

INTRODUCED: 11/4/2024

REFERRED TO: Metropolitan and Economic Development Committee

SPONSOR: Councilor Gibson

DIGEST: amends portions of the Revised Code of the Consolidated City and County in Chapter 744 - Development Standards by adding language, making technical corrections to the language, correcting typographical errors and omissions, and correcting internal references.

SOURCE:

Initiated by: Department of Metropolitan Development

Drafted by: Shannon Norman, Principal Planner, Department of Metropolitan Development

LEGAL REQUIREMENTS FOR ADOPTION:

Published Notice of Public Hearing

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: October 31, 2024

CITY-COUNTY GENERAL ORDINANCE NO. , 2024

A PROPOSAL FOR A GENERAL ORDINANCE to amend portions of the Revised Code of the Consolidated City and County in Chapter 744 - Development Standards by adding language, making technical corrections to the language, correcting typographical errors and omissions, and correcting internal references.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. Section 904 of Chapter 744, Article IX – 2018 2019 Revised Sign Regulations, of the Revised Code of the Consolidated City and County," is hereby amended by deleting the stricken through text and inserting the underlined text, to read as follows:

Sec 744-904. – Maintenance, safety and removal

A. *Maintenance required; maintenance of signs.*

1. All signs and sign structures including all supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe and legible condition at all times. Activities that do not alter the design or structure of the sign, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of the signs shall not require an ILP as determined by the Department of Business and Neighborhood Services.

2. Unmaintained signs shall be removed or brought into compliance immediately upon written notice from the Department of Business and Neighborhood Services.

B. *Maintenance and restoration of legally established nonconforming signs and sign structures.*

1. *Safety, maintenance and repair.* Nothing in this article shall relieve the owner or user of a legal nonconforming sign, or owner of the property on which the legal nonconforming sign is located, from any provisions regarding safety, maintenance and repair of signs.
2. Any legally established nonconforming sign shall be permitted to be maintained without alteration in size or location or change in materials. Maintenance of such signs shall not include:
 - a. Any changes made to the size, height, **or** bulk, **or location** of the sign.
 - b. Temporary or permanent removal of the sign.
3. Any abandoned sign and its sign structure shall be removed. However, any heritage sign may remain as provided in Section 744-909(A).



Example of Abandoned Sign

SECTION 2. Section 911 of Chapter 744, Article IX – **2018 2019** Revised Sign Regulations, of the Revised Code of the Consolidated City and County," is hereby amended by deleting the **stricken through** text and inserting the **underlined** text, to read as follows:

Sec. 744-911. Off-premises (outdoor advertising) signs.

- A. *General regulations.* The following regulations shall pertain to off-premises signs (also known as outdoor advertising signs) in all districts where permitted by this **Section 744-911**, Section 744-903.F, Table 744-903-7. Also, refer to Section 744-911(B) - Signs on freeways and expressways, for additional requirements.

1. ILP required. An ILP shall be required for any new or relocated outdoor advertising sign—or alterations to an existing outdoor advertising sign—not exempted by 744-904: Maintenance required; Maintenance of Signs.

2. 11- Outdoor advertising signs inside I-465. No portion of an outdoor advertising sign shall be erected or otherwise located within 660 feet of the right-of-way of a freeway or expressway, as herein defined, located within the entire area circumscribed by the interior right-of-way line of the Outer Belt Freeway commonly identified as I-465. (The application of these provisions is illustrated in Sign Diagram 21.)

3. Relocations for outdoor advertising signs.

- a. **Relocations for outdoor advertising signs inside I-465. For legally-established, nonconforming signs located in the area described in Sec.744-911.A.2, an owner of an outdoor advertising sign may relocate an outdoor advertising sign upon the same parcel of property from which it is being removed. The outdoor advertising sign structure and/or face must not be expanded or enlarged unless in compliance with the standards of this Ordinance. The relocated outdoor advertising sign shall require an ILP. This subsection**

does not limit any relocation that is governed by Indiana Code 8- 23-20-25.6 and 8-23-20.5-3.

- b. Relocations for outdoor advertising signs outside I-465. Legally-established, non-conforming outdoor advertising signs may be relocated outside of I-465 provided that the outdoor advertising sign structure and/or face must not be expanded or enlarged unless in compliance with the standards of the Ordinance. The relocated outdoor advertising sign shall require and ILP. This subsection does not limit any relocation that is governed by Indiana Code 8-23-20-25.6 and 8-23-20.5-3.

44. *Proportional regulations.* The size of an outdoor advertising sign on a lot shall not exceed the size specified in Table 744-903-4:

Table 744-903-4 Proportional Regulations	
Lot Size (in square feet)	Maximum Sign Dimensions (vertical by horizontal)
Up to 10,000	6 ft. by 12 ft.
10,000+—20,000	12 ft. by 12 ft.
20,000+—43,560	12 ft. by 25 ft.
43, 560+	10.5 ft. by 36 ft. plus extensions or 12 ft. by 50 ft. or 14 ft. by 48 ft. plus extensions

52. *Extensions.* Elements of an outdoor advertising sign may be permitted to extend beyond the horizontal or vertical sign edge. The maximum length of an extension shall not be greater than four five feet beyond the top edge of the sign, three feet below the bottom edge of sign face and extend more than one foot two and a half feet along all other sign edges. The maximum width of an extension shall not be greater than 45% of the linear length of the horizontal or vertical dimension of the outdoor advertising sign (See Table 744-903-5 below and refer Refer to Extension Sign Diagram 35).

