall signage which shall not exceed twenty-four (24) square feet per development:

(1) Freestanding Sign Area. The maximum sign area shall not exceed thirty-two (32) square feet.

(2) Freestanding Sign Height. The maximum height shall not exceed six (6) feet.

(3) Number. One (1) sign is permitted per street frontage.

(f) Temporary Signs. In addition to the temporary signs exempted under 20.05.079(f)(3) each property is allowed to display temporary signage with a temporary sign permit as follows:

(1) Area. Temporary signs shall not exceed sixteen (16) square feet.

(2) Height. Freestanding temporary signs shall not exceed six (6) feet in height.

(3) Type. Temporary sign types shall be limited to printed banners or freestanding, portable signs.

(4) Lighting. External illumination of temporary signs is prohibited.

(5) Number.

(A) Individual nonresidential uses shall be permitted a maximum of three (3) temporary signs.

(B) Multifamily structures with at least fifteen (15) dwelling units shall be permitted a maximum of three (3) temporary signs.

(C) Individual tenants within nonresidential centers shall be permitted a maximum of one (1) temporary sign.

(6) Display Periods. Temporary signs shall be permitted for the following durations:

(A) Display of temporary signs shall be permitted for three (3) periods of up to thirty (30) days per period, per calendar year.

(B) All temporary signs shall receive a sign permit from the Planning and Transportation Department prior to being displayed.

(C) The three (3) temporary sign display periods provided in subsection (k)(5)(A) above may be combined.

SECTION 8. The presently numbered Section 20.05.084, entitled "Sign Standards – Commercial limited", shall be deleted in its entirety and replaced with the following provision, to be numbered Section 20.05.082:

20.05.082 SI-04 (Sign standards—Commercial limited).

This sign standards section applies to the following zoning districts:

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(a) Wall Signs. The following standards apply to wall signs for individual uses within a multi-tenant center:

(1) Allotment.

(A) Individual Nonresidential Uses. The cumulative square footage of all wall signs shall not exceed one (1) square foot per lineal foot of primary structure that faces a public or private street.

(B) Multi-tenant Centers. The cumulative square footage of all wall signs for any individual use shall not exceed one and one-half (1 ½) square feet per lineal foot of the use's facade width. For purposes of this section, only one (1) facade of the building will be used to measure allotment with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

(C) Limits. No property shall be limited to less than twenty (20) square feet of wall signage and no use or tenant shall be permitted to exceed one hundred (100) square feet of wall signage.

(2) Location. No wall signage shall be located on a side or rear building façade facing a residential use.

(3) Maximum Projection. No part of a wall sign, other than an awning sign, shall protrude more than twelve (12) inches from the wall or face of the building to which it is attached.

(b) Freestanding Signs. The following standards apply to permanent freestanding signs:

(1) Number. Lots with thirty (30) feet or less of public street frontage shall not be permitted any freestanding signs. Lots with more than thirty (30) feet of public street frontage on a single street are permitted a maximum of one (1) freestanding sign.

(2) Area. No freestanding sign shall exceed fifteen (15) square feet in area per side.

(3) Height. No freestanding sign shall exceed four (4) feet in height.

(4) Lighting. Internally-illuminated signs are prohibited.

(c) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:

(1) Contents. Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(2) Signage Allotment. Permanent display cabinets shall count toward the wall signage allotment of the use.

(3) Sign Area. Individual display cabinets shall not exceed sixteen (16) square feet in area per display, measured at the outer edge of the cabinet frame.

(4) Height. A permanent display cabinet shall not exceed eight (8) feet in height from ground level.

(5) Frame. The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(d) Temporary Signs. In addition to the temporary signs exempted under 20.05.079(f)(3) each property is also allowed to display temporary signage with a temporary sign permit as follows:

(1) Area. Temporary signs shall not exceed sixteen (16) square feet.

(2) Height. Freestanding temporary signs shall not exceed six (6) feet in height.

(3) Type. Temporary sign types shall be limited to printed banners or freestanding, portable signs.

(4) Lighting. External illumination of temporary signs is prohibited.

(5) Number.

(A) Individual nonresidential uses shall be permitted a maximum of three (3) temporary signs.

