

AGENDA
AREA PLAN COMMISSION
OF EVANSVILLE AND VANDERBURGH COUNTY
PUBLIC HEARING

SEPTEMBER 14, 2017 AT 3:00 P.M.

CIVIC CENTER COMPLEX
CITY COUNCIL CHAMBERS, ROOM 301

ROLL CALL

A roll call of members to establish a quorum present.

APPROVAL OF MINUTES

CITY REZONINGS

[Docket No: 2017-22-PC R-2017-16](#) Petitioner: Jennifer Bastin
Address: (Complete legal on file.) 1912 N. Fulton Avenue
Nature of Case: Rezone from C-4 to R-2.

[Docket No: 2017-24-PC R-2017-18](#) Petitioner: Jeffrey A. Hahn
Address: (Complete legal on file.) 224 Richardt Avenue
Nature of Case: Rezone from R-2 to C-4.

COUNTY REZONING

[Docket No: 2017-25-PC VC-8-2017](#) Petitioner: Gregory A. Duck
Address: (Complete legal on file.) 13601 N. Highway 41
Nature of Case: Rezone from CO-2 to C-4.

CITY ORDINANCE

[Ordinance G-2017-19:](#) An Ordinance Amending the Zoning Code by Establishing an Overlay Zone in the West Franklin Street Area Relaxing Certain Parking Requirements as forwarded by the Evansville City Council.

COUNTY ORDINANCE

[Ordinance CO.09-17-020:](#) An Ordinance Amending Sections 17.26.020, 17.28.050, and Table 17.28.070 of the Vanderburgh County Code as forwarded by the Vanderburgh County Commissioners.

OTHER BUSINESS

Discussion regarding Zoning Code parking requirements.

ADJOURNMENT

STAFF REPORT
UPDATED AUGUST 31, 2017

Docket Number: CITY rezoning 2017-22-PC R-2017-16
Address: 1912 N. Fulton Avenue
Parcel ID: 82-05-13-028-077.003-029
Location: West side of Fulton, between Keller and Uhlhorn Streets
Council District: Ward 6 – Jim Brinkmeyer
Petitioner: Jennifer Bastin
Owner: Jennifer Bastin/Schuler
Request: Rezone from C-4 to R-2
Lot size: .115 acre

BACKGROUND INFORMATION:

This is a request for rezoning to bring the existing residence located at 1912 N. Fulton Avenue into compliance with current zoning codes and remove the legal non-conforming status designation of the site. In 1975, 1912-1924 N. Fulton Avenue were rezoned to allow construction of a welding business. The welding business was constructed on 1920-1924 N. Fulton Avenue and the single family residences remain on 1912 & 1914 N Fulton Avenue.

LAND USE:

Section 18.175.020 of the Zoning Code provides criteria that the Area Plan Commission and legislative body shall consider in evaluating rezoning requests. The following facts relate to the Code evaluation criteria.

EXISTING LAND USE: Single family residence

CHARACTER OF SURROUNDING ZONING AND USE:

North	C-4	Residential
South	R-2	Residential
East	C-4/C-1	Fulton Avenue – Parking lot
West	C-4	Fifth Avenue – vacant/undeveloped

APPLICANT'S STATED USE: Continuing residential

ALLOWED USES IN PROPOSED ZONE: The City zoning code allows single-family and duplex residence use, with maximum 40% lot coverage in the R-2 district, and 35 foot height limit for structures.

COMPREHENSIVE PLAN:

This request is consistent with the following policy in the Residential Section of the Comprehensive Plan:

"Promote, facilitate and sustain efforts in the preservation, maintenance and rehabilitation of neighborhoods."

GENERAL INFORMATION

FLOOD ZONE: No – Zone "X".

UTILITIES: Information submitted by the applicant indicates that all utilities are available to this site.

TRAFFIC/STREETS/ACCESS:

This site is located between Fulton Avenue and Fifth Avenue. There is an existing driveway access onto Fifth Avenue. No change to existing access is necessary for the continued use as a residence.

CONTINUED ON NEXT PAGE

COMPLIANCE OF APPLICANT'S SUBMITTED/PRELIMINARY SITE PLAN:

COMPLIANCE: This property is being rezoned to bring the existing residential use into conformance with the zoning code.

PARKING: A single-family residence requires two on-site parking spaces.

ADDITIONAL INFORMATION

This is a request to downzone this small C-4 zoned site to bring the existing residence into conformance with zoning code restrictions and to remove the legal nonconforming status designation and the accompanying legal nonconforming restrictions from the site. This downzoning to R-2 is consistent with the adjacent residential neighborhood development and is appropriate to the small size of the lot which makes the provision of adequate on-site parking for commercial use of the site difficult.

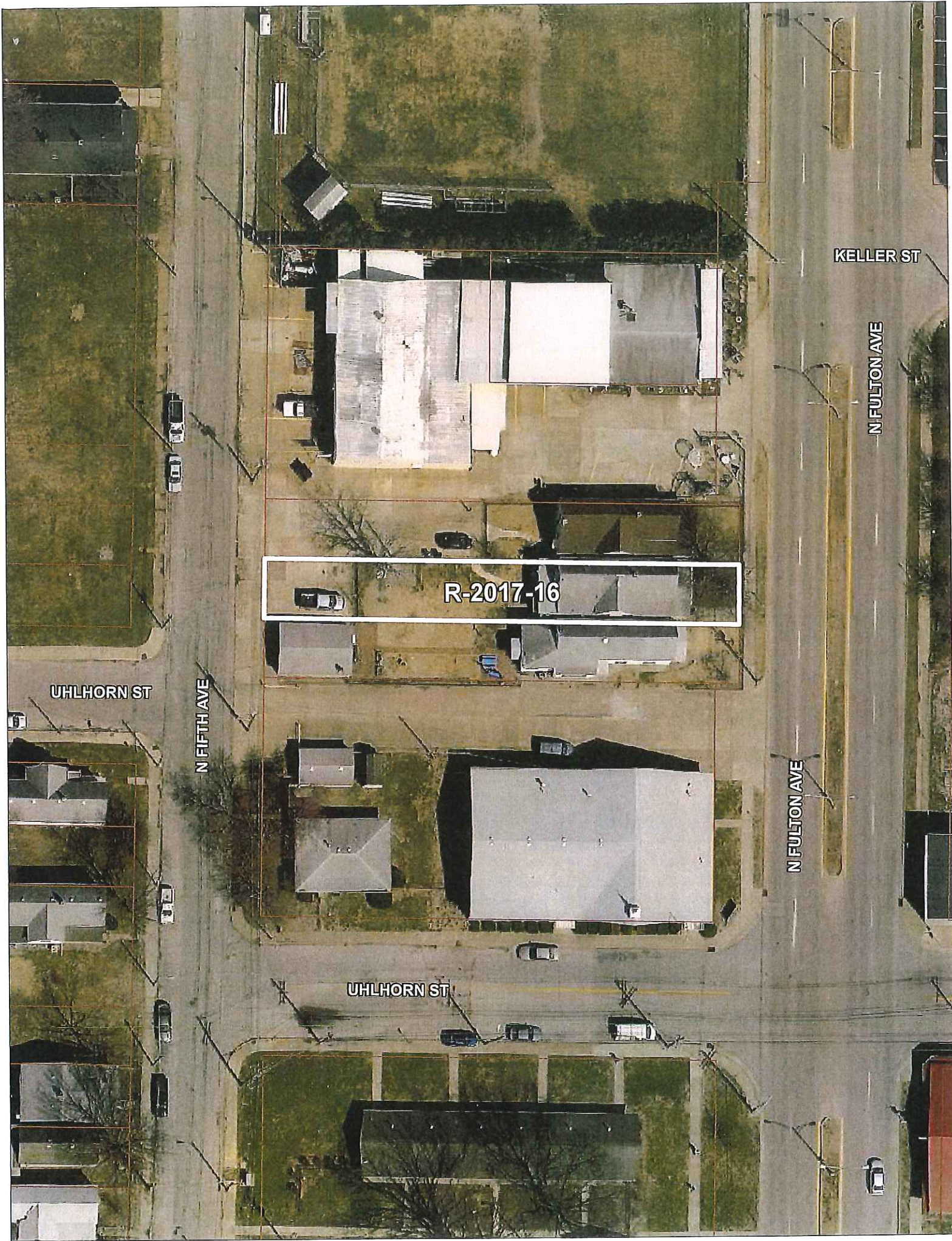
UPDATED INFORMATION AUGUST 31, 2017: This petition was continued one month to allow satisfaction of notice requirements.

