

AN ORDINANCE AMENDING SECTIONS 155.002 (DEFINITIONS)
AND 155.033 (SIGNS) OF THE BEDFORD CITY CODE

WHEREAS, Ordinance No. 28-1984 (as amended by Ord. No. 28-1990, Ord. No. 8-2000, Ord. No. 3-2015 and Ord. No.15-2016) having established certain rules and regulations for signs located within the City of Bedford and having been duly codified in Sections 155.002 (Definitions) and 155.033 (Signs) of the Bedford City Code; and

WHEREAS, the City of Bedford's sign regulations, including provisions to control the design, size, location, motion, illumination, enforcement and maintenance thereof, are established in order to achieve, among others, the following purposes: (a) to maintain high quality districts of all land uses, and attractive public and private facilities of all types, by permitting only signs appropriate to their environs; (b) to provide for reasonable and appropriate methods for identifying establishments in office, business and industrial districts by relating the size, type and design of signs to the size, type and design of the office, business and industrial establishments; (c) to eliminate any conflict between traffic control signs and other signs which would be hazardous to the safety of the motoring public or pedestrians; and (d) to control the design and size of all signs so that their appearance will be aesthetically harmonious with an overall urban design for the area, in accordance with commonly accepted community planning and design practices, and the City's Comprehensive Plan; and

WHEREAS, there is a need to revise said Code sections regarding signs to accomplish the above stated purposes.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Bedford as follows:

Section I. That Section 155.002 (Definitions) of the Bedford City Code shall be amended to add the following definitions, which, for the purposes of this chapter, shall apply unless the context clearly indicates or requires a different meaning:

Banner. A temporary sign of lightweight fabric or similar material that is displayed on a pole, building or attached to a staff or line. For purposes of this definition, a banner is not a flag.

Digital Billboard. A sign that is static and changes messages by any electronic process or remote control.

Electric. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

Flag. A sign made of fabric, bunting, or similar material, attached along one side to a single pole that is either freestanding or attached to a building.

Flashing. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, shall be considered a flashing sign.

Flat Wall (Façade-Mounted). A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

Freestanding. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Ground Mounted. A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

Highway Sign. A Freestanding sign, Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway.

Integral. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

Marquee. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

Non-Residential Zoning Districts: Real estate which is located in one of the following City Zoning Districts: Open Space (OS), Professional-Residential (PR) if the use is professional, Convenience Business (B-1), Central Business (B-2), Planned Business (B-3), Light Industrial (I-1), and General Industrial (I-2).

Permanent Sign. A sign that is permanently attached to the ground.

Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

Projecting. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Residential Zoning Districts: Real estate which is located in one of the following City Zoning Districts set forth in §155.015 of the Bedford City Code: Residential agricultural (RA), Single

Family Residence (R-1), Low Density Residential (R-2), Medium Density Residential (R-3), High Density Residential (R-4), and Professional-Residential (PR) if the use is residential.

Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

Sign. Any surface, substrate, fabric, or device bearing any lettering, pictorial representation, logo, illustration, emblem, symbol, design, sculptured matter, or other figure of similar character designed to convey information visually for purposes of advertisement, announcement, declaration, demonstration, identification or expression and exposed to public view.

Sign Surface Area. The surface of the sign upon, against, or through which the message is displayed or illustrated that completely contains the sign message, background of the message and contiguous trims or frames. Only one side of the sign shall be included in the sign surface area calculated, even if the sign is double-sided. Any sign supports or structure other than exposed steel framing, which is clad in finished wood, stone, masonry, stucco, or metal, and which does not bear any lettering, pictorial representation, logo, illustration, emblem, symbol, design, sculptured matter, or other figure of similar character designed to convey information visually shall not be included in the sign surface area.

Temporary Sign. A sign that is not permanently attached to the ground.

Section II. That Section 155.033 (Signs) of the Bedford City Code shall be amended as follows:

I. Prohibited Signs.

A. Signs are prohibited in all Zoning Districts unless constructed pursuant to a valid sign permit as required under this Code and authorized under this code.

B. No sign larger than 12 square feet, except as specified herein, shall hereafter be erected in a non-residential Zoning District unless a sign permit has been issued by the Building Commissioner.

C. An illuminated sign with flashing reflective spots or flood lamps of 25-watt tungsten or greater intensity shall be deemed a traffic hazard and are prohibited. The City Building Commissioner shall notify the property owner of a violation and grant the property owner five (5) days to remove the sign.

