ORDINANCE 2016-08

AN ORDINANCE OF THE TOWN OF CUMBERLAND
AMENDING THE CUMBERLAND ZONING ORDINANCE FOR VARIANCE
AMENDMENTS IN ARTICLE 14 (OFF-STREET PARKING), ARTICLE 13 (SPECIFIC
USES), ARTICLE 16 (TEMPORY USE), AND ARTICLE 18 (SIGNS)

WHEREAS, the Town Council of the Town of Cumberland, Indiana has adopted
a Zoning Ordinance for the Town that includes regulations for fencing; and

WHEREAS, from time to time this ordinance needs to be amended;

WHEREAS, Town staff identified a need to clarify sections of the ordinance
dealing with signage, parking, holiday decorations, and flags; and

WHEREAS, on April 27, 2016, the Cumberland Plan Commission conducted a
public hearing on the proposed amendments; and

WHEREAS, in considering this proposal, the Cumberland Plan Commission has
paid reasonable regard to the comprehensive plan, current conditions and the character
of current structures and uses in each district, the most desirable use for with the land in
each district is adapted, the conservation of property values throughout the jurisdiction,
responsible development and growth, and has certified the proposal with a favorable
recommendation to the Cumberland Town Council for the amendments to the Zoning
Ordinance; and

WHEREAS, the Cumberland Town Council has reviewed and considered the
Plan Commission's recommendation and has decided to adopt these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CUMBERLAND, INDIANA AS FOLLOWS:

Section 1. The amendments to the Zoning Ordinance attached as Exhibit A are
adopted and replace the previous sections.

Section 2. This ordinance shall be effective immediately upon its adoption.

This ordinance is hereby passed and adopted this _____ day of ____________, 2016.
TOWN COUNCIL OF CUMBERLAND, INDIANA

Joe Siefker, President

Anna Pea, Vice President

Nicole Bell, Member

Brian Gritter, Member

Mark Reynolds, Member

ATTEST:

Erica Salmon, Clerk-Treasurer
ARTICLE 13 SPECIFIC USE REQUIREMENTS

00-15-153-13.1 Lots
00-15-153-13.2 Permitted Obstruction in Required Yards
00-15-153-13.3 Accessory Uses and Structures
00-15-153-13.4 Swimming Pools and Hot Tubs
00-15-153-13.5 Fences and Walls
00-15-153-13.6 Home Occupations
00-15-153-13.7 Bed and Breakfast Establishments
00-15-153-13.8 Residential Facility for the Mentally Ill
00-15-153-13.9 Manufactured Home Standards
00-15-153-13.10 Satellite Dish Antenna
00-15-153-13.11 Amateur Radio Antenna
00-15-153-13.13 House, Apartment, Garage and Yard Sales

00-15-153-13.1 Lots

1. Number of Buildings on a Lot

   Unless otherwise provided for in this Ordinance, no more than one principal use and no more
   than one principal building may be located on a single lot of record or a single zoning lot.

2. Division of Lots

   No lot shall hereafter be divided into two or more lots for the purpose of transfer of ownership,
   unless the division shall conform to the applicable regulations of the Subdivision Control
   Ordinance and this Ordinance.

3. Corner Lots

   On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street
   right-of-way line. The required front yard setback on corner lots shall apply to each side of the lot
   facing a street.

4. Street Frontage and Access

   Every lot must have frontage on a public street and must be provided with facilities (traffic access
   points) for ingress and egress to and from such public street. The number of facilities for ingress
   and egress for lots having one hundred (100) feet or less of frontage shall not exceed one (1).

5. Lot-Area Exclusions

   Any portion of a lot located within the 100-year floodplain or floodway, within wetlands, lakes,
   ponds, areas used for stormwater detention, or areas used for floodplain compensatory storage,
   may not be counted towards the minimum lot area.

6. Yards, Courts, and other Open Spaces on Lots

   A. Open Spaces

   The provisions of yards, courts, and other open spaces and minimum lot area legally required
   for a building shall be a continuing obligation of the owner of such building or property on
   which it is located, as long as the building or property is in existence. Furthermore, no legally
   required yards, courts, or other open space, or minimum lot area allocated to any building, shall
6. Abandonment or Obsolescence

Where a wireless communication service facility becomes abandoned, obsolescent, or ceases to be used, except in relation to acts of God, it shall be taken down and removed from the premises by the owner of the facility, or its agents, or the person having control of the premises on which the facility is located within six (6) months of a finding by the Zoning Administrator of its abandonment, obsolescence, or cessation of use.

00-153-13.13 House, Apartment, Garage and Yard Sales

House, apartment, garage and yard sales may be allowed in any residential district subject to the following conditions.

1. Sale merchandise shall be limited to the personal possessions of the owner – occupant of the dwelling unit at which such sale is being conducted.
2. Such use shall be limited to a period not to exceed three (3) consecutive days.
3. No more than two (2) such sales shall be conducted from the same residence in any twelve (12) month period.
4. The hours of operation shall be limited to 8 a.m. to 7 p.m.
5. One sign may be permitted in connection with the sale provided such sign shall be placed only in the yard of the premises conducting the sale.

00-153-13.14 Flags

Flags of any country, state, or unit of local government are allowed in all zoning districts. Flags shall not exceed sixty (60) square feet. Flagpoles accompanying such flags shall meet all setback requirements and shall be limited to a height of thirty (30) feet in residential districts and forty (40) feet in non-residential districts. Flags for sports teams, schools, athletic programs, social organizations, or similar flags supporting a cause as long as they are no larger than 24 square feet in area. Commercial flags of an advertising nature are subject to the requirements of Article 18, Signs.
ARTICLE 14 OFF-STREET PARKING AND LOADING

00-15-153-14.1 Off-Street Parking and Loading Required
00-15-153-14.2 General Requirements
00-15-153-14.3 Location of Off-Street Parking Facilities
00-15-153-14.4 Specifications for Off-Street Parking Areas
00-15-153-14.5 Computation for Required Spaces
00-15-153-14.6 Stacking Requirements for Drive-Through Facilities
00-15-153-14.7 Off-Street Parking Requirements
00-15-153-14.8 Mobility Impaired Accessible Parking
00-15-153-14.9 Specific Requirements Related to the Storage of Recreational Vehicles
00-15-153-14.10 Off-Street Loading General Requirements
00-15-153-14.11 Off-Street Loading Specific Requirements

00-15-153-14.1 Off-Street Parking and Loading Required

Subject to the limitations herein and elsewhere in this Ordinance, off-street parking and loading facilities shall be permitted as an accessory use in all zoning districts. All uses, buildings, and structures established after the effective date of this Ordinance shall provide accessory parking and loading facilities in the amount and manner specified herein.