Zoning Class

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



1912 N FULTON AVENUE
 2017-22-PC R-2017-16
 REZONE C-4 TO R-2



KELLER ST

N FULTON AVE

R-2017-16

UHLHORN ST

N FIFTH AVE

N FULTON AVE

UHLHORN ST

STAFF REPORT
AUGUST 31, 2017

Docket Number: CITY rezoning 2017-24-PC R-2017-18
Address: 224 Richardt Avenue
Parcel ID: 82-06-17-031-007.007-029
Location: North side of Richardt Avenue, west of Lafayette Avenue
Council District: Ward 6 – Jim Brinkmeyer
Petitioner: Jeffrey A. Hahn
Owner: JCM & E Properties LLC
Request: Rezone from R-2 to C-4
Lot size: .13 acre

BACKGROUND INFORMATION:

The residence on this property was razed in 2005. The property appears to have been used for overflow parking of vehicles for the adjacent automobiles in violation of the zoning ordinance. This is a request to rezone the property at 224 Richardt Avenue from R-2 to C-4 to allow construction of a storage building.

LAND USE:

Section 18.175.020 of the Zoning Code provides criteria that the Area Plan Commission and legislative body shall consider in evaluating rezoning requests. The following facts relate to the Code evaluation criteria.

EXISTING LAND USE: Storage lot

CHARACTER OF SURROUNDING ZONING AND USE:

North	C-4	Automobile sales
South	R-2	Richardt Avenue - residential
East	R-2	Lafayette - residential
West	R-2	Residential

APPLICANT'S STATED USE: Storage barn/building

ALLOWED USES IN PROPOSED ZONE: The City zoning code allows 190 different uses within the C-4 district, including office, commercial, service, storage, and recreational uses - no residential uses. The district allows maximum 75% lot coverage, and up to a 50 foot height limit for structures. C-4 allows three on-premises signs per frontage totaling up to 500 sq. ft. at 50' height and billboards up to 700 sq. ft. at 50' height.

COMPREHENSIVE PLAN:

The 2035 Future Land Use Map designates this site for residential use. This proposal would be an expansion of the petitioners business to the north to allow construction of a new commercial building. There are residences adjacent to this site. Where more intense commercial uses will be adjacent to residences, the Plan recognizes that potential land use compatibility issues can partially be mitigated by adherence to the following policy:

"When new commercial sites are to be located next to residential areas, encourage use of appropriate buffer...." (Page 85).

GENERAL INFORMATION

FLOOD ZONE: No – Zone "X"

UTILITIES: Information submitted by the applicant indicates that all utilities are available to this site.

CONTINUED ON NEXT PAGE

TRAFFIC/STREETS/ACCESS:

This site is located at the corner of Richardt Avenue and Lafayette Avenue. There is an existing curb cut onto Lafayette for the existing garage which is planned to be razed. Traffic flow and access will be determined by Site Review upon submission of plans for the construction of the new storage building.

Evansville Metropolitan Planning Organization comments: Commercial Site Review will need to review/approval requirements for access.

COMPLIANCE OF APPLICANT'S SUBMITTED/PRELIMINARY SITE PLAN:

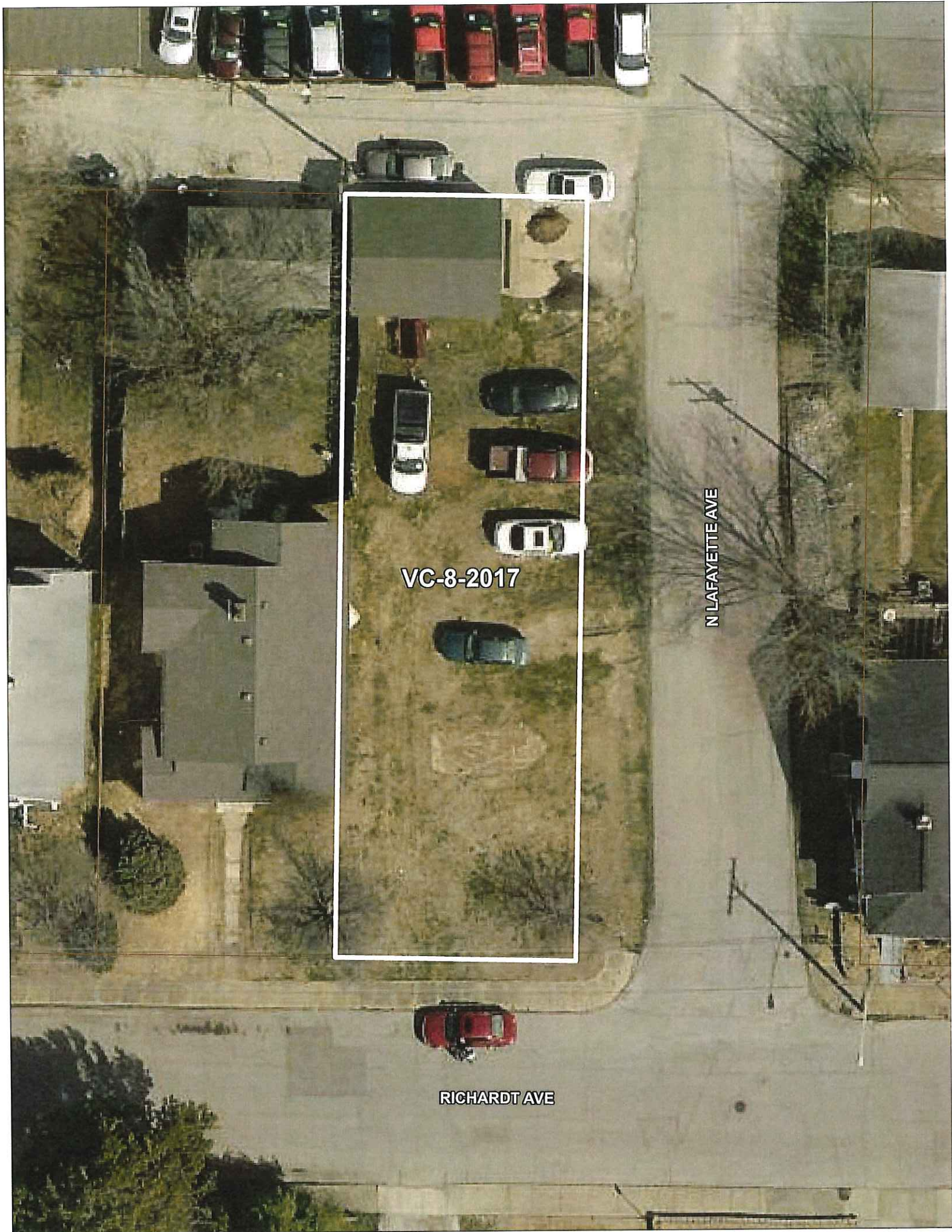
COMPLIANCE: Compliance with all code requirements will be determined by Site Review upon submission of plans for the development of the site.

PARKING: Storage buildings/warehouses require one parking space for each two employees, one space for each company vehicle, plus adequate for customers and visitors. (Minimum 2 spaces) Compliance with parking will be determined by Site Review upon submission of plans for the development of the site.

ADDITIONAL INFORMATION

This is a request to rezone this property to C-4 to allow construction of a storage building.