D. No sign shall be constructed, altered, located, or illuminated in any manner which causes undue glare, distraction, confusion, nuisance, or hazard to traffic or to other properties. No sign shall be located in a tree plat nor shall any notice, poster, or other paper or device, calculated to attract the attention to the public, be affixed to any lamp post, public utility pole, or shade tree, or upon any public structure or building, except as may be authorized by law. No sign may be illuminated after 11:00 p.m. if it is located within or adjacent to any residential

district, except those businesses remaining open beyond that time in which case illumination shall cease upon closing.

II. Authorized Signs. The following signs are authorized in every Zoning District:

A. Government signs which form the expression of this government when erected and maintained according to law and include the signs described and regulated in Sections II(A)(1), II(A)(2), II(A)(3) and II(A)(4) below.

1. Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

2. Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the identifier shall be located on the mailbox or other suitable device such that it is visible from the street.

3. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.

4. The signs described in Sections II(A)(1), II(A)(2) and II(A)(3), are necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

III. Specific Sign Regulations.

The following sign regulations shall apply to each Zoning District as indicated.

A. Residential Zoning Districts

1. Scope: This Section III(A) shall apply to all Residential Zoning Districts.
2. Temporary Signs.
 - a. Temporary signs are permitted on each residential real estate parcel located within the City of Bedford subject to the following limitations:
 - i. The combined sign surface area of all signs shall not exceed thirty-six (36) square feet; and

- ii. The sign surface area of each sign shall not exceed 6 (six) square feet.
 - b. One temporary sign is allowed in one window of a building located on each parcel of real estate located within the City of Bedford with a sign surface area of two (2) square feet.
- 3. Flags.
 - a. Flags are permitted on each residential real estate parcel located within the City of Bedford subject to the following limitations:
 - i. The combined sign surface area of all flags shall not exceed 60 (sixty) square feet; and
 - ii. The sign surface area of each flag shall not exceed fifteen (15) square feet.
- 4. Permanent Signs.
 - a. Permanent signs are prohibited in residential zoning districts except for the following:
 - i. For Residential Developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:
 - 1. Residential developments consisting of four (4) acres or less in area may have a sign or signs with a total combined sign surface area of no more than thirty-two (32) square feet.
 - 2. Residential developments consisting of greater than four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total combined sign surface area of no more than forty-eight (48) square feet.
 - 3. Residential developments of forty (40) acres or more in area may have a sign or signs with a total combined sign surface area of no more than one hundred two (102) square feet.
- 5. Location. If ground-mounted, signs must be at least ten (10) feet away from a City right-of-way.
- 6. Height. If a sign is ground-mounted, the top of the sign may not be over four (4) feet above the ground.

B. Non-Residential Districts

- 1. Scope: This Section III(B) shall apply to all Non-Residential Districts.
 - a. Temporary Signs. Temporary signs are permitted on each non-residential real estate parcel located within the City of Bedford subject to the following limitations:
 - i. The combined sign surface area of all signs shall not exceed sixty-four (64) square feet; and
 - ii. The sign surface area of each sign shall not exceed thirty-two (32) square feet.

- iii. One temporary sign is allowed in one window of a building located on each parcel of real estate located within the City of Bedford with a sign surface area of two (2) square feet.
- b. Permanent Signs.
 - i. One permanent sign, which is attached to a building, is permitted on each building located on a non-residential real estate parcel located within the City of Bedford subject to the following limitations:
 - ii. The sign surface area of each sign shall not exceed two (2) square feet for each lineal foot of the side of the building where the sign will be attached;
 - i. The sign shall not project above the ridge line of a sloping roof nor above the eave line of a flat roof; and
 - ii. No sign shall project more than twelve (12) inches over public property.
 - iii. If the property fronts on more than one thoroughfare, one additional permanent sign, which is attached to the building facing both thoroughfares, shall be permitted subject to the same restrictions set forth in subsection (i) above.
 - iv. If more than one business is located within a single building, more than one permanent sign may be attached to the building located on a non-residential real estate parcel subject to the following limitations:
 - i. The number of permanent signs that may be attached to the building shall not exceed the number of businesses in the building; and
 - ii. The combined sign surface area of all permanent signs attached to the building does not exceed two (2) square feet of for each lineal foot of the side of the building where the signs will be attached.
 - v. One permanent sign, which is free standing (not attached to a building), is permitted on each non-residential real estate parcel located within the City of Bedford subject to the following limitations:
 - i. The sign surface area of the free standing permanent sign shall not exceed one hundred (100) square feet.
- c. Flags.
 - i. Flags are permitted on each non-residential real estate parcel located within the City of Bedford subject to the following limitations:
 - i. The combined sign surface area of all flags shall not exceed one thousand (1000) square feet; and
 - ii. The sign surface area of each flag shall not exceed one thousand (1000) square feet.
- d. Height and setback of signs.