00-15-153-14.2 General Requirements

1. Previously Issued Building Permits

Where a building permit or improvement location permit has been issued prior to the effective date of this Ordinance, and construction has begun within one year of such issuance and diligently pursued thereafter, parking and loading facilities may be provided in the amounts required for the issuance of the building permit regardless of any different amounts required by this Ordinance.

2. Change of Use or Intensity of Use

Where the use of an existing building or structure is changed; or where the intensity of a use is increased through addition of dwelling units, gross floor area, or other units of measurement, parking and loading facilities shall be provided for the increase required for the new use or the increase in intensity.

3. No Reduction of Existing Parking and Loading Facilities

Accessory off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for this Ordinance unless a new use requires a lesser number of spaces and the reduction has been approved by the Plan Commission.

4. Additional Parking and Loading Facilities for Existing Uses

Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use or building, provided such parking or loading facilities meet all regulations of this Ordinance governing the location, design, amount, and operation of such facilities.
5. Type of Facilities

Off-street parking and loading facilities for all types of uses may be provided in either paved surface lots, under ground, including under a building or structure, or in parking structures conforming to the provisions of this Ordinance.

6. Parking Plan Required

Any application for a building permit, or improvement location permit, shall include a parking site plan, drawn to scale and fully dimensioned, showing all proposed parking or loading facilities to be provided.

00-15-153-14.3 Location of Off-Street Parking Facilities

Except for Town owned property, off-street parking and loading facilities shall be located on the same lot as the use for which it is provided. In the residential districts, off-street parking facilities shall not be located in any required setback or yard. (This provision shall not be interpreted to prevent the parking of vehicles on driveways which, may cross through a required yard.) In the business and industrial districts, off-street parking facilities may be located in any yard provided that no such facility is closer than five (5) feet to any side or rear property line and ten (10) feet to any right-of-way line. No customer or employee parking shall be permitted on driveway approaches, landscaped areas, cross access driveways, frontage roads, adjacent alleys, streets, public right-of-ways, or vacant lots, except as authorized below.

1. Special Location Provisions

Notwithstanding the foregoing provision for on-site parking, off-street parking may be provided off-site in the following limited circumstances.

A. In all business districts, parking facilities may be located within three hundred (300) feet of the building they are required to serve.
B. In all industrial districts, parking facilities may be located within six hundred (600) feet of the building they are required to serve.
C. The distances specified above shall be measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

2. Shared or Collective Off-Street Parking

A. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use, and further provided, that such collective facilities meet all regulations governing location of accessory parking spaces in relation to the use served.

B. The Board of Zoning Appeals Plan Commission may, by special exception, authorize up to a twenty-five percent (25%) reduction of the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of operation do not substantially overlap. The property owners involved in the shared off-street parking facility shall be provided to the Zoning Administrator. In consideration of this reduction, the property owner and/or petitioner shall provide the following to the Plan Commission:

(a) Sufficient data to indicate that there is not a substantial conflict in the principal hours of operation of the uses.
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(b) A cross-parking agreement or similar legal agreement approved by the Town Attorney in a recordable format and executed by all owners of all the affected shared parking areas. The instrument shall also be recorded with the Hancock County Recorder’s Office.

00-15-153-14.4 Specifications for Off-Street Parking Areas

1. Size and Access
   A. The dimension of a required off-street parking space shall be as set forth below.

   B. Each required off-street parking space shall open directly upon an aisle or driveway in such a width and design as set forth below to provide safe and efficient means of vehicular access to such parking space. No portion of a street or alley may be used in computing such aisle or access area. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street.

<table>
<thead>
<tr>
<th>Standards for Parking Spaces, Aisles and Parking Bays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angle of Parking</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>30</td>
</tr>
<tr>
<td>45</td>
</tr>
<tr>
<td>60</td>
</tr>
<tr>
<td>70</td>
</tr>
<tr>
<td>80</td>
</tr>
<tr>
<td>90</td>
</tr>
<tr>
<td>Parallel</td>
</tr>
</tbody>
</table>

3. Grading, Surfacing and Striping.
   A. Grading
      Off-street parking lots or areas shall be graded for proper drainage. No area of any parking lot or structure, excluding access ramps, shall have a slope in excess of five percent (5%). No ramp shall have a slope in excess of eight percent (8%).

   B. Surfacing
      Off-street parking lots or areas shall be fully improved with a hard surface pavement such as bituminous asphalt or concrete material capable of carrying a wheel load of four thousand (4,000) pounds. Such lots or areas shall be maintained at all times in a manner to prevent the release of dust and to be free of trash and debris. In addition, Off-street parking lots or areas shall provide curbing along the perimeter of the parking area and along any interior island.

   C. Striping
      Striping of the surface to define each parking space shall be provided and visible at all times.
3. Bench Seating
In places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty-two (22) inches of such seating facility shall be counted as one seat for the purpose of determining the requirement for off-street parking facilities under this Ordinance.

00-15-153-14.6 Stacking Requirements for Drive-Through Facilities
Every drive-through facility shall provide stacking spaces in the amount prescribed below. The stacking spaces shall be designed so as not to interfere with the ingress and egress of the off-street parking provided on the site.

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Total Stacking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank Teller</td>
<td>4</td>
</tr>
<tr>
<td>Automated Teller</td>
<td>3</td>
</tr>
<tr>
<td>Restaurants</td>
<td>6</td>
</tr>
<tr>
<td>Car Wash Automated</td>
<td>6</td>
</tr>
<tr>
<td>Car Wash Non-automated</td>
<td>3</td>
</tr>
<tr>
<td>Pharmacies</td>
<td>3</td>
</tr>
<tr>
<td>Gas Stations</td>
<td>2</td>
</tr>
</tbody>
</table>

00-15-153-14.7 Off-Street Parking Requirements
The off-street parking requirements applicable in each district are set forth below. The minimum off-street parking for a use shall be provided at the rate set forth below. A property owner may provide off-street parking in excess of the minimum requirement for non-residential uses up to but not to exceed fifteen percent (15%) of the minimum requirement. For increases above fifteen percent (15%), a property owner is required to demonstrate a need for the additional parking in his parking plan and be subject to approval by the Plan Commission or the Zoning Administrator.

