

ORDINANCE NO. 2018-06

AN ORDINANCE OF THE BEVERLY SHORES TOWN COUNCIL AMENDING PORTIONS OF THE TEXT OF THE TOWN CODE AND ZONING ORDINANCE RELATING TO SIGNS WHEREAS, the Beverly Shores Town Council on February 2, 1984 adopted an Ordinance Establishing Zoning and Subdivision Regulations for the Town of Beverly Shores ("Town"), which is Chapter 155: Zoning and Subdivisions of the Beverly Shores Town Code (hereinafter "Zoning Ordinance"); and

WHEREAS, the Beverly Shores Advisory Plan Commission has initiated an amendment to the text portion of the Zoning Ordinance; and

WHEREAS, a public hearing has been held before the Beverly Shores Advisory Plan Commission, which has certified its proposal to amend the text of the Zoning Ordinance to the Beverly Shores Town Council; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning this text amendment to the Zoning Ordinance; and

WHEREAS, the Beverly Shores Town Council concurs with its Advisory Plan Commission and accepts its proposal and recommendation to amend the text of the Zoning Ordinance.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED, by the Beverly Shores Town Council as follows:

SECTION 1: That section 10.99 Fee Schedule shall be amended as follows:

155.139 Sign Permits
Temporary - 60 day \$10~~15~~*
No permit or fee required for one (1) sign if 4 square feet or less in area.
No permit or fee required for signs initially posted during election period if removed within election period.

For sale/rent Temporary - 120 day \$25**
No permit or fee required for one (1) sign if 4 square feet or less in area.
No permit or fee required for signs initially posted during election period if removed within election period.

Accessory (no occupancy permit required) \$100
Permanent (no occupancy permit required) \$100
No permit or fee for house numbers required by Sec. 153.02.

No permit or fee required for up to three (3) signs, if each sign is 2 square feet or less in area.

Business (no occupancy permit required) \$100

Political \$10*

*Refundable if removed within 48 hours Remove sign or renew permit after 60 days

**Must be renewed every 120 days Remove sign or renew permit after 120 days

SECTION 2: That section 155.003 Definitions shall be amended as follows:

ACCESSORY SIGN. A general informational sign provided it bears no commercial information. permanent sign in a residential zone, other than the required house number.

ADVERTISING SIGN. Any sign, excluding business signs, which directs or attracts attention to a product, place, activity, person, institution or business in a commercial fashion.

BILLBOARD. A single or double-faced structure permanently affixed to the surface of the land. designed, arranged, used or intended to be used for outdoor advertising not associated with the establishment located on the same premises as the sign.

BUSINESS SIGN. Any sign pertaining only to the use of the premises upon which it is located and limited to the name, addresses and telephone numbers of the owner, occupancy and/or management of the use; nature of the use; and brand name of the principle product and/or service associated with the use.

ELECTION PERIOD. The period of time beginning 60 days before and ending 7 days following a general, primary, or special election for a public office that represents the area of the Town of Beverly Shores.

PERMANENT SIGN. Any sign which is made of durable materials and permanently affixed to the ground or a structure. whose purpose is interpreted to be of a very long or indefinite period without regard to unforeseeable conditions.

SIGN. An identification, description, illustration

or device which attracts or directs attention to a product, place, activity, person, institution or business and which is visible from any public street, alley or public place. Neither governmental flags, traffic control devices, signs posted by a governmental entity, nor signs within a building shall be subject to the terms of this chapter. **TEMPORARY SIGN.** A sign whose purpose ceases with its message including a special event, directions and the like. A temporary sign is characterized by materials, construction, design, and placement that allow the sign to be easily removed and carried away. A temporary sign may not be permanently attached to any structure, affixed to the real estate, or otherwise be permanent in nature.

SECTION 3: That section 155.088 shall be amended as follows

The following signs shall be permitted in the Residential District subject to the requirements of Section 155.139: and located on the zoning parcel of the premises to which the sign refers:

(A) Accessory signs provided their area does not exceed 2 square feet per sign and no more than 3 like signs shall be allowed per zoning parcel; Permanent Signs. The following permanent signs shall be permitted:

(1) House numbers required by § 153.02 of the Town Code, no permit or fee is required for the display of house numbers;

(2) Accessory signs, provided their area does not exceed two (2) square feet per sign and no more than 3 accessory signs shall be allowed per sign zoning parcel, no permit or fee is required for up to three (3) accessory signs that are each two (2) square feet or less in area; and

(3) A home in which a permitted home occupation occurs may display 1 additional accessory sign, not more than 4 square feet in area, a permit and fee are required for a fourth (4th) accessory sign and for an accessory sign that is larger than two (2) square feet in area;