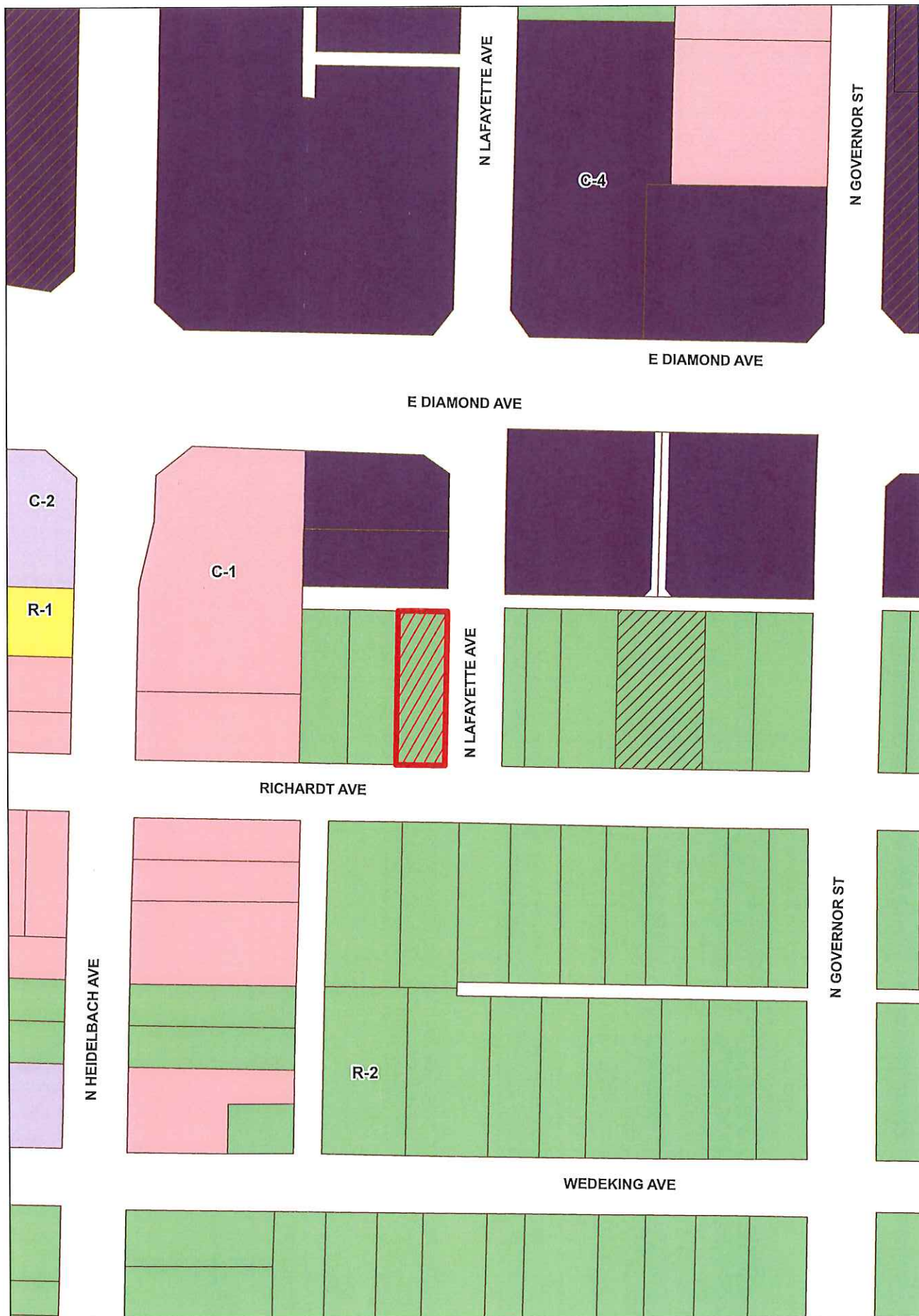
VC-8-2017

N LAFAYETTE AVE

RICHARDT AVE

Zoning Class

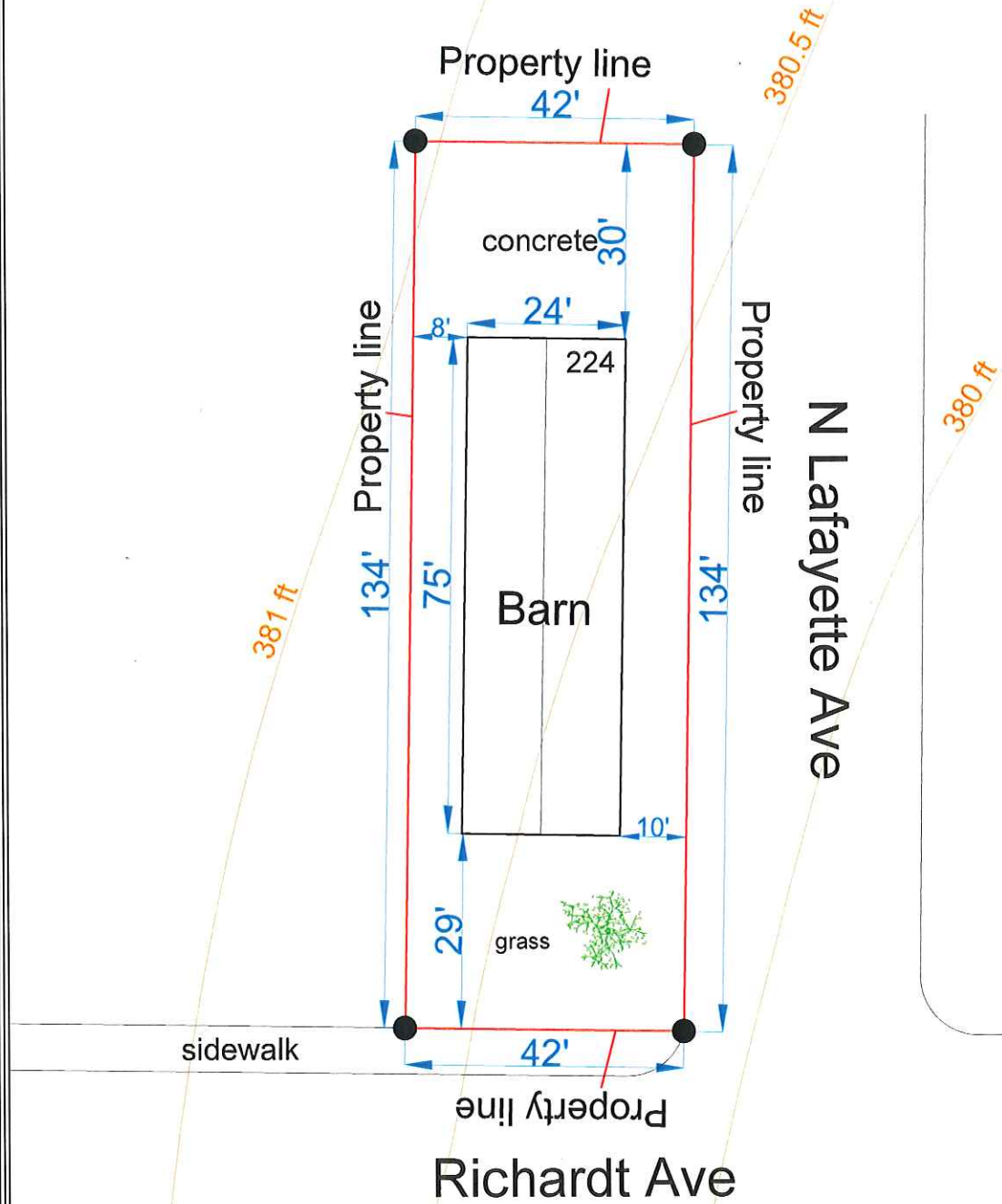
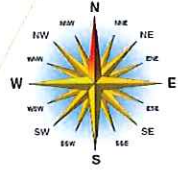
- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



224 RICHARDT AVENUE
 2017-24-PC R-2017-18
 REZONE R-2 TO C-4

SITE PLAN

Address: 224 Richardt Ave
City, State, ZIP: Evansville, IN 47711
County: United States
Scale 1":15'



STAFF REPORT

AUGUST 31, 2017

Docket Number: County rezoning 2017-25-PC VC-8-2017
Address: 13601 N. Highway 41
Parcel ID: 82-04-08-009-066.019-030
Location: East side of Highway 41, between Boonville New Harmony and Inglefield Roads
Petitioner: Gregory A. Duke
Owner: Sandraye Realty LLC
Request: Rezone from CO-2 to C-4
Lot size: 1.13 acre

BACKGROUND INFORMATION

In February 2000, this property was rezoned from Agricultural to C-4 with a use and development (VC-23-99). The use and development commitment approved with the C-4 zoning classification limited the use of the site to automobile repair for the sole benefit of Terry Coon, the owner of the site, and the commercial use was to cease upon his sale of the property or his death. In 2005, this property was downzoned from C-4 to CO-2 for commercial office. This is a request to rezone the property to C-4 for commercial use.

LAND USE

The Section 17.36.050 of the Zoning Code provides criteria that the Area Plan Commission and legislative body shall consider in evaluating rezoning requests. The following facts relate to the Code evaluation criteria.

EXISTING LAND USE: Commercial office/single family residential

CHARACTER OF SURROUNDING ZONING & USE:

North	C-4	Veterinary clinic
South	Ag	Undeveloped
East	Ag	Residential
West	Ag	Highway 41 - residential

APPLICANT'S STATED USE: C-4 commercial use

ALLOWED USES IN PROPOSED ZONE: The County zoning code allows 184 different uses within the C-4 district, including office, commercial, service, storage, and recreational uses - no residential uses. The district allows maximum 75% lot coverage, and up to a 50 foot height limit for structures. C-4 allows two on-premises signs per frontage totaling up to 300 sq. ft. at 50' height and billboards up to 500 sq. ft. at 50' height.

COMPREHENSIVE PLAN:

This request is consistent with the 2035 Future Land Use Map in the Comp Plan showing this area as commercial.

GENERAL INFORMATION

FLOOD ZONE: No – Zone "X".

UTILITIES: Information submitted by applicant indicates that all utilities are available to this site except sewers; this site is served by a septic system.

TRAFFIC/STREETS/ACCESS: This site is located on Highway 41, a controlled access thoroughfare. Currently there is a shared access onto the northbound lanes of the highway. Southbound lanes are accessed by a median break. EMPO states: US Highway corridor study is underway. This study will review safety and efficiency improvements including

CONTINUED ON NEXT PAGE

removing median openings. INDOT should be notified as any change of use could require changes/improvements to access.

