Cumberland Town Council
Ordinance 2018-02
Regulation of Billboard Signs

Whereas, the Indiana State Legislature, the 120th General Assembly, adopted Public Law 222 addressed the adjustment or movement of billboard advertising signs; and

Whereas, Public Law 222 specifies that a municipality may, if necessary, amend its zoning ordinance to make a special exception for certain conforming outdoor advertising signs to either elevate or relocate in the event that a sign is obstructed or required to relocate for various reasons; and

Whereas, Public Law 222 dictates that if a municipality does not amend its zoning ordinance to allow for this special exception, the municipality is responsible for just and full compensation to the sign owner or operator pursuant to Indiana Code 32-24; and

Whereas, the Cumberland Plan Commission reviewed and approved the proposed changes to the policy attached as Exhibit A on January 24, 2018; and

Whereas, the Cumberland Town Council finds that it is in the best interest of the Town, and its citizens, to amended the Cumberland Zoning Ordinance to include a new section, section 00-15-153-18.11(5), allowing for a special exception for the elevation, adjustment, and relocation of certain conforming outdoor advertising signs.
Therefore, it is ordained that section 00-15-153-18.11(5) of the Town of Cumberland Zoning Ordinance is added, and this new section shall read as written in Exhibit A.

It is further ordained that an owner or operator of a conforming outdoor sign which requires elevation or relocation shall submit a request for special exception to the Planning Department of the Town of Cumberland, as well as pay any applicable fees pursuant to the Cumberland Zoning Ordinance and Town Code.

It is further ordained that any other provision of the Town of Cumberland Zoning Ordinance which is not expressly amended by this Ordinance shall remain in full force and effect.

It is further ordained that this Ordinance shall be effective upon adoption.

Adopted this 7th day of February, 2018.

Cumberland Town Council:

Anna Pea, President

Joe Siefker, Vice President

Brian Gritter, Member

Nicole Bell, Member

Aaron Cutshaw, Member

1. **Applicability.** This Section applies to owners or operators of a conforming outdoor advertising sign located along U.S. Highway 40 and any other highway where control of outdoor advertising signs is required under 23 U.S.C. 131. This section does not apply to owners or operators of a conforming outdoor advertising sign located in a designated historical district.

2. **Definitions:** As used in this Section, the term "conforming outdoor advertising sign" means an outdoor advertising sign, display or device which is located within 660 feet of the nearest edge of right-of-way and visible from the main traveled way of U.S. Highway 40 with the purpose of its message being read from such traveled way, so long as the sign, display or device is regulated by and conforms to the requirements of 23 U.S.C. 131, 23 Code of Federal Regulations 750.708, and Indiana Code 8-23-20. The following signs are not conforming outdoor advertising signs:

   (a) signs, displays or devices advertising the sale or lease of property upon which the sign is located; and

   (b) signs, displays or devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which the sign is located.

3. **Special Exception for the Elevation or Relocation of Conforming Outdoor Advertising Signs.** The owner or operator of a conforming outdoor advertising signs as prescribed in Indiana Code § 8-23-20-25.6, 23 U.S.C. 131 and 23 Code of Federal Regulations 750.708 may apply for, and may be granted, a special exception to elevate, adjust, or relocate a conforming outdoor advertising sign if any of the following apply:

   A. The sign is no longer visible or otherwise becomes obstructed; or

   B. The sign must be moved due to any of the following:

      (a) A noise abatement;
      (b) A safety measure;
      (c) Grade changes;
      (d) Construction;
      (e) The placement of a directional sign.
(f) The widening of a highway; or,
(g) Aesthetic improvements.

Made by an agency of the State.

3. **Regulation of Elevation or Relocation.** The owner or operator of a conforming outdoor advertising sign who is subject to section 2 may, at the owner or operator’s expense, either:

A. Elevate the conforming outdoor advertising sign so that the entire advertising content of the sign is visible;

B. Adjust the angle of the sign so that the entire advertising content of the sign visible; or

C. Relocate the sign, provided that the relocation is within 500 feet of the prior location, the sign complies with all applicable spacing requirements as detailed in the Town of Cumberland Zoning Ordinance, and the relocation is located in an area zoned for commercial or industrial use.

The elevated or relocated sign shall be the same size as the previous sign.

4. **Procedure.** This section does not exempt an owner or operator a sign specified in this section from submitting a request for special exemption and paying the applicable fee to the Planning Department of the Town of Cumberland, IN as specified in the Town of Cumberland Zoning Ordinance.”
MEMORANDUM

TO: APRIL FISHER, TOWN MANAGER
    CUMBERLAND TOWN COUNCIL
FROM: CUMBERLAND ADVISORY PLAN COMMISSION
DATE: FEBRUARY 2, 2018
RE: ZONING TEXT AMENDMENT CASE # ZA 18-01

The Cumberland Plan Commission certifies to you the following report on the
Zoning Ordinance Amendment (ZA 18-01) initiated by Town of Cumberland staff.

Staff is requesting technical amendments to the Zoning Ordinance addressing
political signs and billboards.

The Plan Commission held a public hearing for the amendment at their regular
meeting on Wednesday, January 24, 2018. The Plan Commission’s recommendation
to the Cumberland Town Council is favorable by a vote of 4 to 0.

Cumberland Plan Commission
Town of Cumberland, Indiana

By: ______________________
    Belinda Heller, President

By: ______________________
    Christine Owens, Secretary

CJO
Enclosures