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings, Single Family Detached</td>
<td>2 spaces per dwelling unit.</td>
</tr>
<tr>
<td>Townhouses (single family attached)</td>
<td>2 spaces per dwelling unit, plus 0.25 space per/du for guest parking.</td>
</tr>
<tr>
<td>Two Family</td>
<td>2 spaces per dwelling unit.</td>
</tr>
<tr>
<td>Dwellings, Multiple Family</td>
<td>1.5 spaces per dwelling unit, plus 0.25 space per/du for guest parking.</td>
</tr>
<tr>
<td>Mobile home</td>
<td>1 space per lot &amp; 1 visitor space per 2 units.</td>
</tr>
<tr>
<td>Mobile home park office</td>
<td>1 space per 153 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Mobile home park recreation buildings</td>
<td>1 space per 300 Sq. Ft. of gross floor area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Institutional Uses</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditorium, theater (not including outdoor theater) or other place of assembly</td>
<td>1 space for every 5 seats of capacity.</td>
</tr>
<tr>
<td>Colleges or Universities</td>
<td>1 space for every 4 students based on maximum enrollment.</td>
</tr>
<tr>
<td>Assisted Living Facilities</td>
<td>1 space per every four beds, plus 1 space per employee, limited to employees on greatest shift.</td>
</tr>
<tr>
<td>Independent Living Facilities</td>
<td>1 space per dwelling unit.</td>
</tr>
<tr>
<td>Child Care Facilities</td>
<td>4 spaces per 1,500 Sq. Ft. of gross floor area.</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 space per 5 beds, plus 1 space per physician with privileges, plus 1 space for every 3 employees, including nurses.</td>
</tr>
</tbody>
</table>
ARTICLE 16 TEMPORARY USE REQUIREMENTS

00-15-153-16.1 Temporary Use Permits
The Zoning Administrator is authorized by this Ordinance to issue a temporary use permit for uses specifically authorized in particular zoning districts as temporary uses as set forth herein.

1. Application
An application for a temporary use permit shall be filed in accordance with the requirements of Chapter 3 (Applications & Hearings).

2. Action of the Application
Within ten (10) business days following the receipt of a properly completed application for a temporary use permit, the Zoning Administrator shall inform the applicant in writing of his decision. A temporary use permit will not be issued until the Zoning Administrator is satisfied that the use allowed by the temporary use permit will not adversely affect the public health, safety or general welfare of the Town of Cumberland or immediate neighborhood.

3. Appeals
Appeals from the decision of the Zoning Administrator can be made to the Board of Zoning Appeals pursuant to Article 9 of this Ordinance.

4. Conditions
The Zoning Administrator may require that certain conditions relating to the public health, safety or general welfare be complied with before the issuance of a temporary use permit.

00-15-153-16.2 General Regulations for Temporary Uses
In addition to the specific regulations set forth in Section 4-16-3 and all other applicable regulations of the district in which a temporary use may be located, all temporary uses shall meet the following general requirements.

1. General Regulations
A. No temporary use shall be permitted in a district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, as a whole, in which it is located.

B. No temporary use shall be permitted that causes or threatens to cause an on-site or off-site threat to the public safety.

C. No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.

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149.
D. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

E. Signs shall be permitted only in accordance with the provisions of Article 18 (Signs).

F. Except as expressly provided otherwise, every temporary use shall comply with the regulations applicable in the district in which such temporary use is located.

G. Every temporary use shall comply with any such other conditions as may be imposed by the Zoning Administrator designed to be reasonably necessary to achieve the purposes of this Ordinance or to protect the public health, safety, and general welfare.

00-15-153-16.3 Temporary Uses Permitted

Subject to the requirements of Section 4-16-1 and Section 4-16-2 above, and the specific requirements for the temporary uses set forth below, the following temporary uses may be allowed.

1. Seasonal Sales or Display of Merchandise
Seasonal Sales of merchandise or the display of merchandise may be allowed in any commercial district, provided however, that:

   A. no front yard shall be used for the sale or display of merchandise, and
   B. the sale or display of merchandise shall not encroach into areas of required parking.

2. Christmas Tree Sales
Christmas tree sales may be allowed in any district other than a residential district subject to the following conditions.

   A. Such use shall be limited to a period not to exceed forty-five (45) days.
   B. Trees remaining on hand after December 25th shall be removed from the premises no later than December 31st of the same year.
   C. Such use shall provide adequate customer parking, traffic access, and the absence of an adverse impact on other properties.

3. Contractors’ Offices and Equipment Sheds
Contractors’ Offices and equipment sheds may be allowed in any district subject to the following conditions.

   A. The use shall be accessory to an active construction project.
   B. The use shall contain no sleeping or cooking accommodations.
   C. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.

4. Real Estate Offices
Real Estate offices, including model units, may be allowed in any district subject to the following conditions.

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A. The use shall be accessory to an active new development.
B. The use shall contain no sleeping or cooking accommodations unless located in a model
dwelling unit. However, a model dwelling unit may not be used as residence or sleeping
quarters during the period of the active selling or leasing of units or space in such
development.
C. Such use shall be limited to the period of the active selling or leasing of units or space in such
development and to activities related to the development in which such office is located.
D. No such office shall be used as the general office or headquarters of any firm, corporation,
partnership, or other business entity form.

5. Indoor and Outdoor Art, Craft, and Plant Shows, Exhibits, and Sales

Indoor and outdoor art, craft, and plant shows, exhibits, and sales may be allowed in any district
other than a residential district, subject to following conditions.

A. Such use shall provide adequate customer parking, traffic access, and the absence of an
adverse impact on other properties.
B. Every such sale shall be limited to a period not to exceed three consecutive (3) days.

6. Farm Product Sales

Farm Product Sales may be allowed in any non-residential district subject to the following
conditions.

A. Such farm product sale shall use no permanent structures.
B. The sale of products or merchandise shall be limited to fresh (never having been frozen or
packaged), dairy goods, fruits, vegetables, juices, flowers, plants, herbs, and spices produced
or grown by the vendor; and baked goods made by the vendor.
C. Not more than one (1) such farm product sale shall be conducted on the same premises in any
seven (7) day period.
D. Every such sale shall be limited to a period not to exceed eight (8) consecutive hours.

7. Civic and Religious Carnivals

Civic and religious carnivals may be allowed in any district, but only when sponsored by a not-
for-profit religious, philanthropic, or civic group or organization and subject to the following
conditions.