Table 744-903-5: Extensions				
Sign Size (Feet)	Maximum Extension Length (Top) (Feet)	Maximum Extension Length (Sides and Bottom) (Feet)	Sign Dimension (Feet)	Extension Width (Feet)
10.5 by 36	4	4	10.5 by 36	4.725 by 16.2
14 by 48	4	4	14 by 48	6.3 by 21.6

63. *Outdoor advertising sign size.* The face of an outdoor advertising sign shall not be greater than 14 feet in vertical dimension nor greater than 50 48 feet in horizontal dimension, except where specifically regulated by Section 744-911(B), and The sign shall not contain more than two advertising signs per facing. The advertising sign displays may be oriented side-by-side or in a stacked position provided that the total face shall not be greater than 14 feet in vertical dimension nor greater than 48 feet in horizontal dimension.

74. *Flashing, intermittent or moving lights.* No advertising sign shall be permitted which contains, includes, or is illuminated by a flashing, intermittent or moving light or lights.

85. *Animation.* No advertising sign shall be permitted which has animated or moving images.

96. *Advertising sign.* Advertising sign faces consisting of three or less panels that rotate to present a single fixed display at a time, commonly known as Tri-vision signs, are permitted, provided that the rotation of one display to another is no more frequent than every 15 seconds.

- 107.** *Video, LED, (light emitting diode), LCD (liquid crystal display) or electrically powered.* No advertising sign shall be permitted which displays video or emitting graphics **except as permitted in Section 744-911(B)(2)(d)(2).** **Internal illumination of outdoor advertising signs is not permitted.**
- 118.** *Distance between outdoor advertising signs.* Except as otherwise provided for signs in the protected areas along highways, freeways and expressways (see Section 744-911(B)), the minimum distance between outdoor advertising signs shall be as specified below. The applications of these provisions are illustrated in Sign Diagrams 18 and 19.
- a9.** *Radial spacing between outdoor advertising signs.* In no event shall any point of an outdoor advertising sign or sign structure be closer than 1,000 feet from any point of any other outdoor advertising sign or sign structure.
- b40.** *Outdoor advertising signs adjacent to protected districts.* In no event shall any point of an outdoor advertising sign be closer than 300 feet from a protected district. For the purposes of this section, a protected district shall include any dwelling district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district. (The applications of these provisions are illustrated in Sign Diagram 20.)
12. *Signs on freeways and expressways.* In addition to the requirements of this section, outdoor advertising signs shall further comply with Section 744-911(B) when located on freeways and expressways.
13. *Roof top outdoor advertising signs.* Roof top outdoor advertising signs shall not be permitted in any zoning district.
14. *Advertising sign on or appurtenant to buildings.* Advertising signs shall not be located on, above or below any portion of primary buildings.
15. *Outdoor advertising sign setback.* Signs or sign structures shall be set back in accordance with the building setback lines required by the applicable zoning district. Advertising signs shall not be eligible for setback averaging exceptions. (See Table 744-903-6 below).

Table 744-903-6: Setbacks			
Zoning District	Freeways	Primary/Secondary	Collector/Local Streets
Commercial Districts	50 60 feet	10 feet from proposed R.O.W.	10 feet from proposed R.O.W.
Industrial Districts - Compact Context Area	50 60 feet	30 feet from proposed R.O.W.	20 feet from proposed R.O.W.
Industrial Districts - Metro Context Area	50 60 feet	30 feet from proposed R.O.W.	50 feet from proposed R.O.W.

16. *Maximum and minimum height of outdoor advertising signs and sign structures.*
- a. The maximum height of signs and sign structures shall not exceed **60 40** feet above grade level at the base of such sign or sign structure.
- b. No outdoor advertising sign or sign structure (except for the supports, building, structure or column) shall be at its lowest point less than 9 feet above grade level. Ground signs, where permitted, shall not exceed 4 feet in height above grade level.
17. *Construction of outdoor advertising signs.* The supports, uprights, bracing and framework of an outdoor advertising sign shall be of steel construction.
18. *Districts permitted and allowable square footage.* (Refer to Table 744-903-7 below)

Table 744-903-7: Districts Permitted								
Zoning Classification	Dwelling	Commercial and Mixed-Use				Industrial	Special Use	CBD/RC
District	All Districts	C-1, MU-1	C-3, MU-2	C-4, C-5, C-7	C-S	All Districts	All Districts	All Districts
Maximum Square Footage	NP	NP	378*	672*	NP	672*	NP	NP
Key/Note:								
NP: Not Permitted								
*Extensions available if requirements met.								
*Advertising signs shall not be permitted in HP-C Districts.								

B. *Signs on freeways and expressways.* All signs within 660 feet of the right-of-way of freeways and expressways, as shown on the Official Thoroughfare Plan shall comply with the requirements of this section in addition to all other provisions of this Chapter 744 Article IX.

