

December 1, 2016

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, December 1, 2016, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 6:00 p.m. Don Calvert led the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President; Brian Mobley, Vice President; David Drake, Kevin Farris, Don Calvert, and Sandra Hash. Pat Wesolowski was absent. Kevin Tolloty, Planning Director, and Darla Brown, Town Attorney, were also present.

Approval of the Minutes

Terry Baker entertained a motion for approval of the minutes for the Executive Sessions on September 1, 2016 and November 3, 2016 and the regular meeting on November 3, 2016. Kevin Farris so moved. Don Calvert seconded. Motion carried.

Old Business

Proposed Revisions to the Sign Code

Kevin Tolloty, Planning Director, presented sign code revisions as follows:

§152.255, Purpose: Removed repetitive language that doesn't change the context.

§152.257, General Regulations: Changes sign set back from 2' from road to 10' from road or 5' from property line. Mr. Farris asked if property line refers to the landscape perimeter or right-of-way. Mr. Tolloty answered 5' from the right-of-way. Mr. Baker asked if there is anything in the statute that would cause a problem with a sight line. Mr. Tolloty replied it is covered elsewhere and it shouldn't cause a problem with the sight line. Mr. Farris mentioned a car lot on Lakeview next to Long John Silvers has no place to put a sign. If Long John Silvers wanted to replace their sign it is in the right-of-way. Mr. Tolloty explained permanent signs in the right-of-way will be grandfathered in. Proposed changes apply to new signs.

§152.258, Exempt Signs: Removes content specific references, i.e., flags, garage sales, open houses, real estate, construction, directional, time and temperature, personal, special occasions and gasoline pricing signs.

§152.259, Prohibited Signs: Content based language for balloons is moved to temporary signs. Combines trees, street signs and utility poles into one paragraph.

§152.259, Temporary Signs: Temporary and permanent signs were separated into two different sections. Temporary signs include four sections: Residential, Agricultural, Commercial (with permits) and Commercial (without permits). General temporary sign guidelines references existing code.

Residential Districts includes properties used as residential in any district. Allows three temporary signs without permits: Commercial opinion signs 8 s/f and under with a maximum of one per property; non-commercial opinion signs up to 8 s/f and personal message signs up to 32 s/f, 3 days at a time and four times a year. Mr. Baker doesn't think in-home businesses should have signs in their yards. Mr. Tolloty explained for sale signs are permitted and something similar would have to be allowed. Permitted signs cannot be based on content. They're to look at size and location. The Supreme Court wants to see signs based on safety and aesthetics. Mr. Baker reiterated his concern about signs for home occupations. Mr. Tolloty advised Town Code states signs for home occupations can be 2 s/f of sign face area per dwelling. Mr. Baker asked if a home occupation has to obtain a sign permit. Mr. Tolloty answered it does not require a permit.

Agricultural Districts do not include residential or commercial temporary signs. Mostly consists of property identification signs. Includes non-commercial opinion signs 8 s/f and under, commercial temporary signs 8 s/f and under and one temporary sign up to 32 s/f for a period of three days up to four separate occasions per year. He is considering not putting a size limit because of larger for sale signs.

Commercial Districts (with permits) includes any property being used on a commercial basis. Temporary permits will be good for 30 days with four permits per year and a maximum of

120 days with at least two weeks between permit periods. This may be increased to six times a year. A maximum of two banners/temporary signs will be permitted at any given time. Signs can be a maximum of 32 s/f.

In Commercial Districts no permit is required for the following: Non-commercial opinion signs up to 8 s/f and under; commercial temporary signs, 8 s/f and under with a maximum of two signs per parcel; and inflatables are permitted for two separate periods of up to one week each per calendar year. Temporary signs up to 8 s/f with a maximum of two per property. It moves some items such as window signs and inflatables from other sections.

No permit is required for signs covering not more than 25% of all windows visible from public streets. Scrolling interior window display signs, which are located behind a glass window and not to exceed 9" x 36".