COMPLIANCE OF APPLICANT'S SUBMITTED/PRELIMINARY SITE PLAN:

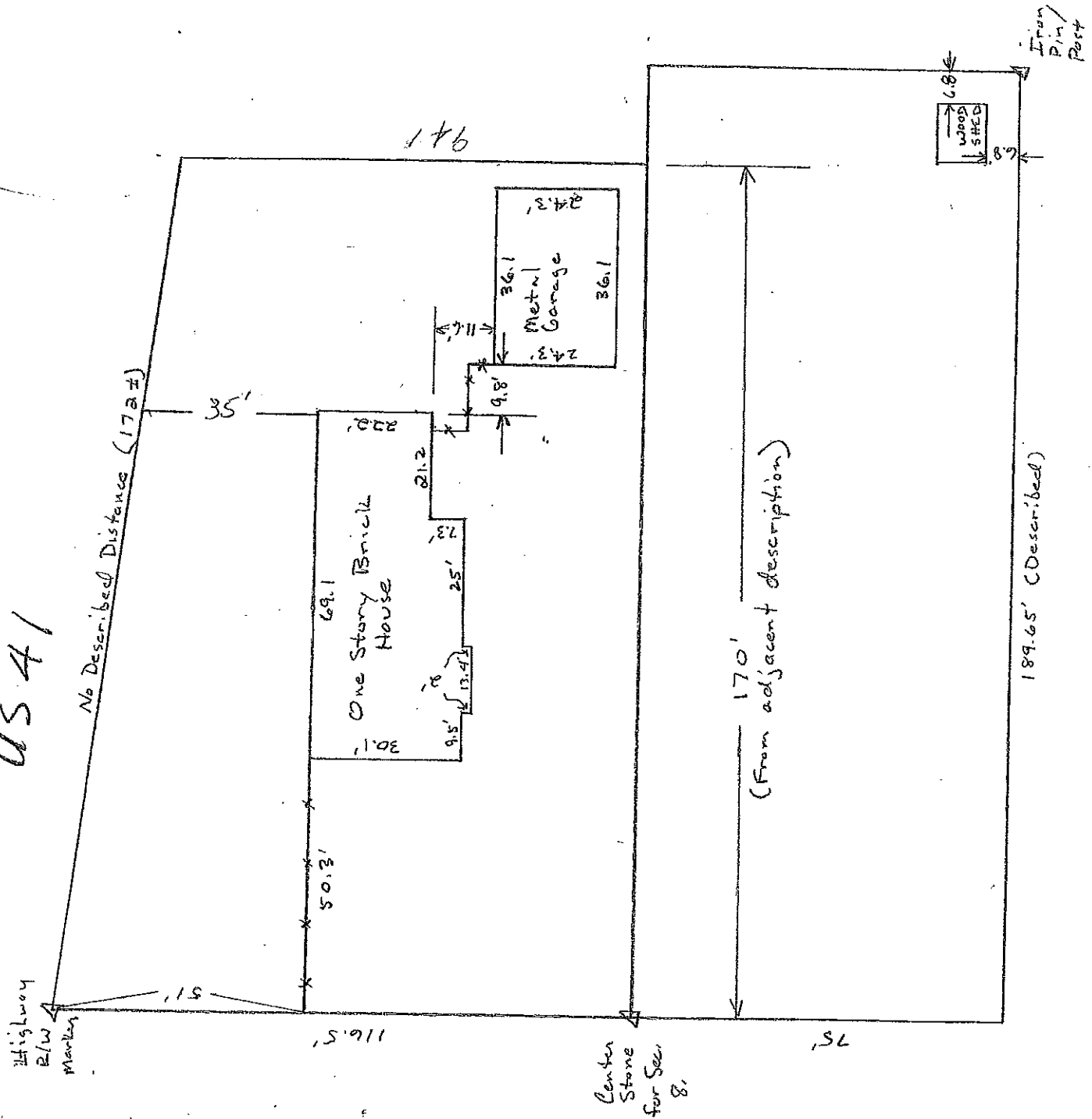
COMPLIANCE: Site Review will address compliance with all code requirements upon submission of plans for the development of the site.

PARKING: The number or amount of required parking spaces will be determined by staff upon submission of plans for the development of any new use on this site. Parking and access must be paved.

ADDITIONAL INFORMATION

This site is located in a rural residential and agricultural area. The C-4 district classification allows many uses considered incompatible with residential development. This is a request to rezone the property to C-4 for commercial use.