1. *Permitted signs.* Unless prohibited by local, state or federal law, erection or maintenance of the following signs shall be permitted in Protected Areas.

- a. *Official signs.* Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in local, state, or federal law, for the purpose of carrying out an official duty or responsibility.
- b. *On-premises (business) signs.* However, not more than one freestanding identification sign shall be permitted to be located on each premises.
- c. *Off-premises (advertising) signs.*

2. *General provisions.* No off-premises signs shall be permitted to be erected or maintained **on freeways or expressways** in any manner inconsistent with the following:

- a. *Flashing, intermittent or moving lights.* No sign shall be permitted which contains, includes, or is illuminated by a flashing, intermittent or moving light or lights.
- b. *Animation.* No sign shall be permitted which moves or has any animated or moving parts.
- c. *Rotating, louvered (vertical and or horizontally), moving or other elements.* Advertising signs with rotating, louvered (vertical and/or horizontally), moving parts or elements shall not be permitted.
- d. *Video, LED (light emitting diode), LCD (liquid crystal display) or electrically powered.*

1. No sign shall be permitted which displays video or emitting graphics. Internal illumination of outdoor advertising signs is not permitted.

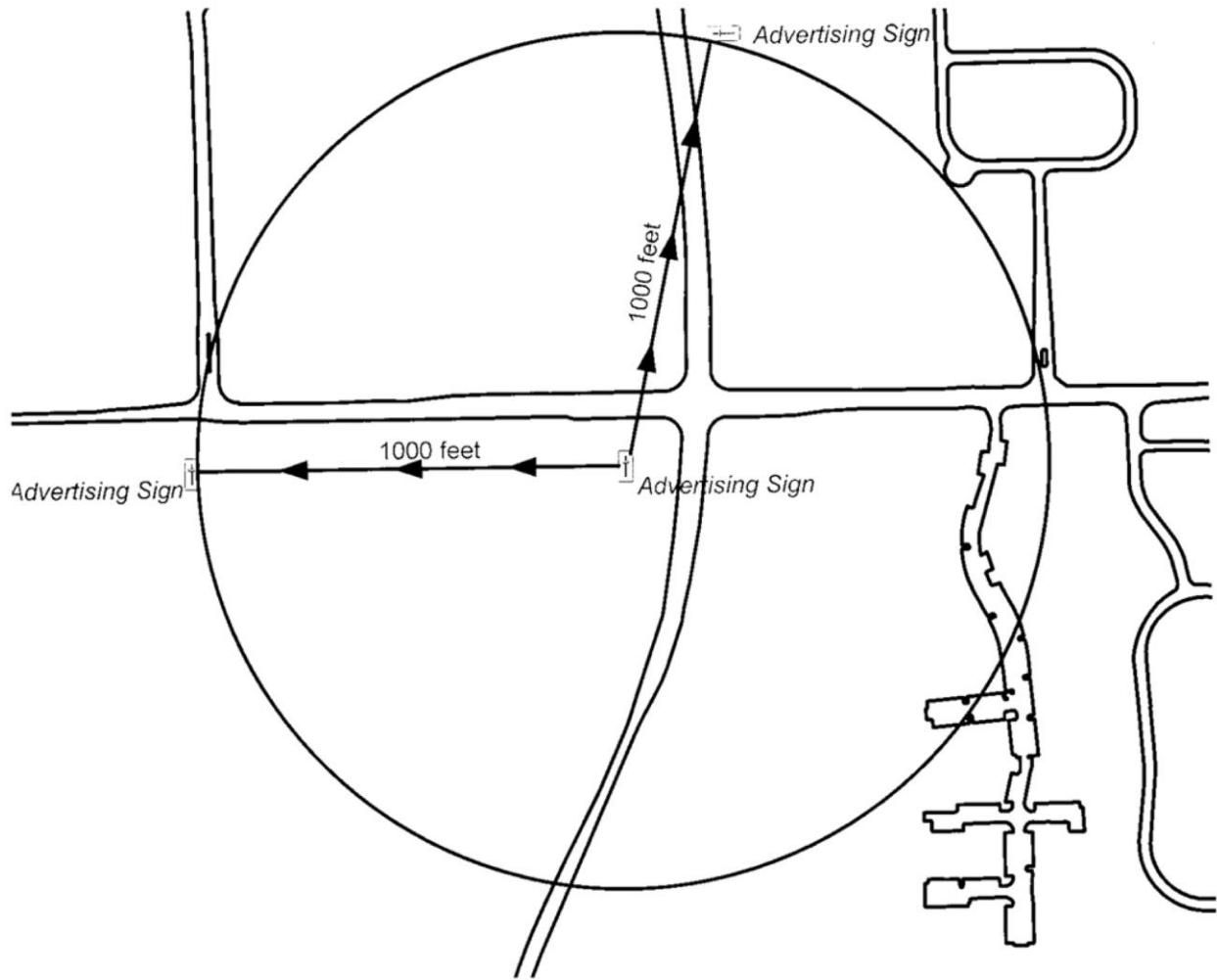
2. Sign faces can be converted to include a pricing display, commonly known as price packs, which may be remotely changed no more than 3 times per day. This display is limited to 10% of an outdoor advertising sign face and only permitted on one face on a single outdoor advertising sign structure.