A. Such use shall provide adequate customer parking, traffic access, and the absence of an
adverse impact on other properties.
B. Such use shall be limited to a period not to exceed two (2) consecutive days when located
within a Residential District or on any lot abutting a Residential District or ten (10) days
when located within any other district.
C. No such use shall be permitted to operate after 11:00 p.m.
D. The concessionaire responsible for the operation of any such use shall submit to the Zoning
Administrator along with its application for a Temporary Use Permit the following:

(a) a site layout displaying adequate ingress and egress routes for emergency vehicles with
no dead-end aisles;
(b) a plan for fire extinguishers or fire safety equipment showing the location and number of
such equipment;

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(c) a plan for refuse containers and service pickup showing the location and number of such equipment; and
(d) a plan for site clean-up upon termination of the event.

8. Sidewalk Sales

Sidewalk Sales may be allowed in any commercial district subject to the following conditions.

A. Such sales shall be organized as an area-wide sidewalk sale with all merchants on all abutting lots zoned in the same district.
B. No more than four (4) such sales shall be permitted in any twelve (12) month period.
C. No such sale shall be permitted for a period in excess of three (3) consecutive days.

9. Tents

Tents may be permitted in any district when in connection with a permitted, accessory, temporary, or special event or use and subject to the following conditions.

A. All tents shall be constructed of fire-retardant material and erected securely. Guy wires, stakes, or other supports shall be clearly marked and secured.
B. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain or, in the absence of any such period, ten (10) days.
C. Every tent shall comply with the bulk, yard, and space requirements applicable to district in which it is located.

10. Portable Satellite Dish Antennas

Portable satellite dish antennas may be permitted in any district subject to the following conditions.

A. The portable satellite dish antenna shall be designed and sold as a portable antenna, not intended for permanent installation.
B. The portable satellite dish antenna’s diameter shall not exceed six (6) feet.
C. The portable satellite dish antenna’s height shall not exceed twelve (12) feet.
D. The portable satellite dish antenna shall not be located in any required yard setback or any front yard or front yard open space.
E. No portable satellite dish antenna shall be permitted for longer than seven (7) days in a thirty (30) day period.

11. Civic uses of public places

Civic uses of public places may be permitted in any district when authorized by the governmental entity owning or controlling such property, provided, however, that no such use or activity imposes an undue adverse effect on neighboring streets or property.

12. Temporary Uses exempt from a permit

Decorative seasonal or holiday displays and lights customarily and commonly associated with any national, local or religious holiday are permitted but shall not be located in any public right-of-way. These displays shall meet all setbacks for the lot on which they are located.
Title 15 – Chapter 153
CUMBERLAND ZONING CODE

(a) Except as provided in paragraphs [1] and [2] above, a civil zoning violation citation shall not be issued until ten (10) days after the issuance of a Notice to Correct.

(b) Where a person who receives notice of a civil zoning violation elects to file a development review application or petition to correct such violations, the said person must indicate his intent to file such application or petition on the citation where provided and return a copy to the Zoning Administrator.

(1) A person shall have ten (10) days from the date of service in which to file said development review application or petition. A person who timely files such application or petition shall be required to pursue such application or petition in a diligent manner.

(2) While such application or petition is pending, the issuance of additional citations or fines shall be stayed.

(3) If the development review application or petition is withdrawn or denied and the civil zoning violation remains uncorrected, then the Zoning Administrator may pursue every legal and equitable remedy available by law.

B. Fine

The monetary fine for a civil zoning violation shall be an escalating fine with the first violation being One Hundred Dollars ($100) per day. The second violation within the same calendar year shall be Two Hundred and Fifty Dollars ($250) per day and the third and all subsequent violations within the same calendar year shall be Five Hundred Dollars ($500) per day. Each day a civil zoning violation remains uncorrected shall be a distinct and separate violation subject to daily fines without additional notices of violation or citation.

C. Payment and Adjudication

A person who receives a citation for a civil zoning violation may elect to do the following.

(a) Admit the violation and pay all fines due to the Clerk-Treasurer of the Town of Cumberland.

(b) Stand trial for the citation by indicating on the citation where provided, his intent to stand trial and returning the citation to the Cumberland Clerk-Treasurer.

(1) The returned copy of the citation shall serve as notice of the person’s intent to stand trial, and the issuance of additional citations and fines shall be stayed.

(2) On receipt of notice of intention to stand trial, the Zoning Administrator shall commence such appropriate action to enforce this Ordinance in court.

(c) Where a citation has not been paid within thirty (30) days of its issuance, the Zoning Administrator shall commence such appropriate action to enforce this Ordinance in court.

D. Other Remedies Reserved

The seeking of a civil penalty as authorized in this Article does not preclude the Zoning Administrator, Plan Commission, or the Board of Zoning Appeals from seeking alternative and additional relief from a court of competent jurisdiction in the same action or from seeking any other relief provided by law in a separate action for the enforcement of this Ordinance.
ARTICLE 18 SIGNS

00-15-153-18.1 Purpose
00-15-153-18.2 Signs Prohibited
00-15-153-18.3 Sign Permits
00-15-153-18.4 Exemptions
00-15-153-18.5 General Sign Standards
00-15-153-18.6 Temporary Signs
00-15-153-18.7 Regulation by District Classification
00-15-153-18.8 Integrated Center
00-15-153-18.9 Auto Filling Stations
00-15-153-18.10 Localized Alternative Sign Regulations
00-15-153-18.11 Off-premise Advertising Signs
00-15-153-18.12 Enforcement

00-15-153-18.1 Purpose
The purpose of this Article is to provide a legal framework for the comprehensive regulation of signs in the Town of Cumberland. It recognizes the important communication function that signs serve within the community. It also recognizes that while aesthetics and design cannot be satisfactorily legislated, as individual opinions may vary, a community must ensure that all signs within its jurisdiction are structurally sound, well maintained, and uncluttered in appearance. To achieve this purpose, this Article is intended to control non-content aspects of signs and sign structures including, height, area, location and other non-discriminatory attributes of signs and sign structures, while also:

1. preserving the noncommercial character of residential neighborhoods;
2. providing reasonable yet appropriate conditions for identifying businesses and services rendered in commercial, institutional and industrial areas;
3. encouraging signs of good design which are integrated and harmonious to the sites they serve;
4. reducing potential hazards to motorists and pedestrians by restricting signs and lights which exceed a viewers' capacity to receive information or which increases the potential for accidents created by signage that detracts or obstructs a viewers vision;
5. safeguarding and enhancing property values;
6. protecting public and private investment in buildings and open space; and
7. protecting the health, safety and general welfare of the residents of the Town.