(B) Multifamily developments with at least fifteen (15) units shall be permitted a maximum of three (3) temporary signs.

(C) Individual tenants within nonresidential centers shall be permitted a maximum of one (1) temporary sign.

(6) Display Periods. Temporary signs shall be permitted for the following durations:

(A) Display of temporary signs shall be permitted for three (3) periods of up to thirty (30) days per period, per calendar year.

(B) All temporary signs shall receive a sign permit from the planning and transportation department prior to being displayed.

(C) The three (3) temporary sign display periods provided in subsection (k)(5)(A) above may be combined.

(e)Electronic reader boards are not permitted in this zoning district.

(f)Sandwich Board Signs. Properties immediately adjacent to a public sidewalk shall be permitted to place sandwich board signs in the public sidewalk provided the following criteria is met.

(1) Number. Each property shall be permitted one (1) sandwich board sign. If a property contains more than one (1) tenant, additional sandwich board signs shall be permitted, provided the number of sandwich boards in front of a single property shall be limited in such a manner so as to ensure that no sandwich board sign shall be placed within eight (8) linear feet of another sandwich board sign, measured from the base of each sign.

(2) Design.

(A) Sign face area shall not exceed five (5) square feet.

(B) Sign face width shall not exceed two (2) feet, nine inches (2'9") measured at the widest point of the sign face.

(C) Sign height shall not exceed four and one-half (4.5) feet measured from the ground to the top of the sign.

(D) Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.

(3) Placement. Sandwich board signs shall meet the following placement criteria.

(A) Signs shall be placed only on sidewalks with a minimum width of seven (7) feet.

(B) Signs shall be removed from the public sidewalk at the end of each business day.

(C) Signs shall be located a maximum of two (2) feet from the building; or in the tree plot outside of the sidewalk.

(D) Signs shall be placed a minimum of forty-eight (48) inches from all obstructions within the sidewalk including newspaper boxes, outdoor tables and seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.

(E) Signs shall be placed a minimum of eight (8) feet from a building corner or pedestrian crosswalk.

(F) Sign placement shall meet all requirements of the ADA.

(G) Signs shall not be placed within the right-of-way of the B-Line Trail. Sandwich board signs for properties with frontage along the trail shall be placed within the setback between the building and the trail right-of-way.

SECTION 9. The presently numbered Section 20.05.085, entitled "Sign standards – Commercial downtown", shall be deleted in its entirety and replaced with the following provision, to be numbered 20.05.083:

20.05.083 SI-05 (Sign standards—Commercial downtown).

This sign standards section applies to the following zoning districts:

(a) Wall Signs. The following standards apply to wall signs for individual uses and tenants within a multi-tenant center:

(1) Allotment.

(A) Individual Nonresidential Uses. The cumulative square footage of all wall signs shall not exceed one and one-half square (1 ½) feet per lineal foot of primary structure that faces a public or private street.

(B) Multi-tenant Centers.

(i) First Story. The cumulative square footage of all permanent wall signs for an individual use shall not exceed one and one-half (1 ½) square feet per lineal foot of the use's facade width for locations on the first floor. For purposes of this section, only one (1) facade of the building will be used to measure allotment with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

(ii) Upper Story Retail Uses. Retail uses located above the first story shall be permitted a wall sign allotment equal to fifty percent of the total allotment permitted for first story uses as provided in the above subsection (a)(1)(B)(i), First Story.

(iii) Upper Story Office Uses. Tenants without first story street frontage shall be permitted to display a maximum of four (4) square feet of signage at the exterior entrance with the property owner's permission.

(iv) Center Signs. Multi-tenant centers shall be permitted a single wall sign advertising the center as a whole. Such wall signs shall not exceed twenty (20) square feet in area, and shall not include any signage for individual tenants of the center.

(C) Multifamily. Developments containing more than two (2) units shall be permitted wall signage which shall not cumulatively exceed twenty-four (24) square feet.

(D) Limits. No property shall be limited to less than twenty (20) square feet of wall signage and no use or tenant shall exceed one hundred (100) square feet of wall signage.

(2) Location. Wall signs for individual tenants within a multi-tenant center shall be located on the tenants lease space, except as regulated in the above subsection (a)(1)(B)(ii), Upper Story Retail Uses.

