

ORDINANCE NO. 2019- _____

**AN ORDINANCE OF THE LONG BEACH TOWN COUNCIL
DELETING TITLE XV, CHAPTER 154, SECTIONS 154.054 AND 154.075 OF AND
ADDING SECTION 154.118 TO THE ZONING CODE OF THE TOWN OF LONG
BEACH, INDIANA**

WHEREAS, the Long Beach Town Council on June 10, 2002, adopted a Zoning Code of the Town of Long Beach, LaPorte County, Indiana, as amended, which is located at Title XV, Chapter 154 of the Long Beach Town Code; and

WHEREAS, the Long Beach Advisory Plan Commission has initiated a proposal to amend Title XV, Chapter 154 of the Zoning Code to add Section; and

WHEREAS, a public hearing has been held before the Town of Long Beach Advisory Plan Commission, which has certified its proposal to amend the text of the above-referenced sections and related appendixes of the Zoning Code to the Long Beach Town Council; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning the amendments of the subject sections of the Zoning Code; and

WHEREAS, the Advisory Plan Commission and the Town Council have paid reasonable regard to the Town's Comprehensive Plan, the current conditions and character of current structures and uses in each zoning district, the most desirable use for which the land in each zoning district is adapted, the conservation of property values throughout the jurisdiction, and responsible growth and development in the Town; and

WHEREAS, the Long Beach Town Council concurs with its Advisory Plan Commission and accepts the proposal to delete Title XV, Chapter 154, Sections 154.054 and 154.075 and adding Section 154.118 to the Zoning Code;

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

- 1. Title XV, Chapter 154, Sections 154.054 and 154.075 shall be and are deleted; and**
- 2. Title XV, Chapter 154, Section 154.118 shall be and is added and shall read as follows:**

Section 154.118 Outdoor Signs

Section:

154.118.00. Intent

154.118.01. Definitions

154.118.02. Permitted Sign Types

154.118.03. Residential Name Plate

154.118.04. Long Beach Town Bulletin Boards

154.118.05. Business Signs

154.118.06. Temporary Signs

154.118.07. Sign Placement

154.118.08. Exceptions to Sign Placement

154.118.09. Designation of the Enforcement Responsibility

154.118.10. Regulation of Number or Size of Election Signs

154.118.99. Penalty

154.118.00 Intent

This chapter is intended to regulate signs and to minimize outdoor advertising in order to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life of the community. The requirements contained herein are intended to be content neutral. The following objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the Town in order to:

(A) Protect the public right to receive messages, including religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.

(B) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.

(C) Maintain and improve the image of the community by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.

(D) Recognize that the principal intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.

(E) Eliminate potential conflicts between business signs and traffic control signs, thereby minimizing the potential for confusion and hazardous consequences.

(F) Enable the public to locate goods, services and facilities without undue difficulty and confusion by restricting the number and placement of signs.

(G) Prevent placement of signs which will conceal or obscure signs of adjacent uses.

(H) Prevent off-premise signs from conflicting with other land uses.

(I) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.

(J) Regulate portable commercial signs in recognition of the negative impact on traffic safety and aesthetics.

154.118.01 Definitions

The definitions set forth in this Section shall be applicable to the interpretation and enforcement of this Section and shall control in the event with a conflict of other definitions within the Code.

Right-of-Way. The easement granted or reserved and platted to the Town of Long Beach, over the land for transportation or recreational purposes, this can be for a roadway, alley, public footpath, beach stop access, public garden area as well as well as all public utility electrical transmission lines, oil and gas pipelines. The Right-of-Way is typically wider than the paved area of a street or alleyway.

CORNER SIGN. A sign placed near the intersection of the two street frontages and designed to be visible from both streets.

SIGN. Any board, device, or structure or part thereof used for advertising, display, or publicity purposes. SIGNS are categorized as on-premise, off-premise, outdoor and portable. The total size of a sign under terms of this chapter shall consider only one surface. SIGNS placed or erected by a governmental agency for the purposes of showing street names or traffic directions or regulations or for other governmental purposes shall be exempted from regulations.

(A) SIGN, OUTDOOR A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located. A freestanding sign is not to be supported by straps, wires or the like.

(B) SIGN, PORTABLE. A free standing, on premise or off premise advertising device which is designed to be moved from one location to another and is not permanently affixed to the ground or building structure for the duration of its use.

(C) SIGN, TEMPORARY A temporary sign is intended to temporarily promote, advertise, announce or identify an event such as a yard or garage sale, an estate sale, open house, celebration directions, “for sale” and similar signs for a limited period of time.

Temporary signs are to be removed after the time period for which it is allowed elapses.

TOWN PROPERTY. Town Right-of-Way and all other property deeded and platted to the Town of Long Beach including Public Parks, buildings and structures.

