

MONROE COUNTY ORDINANCE REVIEW COMMITTEE



**August 14, 2023
4:00 pm**

**Hybrid Meeting
In-person**

Monroe County Government Center
Planning Department
501 N. Morton Street, Suite 224
Bloomington, IN 47404

Virtual: <https://monroecounty-in.zoom.us/j/84961227024?pwd=ZUISOUQweHVT0HVLNmVUaHdxVERjUT09>. If calling in, dial 312-626-6799 and enter the Meeting ID: 849 6122 7024 and Password: 346950 when prompted.

A G E N D A
ORDINANCE REVIEW COMMITTEE
of the Monroe County Plan Commission

Monroe County Planning Department
HYBRID

When: August 14, 2023 at 4:00 PM

Where: 501 N Morton St, Suite 224

Or via Zoom: <https://monroecounty-in.zoom.us/j/84961227024?pwd=ZUISOUQweHVTOHVLNmVUaHdxVERjUT09>

If calling into the Zoom meeting, dial: 312-626-6799.

When prompted, enter the Meeting ID #: 849 6122 7024

Password: 346950

ADMINISTRATIVE BUSINESS: NONE.

OLD BUSINESS: NONE.

NEW BUSINESS:

TOPICS FOR DISCUSSION:

1. ZOA-23-3 Amendment to Chapter 807 – addition of time and procedure PAGE 3
for reviewing sign permits.

CDO Work Session –

RV Storage discussion

Update on CDO Listening Sessions

2. Any other business properly brought before the committee

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, apurdie@co.monroe.in.us, as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public.

CHAPTER 807

ZONING ORDINANCE: SIGNS

807-1. Purpose and Intent

The purpose and intent of this chapter is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscretionary sign standards and requirements, including the following purposes and objectives:

- ~~(1)~~A. providing guidelines for the placing, number, size and general characteristics of all signs throughout the County Jurisdictional Area;
- ~~(2)~~B. encouraging the effective use of signs as a means of communication within the County Jurisdictional Area;
- ~~(3)~~C. maintaining and enhancing the aesthetic environment and the County's ability to attract tourism and other sources of economic development and growth;
- ~~(4)~~D. improving pedestrian and traffic movement and safety (e.g., maintaining appropriate sight distances at intersections and reducing distractions);
- ~~(5)~~E. minimizing the possible adverse effect of signs on nearby public and private property (e.g., the adverse effect of obstructing natural scenic vistas);
- ~~(6)~~F. enabling and promoting the fair and consistent enforcement of these sign restrictions;
- ~~(7)~~G. promoting the general purposes set forth in the Zoning Ordinance and the land use planning goals set forth in the Comprehensive Plan;
- ~~(8)~~H. establishing an efficient permit system to expeditiously approve the location and design of signs, subject to the standards and the permit procedures of this ordinance;
- ~~(9)~~I. allowing certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
- ~~(10)~~J. prohibiting all signs not expressly permitted by this ordinance;
- ~~(11)~~K. restricting the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this article and to eliminate, over time, all nonconforming signs;

~~(12)~~L. encouraging signs that are well-designed and compatible with their surroundings and with the buildings to which they are appurtenant, and encourage signs that are integrated with and harmonious to the buildings and sites they occupy; and,

~~(13)~~M. recognizing that the size of signs that provide adequate identification in residential and in pedestrian oriented business areas differ from those that are necessary in vehicular-oriented areas where traffic is heavy, travel speeds are greater, and required setbacks are greater than in residential and pedestrian areas.

807-2. Applicability and Message Substitution

A. A sign may be erected, placed, established, painted, created, or maintained in the County Jurisdictional Area only in conformance with the standards, procedures, exemptions, and other requirements of this Chapter and with other Monroe County ordinances and resolutions.

B. A noncommercial message of any type may be substituted, in whole or in part, for any commercial message or any other noncommercial message, subject to the same regulations that apply to such signs. Substitution of message may be made without any additional approval or permitting.

807-3. Sign Permits and Exemptions

A. ~~Unless exempted below, no sign may be erected until the Director of the Monroe County Planning Department has issued a permit for the sign. After the effective date of the ordinance codified in this Chapter, and except as otherwise provided, no person shall erect, repair, or relocate any sign as defined herein without first obtaining a permit from the Administrator.~~

B. An applicant desiring a sign permit shall apply for the permit on the online permitting website available through the Monroe County Planning Department's webpage. Persons lacking access to the online permitting website may request the Monroe County Planning Department to mail them a hard copy (i.e. paper) of the sign permit application.