- i. No sign shall exceed thirty-five (35) feet in height, measured from the crown of the road directly in front of the sign.
 - ii. 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.
 - iii. No sign shall be located on or project over public property.
 - c. Shopping centers with more than ten (10) acres.
 - i. Only one detached main sign shall be permitted.
 - ii. All other signs shall be attached to buildings or store fronts as provided in the section for non-residential parcels; provided, however:
 - iii. In the event that a shopping center has outlots or satellite store buildings, each said outlot or satellite store building may have a free standing sign not exceeding a sign surface area of one hundred (100) square feet.

III. Abandonment.

- A. Any sign that is located on property that becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of the business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more.

IV. Maintenance and Repair.

- A. Every sign shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for maintenance of the sign. Compliance shall be required with all standards of this chapter.

V. Enforcement.

- A. If the City Building Commissioner determines that an illuminated sign is in violation of this ordinance, the Commissioner shall notify the owner of the sign in writing of the violation and grant the property owner five (5) days to remove the sign. The owner shall remove the illuminated sign within five (5) days of receipt of the notice of violation. If the property owner fails to remove the sign within the five (5) day period, in addition to any civil penalty allowed under this Chapter, the City Building Commissioner may remove and store the sign. The property owner shall be responsible for all costs associated with removing and storing the illuminated sign.
- B. If the City Building Commissioner determines that a sign is a nuisance or a safety hazard, the City Building Commissioner or his authorized agent may remove the sign without first delivering notice to the property owner.

VI. Permits.

- A. Applications for a sign permit shall be processed through the City Planning Department. Applications for sign permits shall include drawings or sketches of the construction and design of the sign and shall be accompanied by such fee as may be established by the Common Council. The City shall notify the applicant in writing of its decision within 30 days of the applicant submitting the application and fees. If no decision is made within 30 days, the application shall be deemed granted.

VII. Nonconformity and Modification.

- A. Where a permanent sign or structure is nonconforming to the requirements of this ordinance for any reason and is located within a non-residential Zoning District, and a proper building permit or sign permit was issued authorizing the placement of the sign or structure prior to the passage of this ordinance, the sign or structure may remain in its nonconforming condition so long as it remains otherwise lawful, subject to the following provisions:

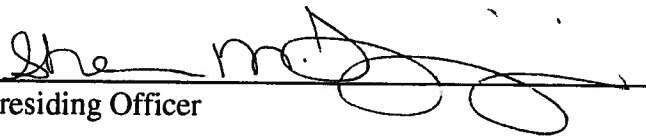
1. No such sign or structure may be enlarged or altered in a way which increases its nonconformity.
2. Any nonconforming sign or structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if the reconstruction is performed within three months of the casualty, and if the restored sign or structure has no greater coverage and contains no greater cubic content than before the casualty, subject to approval of required variances by the Board of Zoning Appeals; and
3. If the nonconforming sign or structure is modified or removed, any new sign in the same location shall comply with this Ordinance and this non-conforming exception shall no longer apply.

- B. Unless otherwise provided herein, within thirty (30) days after the effective date of this ordinance, property owners shall either remove or bring into compliance all signs which violate this ordinance on the date this ordinance is passed and adopted by the common council.

Section III. Unless specifically modified herein, all other parts of City Code §§ 155.002 and 155.033 shall remain in full force and effect.

Section IV. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and proper publication as required by Indiana law.

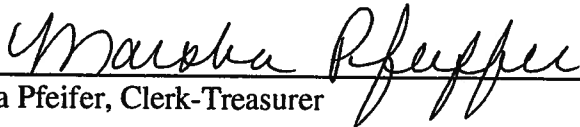
Passed and adopted by the Common Council of the City of Bedford, Indiana, this 19th day of December, 2016.


Presiding Officer

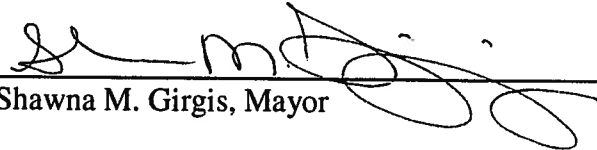
ATTEST:


Marsha Pfeifer, Clerk-Treasurer

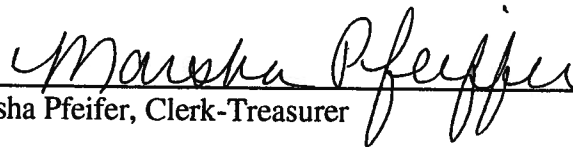
Presented by me to the Mayor of the City of Bedford, Indiana, this 19th day of December, 2016.


Marsha Pfeifer, Clerk-Treasurer

This ordinance approved and signed by me this 19th day of December, 2016.


Shawna M. Girgis, Mayor

ATTEST:


Marsha Pfeifer, Clerk-Treasurer