(3) Maximum Projection. No part of a wall sign, other than a projecting sign or awning, shall project more than twelve (12) inches from the wall or face of the building to which it is attached.

(b) Projecting Signs. The following standards apply to projecting signs:

(A) Maximum Projection. No part of a projecting sign shall protrude more than thirty-six (36) inches from the wall or face of the building to which it is attached. Support structures between the building and the sign only shall be counted toward this allowance.

(B) Location. Projecting signs shall be located adjacent to the tenant's lease space and shall be installed at least seven (7) feet above the pavement.

(C) Separation. A minimum separation of one hundred (100) feet shall be provided between all projecting signs on the same building facade.

(D) Number. A maximum of one (1) projecting sign is permitted per tenant per street frontage.

(E) Area. Projecting signs shall be limited to a maximum of twenty (20) square feet in area.

(F) Allotment. Projecting sign areas shall count toward overall wall sign allotment.

(G) Prohibited Location. No projecting signs shall be located on buildings located within the courthouse square overlay district.

(H) Wind Loadings. The applicant for a projecting sign shall provide information verifying that the building facade containing the projecting sign can tolerate wind loading.

(I) Any property that utilizes a freestanding sign shall be prohibited from utilizing a projecting sign.

(c) Freestanding Signs. The following standards apply to permanent freestanding signs.

(1) B-Line Trail. The erection of freestanding signs shall be prohibited on any property frontage immediately adjacent to the B-Line Trail right-of-way.

(2) Setback. No freestanding sign shall be allowed unless the primary structure on a lot is set back from the public right-of-way by a minimum of fifteen (15) feet.

(3) Number. Lots with thirty (30) feet or less of public street frontage are not permitted any freestanding signs. Properties with more than thirty (30) feet of public street frontage on a single street are permitted a maximum of one (1) freestanding sign.

(4) Sign Area. Freestanding signs shall not exceed fifteen (15) square feet.

(5) Height. Freestanding signs shall not exceed four (4) feet in height.

(6) Lighting. Internally-illuminated signs are prohibited.

(7) Changeable Copy. Changeable copy shall be prohibited as part of a freestanding sign.

(d) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:

(1) Contents. Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(2) Signage Allotment. Permanent display cabinets shall count toward the wall signage allotment of the use.

(3) Sign Area. Individual display cabinets shall not exceed sixteen (16) square feet in area per display, measured at the outer edge of the cabinet frame.

(4) Height. A permanent display cabinet shall not exceed eight (8) feet in height from ground level.

(5) Frame. The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(e) Temporary Signs. In addition to the temporary signs exempted under 20.05.079(f)(3) each property is also allowed to display temporary signage with a temporary sign permit as follows:

(1) Area. Temporary signs shall not exceed sixteen (16) square feet.

(2) Height. Freestanding temporary signs shall not exceed six (6) feet in height.

(3) Type. Temporary sign types shall be limited to printed banners or freestanding, portable signs.

(4) Lighting. External illumination of temporary signs is prohibited.

(5) Number.

(A) Individual nonresidential uses shall be permitted a maximum of three (3) temporary signs.

(B) Multifamily developments with at least fifteen (15) units shall be permitted a maximum of three (3) temporary signs.

(C) Individual tenants within nonresidential centers shall be permitted a maximum of one (1) temporary sign.

(6) Display Periods. Temporary signs shall be permitted for the following durations:

(A) Display of temporary signs shall be permitted for three (3) periods of up to thirty (30) days per period, per calendar year.

(B) All temporary signs shall receive a sign permit from the planning and transportation department prior to being displayed.

(C) The three (3) temporary sign display periods provided in subsection (e)(5)(A) above may be combined.

(f) Sandwich Board Signs. Properties immediately adjacent to a public sidewalk shall be permitted to place sandwich board signs in the public sidewalk provided the following criteria is met.

(1) Number. Each property shall be permitted one (1) sandwich board sign. If a property contains more than one (1) tenant, additional sandwich board signs shall be permitted, provided the number of sandwich boards in front of a single property shall be limited in such a manner so as to ensure that no sandwich board sign shall be placed within eight (8) linear feet of another sandwich board sign, measured from the base of each sign.