C. Prior to the issuance of a sign permit, the applicant shall furnish the Director:

1. ~~Written consent~~/proof of consent from the landowner(s) ~~of the owner~~ upon whose land the sign is to be located. The name of the entity installing and managing the sign; ~~of the building, structure, or land on which the sign is to be erected in the event the applicant is not the owner thereof.~~

2. The deed of the property for which the sign will be placed;

3. A scale drawing of the sign on a site plan, showing the location,

elevation of any free standing pole or monument sign measured from the ground to top of sign, ~~of the sign,~~ dimensions and total square footage (length, width, and depth) of any proposed and existing signage, whether the sign will be animated^[UNJ1]/illuminated ~~the face(s) composing the sign, the position of any lighting or other extraneous devices, and any other components of the sign,~~ setbacks of the sign to property lines and right-of-way, whether the sign is double sided or v-shaped, and the position of the proposed sign and the public roadway(s) to which the sign is to be directed and from which the sign will be measured for height conformity, as well as any existing signage, on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway right-of-way.

^[UNJ2]

~~M. Application for permit: Application for the permit shall be made in writing, in duplicate, upon forms approved by the Administrator, and shall contain the following information:~~

- ~~(3)~~4. _____ Name, address, and telephone number of applicant;
5. _____ Address or location, if no address, of building, structure, or land on which the sign is to be erected, repaired, or relocated;_
6. The township and section of the sign location
7. The scope of work (i.e. replacing an existing sign, adding a new sign, etc)
8. The number of signs requested
9. Whether the use of the property where the sign will be placed is approved under a site plan as a residential or non-residential site;
- ~~(4)~~10. _____ The type of sign (monument, wall-mount, pole sign, temporary or other)

~~(5)(1) A scale drawing of the sign, showing the elevation of the sign, the face(s) composing the sign, the position of lighting or other extraneous devices, and any other components of the sign.~~

~~(6) A site plan showing the position of the proposed sign and the public roadway(s) to which the sign's message is to be directed and from which the sign will be measured for~~

height conformity, as well as any existing signage, on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway right-of-way.

~~(7) Written consent of the owner of the building, structure, or land on which the sign is to be erected in the event the applicant is not the owner thereof.~~

~~(9)~~11. _____ The fee, as determined by the Plan Commission Rules of Procedure.

807-4 Timing, Procedure, and Exemptions

- A. Sign applications that are complete^[TB3] and that propose signs that comply with the provisions of this Chapter, shall be approved by the Director within seven (7) business days of receipt. Sign applications that are incomplete or that do not propose signs that comply with the provision of this Chapter, shall be denied by the Director within seven (7) business days of receipt. Notices of permit decisions^[AC4] shall be entered on the online permitting website and shall be mailed First Class U.S. Mail^[JNJ5] to the applicant at the address set forth in the permit application. Notice^[JNJ6] shall be deemed to be served on the applicant on the later date of mailing^[JNJ7] or website posting. The Director's failure to serve notice of permit decision on the applicant within seven (7) business days of application receipt may be treated as a denial by the applicant. Notices of sign permit denial must identify all reasons for the denial. The submission of a corrected application, after a notice of denial shall be processed under the original permit fee if the corrected application is submitted within sixty (60) days of denial of the original permit application (i.e., the permit application for which a fee was collected).
- B. Following the erection of a sign, the applicant must file for a Land Use Certificate^[JNJ8] and the Zoning Inspector shall inspect the sign, and issue a Land Use Certificate^[TB9]^[JNJ10] in the event the sign complies with that for which the permit was issued. In the event that it does not, the Director shall promptly notify the permittee in writing of the lack of compliance and of all reasons upon which the determination of noncompliance is based. Failure by the permittee to correct any non-compliance within ten (10) days from the date of written notice shall result in revocation of the sign permit, as well as other remedies authorized by Monroe County Code. Notice of failure to comply and notice of revocation shall be mailed First Class U.S. Mail to the permittee at the address on the sign permit application, shall be posted on the online permitting website, and shall be deemed served on the permittee on the later date of mailing or website posting.

Sign permit application decisions may be appealed to the BZA [AC11][AC12] within ten (10) business days of service of notice. The BZA shall render its decision on the appeal within thirty (30) [TB13][JNJ14] days of appeal filing. BZA decisions on sign permit appeals may be appealed to the Monroe Circuit Court pursuant to Indiana Code 36-7-4-1600, et seq. Alternatively, sign permit decisions of the Director or the BZA may be appealed directly to the Federal Court, Southern District of Indiana. On appeal of the Director's decision on a sign permit, or on appeal of the BZA's decision on a sign permit, Monroe County shall bear the burden of proof to the extent required by federal court decisions applicable within the 7th Judicial Circuit of the Federal Court relating to prior restraint (see e.g., *Thomas v. Chi. Park Dist.*, 534 U.S. 316 (2002); *Freedman v. Maryland*, 380 U.S. 51 (1965); and *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004)).

C.

