

ORDINANCE OF THE CITY OF BLOOMINGTON  
COUNTY OF MONROE, STATE OF INDIANA

ORDINANCE NO. 75-54

An Ordinance to Amend  
the Zoning Ordinance of  
the City of Bloomington, Indiana

WHEREAS, The City of Bloomington, Indiana, adopted on June 22, 1973, a new City Zoning Ordinance incorporated in the Bloomington Municipal Code as Title 20, and

WHEREAS, The City Planning Department which is responsible, in part, for the administration of said Zoning Ordinance, has recommended to the City Plan Commission that the regulations governing signs be amended, and

WHEREAS, The City Plan Commission has duly considered said proposed amendments pursuant to the regulations contained in Section 20.05.60.10 Amendments, Procedure and the requirements of IC 18-7-5-1 et. seg. and has recommended that said proposed amendments do pass.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF BLOOMINGTON, INDIANA,

Section 1. That the present Chapter 20.17 of Title 20 of the Bloomington Municipal Code be deleted in its entirety and, that the following Chapter 20.17 be substituted therefor, to-wit:

SIGN ORDINANCE INDEX

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## SIGN ORDINANCE

### 20.17.00.00 GENERAL

#### 20.17.01.00 Purpose and Intent

These regulations are established for all signs located on the premise as a reasonable and impartial means to control confusing sign displays which present a hazard to pedestrians and motorists along streets and at intersections, to insure light, air, and open space, to protect the natural beauty and environment of the City, to safeguard and enhance property values, to protect public and private investment in buildings and open spaces, and to protect the public health, safety, and general welfare.

#### 20.17.02.00 Definitions

For purposes of interpretations, administration, and enforcement of these regulations, the following definitions shall apply.

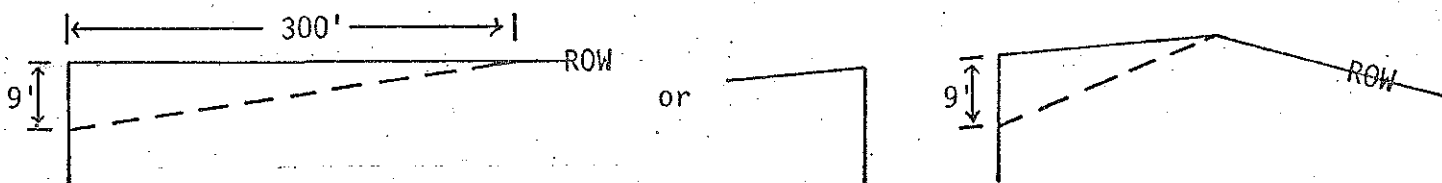
- 20.17.02.01 SIGN: Any advertisement, announcement, or communication produced by the construction, erection, affixing or placing of a structure on any land or upon any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material upon any building, structure or surface.
- 20.17.02.02 SIGNS ON PREMISE: A name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.
- 20.17.02.03 SIGN, ANNOUNCEMENT: A sign upon which events or activities conducted by religious, civic, educational, community, governmental, or similar organizations are displayed.
- 20.17.02.04 SIGN, BUSINESS: A sign containing only the name and location of a particular business enterprise. To be classified as a "business sign," such sign must be located on the same property or premise as the business identified.
- 20.17.02.05 SIGN, PRODUCT FOR SALE: A permanent sign directing attention to a service, commodity, or event located on the same property or premise as the business identified.
- 20.17.02.06 SIGN, WALL: A sign permanently attached to an exterior vertical surface of a building located on the premises.
- 20.17.02.07 SIGN, GROUND: A sign permanently attached to the ground and whose supporting structure does not extend six (6) feet in height from grade to sign face.
- 20.17.02.08 (Reserved)
- 20.17.02.09 SIGN, POLE: A sign supported by one or more uprights, poles, or braces placed in or upon the ground not attached to or supported by any building, with a clear space in excess of six (6) feet from grade to sign face.

