

ORDINANCE NO. 2000-14

ORDINANCE TO AMEND CHAPTER 8, ARTICLE 4,
SECTION 8-15, 8-16, 8-18, 8-22 AND LINE 37
OF THE SCHEDULE OF USES, ALL AS PART OF THE
LAPORTE COUNTY ZONING ORDINANCE

WHEREAS, the LaPorte County Plan Commission has conducted a public hearing on the 25th of April, 2000 and the 23rd of May, 2000 concerning amendments to Sections of the LaPorte County Zoning Ordinance involving variance procedures, outdoor advertising and paging or cell towers, and;

WHEREAS, the recommended changes have been certified by the LaPorte County Plan Commission and submitted to the Board of Commissioners for review and approval.

NOW THEREFORE, be it resolved by the LaPorte County Board of Commissioners that:

Section I.

Chapter 8, Article 4, Section 8-15 and 8-16 are hereby rescinded in its entirety and replaced by new Section 8-15, Signs and Billboards generally; and 8-16, Outdoor Commercial Advertising pursuant to Exhibit A.

Section II.

Chapter 8, Article 4, Section 8-18, concerning variance procedures is hereby amended pursuant to Exhibit B.

Section III.

Chapter 8, Article 4, Section 8-22 is hereby amended pursuant to Exhibit C.

Section IV.

Chapter 8, Article 4, Schedule of Uses, line 37 is hereby amended to include paging and cell towers; permitted usage

in I, IR and A zoned districts; and special exceptions in GB, AB and LB zoned district.

Section V.

All other ordinances or parts of ordinances in conflict herewith are hereby rescinded.

Section VI.


That these amendments shall take effect after passage and posting prescribed by law.

ATTEST


KENNETH LAYTON, Auditor

BOARD OF COMMISSIONERS


MARLOW HARMON, President

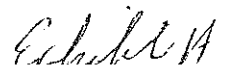

HENRY "BUD" KINTZELE,
Vice President


CLAY TURNER, Member

SEC. 8-15: Signs And Billboards, In General (See also Sec. 8-16)

A. The following signs are permitted in all districts.

1. *For Sale or Rent Signs*: One (1) "For Sale" or "For Rent" sign, not more than twelve (12) square feet in area, for each dwelling unit, garage or other quarters where appropriate, shall be permitted.
2. *Agricultural Signs*: One (1) sign, not more than thirty-two (32) square feet in area, pertaining to the sale of agricultural products raised on the premises, shall be permitted.
3. *Government Signs*: Signs established by, or by order of, any government agency shall be permitted.
4. *Construction Signs*: One (1) sign, not more than sixty (60) square feet in area for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted, but only during the time that construction or development is actively under way.
5. *Event Signs*: For an event of public interest such as a county fair, or church event, one (1) sign, not over thirty-two (32) square feet in area and located upon the site of the event shall be permitted. Such sign shall not be erected more than thirty days (30) before the event in question and shall be removed immediately after such event. Also directional signs, not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest. Such signs shall not be erected more than fourteen (14) days before the event in question and shall be removed immediately after such event. Street banners shall be permitted subject to the approval of the Board.
6. *Real Estate Development Signs*: For each real estate development that has been approved in accordance with the Subdivision Regulation, one (1) sign, not over three hundred (300) square feet in area, advertising the sale of property in such subdivision shall be permitted, but only when located on some portion of the subdivision being advertised for sale. Such sign may be illuminated. Such sign shall be maintained only during such time as some portion of the land advertised for sale remains unsold. Permits for such a sign shall be issued for a one (1) year period and may be renewed for additional one (1) year periods to allow time for reasonable display.
7. *Flashing or Animated Signs*: No intermitted flashing or animated signs shall be permitted.