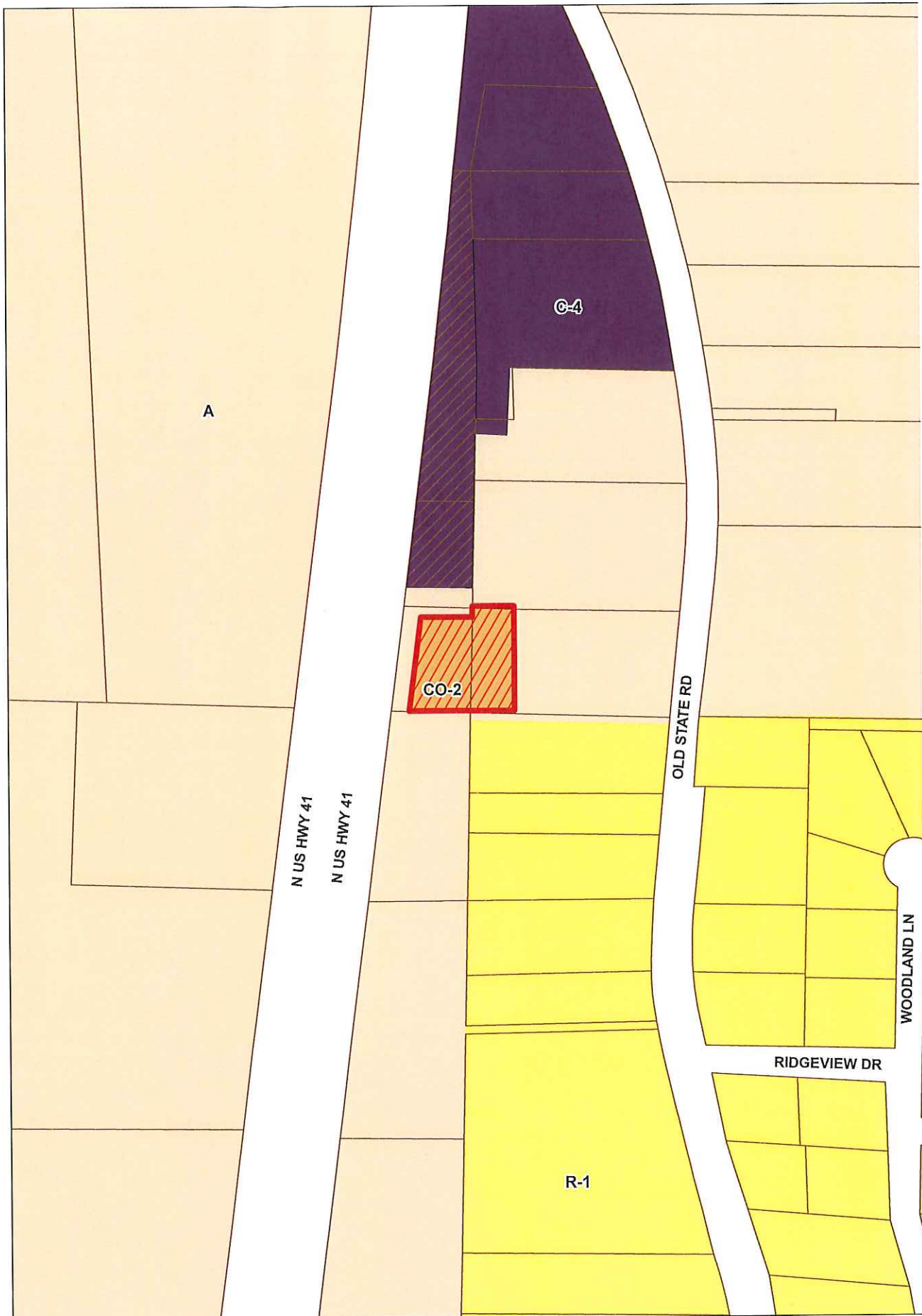
US 41



1" = 30'

Zoning Class

- A
- AIR
- C-1
- C-2
- C-3
- C-4
- CO-1
- CO-2
- M-1
- M-2
- M-3
- PUD
- R-1
- R-2
- R-3
- R-3A
- R-4
- R-5
- WI
- WR



13601 N HIGHWAY 41
 2017-25-PC VC-8-2017
 REZONE CO-2 TO C-4



N US HWY 41

N US HWY 41

VC-8-2017

VC-8-2017

OLD STATE RD

RIDGEVIEW DR

WOODLAND LN

RIDGEVIEW DR

N US HWY 41

N US HWY 41

GOLDEN HILL CT

E BOONVILLE NEW HARMONY RD

Ordinance G-2017-19

An Ordinance Amending the Zoning Code by Establishing an Overlay Zone In the West Franklin Street Area Relaxing Certain Parking Requirements

The following is an Ordinance Amending the Zoning Code by Establishing an Overlay Zone in the West Franklin Street Area that was forwarded by the Evansville City Council for review and comment by the Area Plan Commission. Also attached directly behind this ordinance is a redlined version of the same ordinance that has been forwarded by Area Plan Commission member Cheryl Musgrave as an amendment for review. If anyone has any questions, please let us know.

**AN ORDINANCE AMENDING THE ZONING CODE BY ESTABLISHING
AN OVERLAY ZONE IN THE WEST FRANKLIN STREET AREA
RELAXING CERTAIN PARKING REQUIREMENTS**

WHEREAS, the City of Evansville, Indiana, desires to assist the continued growth and revitalization of the West Franklin Street commercial district, which is generally bounded by St. Joseph Avenue on the west, North Fulton Avenue on the east, West Michigan Street on the north, and the West Illinois Street on the south (hereinafter, "West Franklin Street Overlay Zone");

WHEREAS, the West Franklin Street Overlay Zone serves as a major cultural hub and the "Main Street" of the city's West Side commercial district;

WHEREAS, the West Franklin Street Overlay Zone is home to quality art, small business growth, and entertainment of every variety making it a leading center for art, culture, and entertainment;

WHEREAS, the West Franklin Street Overlay Zone is a cohesive, high density commercial district; and

WHEREAS, the Common Council of Evansville desires to amend the City Zoning Code to establish a West Franklin Street Overlay Zone by relaxing certain parking requirements to encourage continued investment, commercial development, and promote interest in and revitalization of the West Franklin Street Overlay Zone.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Evansville as follows:

Section 1. Addition of Section 18.117 of the Code. Chapter 18 of the Evansville Municipal Code is hereby amended by the addition of a new Section 18.117 which shall read as follows:

18.117.010 Guidelines.

(A) Purpose. The purpose of the West Franklin Street overlay zone ("WFOZ") is to facilitate investment involving improvements to land and structures within the district, while encouraging commercial development. The WFOZ overlays properties already classified into existing zoning districts. The objective is to offer more flexibility in uses allowed and development standards in the WFOZ as incentives for new development. The intended result of the overlay is to help establish a mixed use area with restaurants, bars, entertainment-related businesses, other low intensity, neighborhood-supporting businesses, live/work units, and traditional residences integrated together in a manner that maintains the character of the area. The WFOZ allows business owners commercial property with relaxed parking and public art requirements that would otherwise not be allowed in many of the underlying zoning districts.

FILED

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18.117.015 Location.

The WFOZ is established in the West Franklin Street area of the Evansville Independence Historic District business district as shown on the West Franklin Street overlay zone map included at the end of this chapter, and on the official City of Evansville zoning map.

18.117.020 Approval criteria.

All new development and additions, expansions, or modifications of existing structures within the WFOZ must meet the following criteria in order to be approved:

(A) Zoning. The underlying zoning classification of the district is unchanged. Land owners desiring to improve their property have the option to proceed using the underlying district regulations or the requirements of this overlay. All zoning code requirements not mentioned herein as part of the WFOZ are subject to the requirements of the underlying zoning classification (including the development standards in Table A in EMC 18.130.010).

(B) Parking.

(1) In residential zoning districts, parking lots or parking spaces installed are subject to approval by the Site Review Committee, and must comply with development standards of the underlying zoning classification.

(2) In commercial zoning districts, the off-street parking requirement shall be one parking space per each four hundred (400) square feet of floor area. All off-street parking must be located in the rear of the property.

(C) Access drives. Access drives are determined as follows:

0 – 150 feet of road frontage	One access drive
150 – 400 feet	Two access drives
Over 400 feet	Access drives to be determined

(D) Excessive Noise. Commercial businesses within the area defined in EMC 18.117.015 may not involve concerts or other entertainment which involve excessive noise. Excessive noise in commercial areas is defined as 75 decibels or greater as measured at the property line. Commercial activities must comply with all federal, state, and local environmental laws including the City noise regulations in EMC 16.05.390. The provisions of this section 18.117.020(D) shall not apply to commercial activities or festivals occurring during the first full week of October.

(E) Placement of Public Art. The placement or erection of outdoor sculpture and murals within the WFOZ which is intended to be viewed from a public right-of-way or other public property shall not be subject to setback standards of the zoning district and shall not require permit approval; provided, that:

- (1) The art is not for sale as the product of an art studio within the zone;
- (2) The art does not constitute an advertisement; and
- (3) The placement does not impede the flow of pedestrian, bicycle, or vehicular traffic, and does not block traffic visibility at intersections, alleys or driveway entrances.