- 20.17.02.10 SIGN, RESIDENTIAL COMPLEX OR SUBDIVISION: A sign containing only the name of a residential complex or subdivision and/or its address.
- 20.17.02.11 SIGN, OCCUPATION: A sign that reflects the profession, permitted home occupation, name of the occupant and address thereof.
- 20.17.02.12 SIGN, PUBLIC INFORMATION: A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information.
- 20.17.02.13 SIGN, SCHOOL BUS SHELTER: Shelters provided for the protection of school children displaying the name of the business or agency providing such shelter.
- 20.17.02.14 PREMISES: "Premises" as used herein shall include only those areas upon which the business or profession is actually located, or where the commodity or service is actually offered for sale or sold, but does not include an easement or land leased for the purpose of sign placement.
- 20.17.02.15 PUBLIC RIGHT-OF-WAY: Public right-of-way shall mean any street maintained by the City of Bloomington, County of Monroe, or State of Indiana, which is intended to carry traffic. Such terms shall not include frontage or side roads built for the purpose of easing access to property or streets.

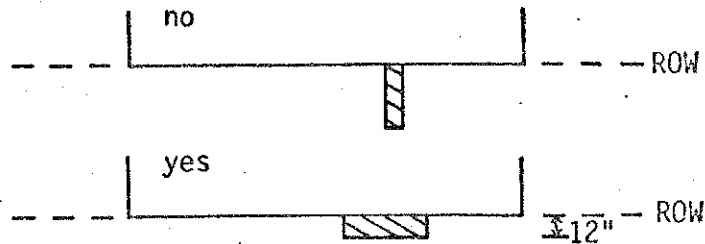
20.17.03.00 Placement Prohibitions

The following signs shall be prohibited in any zone.

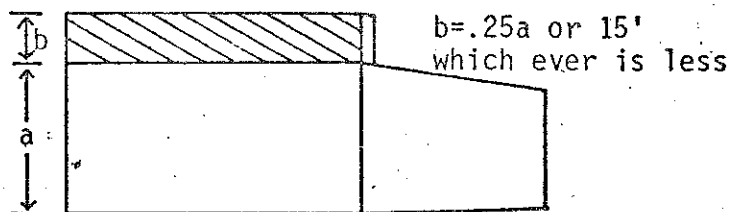
- 20.17.02.01 No sign shall be erected or maintained in any form or at any location where it may obstruct or in any way interfere with the view of, or be confused with any authorized traffic control device.
- 20.17.03.02 No sign shall be placed at an intersection or curb cut so that it obstructs sight lines within nine (9) feet of the road right-of-way at elevations between two and one-half (2½) feet and nine (9) feet above the crown of the adjacent roadway for a distance of three hundred (300) feet or the natural sight path distance along the roadway, whichever is less.



- 20.17.03.03 No sign shall be placed in any public right-of-way except publicly-owned traffic control and transit signs.
- 20.17.03.04 No sign except marquees, either free standing or mounted on a building, shall project into the public right-of-way; except, that a business sign, mounted on a building, may be permitted to project twelve (12) inches from the face of a building. (See Section 12.12.040 of the Municipal Code.)



- 20.17.03.05 No sign shall be attached to a building in any way so as to extend higher above that part of the roof directly below the sign than twenty-five percent (25%) of the height of the building directly below the sign, except that in no case shall such a sign extend higher above the roof directly below said sign than fifteen (15) feet, and in no case shall supporting structures be visible from the public right-of-way.



- 20.17.03.06 No sign shall be affixed to trees or fence posts or utility poles.
- 20.17.03.07 No product for sale sign shall be located on any area visible from the public right-of-way which has been recommended by the Plan Commission as Scenic Highways and so designated by the Common Council.