8. *Temporary Occasion or Event Sign:* Pennants, banners, portable signs, and/or similar devices may be permitted for special events lasting no more than ninety (90) days per calendar year, provided they are displayed so as not to obstruct a clear view of traffic, traffic lights, and/or signals. Such displays are to be placed entirely within the confines of property displaying the devices and shall be placed off all right-of-ways. These portable devices shall not emit any flashing lights and/or lighted moving devices. No more than one (1) portable device shall be displayed on the same parcel of property unless there is a minimum of sixty feet (60') between each device. No business or on premise lighted political signs in residential zoning or within five-hundred feet (500') of residential zoning. Any or all displays shall be constructed and/or installed and shall be maintained and kept in orderly condition and good repair. Written permission must be obtained from the Zoning Administrator.
9. *Garage or Yard Signs and Sales:*
 - a. As used herein "garage or yard sale" is defined as a public or private sale conducted by the owner or occupier of a premise, and conducted within a residence, garage, or other accessory buildings or outside thereof, which sale is of six or more items of personal property owned or in the possession of the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale.
 - b. A garage or yard sale may be conducted three times in any one calendar year on any premises, but no such sale shall be conducted for more than five (5) consecutive days. Signs can be posted up to seven (7) days prior to sale day and removed no later than two (2) days after the sale day.
 - c. Such garage or yard sale shall be conducted during the hours from sunrise to sunset.
 - d. All personal property exhibited for sale outside any structure during such garage or yard sale shall be removed from the outside and placed within a structure immediately following the last day of such sale. All signs for such garage or yard sale shall likewise be removed.
- B. No portion of any sign may project over or onto a public right-of-way or road.
- C. No sign shall be erected or maintained at any location where by reason of its position, wording, size, shape, color, or illumination, it may obstruct, obscure, impair, or interfere with the view of, or be confused with any traffic control device, signal or sign.

Sec. 8-16: Outdoor Commercial Advertising

A. Off Premise Signs

A structure or accessory usually elevated above ground's surface, which communicates the availability of goods, service, and ideas not necessarily available on the premises on which the sign is located.

1. *Districts permitted in:* Permitted only in AB, GB, LB, I, and IR zoning districts and only along State, Interstate, and Federal Highways.
2. *Area of Signs:* Off-premise signs shall not exceed six hundred seventy-two (672) square feet per facing, extensions not to exceed three hundred twenty-eight (328) square feet, and shall contain no more than **one (1) sign per facing (two (2) advertising faces total per structure)** on I-80/90 Toll road and I-94. Off-premise signs along all other highways shall not exceed three hundred (300) square feet per facing and shall contain no more than **one (1) sign per facing (two (2) advertising faces total per structure)**. No side-by-side or deck structures allowed on I-80/90 Toll Road or I-94, or any other highways. No rotating signs shall be permitted.
3. *Height:* The maximum height of an off-premise sign shall not exceed fifty feet (50') to top of sign. The height shall be measured from the centerline of the street or highway from which it is to be viewed. From grade to bottom of sign, the distance shall be twenty-one feet (21') minimum.
4. *Separation Between Off-Premise Signs:* The distance between lawfully erected off-premise sign structures shall be a linear measure taken along the center line of the street or highway on which the sign is to be located.
5. *Separation between Off-Premise And On-Premise Signs:* No off premise advertising sign shall be placed closer than five hundred (500') feet from an on premise advertising sign as measured on the same side of the roadway.
 - a. Separation of one (1) off-premise sign to another off-premise sign shall be at least one thousand (1000') linear feet , along the way (in either direction) of the Toll Road and Interstate 94.
 - b. Separation of one (1) off premise sign to another off premise sign shall be at least one thousand three hundred twenty (1320') feet, along the way (in either direction) on all state highways.
 - c. No off premise advertising signs shall be located or placed on any county road.

- d. Separation from an off-premise sign to any platted residential district or recorded subdivision shall be five hundred feet (500').
- e. Separation from an off-premise sign to any school or church shall be three hundred feet (300').
- f. Off-premise sign structures shall be back to back or a "v" design; twenty feet (20') maximum for a "v" design on I-80/90 Toll Road and I-94. Off-premise signs on state highways will be back to back only.
- g. A building permit is required for all off-premise signs in LaPorte County. Off-premise sign permits will need to include a *plat of survey performed by a registered land surveyor*, indicating all buildings, sign location, dimensions, elevations, and proposed location of sign with measurements from other placed signs, schools, churches and any residential development in unincorporated LaPorte County. A lease, signed by the owner of the property giving permission to erect an outdoor advertising sign, must also be furnished.
- h. Sign owners name plate shall appear on signs in a visible place.

B. On Premise Signs

A sign which advertises the sale or lease of a property upon which it located or a sign which advertises activities conducted on the property upon which it is located is considered an on-premise sign.