e. *Measurement of distance.*

1. The distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the freeway or expressway.

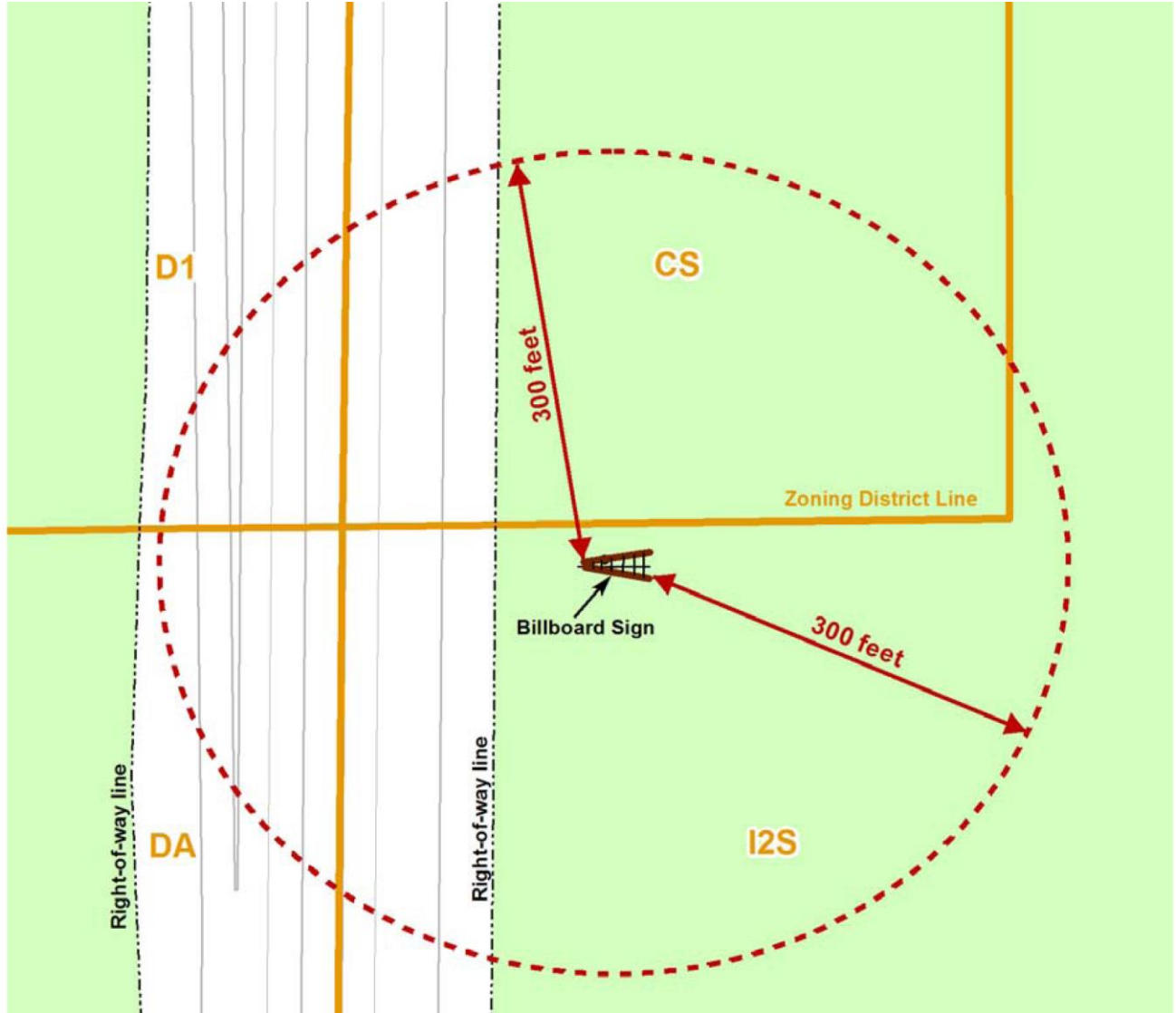
2. All dimensions parallel to the alignment of the freeway or expressway shall be measured along the centerline of the freeway or expressway between two vertical planes which are normal or perpendicular to and intersect the centerline of the freeway or expressway, and which pass through the termini of the measured distance.
3. *Regulations for off-premises (advertising) signs.*
 - a. *Off-premises signs within informational sites.* If the Indiana Department of Transportation (IDOT) constructs an Informational Site, on the freeway system in Marion County, control over off-premises signs within such site shall be the responsibility of that Department.
 - b. *Off-premises signs outside of informational sites.*
 1. The erection or maintenance of the following signs shall be permitted within protected areas outside of informational sites: off-premises signs which are located within 660 feet of a freeway or expressway, as herein defined.
 2. The erection or maintenance of off-premises signs permitted under Section 744-911(b)(3)(a) shall not be permitted in any manner inconsistent with the following:
 - i. *Sign spacing:* Subject to the other provisions of this Section 744-911(b)(3), within protected areas adjacent to freeway or expressway rights-of-way, no part of any off-premise sign structure shall be located within ~~1,500~~ 1000 feet of any other off-premises sign structure located adjacent to said freeway or expressway on the same side of said freeway. Said ~~1,500~~ 1000 feet distance shall be measured linearly along the centerline of the freeway or expressway. (The application of this provision is illustrated in Sign Diagrams 26 and 27).
 - ii. *Maximum sign dimensions:* The maximum size of any sign shall not exceed 14 feet in vertical dimension and 48 feet in horizontal dimension, plus extensions as defined in Section 744-911(A).
 - iii. *Sign setback:* Signs shall not be located closer than ~~60~~ 50 feet to the right-of-way of the freeway or expressway.
 - iv. *Sign clearance:* Signs shall not be less than nine feet above grade level at the lowest point, except for the supporting structure.
 - v. *Maximum sign height:* The maximum height of signs and sign structures shall not exceed ~~40~~ 60 feet above grade level at the base of such sign structure.
 - vi. *Entrance or exit roadway limitation:* Signs shall not be permitted in protected areas adjacent to any freeway or expressway right-of-way upon any part of the width of which is constructed an entrance or exit roadway. No sign shall be permitted within 500 feet from the point of intersection between the traveled way of such entrance or exit roadway and the main traveled way of the freeway or expressway. Said 500 feet distance shall be measured to the nearest point of the intersection of the traveled way of the entrance or exit roadway and the main-traveled way of the freeway or expressway (Refer to Sign Diagram 26).

