

February 2, 2017

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, February 2, 2017, 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; Don Calvert, David Drake, Pat Wesolowski and Sandra Hash. Brian Mobley and Kevin Farris were 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 regular meeting on December 1, 2016. David Drake so moved. Don Calvert seconded. Motion carried.

Election of Officers

David Drake nominated Terry Baker for President. Pat Wesolowski seconded. Motion carried.

Pat Wesolowski nominated David Drake for Vice President. Don Calvert seconded. Motion carried.

David Drake nominated Sandra Hash as secretary. Terry Baker seconded. Motion carried.

Old Business

Proposed Revisions to the Sign Ordinance, Chapters 152.255 – 152.265

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

Definitions: Definitions for gateway, inflatable, monument and pole signs and light trespass have been added. Mr. Calvert asked the definition of a non-commercial opinion sign. Mr. Tolloty explained a non-commercial opinion sign does not advertise products, goods, businesses, or services but expresses an opinion or point of view, such as political, religious or other ideological sentiment. The definition for changeable copy sign now includes manual and electronic. Monument and pole signs have been added to the freestanding sign definition. Information sign is a new definition and includes directional address signs, gives basic information that is not advertising, is under 4 square feet and is exempt. Portable sign definition and the temporary sign section were revised. Mr. Wesolowski asked if a new business can't put up a temporary illuminated sign with arrows for 30 days because proposed guidelines state "temporary signs shall be non-illuminated?" Mr. Tolloty answered yes and they could use the sign without lights. Mr. Wesolowski commented we ask businesses to come into the community and they're limited by Town code. Mr. Tolloty doesn't think the permanent sign code revisions are more restrictive. The changes allow more signage but does tighten the temporary sign regulations. Mr. Baker thinks temporary lighted signs are low, can be a distraction and there is no way to regulate the brightness. Ms. Hash asked if there is a time limit for temporary signs. Mr. Tolloty answered there will be. Definitions that are content based have been removed.

General Regulations: Monument signs are not permitted in any site triangle. Informational signs were added to exempt signs. Changes to temporary signs were discussed at the December meeting. At the last meeting, Kevin Farris brought up larger signs for undeveloped lots which has been added and permits will not be required. Banner permits have been changed to six per year and the days between decreased from 14 to 10. Essentially, banners are allowed for half of the year. Sign lighting in agricultural districts can be internal or external. External lighting is minimized as to light trespass onto adjacent properties. External lighting should be directed downward. Mr. Calvert asked if the square footage allowed in Agricultural and Commercial 3 Districts is for all three signs combined. Mr. Tolloty answered it is a total of 100 square feet for all three signs which include wall, freestanding and any other type. Mr. Wesolowski asked if a sign with flood lights shining on it is permitted. Mr. Tolloty answered it would still be considered a lighted sign or external lighting. Mr. Wesolowski asked if lights can be put on temporary signs. Mr. Tolloty answered no. Mr. Baker commented flood lights on signs should point down at an angle so they don't shine at traffic. Flood lights should be mounted on top of the sign and shining down to eliminate traffic problems. Mr. Tolloty will include a notation about directing lights away from traffic. Ms. Hash confirmed lighting will be on permanent and not temporary signs. Mr. Tolloty said that is correct.

Permanent signs in Commercial 1, 2 and 3 and Industrial 1 and 2 Districts: Commercial signs are divided into two groups: C-1 (light commercial) and C-2 (downtown commercial)

and C-3, I-1 and I-2. C-1 and C-2 signs will be between where State Road 46 splits off on the east and west side. East of the State Road 46 split is C-3 and west of the split is C-3, I-1 and I-2. The

signs in C-1 and C-2 are proposed to be smaller than other commercial signs because the speed limit is less where State Road 46 splits. Presently, 80 square feet of signage is allowed, sign height is 26', there is no defined area for wall signs or how many and all changeable copy signs come through Plan Commission for approval. Proposed under light and downtown commercial, between the State Road 46 splits, would be 120 square feet of total sign area, sign height would be maxed out at 15' and only monument signs would be permitted. Pole signs are not needed in that area and monument signs should work. Signage allowed is 60 square feet Wall signs up to 50 square feet per sign and up to two per wall are allowed. Manual changeable copy signs are permitted without having to go through the Plan Commission. Electronic changeable copy signs still require approval for C-1. He prefers electronic changeable copy signs not be allowed in C-2 which consists of Sale Street and part of Vine Street. In C-3 and Industrial Districts, a total of 200 square feet is allowed for all signs as well as 26' tall signs, 80 square feet for pole signs and 120 square feet for monument signs. He wants to encourage monument signs. Wall signs up to 60 square feet per sign are permitted until they reach the maximum square footage. Both manual and changeable copy signs are permitted. The last changeable copy sign that came before the Plan Commission had conditional approval for brightness and message hold time. Mr. Baker wants to make this part of the regulations. Mr. Tolloty commented this encourages signage toward the road which would be beneficial unless it's on walls. Bloomington and Monroe County regulations are less for signage by the road, more on the buildings and require vegetation in front of the buildings. Revisions have been made to project roof and awning signs. Roof signs are treated like wall signs and require engineering reports. It allows for external and internal lighting also in C-3 districts. Scrolling and window signs have been moved into a different section. The amount of signage allowed will be based off the linear feet of the property frontage. Now, it is 1.6 square feet per 1 linear foot of frontage but it has been changed to 1.5 square feet If there is over 5 linear foot in a C-3 or industrial zone an additional free standing sign is allowed. Shopping centers and multi-tenant signs will require additional regulation which is not covered so he will include this at the next meeting.