154.118.02 Permitted Sign Types

(A) No signs shall be permitted except as otherwise provided under this Chapter or other applicable law.

(B) A non-commercial temporary banner must be approved by the Long Beach Town Council. If approved, a temporary banner shall be installed not more than fourteen (14) days prior to the date of the event and shall be removed not later than two (2) days after the event.

(C) No other types of signs or other forms of advertising structures of any type of configuration shall be permitted. Signs shall be designed, erected, altered, reconstructed, moved or maintained in whole or part, in accordance with the provisions set forth in this chapter.

(D) Penalty. See 154.118.99

154.118.03 Residential Name Plate or Blade Signs

A single Name plate or blade sign for residential use shall be permitted subject to the following conditions:

(A) Name plates or blade signs shall not exceed one (1) square foot in area, and letter or numeral height shall be a maximum of three (3) inches. Only one face of a double-faced sign shall be included in the computation of permissible area. A double-faced sign is one where each of the two sides face in opposite directions.

(B) Sign face may be either internally illuminated or by floodlight. No blinking, flashing, rotating, or animated sign shall be permitted that are visible from the exterior of a building or other structure.

(C). No name plate or blade sign shall extend over public property nor be erected so as to obstruct street sight lines or traffic control lights, a sign at street intersections, or signals at railroad crossings. A sign visible from the sight lines along a street shall not contain such words as stop, slow, or in any way resemble a street or traffic sign and so on, or in any other manner resemble a highway traffic sign.

(D) Except as otherwise provided, name plates or blade signs shall only display the following:

- (1) Name of the premises upon which it is displayed.
- (2) Name of the owner or lessee of the premises.
- (3) Address of the premises.
- (4) No name plate shall be permitted above the first floor.

(E) Penalty. See 154.118.99

154.118.04 Town of Long Beach Bulletin Boards

Bulletin boards for Town of Long Beach Administrative Buildings including parks, Long Beach Community Center, Long Beach Country Club, and similar uses shall be permitted subject to the following regulations:

(A) One free-standing sign for each main use per frontage:

- (1) The sign shall contain only the name and address of the building, its occupants, and the services rendered.
- (2) The sign shall not exceed thirty-two (32) square feet in area, exclusive of architectural features. The sign structure shall not exceed eight feet in height.
- (3) The sign face shall not be internally illuminated but may be flood lighted. No blinking, flashing, rotating, or animated sign shall be permitted that are visible from the exterior of a building or other structure.
- (4) A Bulletin Board shall be set back fifteen feet (15') from edge of the pavement of the right-of-way; however, this setback may be reduced to ten feet subject to approval of a special exception of the Town Council.

For purposes of this subsection, the term frontage shall mean a strip or portion of a parcel of land abutting on a street.

(B) One sign attached to the outside face of the main building:

- (1) The same shall contain only the name of the building and its occupants.
- (2) Letter or numeral heights shall not exceed one foot (1').
- (3) The sign shall not exceed ten (10) square feet in area.
- (4) The sign face shall not be internally illuminated but may be floodlighted. No blinking, flashing, rotating, or animated sign shall be permitted that are visible from the exterior of the building.
- (5) No sign shall be allowed to appear above the first floor level.

(C) Penalty. See 154.118.99

154.118.05 Business Signs

(A) Types permitted shall be limited to wall mounted on-premise flat signs indicating name and nature of the occupant only or the name and address of the building, or the name and address of the owner. These signs shall be attached to the building in which the occupant is located. Projecting signs shall not be permitted.

(B) The following regulations shall apply to signs for each occupancy:

- (1) The total area of all business signs on any one street frontage of the premises shall not exceed four-tenths of a square foot per linear foot of such street frontage or thirty-eight (38) square feet, whichever is smaller.
- (2) Building frontage to be used in calculating the permitted sign area shall include frontage whereon a public entrance to the occupancy is located. Separate calculations may be made for front and rear entrances and a separate sign may be erected on each of these building frontages. Subject to the restrictions in this subsection, a sign may be placed on any side of a building, but no corner sign shall be allowed. Calculations for a side sign shall be the same as the calculation for a front entrance.
- (3) A sign shall not extend over a public sidewalk or right-of-way, nor obstruct street sight lines or traffic-control lights, a sign at street intersections, or signals at railroad crossings. A sign visible from the sight lines along a street shall not contain such words as stop, go, slow or otherwise resemble a highway traffic sign. All sign faces shall be mounted on or attached to the building.
- (4) No blinking, flashing, rotating, or animated sign shall be permitted on the exterior of any building in this district. A sign shall be harmonizing in design and color with the surrounding and shall not be attached to any tree or shrub
- (5) In cases where the store has a rear parking lot, a sign may be located on the rear of the building and shall be developed to the same standards as are required in the front of the store, provided, however, that the sign shall not be lighted.
- (6) Lights used to illuminate a sign shall be so installed as to concentrate the illumination on the sign or advertising structure and to minimize glare upon a public street or adjacent property.
- (7) No sign shall be installed above the first floor level.
- (8) No sign shall be erected which are freestanding, projecting, on poles, the ground, above marquees, on top of buildings, or in any other form or manner, except as specified elsewhere in this chapter.
- (9) One (1) portable, wheeled, or sandwich board sign not exceeding twenty (20) square feet per side may be placed on a public sidewalk that is adjacent to and adjoins the business only during regular business hours but shall not unduly burden normal pedestrian traffic or usage on the public sidewalk.