00-15-153-18.2 Prohibited Signs
The following signs shall be prohibited.

1. Signs or sign structures placed on, in, or above the right-of-way of an alley or a street, with the exception of official signs or signs erected on behalf of or pursuant to authorization of the Town, Hancock County, the State of Indiana or the United States of America.

2. Signs which imitate traffic signs, including but not limited to, signs which incorporate the words STOP, DANGER, WARNING, CAUTION, or GO SLOW, unless such language is part of a name of a business. (Private traffic direction signs shall not be deemed to fall within this prohibition.)

3. Signs or sign structures located in a manner that impede the view of any street or highway intersection or in such a manner as to impede the view of the intersection of a street or highway...
with a railroad crossing. No sign or sign structure shall be located in the Visual Clearance Areas set forth in Article 13, Section 4-13-1[7].

4. Signs which move or give the appearance of movement, including but not limited to, pennants, balloons, wind signs or any similar signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial means. Also prohibited are signs containing flashing or running lights that give the illusion of movement and human signs (A human sign includes but is not limited to persons wearing or holding a costume, sign, or display of any kind intended for advertising purposes).

5. Signs or sign structures affixed, displayed, or located on any utility pole, light standard, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless authorized under Section 18-4[3].

6. Signs painted on, attached to, affixed, or maintained upon trees, rocks, or other natural features. Also, signs painted directly on an exterior wall, fascia, or parapet of a building, fence, or chimney, and signs painted directly on a roof.

7. Except as otherwise provided in Section 18-6, portable signs, including but not limited to, A- or T-frame, and signs on trailer frames whether or not the trailer wheels have been removed. Also, signs placed on parked vehicles, boats, or truck trailers located on a public right-of-way, public property, or on private property which are visible from a public right-of-way, the apparent purpose of which is to advertise a product or to direct the public to a business or activity. This is not intended to apply to standard advertising or identification practices where advertising is painted on or permanently attached to a business or commercial vehicle that is used and stored in the normal course of business. See also the definition of portable sign.

8. Inflatable images such as balloons.

9. Roof signs as defined in Article 2.

10. Signs that display obscene, indecent or immoral matter.

11. Illegal signs, obsolete signs and signs that contain inaccurate or outdated information.

12. Outlining property lines or open sales areas with exposed bulb or festoon lighting, except as specifically authorized in Section 18-6 below, shall also be prohibited.

13. Digital Signs, except when specifically permitted in subsections of this chapter

**00-15-153-18.3 Sign Permits**

1. Scope

   No sign, except as provided in Subsection 18-4 below, shall hereafter be erected, constructed, altered, or relocated without first obtaining a permit from the Zoning Administrator.
2. Applications

Applications for a sign permit shall be filed with the Zoning Administrator in accordance with the requirements of Article 4 (Applications and Hearings).

A. In addition, all applications shall contain the following information.

(a) Name, address and telephone number of the applicant.
(b) A site plan drawn to scale showing:
   (1) The location of the building, structure or parcel of property to which, or upon which, the sign or signs are to be attached or erected and location of parking, driveways and landscaped areas and the position of each sign in relation to building, structure or parcel;
   (2) Computation of maximum sign area for the lot and for each individual sign, as well as the height of each sign and the height of each sign in relation to street grade;
   (3) Two (2) copies of detailed sign plans and specifications that demonstrate the method of construction; and
   (4) A sketch showing sign faces, exposed surfaces and proposed message thereof accurately represented in scale as to size, proportion and color.
(c) Name of person, firm, corporation or association erecting, constructing, altering or relocating the sign.
(d) Written consent of the owners of the building, structure or land on or to which the sign is to be erected.
(e) Such other information as the Zoning Administrator may require demonstrating full compliance with this and all other laws and ordinances of the Town.

3. Issuance of the Permit

A. Zoning Administrator

Upon receipt of a fully complete sign permit application, the Zoning Administrator shall examine the application and all material attached thereto to determine its compliance with this Article, as well as any other applicable Town ordinance or law. The Zoning Administrator shall take formal action on the application within thirty (30) days of the date the application was filed.

B. Approval by Electrical Inspector

Applications for a sign permit in which electrical wiring and connections are to be used shall also be reviewed and approved by the Electrical Inspector for the Town.

C. Validity of the Permit

If work authorized under a sign permit has not been started within six (6) months or completed within one (1) year of the date of issuance, the sign permit shall become void.

D. Effect of the Permit

A sign permit issued hereunder shall not be deemed to permit or authorize the erection, construction, alteration, or relocation of an illegal sign nor shall a permit issued hereunder constitute a defense in an action to abate an illegal sign.
E. Appeals

An appeal from the decision of the Zoning Administrator shall be taken to the Zoning Board of Appeals pursuant to Article 9 (Appeals).

00-15-153-18.4 Signs Exempt from Permit Requirements

The following signs shall be allowed and are exempt from the permit requirements set forth in Section 18-3 above, provided however, they meet the remaining requirements of this Article, as well as any limitation set forth elsewhere in this Ordinance.

1. Any permanent sign that is less than three (3) square feet in area.
2. Temporary signs as described in Section 18.6.
3. Supplemental signs as described in Section 18.6.
4. Window Signs. In all commercial districts, two signs per window with the total sign area for both signs not to exceed twenty-five percent (25%) of the window surface area. A series of windows that are separated by frames and supporting material of less than six (6) inches in width shall be considered as a single window for the purposes of area computation. Such signs shall not be illuminated.
5. All traffic control signs. This includes regulatory signage, vehicular directional signage, safety signage, and other similar signs directing vehicular, bicycle, and pedestrian traffic.
6. All signs and public notices erected or required by governmental bodies, or authorized for a public purpose by any law, statute, or ordinance.
7. The outlining of structural or architectural elements of buildings, such as roof lines or wall edges using neon, incandescent, or similar type of lighting in any non-residential district shall not be considered a sign for the purposes of this Ordinance. However, if such outlining contains text or logos, such items shall be considered signs that require a permit and are regulated by this Ordinance according to their placement and type.
8. For the purposes of this Article 18, the manual changing of copy on a sign, bulletin board, display encasement, or marquee where no structural changes are made, or the changing of interchangeable letters on signs designed for use of interchangeable letters, shall not require a permit.