(2) Design.

(A) Sign face area shall not exceed five (5) square feet per sign per face.

(B) Sign face width shall not exceed two (2) feet, nine inches (2'9") measured at the widest point of the sign face.

(C) Sign height shall not exceed four and one-half (4.5) feet measured from the ground to the top of the sign.

(D) Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.

(3) Placement. Sandwich board signs shall meet the following placement criteria.

(A) Signs shall be placed only on sidewalks with a minimum width of seven (7) feet.

(B) Signs shall be removed from the public sidewalk at the end of each business day.

(C) Signs shall be located a maximum of two (2) feet from the building; or in the tree plot outside of the sidewalk.

(D) Signs shall be placed a minimum of forty-eight (48) inches from all obstructions within the sidewalk including newspaper boxes, outdoor tables and seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.

(E) Signs shall be placed a minimum of eight (8) feet from a building corner or pedestrian crosswalk.

(F) Sign placement shall meet all requirements of the ADA.

(G) Signs shall not be placed within the right-of-way of the B-Line Trail. Sandwich board signs for properties with frontage along the trail shall be placed within the setback between the building and the trail right-of-way.

SECTION 10. The presently numbered Section 20.05.086, entitled "Sign standards – Sandwich board signs", shall be deleted in its entirety and the same shall be deleted from the table of contents for Chapter 20.05, and all remaining sections shall be renumbered accordingly.

SECTION 11. The presently numbered Section 20.05.097(a)(7) shall be deleted in its entirety and replaced with the following provision:

(a)(7) Any community garden site with a lot area greater than fifteen thousand (15,000) square feet shall provide one (1) on-site parking space per two thousand (2,000) square feet of lot area above fifteen thousand (15,000) square feet.

SECTION 12. The presently numbered Section 20.05.097(a)(8) shall be deleted in its entirety.

SECTION 13. The presently numbered Section 20.05.110(b)(1)(A) shall be amended by adding "(7)" after the word "seven".

SECTION 14. The presently numbered Section 20.05.110(b)(1)(B) shall be amended by adding "(3)" after the word "three".

SECTION 15. The presently numbered Section 20.05.110(b)(2) shall be amended by adding "(90)" after the word "ninety".

SECTION 16. The presently numbered Section 20.05.110(i) shall be deleted in its entirety and replaced with the following provision:

(i) Temporary uses shall be permitted to display signs subject to applicable sign standards in this chapter.

SECTION 17. Section 20.07.070, entitled "Easement standards", shall be amended to add the word "applies" immediately after the word "section" in the first sentence of the Section.

SECTION 18. Section 20.07.070, entitled "Easement standards", shall be amended to delete the reference to "sign," in subsection 20.07.070(e)(1)(C)..

SECTION 19. Section 20.07.070(e)(1) shall be amended by adding a new subsection (E) to read as follows:

(E) Signs shall not be located within sanitary sewer easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) and is further authorized by the City.

SECTION 20. Section 20.07.070(e)(2) shall be amended by adding a new subsection (E) to read as follows:

(E) Signs shall not be located within waterline easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the City.

SECTION 21. Section 20.07.070(e)(3) shall be amended by adding a new subsection (F) to read as follows:

(F) Signs shall not be located within drainage easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the City.

SECTION 22. Section 20.07.070(e)(4) shall be amended by adding a new subsection (C) to read as follows:

(C) Signs shall not be located within utility easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the City.

SECTION 23. Section 20.07.070(e)(5) shall be amended by adding a new subsection (D) to read as follows:

(D) Signs shall not be located within pedestrian easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the City.

SECTION 24. Section 20.07.070(e)(6) shall be amended by adding a new subsection (D) to read as follows:

(D) Signs shall not be located within transit facility easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the City.

SECTION 25. Section 20.07.070(e)(7)(D) shall be deleted in its entirety and replaced with the following:

(D) All Karst Conservancy Easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred (200) feet, and each public sign shall be a maximum of one and one-half (1 ½) square feet in area. A minimum of one (1) public sign is required, regardless of easement size.

SECTION 26. Section 20.07.070(e)(7) shall be amended by adding a new subsection (G) to read as follows:

(G) Signs shall not be located within karst conservancy easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the City.