For purposes of this subsection, the term frontage shall mean a strip or portion of a parcel of land abutting on a street.

(C) Penalty. See 154.118.99

154.118.06 Temporary Signs in a Residential Zone

One Temporary sign per residence shall be permitted per Zoning Lot subject to the following conditions:

(A) One (1) non-illuminated temporary sign pertaining to the long term lease or sale of the Zoning Lot upon which it is placed and not exceeding four square feet in gross surface area is permitted, provided that the sign shall be removed within two (2) days after the consummation of the sale, lease or the termination of the agent's authority. Two (2) 24"X 6" "Ride-along-signs" and one small information box will be permitted (on the same support post only) to include agents name, property description, or open house; **OR**

(B) One non-illuminated temporary sign, not exceeding nine (9) square feet in gross surface, erected not more two (2) days before the event and taken down within one (1) day of its conclusion; **OR**

(C) Signs related to elections as defined in I.C. 3-5-1-2 shall be placed and regulated in compliance with I.C. § 36-1-3-11; **AND**

(D) No sign is permitted in the Town Right-of-Way or other Town property unless specifically exempted elsewhere in this Chapter or by approval of the Town Council. No temporary sign may be affixed to a utility pole, tree, shrub, vehicle or the like; **AND**

(E) If a sign is on a post the following must be adhered to:

(1) Height of the top of a sign or its support post must not be more than four (4) feet above ground.

(2) Not to extend or be placed on or over Right-of-Way, nor be erected so as to obstruct street sight lines of traffic control lights, a sign at street intersections, neighboring property or traffic control signs and signals.

(3) A Sign visible from the sight lines along any street shall not contain such words as stop, go, slow, and so on, or in any other manner resemble highway traffic signs.

(F) The maximum number of temporary signs on a Zoning Lot shall be one (1).

(G) Penalty. See 154.118.99

154.118.07 Sign Placement

(A) Where a residence is within eight feet (8') of the Town Right-of-Way a freestanding sign meeting all other requirements may be placed one foot in front of the residence.

(B) A temporary sign not to exceed four (4) square feet may be erected in the Town Right-of-Way (but not on any paved portion of a roadway) for a period not to exceed forty-eight (48) hours to direct individuals to a specific event or celebration such as yard/estate sale/open house or similar events.

(C) Except as otherwise provided in this Chapter, no residential or business sign may be placed on any street pavement, parking lot, sidewalk, public utility easement or alleyway in the Town of Long Beach.

(D) No outdoor sign may be placed on Long Beach Town property without the express and written permission of the Town of Long Beach or a designated agency or commission of the Town.

(E) No commercial business advertising sign including outdoor advertising, on-premise advertising or other business sign is permitted in the residential district, except for up to six (6) Town of Long Beach Bulletin Boards at six (6) separate locations chosen by the Long Beach Town Council and designed to give direction to and announce the names of a local business and Town buildings

(F) Penalty. See 154.118.99

154.118.08 Exceptions to Sign Placement

(A) A sign indicating Temporary hazards

(B) Building permit and Variance Notice

(C) Regulatory and Informational signs posted by Town Marshal including parking, speed, traffic control and any special event authorized by the Long Beach Town Council.

(D) A sign posted on Town Property by an Agency or Commission Entity of the Town.

(E) Penalty. See 154.118.99

154.118.09 Designation Of The Enforcement Responsibility

The Long Beach Town Council hereby designates the Office of the Town Marshal with the responsibility for enforcement of this chapter.

154.118.10 Regulation of Number or Size of Election Signs

No provision of this Chapter shall be interpreted or otherwise enforced in contravention with applicable federal and state laws.

154.118.99 Penalty

Any person violating any of the provisions of this chapter shall be fined \$100 for the first violation and \$250 for each additional violation. Each day that a violation is permitted to exist shall be construed as a separate offense; and nothing in this Section shall be construed to limit any other remedies at law or equity.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this 12th day of August, 2019.

LONG BEACH TOWN COUNCIL

By:

Bob LeMay, President

Nicholas Meyer, Vice-President

Peter Byvoets, Member

Jane Neulieb, Member

Joy Schmitt, Member

ATTEST:

Bill DeFuniak, Clerk-Treasurer