Sign Diagrams 18 and 19. Measurement of Distance between Advertising Signs



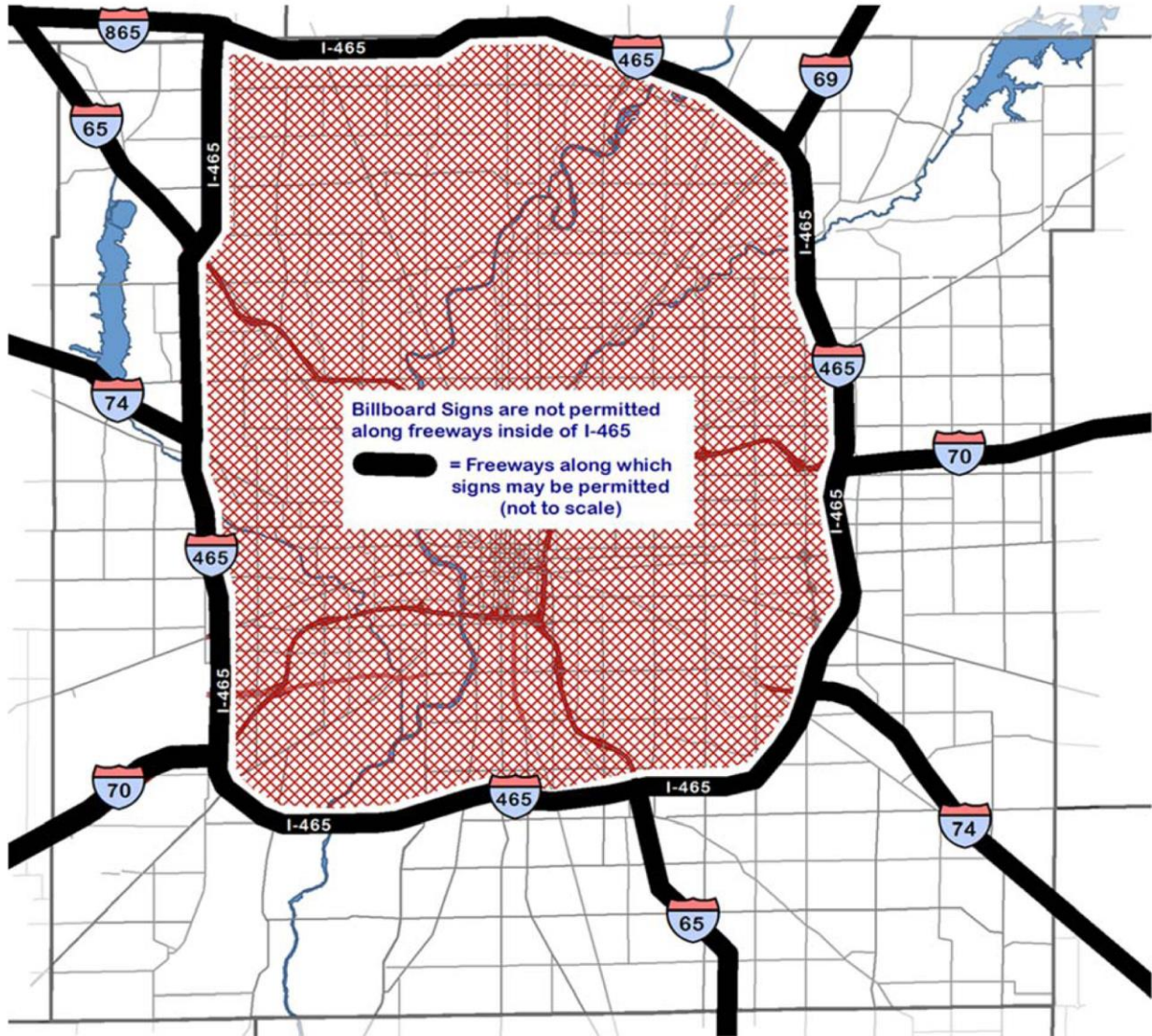
(G.O. 10, 2019, § 1)