(B) Temporary Signs. Property owners may display one (1) temporary sign, provided the area does not exceed 4 square feet, per sign zoning parcel without a permit or a fee. Property owners may display additional temporary signs, or a temporary sign larger than 4 square feet in area, only after submitting a sign permit application and paying the applicable fee to the Clerk-Treasurer. shall be permitted provided that their total area does not exceed 4 square feet. Temporary banners shall also be permitted, subject to the same requirements as temporary signs. The area of any temporary sign or temporary banner may not exceed thirty-two (32) square feet. Temporary signs that are not subject to a permit may be displayed at any time. Temporary signs that are subject to a permit shall not be displayed for more than 60 days, unless renewed or unless the owner has paid for a 120 day permit, in which case the sign shall not be displayed for more than 120 days;

(C) Permitted home occupations may display 1 business sign not more than 4 square feet in area; Election Period. During the period sixty (60) days before and seven (7) days following a general, primary, or special election for public office that represents the area of Beverly Shores, there shall be no limit on the number or size of temporary signs, up to thirty-two (32) square feet in area. No permit or permit fee is required for any temporary sign placed during this period. However, this exception does not allow temporary signs that are larger than thirty-two (32) square feet in area, and this exception does not allow temporary signs to be placed in the right-of-way or in a location that is a traffic-safety hazard. Any temporary sign placed during the election period that would otherwise require a permit must be removed no later than seven (7) days after the election day if the owner does not obtain a permit.

(D) For sale or rent signs not to exceed 4 square feet. These signs shall be considered temporary signs and shall not be displayed for more than 120 days. No sign shall be permitted in the public right-of-way. No sign shall be placed in a location that is a traffic-safety hazard, as determined in the sole discretion of the Town Marshal or other authorized Town Police Officer. In the event the location of a sign is determined to be a traffic-safety hazard, the owner will be required to move the sign to a location

shall be required to move the sign to a location that is not a traffic-safety hazard;

(E) No permanent business or advertising signs billboards, illuminated signs, or animated signs shall be permitted;

(F) Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub; and

(G) No wall roof signs shall be permitted; and

(H) A violation of this section shall be subject to the general penalty provisions of § 155.999.

SECTION 4: That subsection 155.106(A)(4) shall be amended as follows:

(4) One pylon sign is permitted on the sign zoning parcel, provided that it does not exceed 25 feet in height. and which is not included in the calculation of the permitted signage on the lot.

SECTION 5: That section 155.110 Sign Regulations shall be amended as follows:

The following sign regulations shall apply in the General Commercial District:

(A) No flashing, animated or moving business or identification signs shall be permitted in the General Commercial District.

(B) No pennants, streamers and other moving or fluttering eye-catching, or inflatable devices shall be permitted in the General Commercial District.

(C) Roof and wall signs shall be permitted.

(D) Except for a gas station and mini-marts or convenience stores with fuel pumps, pylon signs are not permitted.

(E) No billboards shall be permitted in the General Commercial District.

(F) Signs shall not be located in any public right-of-way and shall not be any closer than 5 feet to any boundary lot line.

(G) A lot sign zoning parcel may contain multiple signs for each permitted use on the lot sign zoning parcel provided that their total area does not exceed 100 square feet in the aggregate and no individual sign shall be larger than 50 thirty-six (36) square feet.

(H) All illuminated signs shall be front lit and the lighting fixtures shall be mounted facing down at or near the top of the sign structure and located a minimum of 200 feet from any residential property line or any residential lot of record.

(I) The design of all signs shall be approved by the Building Committee. Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and Signs shall not be attached to any tree or shrub.

~~(J)~~ All signs in the General Commercial District shall be located on the lot to which they refer and shall not advertise off-site goods or services.

~~(K)~~ (J) All existing permanent wall and free-standing signs lawfully in existence immediately prior to December 16, 2013 can remain until removed or replaced by a lawful sign as defined by this subchapter or until such time as said existing legal sign is no longer safely maintained or the use is changed. An existing sign may be changed so long as the sign's gross surface area is not increased.

SECTION 6: That section 155.139 Signs; Permits Required, shall be amended as follows:

(A) Purpose of Regulating Signs. The purposes of regulating signs in §§ 155.088, 155.110, this 155.139, and other sections of this Zoning Ordinance are as follows:

(1) In order t To preserve the scenic and aesthetic beauty that now exists in the Town of Beverly Shores;

(2) and t To preserve property values in the Town of Beverly Shores;

(3) and because of t The desirability of eliminating factors which may tend to detract and degrade the community; and

(4) t To promote-the public health, welfare, and safety. , sign regulations, in addition to those provided in §§ 155.088 and 155.110 are herein provided to govern signs in the Town of Beverly Shores.

(B) Permits required.