00-15-153-18.5 General Sign Standards

1. General Limitations

A. No sign shall be erected or maintained so as to prevent the free ingress or egress from any door, window, or fire escape, and no signs shall be attached to a standpipe or fire escape.

B. No sign shall have more than two (2) sign faces.

C. No building sign shall be located so as to project above the top edge of the roof or the top of the parapet whichever forms the top line of the building silhouette.

D. Building mounted signs shall not project into the public right-of-way, shall not extend more than eighteen (18) inches from the face of the building, and shall not be less than nine (9) feet above grade.

E. Except as otherwise provided in this Article, permitted signs in the residential districts may be located anywhere on the property provided they are no closer than ten (10) feet to any property line.
2. Specific limitations

A. Awnings, canopies, and marquees

(a) Awnings, canopies, and marquees shall not, at the top edge, exceed a height of twenty (20) feet above the average grade.

(b) The bottom edge of an awning, canopy, or marquee shall not be less than ten (10) feet above the average grade over walkways and not less than eighteen (18) feet over driveways.

(c) When attached to a building, awnings, canopies, and marquees shall not extend more than eight (8) feet from or beyond its supporting building, but in no case shall it extend into a public right-of-way.

(d) The area of such signs shall be counted against the maximum sign area for wall signs permitted by this Article.

B. Changeable copy signs

(a) Changeable copy signs shall be permitted only in the B-2 and B-3 Business Districts and the I-1 and I-2 Industrial Districts. However, they are not permitted for those properties within a B-2 and B-3 Business District that have frontage on US Highway 40 (see the National Road Overlay for more information).

(b) No more than one (1) changeable copy sign shall be allowed per zoning lot.

(a) Changeable copy signs operated in an electronic or digital manner are permitted with the following requirements:

1) Messages may not contain flashing, blinking, bouncing, strobing, spinning, or other similar types of movement, or animation;

2) Messages may not mimic traffic control devices;

3) Message duration must be static for a minimum of eight (8) seconds;

4) Sign may not include any type of audio component;

5) Such signs cannot be within 150 feet of a residential district.

(b) Changeable copy signs shall be a part of ground, pole, or wall signs and such signs shall be counted as and included in the maximum area limitations for either the pole signs, ground signs, or wall signs.

(c) A changeable copy sign shall not exceed twenty percent (20%) of the permitted sign area of the host sign.

(d) Messages may be changed no more than eight (8) times per day.

3. Illumination

The illumination of signs shall meet the following requirements.

A. Location and Design of Light Source

Whenever an external artificial light source is used to illuminate a sign, such source shall be so designed, located, shielded and directed as to prevent the casting of direct light upon any public right-of-way or residential property line, or any point twenty (20) feet or more outside other adjoining property lines. A receptacle or device housing a permitted light source shall be top mounted and directed below the horizontal, except for ground-mounted signs no higher than six (6) feet which may be illuminated with ground-mounted or bottom-mounted lighting fixtures.

B. Level of Illumination for Externally Illuminated Signs.

The average level of illumination on the vertical surface of an externally illuminated sign shall not exceed thirty (30) foot-candles, unless permitted ground-mounted or bottom-mounted
lighting fixtures are used in which case the average level of illumination on the vertical surface of the sign shall not exceed twenty (20) foot-candles. No exposed bulb or lamp shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public right-of-way or adjacent property.

C. Internally Illuminated Signs.

Internally illuminated signs shall be permitted only in B-2 and B-3 Business Districts. However, they are not permitted for properties that have frontage on US Highway 40 (see National Road Overlay for more information). Internally illuminated signs constructed with an opaque or colored background and lighter contrasting text or symbols are preferred; except for changeable copy signs, such construction shall be required for internally illuminated signs within six hundred (600) feet of a Residential District.

4. Sign Area Computation

The following principals shall control the computation of sign area.

A. Computation of Area of Individual Signs

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing unless such framework or bracing is made part of the message or face of the sign.

B. Computation of Area of Multiple-Faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces. Signs that require other signs to display full meaning, such as individually displayed letters or pictorial displays, shall be considered one (1) sign.

C. Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

5. Construction, Design, and Maintenance

A. All signs shall meet the construction and design standards set forth for signs in the Town’s Building Code. All signs shall also be designed and constructed to withstand wind pressures and dead loads as required by the Town’s Building Code. To ensure safety and durability of
signage, signs larger than six (6) square feet in area cannot be made of plywood, cardboard, or similar materials.

B. Every sign in the Town shall, at all times, be maintained in good structural condition, and be painted on a regular basis, including all metal parts and supports thereof that are not galvanized or of rust resistant metals. The Zoning Administrator shall have the authority to inspect any sign pursuant to Section 18-10 below, and order any remedial action authorized thereunder.

6. Litter Control

All signs and the premises surrounding the sign shall be maintained in a clean, sanitary and inoffensive condition, and free and clear of all noxious substances, rubbish and weeds.

7. Landscaping Requirements

Every permit application for a ground, pylon, or integrated center identification sign shall be accompanied by a landscape plan meeting the standards hereinafter specified.

A. For every square foot of sign surface area there shall be provided 0.5 square feet of landscape area.

B. Any sign constructed or erected to a height in excess of ten (10) feet above the average surrounding grade shall be required to be improved with an additional one square feet of landscaped area for each foot of height or portion thereof that said sign is constructed or erected above said ten (10) feet in height.

C. The required landscaped areas shall be improved with plantings such as hedges, conifers, flowering plants, miniature evergreens, or other similar specimens of a size and in quantity proportionate to the size and height of the sign as determined by the Zoning Administrator.

D. In addition to the plantings herein described, the landscaped area shall also include ground protection such as, but not limited to, ground cover plants, landscaping bark, decorative stone or landscape timbers.

E. It shall be the duty of each party owning any lot or parcel improved or to be improved with the landscaping required herein to maintain said landscaping including, but not by way of limitation, the replacement of any dead or diseased vegetation, the trimming of any overgrown vegetation and the maintenance of any groundcover or protection provided in accordance with the terms hereof.