#### 20.17.10.00 ON PREMISE SIGNS

In addition to general and specific regulations applicable to all signs, On Premise Signs shall conform to regulations in Sections 20.17.11 through 20.17.19.

#### 20.17.11.00 Performance and Structure Prohibitions

The following signs shall be prohibited in any zone:

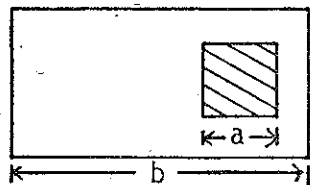
- 20.17.11.01 Signs which direct attention through the use of flashing, intermittent or strobe effects are prohibited. The source of light for any sign should not be directed into any residential area or toward any oncoming traffic. The source of illumination by whatever means shall not reflect directly on residential property and in no instance shall any illuminated sign be located closer than fifty (50) feet to any residential zone.

20.17.11.02 Temporary, portable, or mobile business or product for sale signs, signs or devices consisting of a series of banners, streamers, pennants, balloons, propellers, strung light bulbs, or similar devices shall be prohibited in all zones. All signs which move by mechanical means or by the movement of air except for public information signs shall be prohibited in all zones. New businesses or grand openings may display such signs after having applied for and received a permit for fifteen (15) days. This permit may be renewed for an additional fifteen (15) days.

20.17.12.00 Total Sign Allocations Based Upon Building Mass and Street Frontage in Business and Industrial Zones

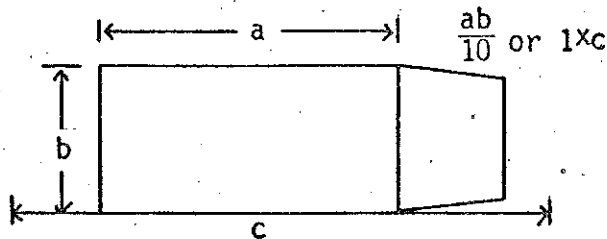
20.17.12.00 No signs shall be erected or installed in a BD, BG, BA, BL, MG or ML zone except for on-premise signs.

20.17.12.01 In BG, BA, ML, MG, and MQ zoning districts total sign area permitted for any business or industrial premise shall be two (2) square feet of sign area for each one (1) linear foot of building fronting on a public street or one (1) square foot of sign for each one (1) lineal foot of property fronting a publicly maintained right-of-way, whichever is greater.



2xa or 1xb

20.17.12.02 In any BD or BL district two (2) square feet of sign shall be permitted for each ten (10) square feet of building face fronting on a public street or for each one (1) lineal foot of property fronting on a publicly maintained right-of-way, whichever is greater.



20.17.12.03 In any (B) Business or (M) Industrial district where property has frontage on an arterial or primary collector street, one pole sign shall be permitted for each street frontage. Maximum permitted square footage of sign surface shall not exceed seventy-two (72) square feet each side of a double faced sign.

20.17.12.04 Notwithstanding other provisions of these regulations no premise within any (B) Business or (M) Industrial zoning district may be restricted to less than seventy-five (75) square feet of sign nor shall any premise be permitted to display more than six hundred (600) square feet of sign.

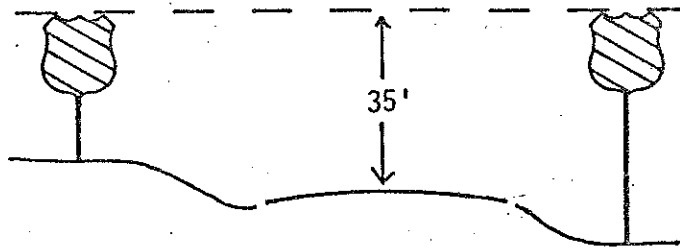
20.17.12.05 The area of signs shall be calculated as the smallest triangle, rectangle, trapezoid, parallelogram, or other regular geometric figure needed to circumscribe the sign exclusive of sign structure.