(1) Except as otherwise provided in § 155.088, it shall be unlawful for any person to erect, alter, relocate or maintain any permanent sign without first obtaining a sign permit from the Building Committee and making payment of the required fee to the Clerk-Treasurer of the Town of Beverly Shores as provided in § 155.065.

(i) No permit or fee shall be required for the display of house numbers; and

(ii) No permit or fee shall be required for the display of

(ii) No permit or fee shall be required for the display of the accessory signs permitted by § 155.088(A)(2).

(2) All illuminated signs shall, in addition, be subject to the provisions of the Town of Beverly Shores Building Code and the State of Indiana Administrative Building Code.

(3) Except as otherwise provided in § 155.088, it shall be unlawful for any person to place or maintain any temporary sign without first obtaining a temporary sign permit from the Clerk-Treasurer, and making payment of the required fee to the Clerk-Treasurer of the Town of Beverly Shores as provided in § 155.088.

(C) Application for a sign permit.

(1) Application for a sign permit shall be made upon forms provided by the Plan Commission.

(2) The application shall contain information as the Plan Commission shall deem necessary to show full compliance with this and all other appropriate ordinances of the Town of Beverly Shores and where necessary with the Administrative Building Code of the State of Indiana.

(3) The Building Committee shall, upon the filing of an application for a permanent sign, examine the plans, specifications and other data, and the premises upon which it is proposed for the sign to be constructed and, if it shall appear that the proposed sign is in compliance with all the requirements of this chapter, the Building Code and all other applicable ordinances and laws of the Town of Beverly Shores, and the State of Indiana, and, after the appropriate fee has been paid, a permit for erection shall be issued. If the work authorized under the sign permit has not been completed within 60 days after the date of issuance of the permit, the permit shall become null and void.

(4) Temporary sign permits shall be issued by the Clerk-Treasurer. A temporary sign shall not be posted for more than 60 days, unless a 120 day permit is paid for, or the 60-day permit is renewed. other than a For Sale or For Rent sign described in § 155.088(D) shall not be posted for more than 15 days.

(D) Removal of signs.

(1) (a) If the Building Commissioner or Code Enforcement Officer shall find that a sign is unsafe or insecure, or is a menace to the public, or has, subsequent to the effective date of this chapter been constructed or erected in violation of the provisions of this chapter, the Building Commissioner or Code Enforcement Officer shall give written notice to permit holder and the owner of the property on which the sign is located.

(b) If the permit holder or the owner of the property on which the sign is located fails to remove, repair or alter the sign so as to comply with the standards required by this chapter within 30 days, the Building Commissioner or Code Enforcement Officer shall cause the removal of the sign and any expense incidental thereto shall be paid by the person, firm or corporation having the ownership or right to possession of the building or structure, or premises where the sign is located.

(2) Any sign which advertises a business no longer being conducted, or a product no longer being sold, located on a sign zoning parcel in the Commercial District which is not being put to a commercial use, or that is vacant, for a 6 month period, shall be taken down and removed by the firm, corporation or person having ownership or right to possession of the building, structure or premises upon which the sign may be found within 30 ~~20~~ days after written notification from the Building Commissioner or Code Enforcement Officer. and u Upon failure to comply with the notice, the Building Commissioner or Code Enforcement Officer shall cause removal of the sign and any expense incidental thereto shall be paid by the person, firm or corporation having the ownership or right to possession of the building, structure or premises where the sign is located.

(E) Prohibitions.

(1) No sign shall be attached to any tree, utility pole or other unapproved structure.

(2) No sign shall be constructed so as to interfere with or imitate any standard traffic sign or signal, nor shall any sign interfere with or obstruct the view of traffic or traffic signs or signals, and no sign shall be located on the public right-of-way.

(F) Exemptions. Traffic or municipally author-

ized signs, legal notices, railroad crossing signs, danger signs are exempt from this chapter. ~~and temporary or non-advertising signs as may be approved by the Town Council of Beverly Shores shall be permitted under this chapter.~~

(G) Standards.

(1) All signs shall be maintained in a safe ~~and attractive~~ condition.

(2) Any and all signs erected prior to the adoption of this chapter which are not in conformity with the provision of this chapter shall be allowed to continue and exist for a period of 1 year from the date of the adoption of this chapter, after which they shall be governed by this chapter.

SECTION 7: This Ordinance 2018-06 shall be in full force and effect from and after its passage, adoption, and publication as provided by law.

ALL OF WHICH IS ADOPTED by the Town Council of the Town of Beverly Shores, Indiana, this 21st day of August, 2018.

BEVERLY SHORES TOWN COUNCIL

By: Donna Norkus, President

Greg Brown, Vice President

Geof Benson

Catherine Matrona Malik

Brian O'Neil

ATTEST: Ellen Hundt, Clerk-Treasurer
10/22/18 - hspaxlp