Sign Diagram 20. Measurement of Distance between Advertising Signs and Protected Districts



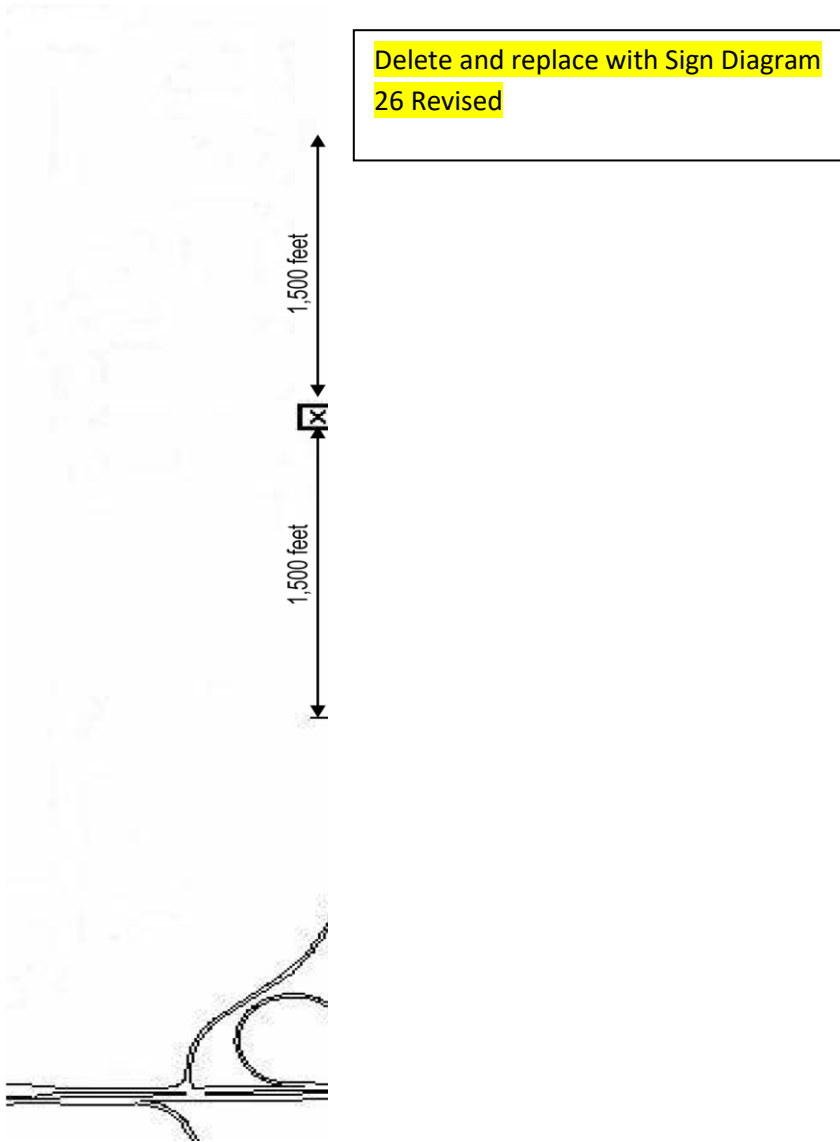
(G.O. 10, 2019, § 1)

Sign Diagram 21. Outdoor Advertising Signs Inside I-465



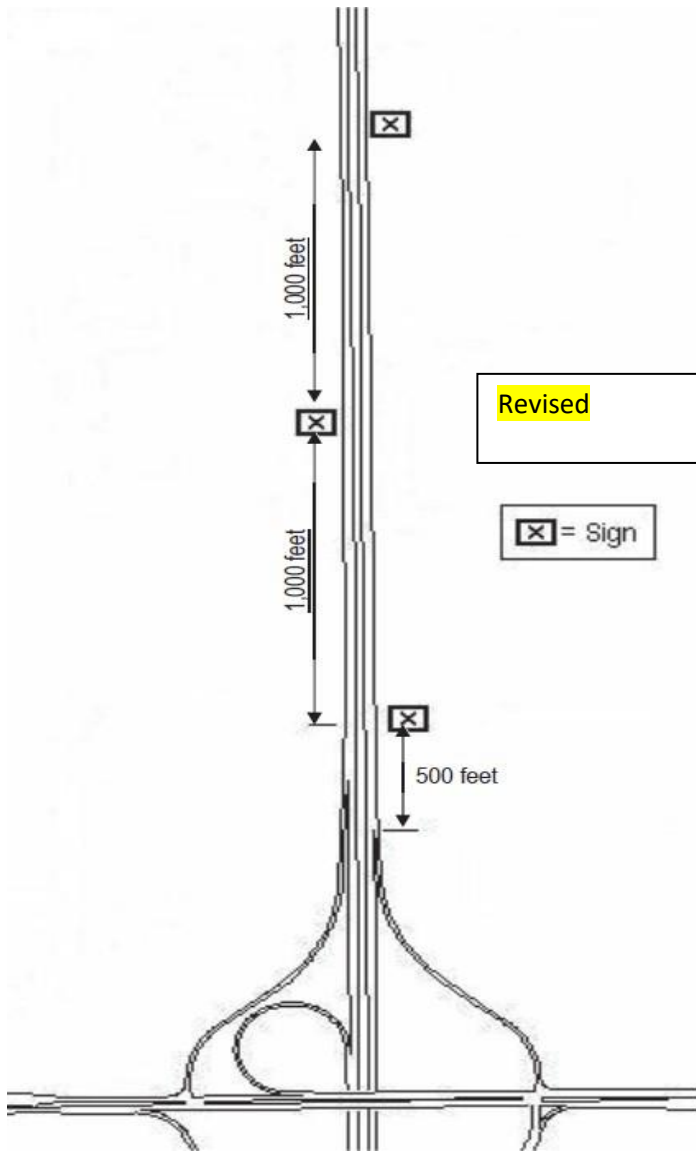
(G.O. 10, 2019, § 1)