20.17.13.00 Sign Allocations in Residential and Special Zones

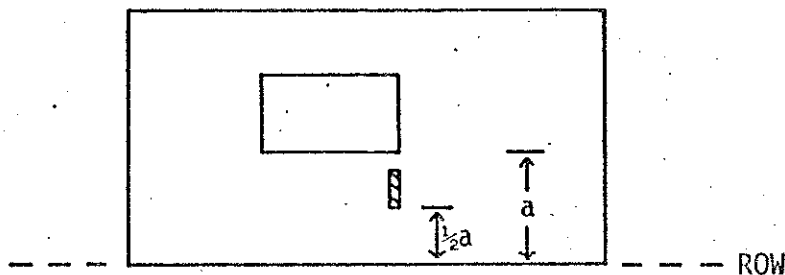
- 20.17.13.00 No sign of any kind or nature shall be erected in the RE, RS, RL, RM, RH, MQ, or SI zones except for the following:
- 20.17.13.01 Signs identifying residential complexes, developments, and subdivisions may be permitted at the entrance to such areas and shall be limited to sixty-four (64) square feet.
- 20.17.13.02 Signs identifying home occupations shall be limited to two (2) square feet.
- 20.17.13.03 Announcement signs where permitted shall be limited to twenty-four (24) square feet.
- 20.17.13.04 Business signs for permitted business within the SM (Medical) zone shall be limited to business wall signs and shall not exceed fifty (50) square feet.

20.17.14.00 Height and Setback of Signs

- 20.17.14.01 No sign shall exceed thirty-five (35) feet in height, measured from the crown of the road directly in front of the sign.



- 20.17.14.02 Business signs within ten (10) feet of the street right-of-way shall be at least nine (9) feet above the ground and vision beneath the sign must be clear except for supporting members.
- 20.17.14.03 A sign shall conform to the side and rear yard requirements for the zone in which it is located.
- 20.17.14.04 Street setbacks for signs other than pole signs shall be half the setback requirement of the zoning district regulation.



- 20.17.14.05 Street setbacks for pole signs shall not be required except that no portion of such pole sign may extend above the public right-of-way and no such sign may be located within the sight triangle as defined in Section 20.08.05.31.
- 20.17.15.00 Special Regulations in Any Zone
- 20.17.15.01 "For Sale" and "For Rent" signs are not to exceed five (5) square feet if located on the premises.

- 20.17.15.02 Promotion of real estate subdivisions in accordance with subdivision regulations, or commercial properties, is permissible, but not in excess of sixty-four (64) square feet of sign surface area. Pennants and banners are prohibited.
- 20.17.15.03 Identification of the builder or contractor is not to exceed twenty-four (24) square feet of sign surface area. Identification of the architect is not to exceed sixteen (16) square feet. These signs are permissible only for the duration of construction.
- 20.17.15.04 Special Events of Public Interest. One sign is allowed not to exceed twenty-four (24) square feet of sign surface area and may be erected not more than thirty (30) days prior to the event. All such signs shall be removed within seven (7) days after the conclusion of the event.
- 20.17.15.05 Signs for required parking areas showing entrances and exits are not to exceed four (4) square feet and one sign defining conditions of use is not to exceed twelve (12) square feet.
- 20.17.16.00 Planned Commercial Development (Shopping Center)
- Regardless of the zone in which it is located, the following regulations shall apply to property which is developed for or occupied by a Planned Commercial Development (Shopping Center).
- 20.17.16.01 Individual stores or business establishments within a Planned Commercial Development are limited on the front wall of the building to two (2) square feet of sign area for each one (1) lineal foot of building frontage.
- 20.17.16.02 Independently placed buildings or buildings with corner locations are limited on each side or rear wall to one-half ( $\frac{1}{2}$ ) the amount of sign area permitted on the front wall, or to one and one-half ( $1\frac{1}{2}$ ) square foot of sign area for each lineal foot of building on the side or rear of the building, whichever is less.
- 20.17.16.03 In addition to signs permitted for individual establishments within a Planned Commercial Development, general shopping center signs, bearing the name of the Planned Commercial Development, will be permitted on the basis of one sign for each fifty thousand (50,000) square feet of building floor coverage, or major fraction thereof, within the development, with a total limit of four such signs. These signs must be limited to the name of the development, except that signs not exceeding thirty-six (36) square feet may be allowed for individual commercial enterprises as part of the main sign. The total area of each such sign shall not exceed three hundred (300) square feet in area. Such signs shall not be in a required front yard, or in the required side yard on the street side of a corner lot, except that such signs may be so placed if they are reduced in size by fifty percent (50%).