~~B. Land Use Certificate: The planning staff shall examine the plans, specifications, and other data submitted with the application to determine whether the sign is a legal pre-existing, non-conforming use and was constructed in accordance with the applicable design standard in effect at the time of permitting, and, if necessary, the building or premises upon which it is proposed to erect the sign. If the proposed sign is in compliance with all of the requirements of this zoning ordinance including without limitation, all conditions and commitments, if any, of an applicable conditional use approval, a land use certificate shall be issued.~~

D. Exemptions: The following signs shall be exempt from the permit provisions of 807-3, but shall still be subject all other provisions set forth in this chapter:

~~(1)1. Any signs that have a total of of not more than [JNJ15] one and one-half four (1-1/24) square feet or less are exempt from the permit requirement in area; provided, that no more than one sign shall be permitted per zone lot;~~

~~(2)2. Temporary signs are exempt from the permit requirement under the following circumstances: or devices meeting the following criteria:~~

~~a)i. No more than thirty-two (32) square feet of temporary signs are located on the same zone lot [JNJ16]. Each zone lot shall be allocated a total of eight (8) square feet of temporary signs or devices unless superseded by State Statute~~

~~b)ii. Temporary signs or devices may be located no less that are at least than ten (10) feet from any other sign or structure [JNJ17];~~

~~c)iii. Freestanding temporary signs or devices may that do not exceed six (6) feet in height; and~~

~~iv. There is no External or internal illumination of temporary signs or devices is prohibited.~~

~~3. Signs that are exempt from the sign permit requirement remain subject to the design standards (e.g., the height, bulk, area, location, and format) set forth in this chapter.~~

d)

~~However, if banners, streamers, pennants, balloons, propellers, strung light bulbs, or similar devices are used as the temporary signs or devices they may only be displayed for a period of no longer than forty-eight (48) hours during any one (1) calendar month period.~~

807-54. Lawful Nonconforming Signs

~~A.~~ Lawful, pre-existing, nonconforming signs may not be expanded, altered, or relocated, with the following two exceptions:

~~(A)B.~~ Maintenance. Subject to Section 803-2 of this ordinance, ordinary maintenance or upgrade to allow new material for the face of the sign, trim, existing lighting of the sign, and any features necessary to allow safe message replacement is permitted. Maintenance may include the replacement of supports with the same type of material and in the same size, number, and configuration as in the original sign supports. For example, wood supports may be replaced with wood supports, but wood supports may not be changed from wood to iron, to aluminum, to steel, to composite metal, or to any other type of material. Replacement of supports shall be subject to the requirements of Section 807-3.

807-65. Placement Prohibitions.

The following prohibitions shall apply in all districts:

~~(A)A.~~ 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 approved traffic control device or where it may obstruct or in any way interfere with the minimum sight-distance necessary to promote traffic safety.

~~(B)B.~~ On any corner lot, no sign which obstructs sight lines at elevations between two and one-half (2 2) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular area of twenty-five (25) feet along each of the intersecting streets, to be measured from the property line.

~~(C)C.~~ No sign shall be placed in any public right-of-way except publicly owned traffic- control and transit signs.

~~(D)~~D. _____ No sign, either freestanding or mounted on a building, shall project into the public right-of-way.

~~(E)~~E. _____ No sign shall be mounted on a roof or extend above the eave or parapet of a building wall.

~~(F)~~F. _____ No sign shall be affixed to trees, fence posts, or utility poles.

807-76.

General Sign Regulations

 All signs shall conform to the following regulations:

~~(A)~~A. Illumination: Illuminated signs are permitted, subject to the following:

~~13.~~ The source of illumination for externally illuminated signs shall be located at the top of the sign and directed downward toward the sign face and must be shielded from view of oncoming traffic;

1.

~~13.~~ The source of illumination for internally illuminated signs must be completely enclosed within a translucent sign unit, or, if attached to the sign face as a design element, may be provided only by translucent tubes, tubing, bulbs or fixtures.

2.

~~13.~~ Illuminated signs may not produce heat or glare in such a manner as to constitute a nuisance (e.g., shining into a residential building) or a traffic hazard (interfering with a driver's vision); and,

3.

~~(7)~~4. _____ The source of illumination may not flash, shine intermittently, or be used to create a strobe effect.

~~(B)~~B. Prohibited Signs: The following signs are prohibited:

~~(1)~~1. _____ Portable signs

~~(2)~~2. _____ All animated or changeable copy signs (including changeable signs), or signs which move by mechanical means or by the movement of air are prohibited.

~~(3)~~3. _____ Temporary signs or devices consisting of a series of banners, streamers, pennants, balloons, propellers, strung light bulbs, or similar devices are prohibited, except as allowed in 807-3 (C) (4).

