

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET No. 2011-AO-01

A **GENERAL ORDINANCE** to amend portions of the “Revised Code of the Consolidated City and County” regarding the Sign Regulations of Marion County, Indiana to establish regulations for signs on municipal bus shelters and municipal bus benches.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and

WHEREAS, an efficient transit system directly contributes to lessening or avoiding congestion in public ways and, in addition, provides a typical return on investment of \$4 for every \$1 spent; and

WHEREAS, the city is responsible for providing and maintaining safe rights-of-way; and

WHEREAS, the public agency, Indianapolis Public Transportation Corporation, is responsible for providing and maintaining safe transportation facilities; and

WHEREAS, the provision of amenities, such as illuminated shelters and benches, at stops along transportation corridors contribute to increased ridership of the transit system due to a greater sense of user safety and comfort at such stops; and

WHEREAS, there are currently over 4,000 bus stops within Marion County and less than 200 of these stops, or less than 5%, have a bus shelter to serve the riders; and

WHEREAS, there are currently only nine legitimate bus benches complete with a walk and hardsurfaced pad that meets ADA requirements to serve the riders within Marion County; and

WHEREAS, the allowance for placement of limited advertising signs on bus benches and shelters would directly contribute to installation of additional bus benches and shelters by means of generating revenue from the sale of advertising; and

WHEREAS, the prudent and judicious placement of limited advertising signs on bus benches and shelters can be accommodated safely, designed to maintain community aesthetic standards, without creating sign clutter, and without diminishing the utility of other nearby signs; now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Sign Regulations of Marion County, Indiana, Section 734-201 of the “Revised Code of the Consolidated City and County,” regarding exempt signs, hereby is amended pursuant to IC 36-7-4 by the addition of the language that is underscored, to read as follows, (and subsections following the underscored subsections shall be re-lettered accordingly):

Sec. 734-201. Exempt signs.

- (a) The following signs are permitted in any zoning district unless specifically limited to certain zoning districts in this section and are exempt from other provisions of this chapter, except the provisions for a clear sight area as noted in section 734-204(j). The area of such signs shall not be included in the calculation of the area of signs permitted for any parcel or use. The requirements for

Improvement Location Permits (ILPs) shall not apply to certain of the signs specifically referenced in this section:

(b) Signs on municipal bus shelters.

- (1) In all zoning districts, two (2) signs that provide information about public transportation shall be permitted on the walls of a municipal bus shelter that is located within a public right-of-way.
 - a. One (1) sign, being no larger than twenty (20) square feet, may be located on the walls of the municipal bus shelter subject to the following:
 1. Sign may be double-faced;
 2. Sign shall not be internally illuminated;
 3. Sign shall not move or rotate, shall not include an EVMS component, and shall not flash or otherwise turn any illumination on and off repeatedly;
 4. Sign shall not be an advertising sign;
 5. Sign shall not be less than eighteen (18) inches above the finished grade; and
 6. An ILP shall not be required if the provisions noted above are satisfied.
 - b. One (1) sign, being no larger than four (4) square feet, may be located on the walls or inside the municipal bus shelter subject to the following:
 1. Sign may be double-faced;
 2. Sign may be internally illuminated;
 3. Sign may be an EVMS;
 4. Sign shall not be an advertising sign; and
 5. An ILP shall not be required if the provisions noted above are satisfied.
- (2) One (1) sign, with a maximum horizontal dimension of 3.5 feet and a maximum vertical dimension of 5.5 feet (Refer to Diagram 41), shall be permitted in addition to the signs indicated above in subsection (1), subject to the following:
 - a. Sign shall only be located in the following zoning districts:
 1. Any commercial zoning district;
 2. Any industrial zoning district;
 3. Any central business district zoning district;
 4. HD-1, UQ-1, SZ-1 and SZ-2 zoning district;
 5. D-6, D-6II, D-7, D-9, D-10 and D-11 zoning district;
 6. Airport Special Use zoning district; or
 7. Any special use zoning district, except SU-1, SU-2, SU-3, SU-10, SU-37, and SU-38.
 - b. Sign shall not be located:
 1. Within 200 feet from a D-5, D-1, D-2, D-3, D-4, D-5, D-5II, or D-8 dwelling district measured along the centerline of the adjoining public right-of-way, or
 2. Adjacent to a lot improved with a legally-established single-family residence.
 - c. Sign shall only be located on the far-side wall of a municipal bus shelter that is located either:

1. At a far-side municipal bus stop, or
2. At least 150 feet from a street intersection (measured from the centerline of the intersecting street) (Refer to Diagrams 38 and 39).
- d. Sign shall only be located on a municipal bus shelter that enables an occupant of the shelter to see around the sign, such as a shelter provided with a convex mirror, or a shelter with a clear area along the side of the sign.
- e. Sign shall not be less than eighteen (18) inches above the finished grade.
- f. Sign shall not include an EVMS component; and the sign shall not consist of rotating panels, commonly known as Tri-vision.
- g. Sign may be an advertising sign.
- h. Sign may be internally illuminated and may be double-faced.
- i. If located within the Mile Square or in a Central Business District, sign size may be a maximum of thirty-two (32) square feet with a maximum horizontal dimension of four (4) feet and a maximum vertical dimension of eight (8) feet.
- j. Sign is subject to all requirements of any secondary zoning district that may apply.
- k. Sign shall not be considered as or subject to the regulations for Off-premise (outdoor advertising) signs, as regulated in Sec. 734-306 and Sec. 734-403.
- l. An ILP shall be required and an encroachment license, as regulated in Chapter 645, Article V, shall be required for the sign.

(c) Signs on municipal bus benches. One (1) one-sided sign shall be permitted on a municipal bus bench that is located within a public right-of-way and located within 12 feet of a municipal bus stop without a municipal bus shelter (Refer to Diagram 40) subject to the following:

- (1) Sign shall only be located in the following zoning districts:
 - a. Any commercial zoning district;
 - b. Any industrial zoning district;
 - c. Any central business district zoning district;
 - d. HD-1, UQ-1, SZ-1 and SZ-2 zoning district;
 - e. D-6, D-6II, D-7, D-9, D-10 and D-11 zoning district;
 - f. Airport Special Use zoning district; or
 - g. Any special use zoning district, except SU-1, SU-2, SU-3, SU-10, SU-37, and SU-38.
- (2) Only one municipal bus bench with a sign shall be permitted at any one municipal bus stop.
- (3) Sign shall not be located adjacent to a lot improved with a legally-established single-family residence.
- (4) Sign shall only be located on a municipal bus bench located either:
 - a. At a far-side municipal bus stop; or
 - b. At least 150 feet from a street intersection (measured from the centerline of the intersecting street)(Refer to Diagrams 38 and 39).
- (5) Maximum horizontal dimension of the sign shall not exceed eighty-one (81) inches and the maximum vertical dimension of the sign shall not exceed twenty-four (24) inches. Maximum

height of the sign shall be 42 inches (Refer to Diagram 41).

(6) Sign shall not be internally illuminated.

(7) Sign shall not move or rotate, shall not include an EVMS component, and shall not flash or otherwise turn any illumination on and off repeatedly.

(8) Sign may be an advertising sign.

(9) Sign shall not be considered as or subject to the regulations for Off-premise (outdoor advertising) signs, as regulated in Sec. 734-306 and Sec. 734-403.

(10) An ILP shall be required, and an encroachment license, as regulated in Chapter 645, Article V, shall be required for the sign.

...

SECTION 2. The Sign Regulations of Marion County, Indiana, Section 734-405, of the “Revised Code of the Consolidated City and County,” regarding electronic variable message signs, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored, to read as follows:

Sec. 734-405. Electronic variable message signs (EVMS).

...

(c) Performance standards for EVMS.

(1) EVMS shall not display any copy or message that moves, appears to move or flashes or otherwise turn any illumination on and off more frequently than 15 seconds.

(2) Display of copy or message shall last at least fifteen (15) seconds.

(3) EVMS shall contain a default design that freezes the sign in a dark or blank position if a malfunction occurs.

(4) Light intensity of the EVMS shall not cause glare. The sign shall be equipped with adjustable light sensors capable of adjusting light intensity according to ambient light levels (i.e., day and night). If the light intensity of the EVMS is glaring, the Department shall notify the owner or owner’s representative and the light intensity shall be corrected within 24 hours of notification to the owner or owner’s representative. Owner shall maintain at all times current notification contact information with the City of Indianapolis’ Department of Metropolitan Development, Department of Code Enforcement, and their successors.

SECTION 3. The Sign Regulations of Marion County, Indiana, Section 734-501(b), of the “Revised Code of the Consolidated City and County,” regarding definitions and diagrams, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored and by the included diagrams, to read as follows and to be alphabetically reordered as needed, and to include the following diagrams:

Sec. 734-501. Construction of language and definitions.

...

(b) *Definitions.* The words in the text or illustrations of this chapter shall be interpreted in accordance with the definitions set forth below. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

...

Far-side. A location immediately across an intersection based upon the direction of travel of motorized vehicles in the adjoining traffic lane (Refer to Diagram 38).

...

Glare or glaring. Lighting entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

...