20.17.20.00 OFF-PREMISE SIGNS

20.17.21.00 Restrictions near scenic roads. No sign shall be erected or installed within five hundred (500) feet of that part of any road, street, or highway which shall have been designated by the Common Council as a scenic road, except for signs for on-premise use in a designated commercial zone or industrial zone. All such signs shall meet the same requirements as in Section 20.17.12.00.

The designation of such scenic roads shall be made by the Common Council upon the basis of the topography, vegetation, and structures adjacent to such road.

The designation of the part of any road, street, or highway as a scenic road by the Common Council shall be considered as an amendment to this title.

20.17.22.00 Scenic roads designated. The following roads are designated as scenic roads and subject to the restrictions of Sections 20.17.02.00 - 20.17.12.00:

20.17.22.01 New four-lane Highway No. 37 lying within the jurisdiction of this title.

20.17.22.02 That part of Highway No. 46 extending from Highway No. 37 southeastward to Highway No. 45 and lying within the jurisdiction of this title.

20.17.22.03 All that part of Highway No. 46 lying outside of the City and lying within the jurisdiction of this title.

20.17.22.04 All that part of Highway No. 45 lying outside of the City and lying within the jurisdiction of this title.

20.17.22.05 All that part of State Road No. 37 extending south from Mel Currie Road to the north corporation line and lying within the jurisdiction of this title.

20.17.22.06 All that part of Highway No. 446 extending southward and lying within the jurisdiction of this title.

20.17.22.07 Highway No. 146 lying within the jurisdiction of this title.

20.17.22.08 Highway No. 346 lying within the jurisdiction of this title.

## 20.17.30.00 PERMITS

After the effective date of this ordinance, and except as otherwise provided, no person shall erect any sign as defined herein without first obtaining a permit therefor from the City Engineer.

### 20.17.31.00 Application for Permit

Application for the permit shall be made in writing, in duplicate, upon forms prescribed and approved by the City Engineer, to the City Engineer, and shall contain the following information:

- A. Name, address, and telephone number of applicant.
- B. Location of building, structure, or land to which the sign is to be erected.
- C. A detailed drawing or blueprint showing a description of the construction details of the sign and showing the lettering composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any building or land; and its position in relation to nearby buildings or structures and to any private or public street or highway.
- D. Written consent of the owner of the building, structure, or land to which, or on which the sign is to be erected, in the event the applicant is not the owner thereof.
- E. A copy of any required or necessary electrical permit issued for the sign, or a copy of the application therefor.

### 20.17.32.00 Issuance of Permits

It shall be the duty of the City Engineer, upon the filing of an application for a permit to erect a sign, to examine such plans, specifications, and other data submitted to him with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign. If it shall appear that the proposed sign is in compliance with all the requirements of this law and other laws of the City of Bloomington, he shall, within five (5) days, issue a permit for the erection of the proposed sign.

### 20.17.33.00 Revocation of Permit

No sign, whether new or existing, shall hereafter be erected or altered, except in conformity with the provisions of this ordinance. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring, loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.