SECTION 27. Section 20.07.070(e)(8)(A) shall be amended by adding "(6)" after the word "six".

SECTION 28. Section 20.07.070(e)(8)(C) shall be deleted in its entirety and replaced with the following provision:

(C) All tree preservation easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred (200) feet, and each public sign shall be a maximum of one and one half (1 ½) square feet in area. A minimum of one (1) public sign is required, regardless of easement size.

SECTION 29. Section 20.07.070(e)(8) shall be amended by adding a new subsection (E) to read as follows:

(E) Signs shall not be located within tree preservation easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the City.

SECTION 30. Section 20.07.070(e)(9)(C) shall be deleted in its entirety and replaced with the following provision:

(C) All tree conservation easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of nor more than two hundred (200) feet, and each public sign shall be a maximum of one and one-half (1 12/) square feet in area. A minimum of one (1) public sign is required, regardless of easement size.

SECTION 31. Section 20.07.070(e)(9) shall be amended by adding a new subsection (E) to read as follows:

(E) Signs shall not be located within tree conservation easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the City.

SECTION 32. Section 20.07.070(e)(10)(C) shall be deleted in its entirety and replaced with the following provision:

(C) All conservancy easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred (200) feet, and each public sign shall be a maximum of one and one-half (1 ½) square feet in area. A minimum of one (1) public sign is required, regardless of easement size.

SECTION 33. Section 20.07.070(e)(10) shall be amended by adding a new subsection (E) to read as follows:

(E) Signs shall not be located within conservancy easements unless the sign is a public sign authorized by Section 20.05.079(f)(1) or is further authorized by the City.

SECTION 34. Section 20.07.160(c)(5)(B) shall be amended by adding the word "public" after the word "permanent".

SECTION 35. Section 20.07.190, entitled "Street sign standards – Residential, commercial and industrial", shall be deleted in its entirety and replaced with the following provision:

20.07.190 SS-01 (Street sign standards—Residential, commercial and industrial).

This street sign standards section applies to the following types of development:

SD CS TD CI

(a) General. Each street within a residential, commercial, or industrial development shall have the minimum number of public signs necessary to:

(1) Provide a safe environment for drivers and pedestrians; and

(2) Provide an information system for visitors to efficiently find a certain street, address, or development amenity.

(b) City's Responsibilities. The city shall be responsible for disseminating specifications for the installation of all public safety related street signs for streets, including, but not limited to: speed limit signs, stop signs, yield signs and street name signs. The city's engineering policies and nationally recognized engineering standards shall be used to determine the type, size, height and location of each of these public signs required for any development.

(c) Petitioner's Responsibilities.

(1) Public Safety Related Street Signs. The petitioner shall be required to install public signs prior to any street being opened to public. These public signs shall be installed in the location and to the height determined by the city planning and transportation department.

(2) Street Name Signs. The petitioner shall install a minimum of one (1) street name public sign at each street intersection within the subdivision and on all perimeter intersections. At least one (1) public sign shall be set on the most conspicuous corner of the intersections, at a point approximately six (6) inches from the sidewalk intersection (on the street side).

(3) Temporary Street Name Signs. The petitioner shall install temporary street name public signs for any streets open to the public during construction. Such public signs shall meet the location requirements specified for street name public signs in the above subsection (a)(2), Street Name Signs. Temporary street name public signs shall be removed when permanent street name public signs are installed.

SECTION 36. Section 20.11.020, entitled "Defined Words", shall be amended by deleting the following terms:

"Nonprofit event";
"Sign, Awning";
"Sign, Directional";
"Sign, Drive-up Menu"
"Sign, externally illuminated"
"Sign, internally illuminated"
"Sign, Not-for-profit";
"Sign, Outdoor Advertising";
"Sign, Off Premise"; and
"Sign, Political".

SECTION 37. Section 20.11.020, entitled "Defined Words", shall be amended by adding a new defined term, "Condominium," to appear in alphabetical order, and to read as follows:

"Condominium means the same as the word is defined by Indiana Code Article 32-25, entitled 'Condominiums'."