~~(4)4.~~ Snipe Signs

C. Height and setback of signs:

1. No freestanding sign (i.e. pole, monument, or temporary sign) shall exceed twenty-five (25) feet in height. Sign height shall be measured from the highest point on the sign or sign structure to the base of the sign. Signs affixed to the side of the building and that do not exceed the roof height comply with the height requirements.^[UNJ19]
2. All signs shall conform to the side and rear yard requirements for buildings as set forth in Monroe County Code Chapter 804.
3. Signs shall have a minimum setback of ten (10) feet from the street right-of-way. However, signs may be placed less than ten (10) feet, but no less than five (5) feet, of the street right-of-way provided that the bottom edge of the sign face support shall be at least nine (9) feet above the ground; vision beneath the sign must be clear except for the supporting structure; and, the maximum permitted area of the sign shall be reduced by fifty (50%) percent. Setbacks shall be measured horizontally from the vertical plane of the edge of the sign nearest to the right-of-way.

D. Special regulations in all districts:

1. A marquee sign:

- i. shall provide a minimum of ten feet of clearance above the surface over which it projects and shall not otherwise interfere with the reasonable use of the surface;
- ii. may not be wider than the building from which it projects; and,
- iii. may not extend below or above the vertical face of the marquee.

E. Shopping Centers. Regardless of the district in which it is located, the following regulations shall apply to property which is developed for or occupied by a shopping center.

1. Signs for individual stores or business establishments within a shopping center must be located on the front exterior wall of the tenant's space and are limited to one and six-tenths (1.6) square feet of sign area for each one (1) linear foot of front exterior wall length.

2. Independently placed buildings or buildings with corner locations are limited on each side or rear wall to one-half the amount of sign area permitted on the front wall, or to one and two-tenths (1.2) square feet of sign area for each linear foot of building on the side or rear of the building, whichever is less.

3. In addition to signs permitted for individual establishments within a shopping center, general shopping center signs will be permitted on the basis of one sign for each fifty-thousand (50,000) square feet of gross building floor area within the development, with a total limit of four pole signs. The total area of each general shopping center sign shall not exceed two hundred forty (240) square feet in area or one hundred twenty (120) square feet per side of a double-sided sign.

~~(C)~~F. Maintenance: All signs must be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be detrimental to the public health or safety.

~~(D)~~G. Total sign allocations for the zoning districts set forth in the table 7-1 must be based upon the building mass and street frontage standards described below:

~~Table 7-1~~

Applicable Zoning Ordinance	Zoning Districts
Ch. 833 – Former Fringe	CL, CA, IL, IG, BP, I, AP, Q
Ch. 802 – Zones and Permitted Uses	LB, GB, LI, HI, ME, PB, IP, REC

4. Location, size, and variety of all signs existing upon a zoning lot are included in the total sign allocations.

1.

3. Total sign area permitted for any business or industrial premises 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) linear foot of property fronting a publicly maintained right-of-way, whichever is greater.

2.

~~(5)~~3. Notwithstanding other provisions of these regulations, no premises within any commercial or industrial zoning district may be restricted to less than seventy-five (75) square feet of sign area nor shall any premises be permitted to display more than six hundred (600) square feet of sign area per zoning lot

of record, except as provided below in Subsection H. No individual sign shall be more than 285 sq ft. One pole or ground sign with a maximum permitted sign surface area of sixty (60) square feet shall be permitted for each street frontage subject to the total lot allocation.

~~(6)~~H. _____ Computation of area of individual signs:

~~(a)~~1. _____ The area of a sign face (which is also the area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, ellipse, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when the fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself.

2. ~~b)~~ _____ The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of the largest face.

~~_____~~ Sign allocations for the zoning districts set forth in the table 7-2 Total sign area subject to permit requirements shall not exceed thirty-two (32) square feet per lot of record.

~~(C)~~3. ~~Sign allocations for the zoning districts set forth in the table 7-2 must be based upon the standard described below:~~

Table 7-1

Applicable Zoning Ordinance	Zoning Districts
Ch. 833 – Former Fringe	CL, CA, IL, IG, BP, I, AP, Q
Ch. 802 – Zones and Permitted Uses	LB, GB, LI, HI, ME, PB, IP, REC

Applicable Zoning Ordinance	Zoning Districts
Ch. 833 – Former Fringe	CL, CA, IL, IG, BP, I, AP, Q
Ch. 802 – Zones and Permitted Uses	LB, GB, LI, HI, ME, PB, IP, REC

Table 7-2

Applicable Zoning Ordinance	Zoning Districts
Ch. 833 – Former Fringe	RE 2.5, RE1, RS2, RS 3.5, RS 4.5, RT7, RM7, RM15
Ch. 802 – Zones and Permitted Uses	AG/RR, FR, CR, ER, LR, SR, MR, HR, UR

~~Total sign area subject to permit requirements shall not exceed thirty two (32) square feet per lot of record.~~

[end of chapter]