In the event of a violation of any of the foregoing provisions, the City Engineer shall give written or personal notice, specifying the violation and noting particulars and remedial action to the named owner of the sign and the named owner of the land upon which the sign is erected, sent to addresses as stated in the application for the sign permit, to conform or remove such sign. The owner of the sign and the owner of the land shall initiate action within thirty

(30) days providing an affidavit indicating contractual arrangement for correction of the violation and specified time for completion. In the event that no action is initiated, the City Engineer shall thereupon revoke the permit, and such sign shall be removed by the named owner of the sign (and/or) the named owner of the land.

#### 20.17.40.00 EXEMPTIONS

The following signs shall be exempted from the provisions of this ordinance.

20.17.41.00 Publicly owned traffic control and transit signs.

20.17.42.00 Any sign of not more than one and one-half (1½) square feet in area, provided that no more than three such signs shall be permitted on one premise.

20.17.43.00 Any sign required by law or ordinance.

#### 20.17.50.00 NON-CONFORMING SIGNS

Any sign which does not conform to the regulations embodied in this ordinance or which is not designated legally non-conforming shall either be removed or brought into compliance with these requirements within the period of time prescribed herein dating from the effective date of these regulations.

#### 20.17.51.00 Non-Conforming Signs, Legal Status

20.17.51.01 Notification of Non-Conformity. After the enactment of this Code, the City Engineer shall, as soon as practicable, survey the City for signs which do not conform to the requirements of this Code. Upon determination that a sign is non-conforming, the City Engineer shall use reasonable efforts to so notify either personally or in writing the user or owner of the property on which the sign is located of the following:

1. The sign's non-conformity.
2. Whether the sign is eligible for characterization either as legal non-conforming or unlawful.

Failing determination of the sign owner, user, or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

20.17.51.02 Signs Eligible for Characterization as "Legal Non-Conforming". Any sign located within the zoning jurisdiction of the City of Bloomington on the date of adoption of this Code, which does not conform with the provisions of this Code, is eligible for characterization as a "legal non-conforming" sign and is permitted, provided it also meets the following requirements.

1. The sign was granted a sign permit under the previous sign regulations adopted June 22, 1973, or
2. The sign was granted a variance by the Board of Zoning Appeals since June 22, 1973, or
3. If no permit was required or if the sign legally existed prior to the adoption of the previous ordinance (June 22, 1973) and such sign is within ten percent (10%) of the size (area) setback or height regulation requirements of these regulations.

20.17.51.03 Loss of Legal Non-Conforming Status. A legal non-conforming sign shall immediately lose its legal non-conforming status if:

1. The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance).
2. The owner of a sign or the premises on which a sign is located, extends a building, changes the location of a building or changes the use of the building.
3. The sign is relocated or replaced.
4. Any sign damaged or destroyed by more than sixty (60) percent of its then fair market value, where repair or replacement requires action by the sign owner that would not be done in the course of normal maintenance, shall lose its legal non-conforming status.
5. On the happening of 1, 2, 3, or 4, above, the sign shall be immediately brought into compliance with this Code with a new permit secured therefor, or shall be removed.

20.17.52.00 Legal Non-Conforming Sign Maintenance and Repair

Nothing in this Section shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Code regarding safety, maintenance, and repair of signs, contained in this Code, provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming or the sign may lose its legal non-conforming status.

20.17.53.00 Compliance

All signs not classified as legal non-conforming as outlined in Section 20.17.50 shall be brought into compliance with the provisions of this ordinance or removed in accordance with the compliance schedule set forth below.