Kevin Farris asked how the commercial temporary sign of 8 s/f can be regulated and not the other. Mr. Tolloty is uncertain on how to list it in Town Code without listing other things. Mr. Farris thinks "coming soon" signs are larger than 8' and are needed. An 8 s/f sign would be 2' x 4' and is not sufficient for someone marketing a commercial property. Mr. Baker remarked if they're exempt than others will think it applies to them as well. Mr. Farris asked how permanent signs for commercial properties are calculated. Mr. Tolloty answered it is based on building frontage. A-frame signs used downtown still need reviewed.

Kevin Tolloty has been working on the permanent sign code for agricultural and residential. Permanent signs will be listed by sign type, i.e., general requirements, freestanding, wall signs and other.

Agricultural Districts: Maximum total sign area will increase to 100 s/f which includes all permanent signs such as freestanding, wall and group signs. Electronic changeable copy signs will not be permitted. Anything used as single or two family residential will follow permanent signs for residential. One freestanding sign up to 40 s/f will be permitted and can be internally lit. A maximum of three wall signs permitted per commercial or industrial structure up to a maximum of 40 s/f. Manual changeable signs are permitted up to a maximum of 30 s/f. One freestanding sign up to 24 s/f is permitted at each entrance of a platted subdivision or other recognized neighborhood. Roof signs are permitted for commercial or industrial structures with a maximum area of 40 s/f.

Residential Districts. Permanent free standing gateway signs for subdivisions or recognized neighborhoods will not require a permit and cannot exceed 24 s/f.

Sign Permit Fees: Fees will be increased to \$50 plus \$1 per square foot of signage. Temporary permits will be increased to \$40 for 30 days. After a discussion, members agreed on the sign permit fees.

Permits and Approval Process: Changes apply to procedures and to remove unnecessary wording. Fees for existing sign structures has been removed. Appeals are made to the Board of Zoning Appeals.

Inspections and Certificates of Compliance: Electrical permits are required and construction plans are to be reviewed by a building inspector. Freestanding signs should have a structural review.

Privilege of the Floor – Non Agenda Items

Russ Ryle questioned if the businesses failures along the corridor can be attributed to what was done locally or how much businesses have changed over the last 15 to 20 years. His point is it is not because of what is done locally. There are more factors than what the Town has done to those businesses. Mr. Farris thinks changing the traffic pattern to four lanes caused many businesses to close. Mr. Ryle thinks Town Council and Planning have a limited scope of authority and action over the global impact of the surrounding world on a

business. Lighting should be focused downward. Sight pollution as it affects traffic wasn't discussed. More people are traveling State Road 46 rather than Highway 37 which will become a detriment to the Town and businesses on the corridor. Unfortunately, 98% of the people who do the traffic counts on these roads do not want to stop in Ellettsville. Mr. Farris commented

the idea for the corridor was to speed traffic up and not slow it down. Eventually, they will have to slow them down and there will have to be more stoplights. Mr. Ryle suggested to make Ellettsville survive commercially a bypass needs created so businesses will draw people in and not have 50 to 60 cars going 60 mph while someone is trying to make a left turn to get into a business. A bypass around the south side of Ellettsville has been documented in a plan from the 1980s. Originally, State Road 46 was to go south of Town and come back to the route of State Road 46 to Spencer after the Early Childhood Center. Now it can't be done because schools were built where it was to run. This was to get traffic out of Town so people would come to Ellettsville resulting in a slower pace, less congestion and a better home for small businesses. He wouldn't put a small business on the corridor because of traffic. Mr. Tolloty advised there will be something on lighting under commercial permanent signs.

Adjournment

Terry Baker entertained a motion to adjourn. Kevin Farris so moved. Don Calvert seconded. Terry Baker adjourned the meeting at 7:36 p.m.

Terry Baker, President

Brian Mobley, Vice President

Sandra C. Hash, Secretary

Don Calvert

Pat Wesolowski

Kevin Farris

David Drake