(F) Approval Process. Any parking changes to any residential or commercial use in the WFOZ requires site review approval prior to issuance of permits.

(G) Applicability of Other Provisions. This chapter is intended to operate and be applied independently of any other provision in this title that governs parking requirements. An applicant may proceed under this section or under the other provisions of the zoning code that apply to a proposed use.

Section 2. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

Section 3. Effective Date. This ordinance shall be in full force and effect on the day of its final passage and adoption.

PASSED BY the Common Council of the City of Evansville, Indiana, on the ____ day of _____, 2017, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:

Missy Mosby
President of the Common Council

Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the ____ day of _____, 2017, at ____ o'clock __.m. for his consideration and action thereon.

Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this ____ day of _____, 2017, at ____ o'clock __.m.

Lloyd Winnecke, Mayor
City of Evansville, Indiana

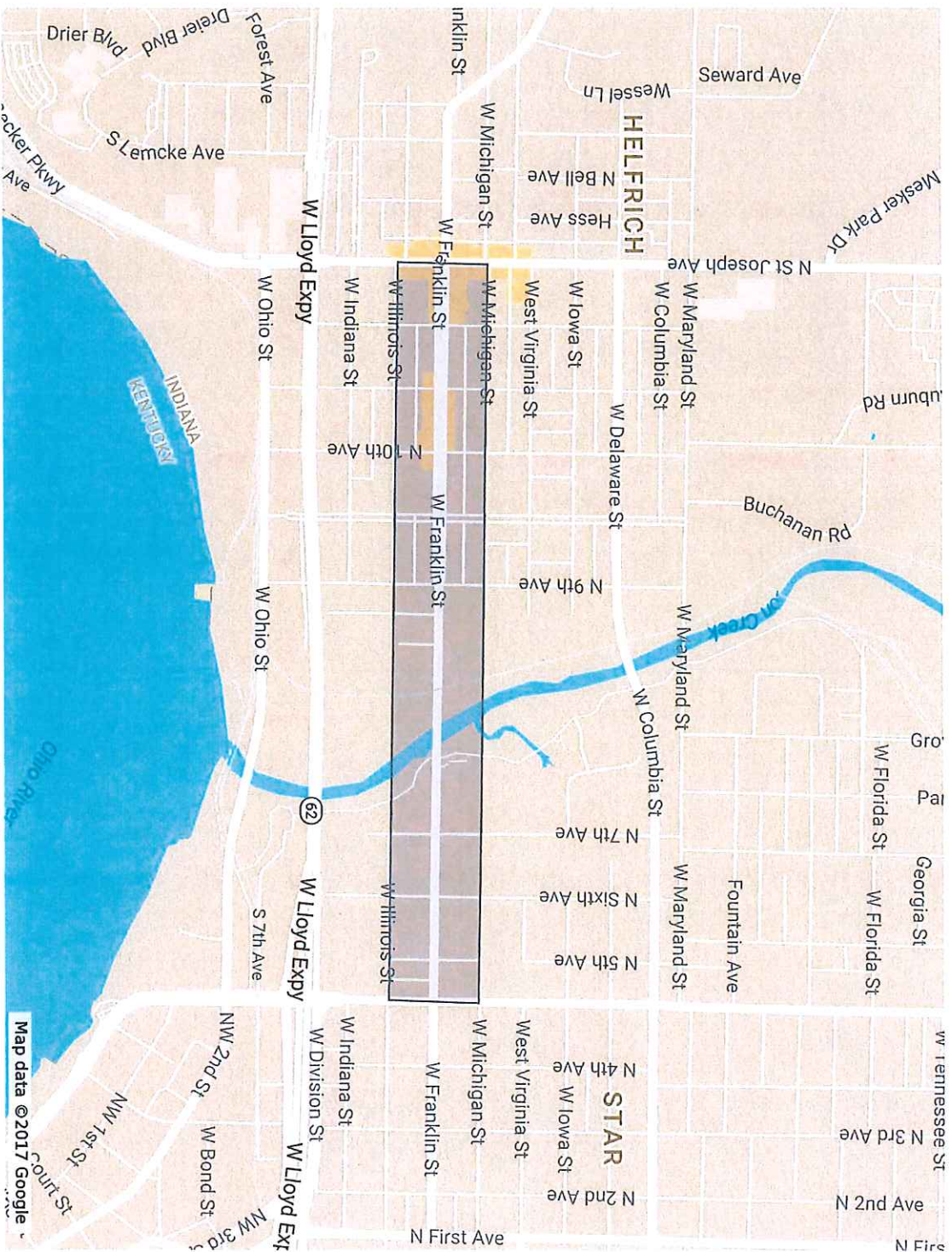
West Franklin Street Overlay Zone

Untitled layer



West Franklin Street Overlay
Zone

Ordinance G-2017-19



**AN ORDINANCE AMENDING THE ZONING CODE BY ESTABLISHING
AN OVERLAY ZONE IN THE WEST FRANKLIN STREET AREA
RELAXING CERTAIN PARKING REQUIREMENTS**

WHEREAS, the City of Evansville, Indiana, desires to assist the continued growth and revitalization of the West Franklin Street commercial district, which is generally bounded by St. Joseph Avenue on the west, North Fulton Avenue on the east, West Michigan Street on the north, and the West Illinois Street on the south (hereinafter, "West Franklin Street Overlay Zone");

WHEREAS, the West Franklin Street Overlay Zone serves as a major cultural hub and the "Main Street" of the city's West Side commercial district;

WHEREAS, the West Franklin Street Overlay Zone is home to quality art, small business growth, and entertainment of every variety making it a leading center for art, culture, and entertainment;

WHEREAS, the West Franklin Street Overlay Zone is a cohesive, high density commercial district; and

WHEREAS, the Common Council of Evansville desires to amend the City Zoning Code to establish a West Franklin Street Overlay Zone by relaxing certain parking requirements to encourage continued investment, commercial development, and promote interest in and revitalization of the West Franklin Street Overlay Zone.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Evansville as follows:

Section 1. Addition of Section 18.117 of the Code. Chapter 18 of the Evansville Municipal Code is hereby amended by the addition of a new Section 18.117 which shall read as follows:

18.117.010 Guidelines.

(A) Purpose. The purpose of the West Franklin Street overlay zone ("WFOZ") is to facilitate investment involving improvements to land and structures within the district, while encouraging commercial development. The WFOZ overlays properties already classified into existing zoning districts. The objective is to offer more flexibility in uses allowed and development standards in the WFOZ as incentives for new development. The intended result of the overlay is to help establish a mixed use area with restaurants, bars, entertainment-related businesses, other low intensity, neighborhood-supporting businesses, live/work units, and traditional residences integrated together in a manner that maintains the character of the area. The WFOZ allows business owners commercial property with relaxed parking and public art requirements that would otherwise not be allowed in many of the underlying zoning districts.