COMPLIANCE SCHEDULE

| <u>Illegal Non-Conforming<br/>Signs Erection Date</u>    | <u>Must Comply Or Be Removed By</u> |
|--|-------------------------------------|
| Before Dec 31, 1966                                      | June 30, 1977                       |
| Jan 1 - Dec 31, 1967                                     | December 31, 1977                   |
| Jan 1 - Dec 31, 1968                                     | June 30, 1978                       |
| Jan 1 - Dec 31, 1969                                     | December 31, 1978                   |
| Jan 1 - Dec 31, 1970                                     | June 30, 1979                       |
| Jan 1 - Dec 31, 1971                                     | December 31, 1979                   |
| Jan 1 - Dec 31, 1972                                     | June 30, 1980                       |
| Jan 1 - Dec 31, 1973                                     | December 31, 1980                   |
| Jan 1 - Dec 31, 1974                                     | June 30, 1981                       |
| Jan 1, 1975 to date of adoption<br>of these regulations. | December 31, 1981                   |

20.17.53.01 In order to utilize the compliance schedule, the owner of the sign, or his agent, shall make available the date of erection or installation of any sign or signs which have been deemed non-conforming by the provisions of this ordinance.

20.17.53.02 Previously Illegal Signs. Notwithstanding the provisions of this compliance schedule, a sign which was illegal under former City Ordinance 12.12.020, or which was scheduled to comply with that ordinance by June 1, 1974, shall not participate in this compliance schedule and is subject to immediate compliance or removal after June 30, 1976, in accordance with the provisions of former City Ordinance 12.12.020.

20.17.60.00 REMOVAL OF SIGNS

Illegal signs may be removed under the following conditions and procedures.

20.17.61.00 Legal Action

The plan Commission or its agent may, after proper notification, take appropriate legal action to cause the removal of any non-conforming sign. Within ten (10) days of notification and prior to any such legal action, the decision or determination of the Plan Commission or its agent may be appealed to the Board of Zoning Appeals.

20.17.62.00 Cost of Removal

Should any signs requiring removal under Section 20.17.61.00 and under terms of these regulations fail to be removed, the City of Bloomington may cause the removal of such signs and shall charge the costs incurred against any of the following, each of whom shall be jointly and severally liable for said charges; provided, however, that any decision or determination of the Plan Commission or its agent may be appealed to the Board of Zoning Appeals.

1. The permittee
2. The owner of the sign
3. The owner of the premises on which the sign is located
4. The occupant of the premises upon which the sign is located including cost of installation, less ten percent of the original cost per year for each year the sign has been standing prior to the effective date of these regulations.

20.17.63.00 Redemption

A sign removed by the City may be held not more than thirty (30) days by the City during which time it may be recovered by the owner upon payment to the City for costs of removal and storage. If not recovered prior to expiration of the thirty (30) day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest in the City and the cost of removal shall be billed to the owner.

20.17.64.00 Abandonment

Upon abandonment or removal of any business, service, or professional use for which a sign of any type was located on the property where such use occurred, all signs and supporting structures shall be removed from the property. This provision shall include the removal of all signs painted or attached to exterior walls and surfaces. For this purpose abandonment shall be judged to have occurred when a business, service, or professional use shall have been discontinued for six months.

20.17.70.00 OTHER REGULATIONS

All signs shall be further subject to all applicable regulations of the City of Bloomington, not herein included.

Section 2. That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed and adopted by the Common Council of the City of Bloomington, Indiana, on the eighteenth day of September, 1975.

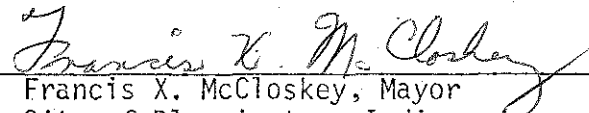
  
\_\_\_\_\_  
Brian C. De St. Croix, President  
Common Council, City of Bloomington

ATTEST:

Presented by me to the Mayor of the City of Bloomington, Indiana,  
on the 2<sup>nd</sup> day of October, 1975.

  
\_\_\_\_\_  
Karel Dolnick, City Clerk

This ordinance approved and signed by the Mayor on the 6<sup>th</sup>  
day of October 1975, at the hour of 10:30 o'clock a. m.

  
\_\_\_\_\_  
Francis X. McCloskey, Mayor  
City of Bloomington, Indiana