00-15-153-18.6 Regulation by District Classification

1. Residential Districts

Subject to the requirements of Section 18-3 above, the following signs may be permitted in the A-1 Agricultural District, the C-1 Conservation District and all Residential Districts.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Number, Area, Height, And Other Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground or Wall - single family subdivision identification, mobile home park identification</td>
<td>Maximum number: 1 sign per entrance. Maximum sign area: Each sign shall consist of no more than 20 square feet in area and may be attached to a supporting structure, having a surface area not in excess of 100 square feet on any one elevation.</td>
</tr>
<tr>
<td>Ground or Wall - multiple family complex identification</td>
<td>Maximum height: 6 feet.</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Exempt Supplemental Signage - Supplemental signs are signs that are intended to be up for more than 60 days and less than one (1) year.</td>
<td>Supplemental signs are semi-permanent signs that are placed on posts in the ground and made of durable materials to withstand the weather. In addition to any other permitted signs, one (1) supplemental sign is permitted per lot, while a property is actively for sale or lease, or an active construction site. Supplemental signage may be no more than six (6) square feet in area and no more than four (4) feet in height. Supplemental signs do not count toward the maximum area of signage. Supplemental signs are exempt from permits, but are subject to all other requirements in this chapter. An extension can be requested in writing from the Zoning Administrator if the conditions justify the sign being up more than one (1) year.</td>
</tr>
<tr>
<td>Exempt Temporary Signs - Temporary signs are portable or can be moved or are intended to be up for short periods of time not to exceed 60 days per calendar year. This includes banners and yard signs.</td>
<td>Temporary signs can be no more than six (6) square feet in area.</td>
</tr>
<tr>
<td>All other Exempt Signs</td>
<td>See Section 18-4. Exempt signs do not count toward the total sign area.</td>
</tr>
</tbody>
</table>

2. Business Districts.

Subject to the requirements of Section 18-3, signs permitted in the Business Districts are set forth below.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Number, Area, Height, And Other Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum number: 1 sign per street frontage.</td>
</tr>
<tr>
<td></td>
<td>Maximum area: Each sign shall consist of no more than 40 square feet in area.</td>
</tr>
<tr>
<td></td>
<td>Maximum height: 6 feet. Setback: 5 feet. Where abutting a residential property, the sign shall be setback from the abutting residential property a distance of 10 feet.</td>
</tr>
<tr>
<td>Pylon (1)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum number: 1 sign per street frontage.</td>
</tr>
<tr>
<td></td>
<td>Maximum area: Each sign shall consist of no more than 40 square feet in area.</td>
</tr>
<tr>
<td></td>
<td>Maximum height: 6 feet. Setback: 5 feet. Where abutting a residential property, the sign shall be setback from the abutting residential property a distance of 10 feet.</td>
</tr>
<tr>
<td>Wall</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maximum number: 1 sign per street frontage. For multiple</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number: 1 sign per street frontage.</td>
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</tr>
<tr>
<td>Maximum area: Each sign shall consist of no more than 40 square feet in area.</td>
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</tr>
</tbody>
</table>

8
<table>
<thead>
<tr>
<th>Marquee</th>
<th>A marquee sign may be permitted however the sign will be counted as and included in the wall sign area requirements.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awnings and Canopies</td>
<td>Awnings and Canopies may be permitted, however, if such structures incorporate signage, the signage will be counted as and included in the wall sign area requirements.</td>
</tr>
<tr>
<td>Supplemental Signage – Supplemental signs are signs that are intended to be up for more than 60 days and less than one (1) year.</td>
<td>Supplemental signs are semi-permanent signs that are placed on posts in the ground and made of durable materials to withstand the weather. In addition to any other signs, one (1) supplemental sign is permitted per lot while a property is actively for sale or lease, or an active construction site. Supplemental signs may not be more than thirty-two (32) square feet in area and no more than eight (8) feet in height. Supplemental signs are subject to all other requirements of this chapter. Supplemental signs do not count toward the maximum area of signage. Supplemental signs are exempt from permits, but are subject to all other requirements in this chapter. An extension can be requested in writing from the Zoning Administrator if the conditions justify the sign being up more than one (1) year.</td>
</tr>
<tr>
<td>Exempt Temporary Signs – Temporary signs are portable or can be moved or intended to be up for short periods of time not to exceed 60 days per calendar year. This includes banners, yard signs and A-frame signs.</td>
<td>Temporary signs can be no more than 32 square feet in area.</td>
</tr>
<tr>
<td>Other Exempt Signs</td>
<td>See Section 18-4. Exempt signs do not count toward the total sign area.</td>
</tr>
</tbody>
</table>

(1) Pylon signs shall be prohibited in B-1 Business Districts and on all properties with frontage along US Highway 40 (Historic National Road).

3. Industrial Districts
Subject to the requirements of Section 18-3 above, signs permitted in the Industrial Districts are set forth below.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Number, Area, Height, And Other Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground</strong></td>
<td>Maximum number: 1 sign per street frontage. Maximum area: Each sign shall consist of no more than 60 square feet in area. Maximum height: 6 feet. Setback: 10 feet.</td>
</tr>
<tr>
<td><strong>Pylon (I-3 only)</strong></td>
<td>Maximum number: 1 sign per street frontage. Maximum area: Each sign shall consist of no more than 60 square feet in area. Maximum height: 12 feet. Setback: 20 feet.</td>
</tr>
<tr>
<td><strong>Wall</strong></td>
<td>Maximum number: 1 sign per street frontage. Maximum area: 1 square foot of area for each linear foot of building face per street frontage, provided the maximum area for each street frontage does not exceed 200 square feet.</td>
</tr>
<tr>
<td><strong>Awnings and Canopies</strong></td>
<td>Awnings and Canopies may be permitted, however, if such structures incorporate signage, the signage will be counted as, and included in, the wall sign area requirements.</td>
</tr>
<tr>
<td><strong>Exempt Supplemental Signage</strong></td>
<td>Supplemental signs are semi-permanent signs that are placed on posts in the ground and made of durable materials to withstand the weather. In addition to any other signs, one (1) supplemental sign is permitted per lot provided it is no more than thirty-two (32) square feet in area and no more than ten (10) feet in height. Supplemental signs are subject to all other requirements of this chapter. Supplemental signs do not count toward the maximum area of signage. A supplemental sign is permitted while a property is actively for sale or lease, or on an active construction site. Supplemental signs are exempt from permits, but are subject to all other requirements in this chapter. An extension can be requested in writing from the Zoning Administrator if the conditions justify the sign being up more than one (1) year.</td>
</tr>
<tr>
<td><strong>Exempt Temporary Signs</strong></td>
<td>Temporary signs can be no more than 32 square feet in area.</td>
</tr>
<tr>
<td><strong>Exempt</strong></td>
<td>See Section 18-4. Exempt signs do not count toward the total sign area.</td>
</tr>
</tbody>
</table>

00-15-153-18.8 Integrated Center

1. Authority

For unified centers, including shopping centers, planned business areas, and industrial areas located in the B-2, B-3, I-2, or I-3 zoning districts, in single ownership or under unified control, or individual uses with a collective and contiguous minimum frontage of 600 feet along one road, one integrated center sign shall be permitted in lieu of the ground sign standards in Section 00-15-153-18.7 (2-3). An integrated center sign is defined as a permanent ground mounted sign with multiple sign panels erected for the purpose of allowing several businesses within an integrated center the ability to use sign area on a single sign structure. The following standards apply:
Off-premise advertising signs shall be permitted only in the I-1 and I-2 Industrial District, provided however, that no such sign shall be located within six hundred and sixty (660) feet of U.S. Highway 40 or any Residential District.