1. *Location*: Permitted only in A, AB, GB, LB, I, IR, and SC. No more than one (1) business structure may be erected on each street frontage of such business parcel. Placement must be at least one hundred (100') feet from any roadway intersection as measured from the edges of the right-of-way. If such sign is placed at the corner of the right-of-way intersection on such business property, there shall only be one (1) placement and such placement shall stand for both street frontages.
2. *Height (above buildings)*: No part of any sign attached to the exterior wall of a building shall be erected to a height of six feet (6') above the roof line or parapet line of such building.
3. *Illuminated Signs (residential districts)*: No illuminated sign shall be permitted within five hundred (500') of any residential district unless it is so designed that it does not reflect or shine light onto said district.

4. *Height (freestanding signs)*: No part of any freestanding sign shall be erected to a height no greater than fifty feet (50'). The height shall be measured from the centerline of the street or highway from which it is to be viewed. From grade to bottom of sign, the distance shall be a minimum of ~~twenty one~~ ^{10'} feet (21').
5. *Setback (freestanding signs)*: The minimum setback of freestanding signs from street right-of-ways shall not be less than ten feet (10').
6. *Size of Signs*: The size of a business sign shall not exceed one hundred fifty (150') square feet.

C. Maintenance, Removal, and Non-Conformity

1. *Maintenance*: All signs and sign structures shall be kept in repair and in proper state of preservation.
2. *Removal*: Signs which are no longer functional, in disrepair or are abandoned for more than (60) sixty days, shall be removed within thirty (30) days following notice of such non compliance, at the expense of the owner of the sign and/or property owner on which such sign is located. Said company and/or owner shall be notified by certified mail.
3. *Non-Conforming*: Any legally established non-conforming sign shall be permitted without alteration in size or location. If such a sign is damaged, exceeding sixty percent (60%) of its replacement value, it shall not be rebuilt; provided, however, that nothing herein shall prevent maintenance, repainting, or posting of legally established non-conforming signs.

OK

Recommendation of Amendments to the
LaPorte County Zoning Ordinance.

Chapter 8 Article 4

*Review
am*

- I. Repeal Section 8-16 in its entirety and replace with Exhibit A. Said section specifically pertains to off premise sign advertising.
- II. Amend Section 8-18 in part as follows:
Amend to read as follows:
 - D. . All variances of use are personal in nature and not transferable except by permission of this Board. Such request for transfer shall be by petition as applying for any variance or use.
 - E. Upon the granting of a variance, special exception or conditional use, the applicant must begin such use or initiate modification for such use within 180 days of approval by the Board.
 - 1. Improvement location permits must be obtained within 180 days of approval.
 - 2. The Building Commissioners may, upon the showing of good cause, extend this period to begin such use or modification for use by an additional Ninety (90) days so long as the request for extension is prior to the expiration of the original 180 days.
 - 3. Failure to obtain an improvement location permit and begin use or modification for use of the variance, special exception or conditional use within the time specified will serve as a vacation of such variance, special exception or conditional use.
 - 4. A discontinuation of the use as granted by the Board for the variance, special exception or conditional use for more than 180 days will serve as a vacation of such variance, special exception or conditional use.

Exhibit B

AMENDMENTS TO PAGING/CELL TOWER COMMUNICATIONS

Section 8-22.

Delete old section B-4 (A), 1-4 and reinsert the new B 4 as follows:

B-4. Tower Placement.

1. At least Fifty (50) feet greater than the tower height from any property boundary and Five Hundred (500) feet from any residential structures.

2. One Thousand (1000) feet from any R1, R2 or R3 zoned districts.

3. Fifty (50) feet greater than the tower height from any public road.

4. No tower placement shall be within five (5) miles of any existing tower.

5. Cannot be greater than Two Hundred and Fifty (250) feet in height.

6. Any tower greater than One Hundred and Fifty (150) feet must be capable of co-location of at least four (4) users.

Amend Section 8-22 D (1) (B) to read as follows:

The maximum tower height excluding antenna shall be Two Hundred and Fifty (250) feet above the surface grade.

Delete E-1 (A) (4)

Amend 8-22-E (2) (B) by deleting two (2) miles and inserting five (5) miles.

Add a new Section 8-22-F. Construction and non-conforming permits.

Construction of all towers must begin within One Hundred (100) days after issuance of a permit. Once construction begins, all towers must be completed within Ninety (90) days. Any permit issued prior to the adoptive date of this amended ordinance must have construction started within One Hundred and Eighty (180) days from the date of the adoption. If construction does not begin within One Hundred and Eighty (180) days of issuance, then such permit shall be void. All tower placements must be pursuant to the amended provisions of this ordinance thereafter.

Exhibit "C"