Sign Diagram 26. Signs on Interstate Freeways and Expressways: Measurement of Separation for Off-Premise Signs



(G.O. 10, 2019, § 1)

Sign Diagram 26 Revised. Signs on Interstate Freeways and Expressways: Measurement of Separation for Off-Premise Signs

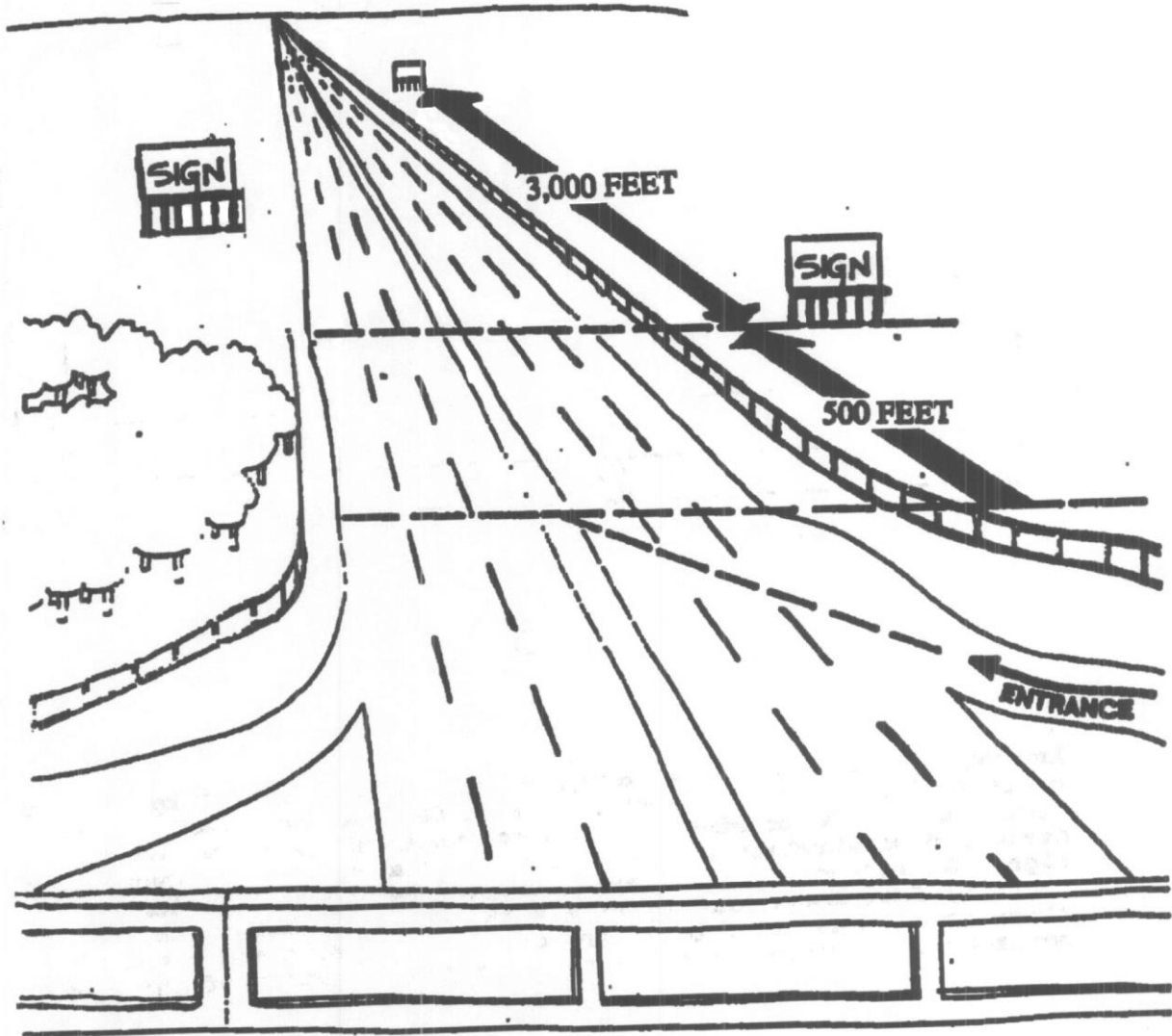


Revised

☒ = Sign

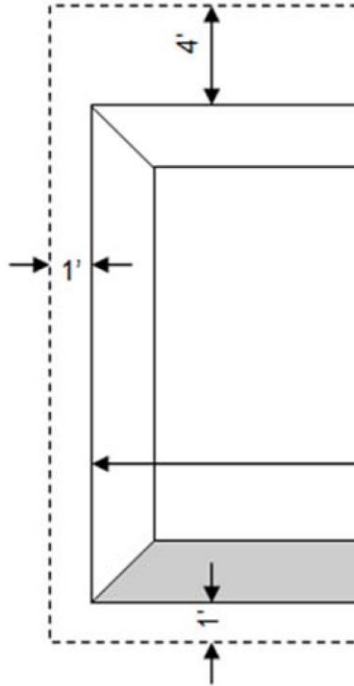
The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the Interstate Freeway or Expressway.

Sign Diagram 27. Signs on Interstate Freeways and Expressways: Entrance Roadway Limitation



(G.O. 10, 2019, § 1)

Sign Diagram 35. Advertising Sign Size Parameters & Extension



Delete and replace with Sign Diagram
35 Revised

Any vertical or horizon
foot advertising sign di
announcement, declar
an advertising sign. Ar
four (4) feet above the
foot to the sides of the
to the bottom of the sig

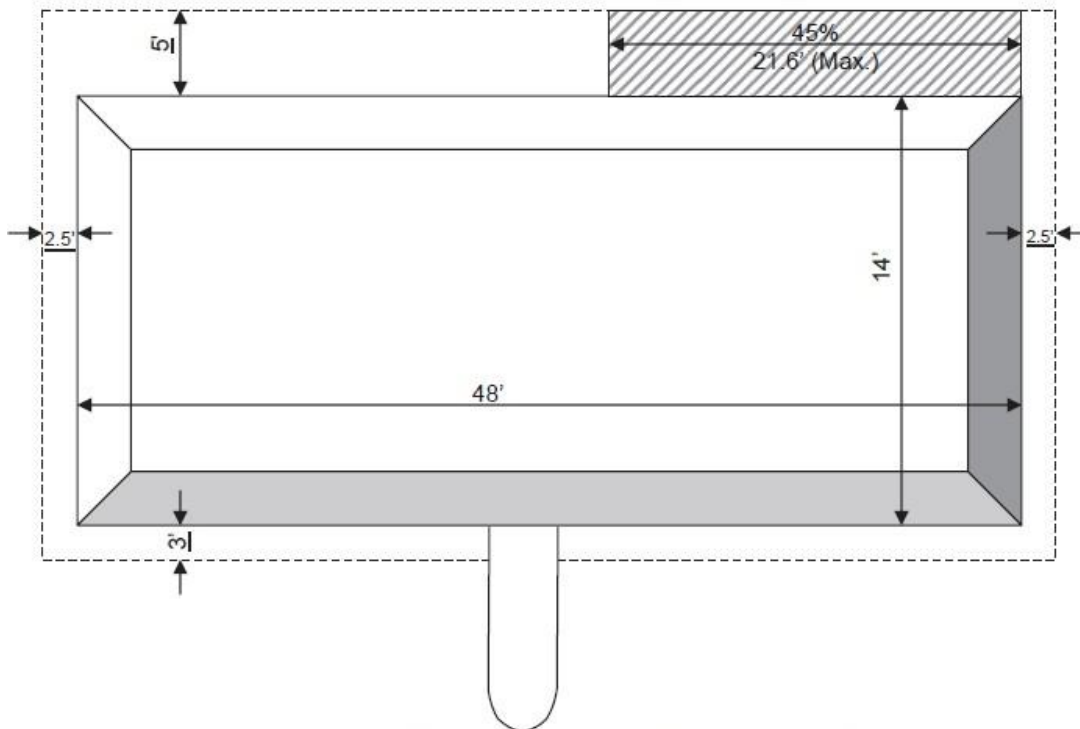
(G.O. 10, 2019, § 1)

Sign Diagram 35 Revised: Advertising Sign or Off-Premises Sign Extension

Diagram 35

Advertising Sign or Off-Premises Sign Extension

Revised



Any vertical or horizontal embellishment to a 10.5 foot by 36 foot or 14 foot by 48 foot advertising sign designed as a part of and integrally incorporated into the announcement, declaration, device, demonstration or insignia used as a part of an advertising sign. An extension shall have a maximum vertical dimension of five (5) feet above the top of a sign, a maximum horizontal dimension of two and a half (2.5) feet to the sides of the sign and a maximum horizontal dimension of three (3) feet to the bottom of the sign.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason after having taken effect, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2024, at _____ p.m.

ATTEST:

Vop Osili
President, City-County Council

Yulonda Winfield
Clerk, City-County Council