2. Type of Sign Structure

Off-premise advertising signs shall be designed and constructed as freestanding signs and shall not be electronic or digital.

3. Maximum Sign Surface Area and Height

A. An off-premise advertising sign shall not exceed three hundred (300) square feet of sign surface area. Temporary extensions or embellishments integrally incorporated into the sign surface having a vertical height of no more than four (4) feet above the top of a sign, a maximum horizontal dimension of no more than one (1) foot beyond the sides of the sign, and a maximum vertical dimension of one (1) foot below the bottom of the sign, may be permitted.

B. An off-premise advertising sign shall not contain more than two (2) advertisements per sign surface.

C. The maximum height of an off-premise advertising sign shall not exceed a height of thirty-five (35) feet.

4. Spacing Between Signs and Setbacks

A. The minimum distance between off-premise advertising signs located along and oriented towards, the same side of a public street shall be two thousand five hundred (2,500) linear feet. For the purpose of applying these spacing requirements, off-premise-advertising signs shall be treated the same whether doubled faced or single faced.

(a) The spacing requirement shall be applied equally to both sides of the street at the same time regardless of whether the off-premise advertising signs are on the same side of the street.

(b) The spacing requirement shall be applied continuously along a street to all off-premise-advertising signs oriented towards that street in either direction whether separated by blocks or intersections.

(c) The method of measurement of the spacing between off-premise-advertising signs oriented towards the same street shall be along the centerline of the street to which the off-premise-advertising sign is oriented from the point in the street's centerline closest to the leading edge of the sign.

(d) In no event shall an off-premise-advertising sign be closer than one thousand (1,000) feet from any other off-premise-advertising sign regardless of location or orientation.

B. Every off-premise-advertising sign shall be setback a minimum of sixty (60) feet from any right-of-way line.

00-15-153-18.12 Enforcement

The Zoning Administrator is authorized to enforce the provisions of this Article. The Zoning Administrator may inspect, at such times as he deems necessary, each sign or sign structure regulated by this Article for the purpose of ascertaining whether the sign is in compliance with this Article or any other relevant Town code, law or ordinance.
B. Conditions of Lawful Status

For the purposes of this Article, legal nonconforming status shall be conferred only on signs authorized by a sign permit or variance of a preceding ordinance, title, code, or law; or if no sign permit was required under the applicable preceding laws, and the sign was otherwise in compliance with the requirements of the preceding ordinance, code, or law.

C. Ordinary Maintenance and Repair

Nothing in this Section shall relieve the owner or beneficial user of a legal nonconforming sign, or the owner of the property on which the legal nonconforming sign is located, from the provisions of this Article regarding safety, maintenance, and repair. Normal maintenance, including repainting, cleaning, or routine repair of a legal nonconforming sign, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the sign.

D. Repairs Pursuant to Public Order

Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a legal nonconforming sign in accordance with a reasonable order of a public official who is charged with protecting the public safety and who declares such a sign to be unsafe and orders its restoration to a safe condition.

E. Loss of Lawful Status

(a) Legal nonconforming status shall terminate under the following conditions:

(1) if the use of a sign is discontinued for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or
(2) if a sign is structurally altered such that its nonconforming aspects increase; or
(3) if a sign is relocated, replaced, or moved in any way; or the sign is damaged and the cost of repair is fifty percent of its replacement value.

(b) Upon the event of any of the aforementioned, the sign shall be immediately brought into compliance with this Article in conjunction with a new sign permit, or the sign shall be removed. For the purpose of this Subsection the changing of copy shall not be considered the replacement of an existing legal nonconforming sign.

00-15-153-18.13 Severability

If any section, terms, or other portion of this Article is found by a court to be invalid, void, or unenforceable for any reason, such finding shall apply only to the section, terms, or portion at issue and all other portions shall remain valid and enforceable.
MEMORANDUM

TO: APRIL FISHER, TOWN MANAGER
    CUMBERLAND TOWN COUNCIL

FROM: CUMBERLAND ADVISORY PLAN COMMISSION

DATE: MAY 10, 2016

RE: ZONING TEXT AMENDMENT CASE # ZA 16-01

The Cumberland Plan Commission certifies to you the following report on the Zoning Ordinance Amendment (ZA 16-01) initiated by Town of Cumberland staff.

Staff is requesting various technical amendments to the Zoning Ordinance addressing parking, signage, temporary uses, and specific use requirements.

The Plan Commission held a public hearing for the amendment at their regular meeting on Wednesday, April 27, 2016. The Plan Commission's recommendation to the Cumberland Town Council is favorable by a vote of 5 to 0. The Plan Commission's Findings of Fact are attached.

Cumberland Plan Commission
Town of Cumberland, Indiana

By: 
   Belinda Heller, President

Christine Owens, Secretary

CJO
Enclosures
CASE NUMBER: ZA 16-01
CASE NAME: Various Amendments to the Zoning Ordinance

1. The amendment pays reasonable regard to the intent of the comprehensive plan.

2. The amendment pays reasonable regard to the character of current structures and uses in each district.

3. The amendment pays reasonable regard to the most desirable use for which the land in each district is adapted.

4. The amendment pays reasonable regard to the conservation of property values throughout the jurisdiction.

5. The amendment pays reasonable regard to responsible development and growth.

DECISION

It is therefore the decision of the Cumberland Advisory Plan Commission that zoning petition ZA 16-01 be sent to the Cumberland Town Council with a favorable recommendation.

ADOPTED THIS 27TH DAY OF APRIL 2016.

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PRESIDENT                  SECRETARY

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DIRECTOR OF PLANNING & DEVELOPMENT,
TOWN OF CUMBERLAND