SECTION 38. Section 20.11.020, entitled "Defined Words", shall be amended by adding a new defined term, "Mixed Tenant Center," to appear in alphabetical order, and to read as follows:

"Mixed tenant center" means a structure that contains more than one (1) use or more than one (1) tenant.

SECTION 39. Section 20.11.020, entitled "Defined Words", shall be amended by deleting the term "Sign, Banner," and its definition and replacing it with "Banner," to appear in alphabetical order, and whose definition shall read as follows:

"Banner means a sign with characters, letter, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing."

SECTION 40. Section 20.11.020, entitled "Defined Words", shall be amended by deleting the term "Sign, Changeable Copy", and its definition and replacing it with "Changeable copy," to appear in alphabetical order, and whose definition shall read as follows:

"Changeable copy means a sign which displays words, lines, logos, or symbols which can be easily changed to provide different information without altering the face or surface of such sign."

SECTION 41. Section 20.11.020, entitled "Defined Words", shall be amended by deleting the term "Sign, Electronic Reader Board," and its definition and replacing the term with "Electronic Reader Board," to appear in alphabetical order, and whose definition shall be as follows:

"Electronic reader board means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means."

SECTION 42. Section 20.11.020, entitled "Defined Words", shall be amended by deleting the term "Sign, Permanent Display Cabinet," and its definition and replacing it with the term, "Permanent Display Cabinet," to appear in alphabetical order and whose definition shall be as follows:

"Permanent display cabinet means a cabinet that is attached to a building that is constructed of durable materials and intended to display signage within."

SECTION 43. Section 20.11.020, entitled "Defined Words", shall be amended by adding a new defined term "Sign, Public," to appear in alphabetical order, and to read as follows:

"Sign, Public. 'Public sign' means a sign erected by or on the order of a public officer in the performance of a public duty, such as signs to promote safety, no trespassing, or traffic signs; signs to indicate transit stops; memorial plaques; or signs of historic interest."

SECTION 44. Section 20.11.020, entitled "Defined Words", shall be amended by deleting the definition of "Sign, Temporary", and replacing it with the following provision:

"Sign Temporary. 'Temporary sign' means any sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured to the ground, including but not limited to: banners, pennants, or advertising displays including portable signs that are intended to be displayed for a limited period of time."

SECTION 45. Section 20.11.020, entitled "Defined Words", shall be amended by revising the definition of "Sign, Window" by deleting the word "pane" and replacing it with the word "frame."

SECTION 46. Section 20.11.020, entitled "Defined Words", shall be amended by deleting the definition of "Sign", and replacing it with the following provision:

"Sign. Any display or device placed on a property in any fashion that can be seen from a public place or a public right-of-way that is designed, intended, or used to convey any identification, message or information other than an address number."

SECTION 47. If any section, sentence, chapter or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any other section, sentence, chapter, provision or application 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 48. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, with approval of the Mayor, and after any required notice, waiting periods, and/or publication under Indiana law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 18 day of May, 2016.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19 day of May, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 19th day of May, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the sign regulations contained within Title 20 (the Unified Development Ordinance) of the Bloomington Municipal Code. The changes are a response to the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, a decision that clarified the ability of localities to regulate the content of signs. This ordinance makes two types of changes to the local code. First, the City's sign regulations will no longer provide different standards for different categories of signs. Second, the City will eliminate all but public signs from its rights-of-way. In addition, changes to specific signage allotments for properties and zoning districts have also been modified.

Note: The Council made the following amendments to this ordinance:

- *Am 01 modified the definition of "permanent display cabinet" to make it clear that such cabinets must be attached to a building.* (BMC §20.11.020)
- *Am 02 reduced the permitted area for permitted wall signage from 25 square feet to 10 square feet for legal nonconforming multifamily residential uses in single family zoning districts for those properties having at least three units.* (BMC §20.05.080(d))
- *Am 03 modified the definition of "sign" to make it clear that a sign is only regulated by the Unified Development Ordinance if it can be seen from a public place or public right-of-way.* (BMC §20.11.020)

Note further: In accordance with IC §36-7-4-607(e), this ordinance as amended by the Council was returned to the Plan Commission with a Statement of Reasons for the amendments.

Distributed to: Planning and Transportation, Parks and Rec, ESD, Legal, Mayor, CCA