18.117.015 Location.

The WFOZ is established in the West Franklin Street area of the Evansville Independence Historic District business district as shown on the West Franklin Street overlay zone map included at the end of this chapter, and on the official City of Evansville zoning map.

18.117.020 Approval criteria.

All new development and additions, expansions, or modifications of existing structures within the WFOZ must meet the following criteria in order to be approved:

(A) Zoning. The underlying zoning classification of the district is unchanged. Land owners desiring to improve their property have the option to proceed using the underlying district regulations or the requirements of this overlay. All zoning code requirements not mentioned herein as part of the WFOZ are subject to the requirements of the underlying zoning classification (including the development standards in Table A in EMC 18.130.010).

(B) Parking.

(1) In residential zoning districts, parking lots or parking spaces installed are subject to approval by the Site Review Committee, and must comply with development standards of the underlying zoning classification.

(2) In commercial zoning districts, the off-street parking requirement shall be one parking space per each four hundred (400) square feet of floor area. All off-street parking must be located in the rear of the property.

(C) Access drives. Access drives are determined as follows:

0 - 150 feet of road frontage	One access drive
150 - 400 feet	Two access drives
Over 400 feet	Access drives to be determined

(D) Excessive Noise. Commercial businesses within the area defined in EMC 18.117.015 may not involve concerts or other entertainment which involve excessive noise. Excessive noise in commercial areas is defined as 75 decibels or greater as measured at the property line. Commercial activities must comply with all federal, state, and local environmental laws including the City noise regulations in EMC 16.05.390 shall continue to apply in the WFOZ; provided, however, that the provisions of this section 18.117.020 (D) such noise regulations shall not apply to commercial activities or festivals occurring during the first full week of October.

(E) Placement of Public Art. The placement or erection of outdoor sculpture and murals within the WFOZ which is intended to be viewed from a public right-of-way or other public property shall not be subject to setback standards of the zoning district and shall not require permit approval; provided, that

(1) The art is not for sale as the product of an art studio within the zone;

(2) The art does not constitute an advertisement; and

—(3) the placement does not impede the flow of pedestrian, bicycle, or vehicular traffic, and does not block traffic visibility at intersections, alleys or driveway entrances.

(F) Approval Process. Any parking changes to any residential or commercial use in the WFOZ requires site review approval prior to issuance of permits.

(G) Applicability of Other Provisions. This chapter is intended to operate and be applied independently of any other provision in this title that governs parking requirements. An applicant may proceed under this section or under the other provisions of the zoning code that apply to a proposed use.

Section 2. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

Section 3. Effective Date. This ordinance shall be in full force and effect on the day of its final passage and adoption.

PASSED BY the Common Council of the City of Evansville, Indiana, on the ____ day of _____, 2017, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:

Missy Mosby
President of the Common Council

Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the ____ day of _____, 2017, at ____ o'clock __.m. for his consideration and action thereon.

Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this ____ day of _____, 2017, at ____ o'clock __.m.

Lloyd Winnecke, Mayor
City of Evansville, Indiana

Ordinance CO.09-17-020

An Ordinance Amending Sections 17.26.020, 17.28.050, and Table 17.28.070 of the Vanderburgh County Code

The following is an Ordinance Amending the Zoning Code regarding electronic message boards and/or electronic message signs within Vanderburgh County that was forwarded by the Vanderburgh County Commissioners for review and comment by the Area Plan Commission.

CO.09-17-020

**AN ORDINANCE AMENDING SECTIONS 17.26.020, 17.28.050, AND TABLE 17.28.070 OF
THE VANDERBURGH COUNTY CODE**

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana have previously adopted County ordinances relating to on-premises signs and special uses; and

WHEREAS, the Board of Commissioners of Vanderburgh County deem it to be in the best interest of the citizens of Vanderburgh County that certain amendments be made to Sections 17.26.020, 17.28.050 and to Table 17.28.070 of the Vanderburgh County Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows:

SECTION 1. Amendment of Section 17.26.020 of the Vanderburgh County Code

Section 17.26.020 is hereby amended to read as follows:

17.26.020 Exemptions.

A. The following signs are exempt from the requirements of this chapter.

1. Signs not exceeding two square feet in area which identify the names and addresses of occupants but do not denote commercial activity.
2. Flags and insignias of a governmental unit, church, or organization except in connection with a commercial promotion.
3. Legal notices, identification, informational, warning, trespassing, or directional or architectural features of buildings.
4. Memorial plaques and historical markers.
5. Integral decorative or architectural features of buildings.
6. One real estate sign for each frontage, not exceeding six square feet, indicating the sale, rental, or lease of the premises. These signs shall be removed within two weeks after the sale, rental or lease.
7. Traffic or directional signs placed by a municipal corporation.
8. On-Premises electronic message boards and/or on-premises electronic message signs with flashing, moving, rotating, or intermittent lights, or animated messages. On-Premises electronic message boards and/or on-premises electronic message signs with flashing, moving, rotating, or intermittent lights, or animated messages may be installed in any zoning district within Vanderburgh County upon application of an on-premises electronic message board/on-premises electrical message sign permit from the Area Plan Commission and the payment of the required sign permit fees.

SECTION 2. Amendment of Section 17.28.050 of the Vanderburgh County Code

Section 17.28.050 of the Vanderburgh County Code is hereby amended by the repeal of Special Use 13 for on-premises electronic message boards and/or on-premises electronic message signs with flashing, moving, rotating, or intermittent lights, or animated messages.

SECTION 3. Amendment of Table 17.28.070 of the Vanderburgh County Code

Table 17.28.070 of the Vanderburgh County Code is hereby amended by the deletion of Special Use 13 for on-premises electronic message boards and/or on-premises electronic message signs with flashing, moving, rotating, or intermittent lights, or animated messages.

SECTION 4. Effective Date

This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Vanderburgh County and following publication as provided in I.C. 5-3-1.

First passed by the Board of Commissioners of Vanderburgh County this 22nd day of August, 2017.

Final passage by the Board of Commissioners of Vanderburgh County this ____ day of _____, 2017.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY INDIANA**

By: _____
Bruce Ungethiem, President

By: _____
Cheryl A.W. Musgrave, Vice President

By: _____
Ben Shoulders, Member

ATTEST:

Brian A. Gerth,
Vanderburgh County Auditor

APPROVED AS TO LEGAL FORM:

Joseph H. Harrison, Jr.
Vanderburgh County Attorney