Permanent signs for residential districts: Sign lighting may be external only. Only external lighted entrance signs to subdivisions or neighborhoods are permitted in a residential zone. Requirements for where the lighting has to be directed will be added.

He would like to have a public hearing at the meeting on March 2, 2017. He will make revisions to the lighting and add a section on shopping centers and multi-tenant signs under commercial districts. Mr. Wesolowski asked if there a study that shows it's safer to have a monument versus a pole sign. Mr. Tolloty doesn't know if it is so much about safety but an aesthetic issue. Mr. Wesolowski remarked pole signs are easier to see than monument. Mr. Tolloty reasoned this is why pole signs are allowed in C-3 districts and it depends on speed limits and the road on. In C-1 and C-2 districts, the speed limit is slow enough the monument signs can be seen. It will allow there to be more cohesiveness through Ellettsville. He will forward a draft of the revised sign ordinance to the Ellettsville Chamber of Commerce.

New Business

Proposed Revisions to the Floodplain Ordinance, Chapters 152.100 – 152.105

Kevin Tolloty, Planning Director, explained the Indiana Department of Natural Resources ("DNR") conducted a five year audit on January 4, 2017. The Town's floodplain ordinance is out-of-date with the state model which was last updated in 2013. The DNR advised they need a draft of the Town's revised floodplain ordinance by the end of February. The DNR provided the required and optional changes and there are no changes to §152.105. Proposed revisions are as follows:

§152.100 Statutory Authorization: Removes the reference that flood insurance is federally subsidized. The provision requiring the Town is to notify home buyers of their floodplain status has been removed. Several definitions have been added: Boundary River which is the Ohio River; Boundary River Floodway; Non-Boundary River Floodway which would be in Ellettsville; Letter of Final Determination which is used when FEMA updates a map; Base Flood; and D Zone is an additional flood zone but not on Ellettsville maps. The definitions for Encroachment and Existing Construction have been removed. Definitions modified are as follows: The Accessory Structure definition was modified to reflect anything under 400 square feet for flood development. Elevation Certificate now states who can authorize and issue them.

Lowest Floor now includes crawl spaces. The reference to historic structure is removed but referenced later in the ordinance.

§152.102 General Provisions: Contains proposed revisions regarding the Letter of Final Determination. Changes to the Penalties for Violation is an optional change. Currently, violations in the floodplain are a Class E infraction which incurs a fine of \$25 per day, per violation. In comparison, sign violations are \$100 per day. The fine needs to be increased because a violation could get the Town kicked out of the National Flood Insurance Program. The fee for a Class C infraction is \$500 per violation per day. Mr. Calvert asked if there is a maximum for the fine of \$25 per day. Mr. Tolloty answered all fines max out at \$2,500 or \$5,000. He needs a fine that will get their attention. Mr. Baker agrees. People who build in the floodway and cause problems need to pay for it.

§152.103 Administration: Requires hydraulic and hydrologic engineering studies for any proposed watercourse change caused by construction. Establishes a finished construction stage with an “as-built” elevation certificate. Currently, the Town has application and construction stages but not a finished construction stage to verify the elevation of new structures. Tracking and maintaining floodplain permit records has been added. An optional change establishes a Floodplain Development Permit review fee of \$50. Modification of the inspection procedure is an optional change which requires inspection at the final construction stage as well as beginning and mid-point construction.

§152.104 Provisions for Flood Hazard Reduction: Establishes guidelines for accessory structures and storage tanks. Expands on the current regulation for floodway development which will be reviewed by the DNR. The following is suggested by the DNR and would be beneficial to the Town: Paving in floodplains to be completed with permeable materials. Compensation of fill for any structure constructed in a floodplain will have a ratio of 1:1 on the same property if at all possible. If not, adjacent but still in the floodplain. This means fill that is the same amount of space has to be removed either on adjacent or the same property so as not to alter the floodplain. Clarification on what changes may be made to a structure in a floodplain with/without requiring further restrictions. This prevents someone from adding one or more additions onto a structure. Clarification on wall vents is in elevated structures. The non-conversion agreement process is clarified. This applies to houses that could have living space in the elevated area and prevents it from being closed in to make a living space. This would be recorded with the deed. Requires fill to be composed of clean granular or earthen material.

If the ordinance is returned timely by the DNR he will have a public hearing in March and if not it will be in April.

Planning Department Update

Kevin Tolloty, Planning Director, advised at the March meeting a lot split on Love Lane will be considered as well as public hearings for the ordinance updates. Brian Miller is present and he has expressed an interest in the Plan Commission vacancy. He is working on the Comprehensive Plan and will have an update at the March meeting and hopes to have a public workshop in May. Annual report will be ready in May. There is an American Planning Association conference in Bloomington in March.

Terry Baker announced the next meeting will be on March 2, 2017.

Adjournment

Terry Baker entertained a motion to adjourn. Pat Wesolowski so moved. Don Calvert seconded. Terry Baker adjourned the meeting at 7:16 p.m.

Terry Baker, President

Brian Mobley, Vice President

Sandra C. Hash, Secretary

Don Calvert

Pat Wesolowski

Kevin Farris

David Drake