Municipal bus bench. A seating structure caused to be erected, maintained and managed by Indianapolis Public Transportation Corporation, or their successor, to provide temporary seating for people waiting to use or ride public transportation.

Municipal bus shelter. A roofed structure caused to be erected, maintained and managed by or on behalf of the Indianapolis Public Transportation Corporation, or their successor, to provide temporary protection of people waiting to use or ride public transportation.

Municipal bus stop. A location designated by Indianapolis Public Transportation Corporation or their successor, for people waiting to use or ride public transportation that is located next to a roadway served by an operational public transit route.

...

SECTION 4. The Sign Regulations of Marion County, Indiana, Chapter 734, Article V, of the “Revised Code of the Consolidated City and County,” regarding tables and definitions, hereby is amended by the addition of NEW Diagrams 38 through 41, inclusive, to appear as follows:

Diagram 38

Far-side of an intersection is illustrated with cross-hatching 

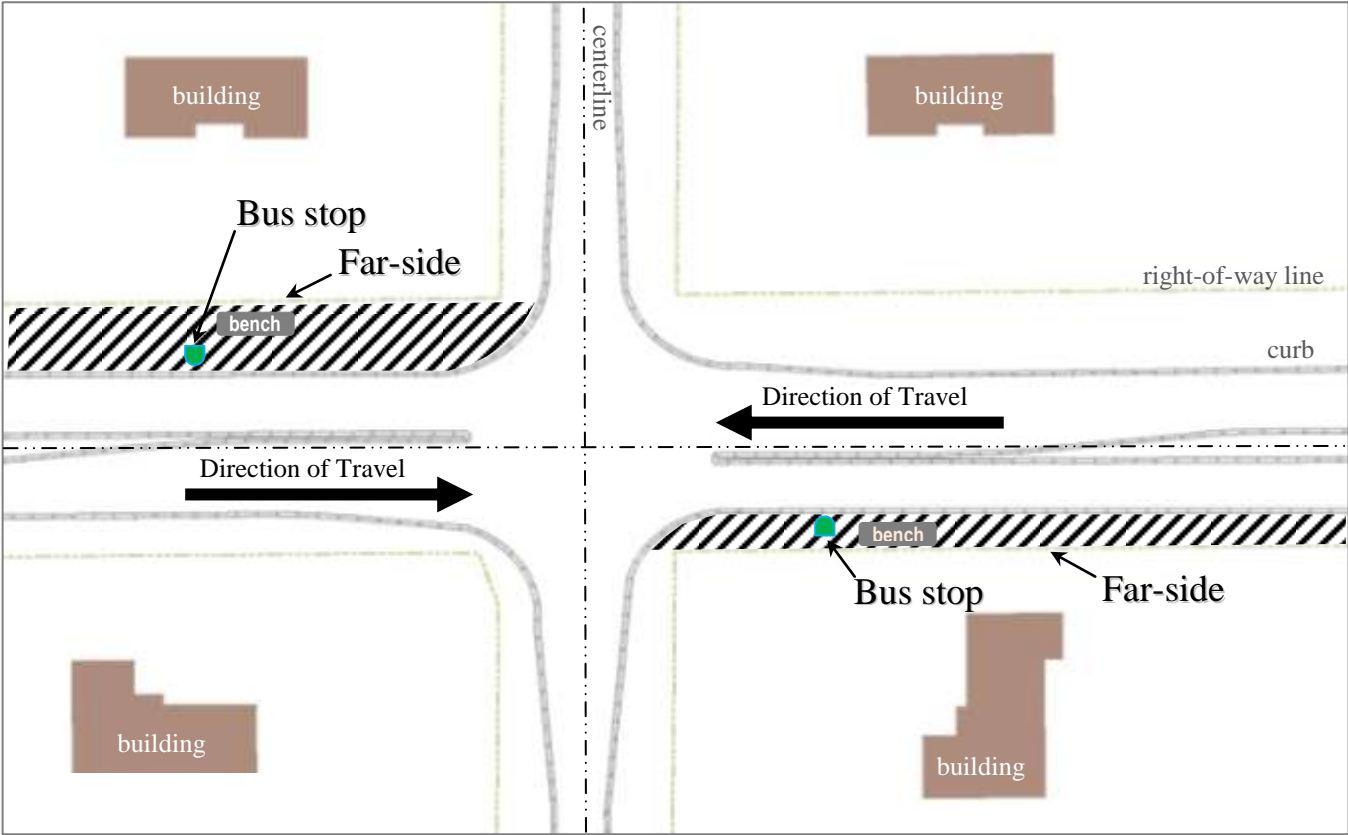

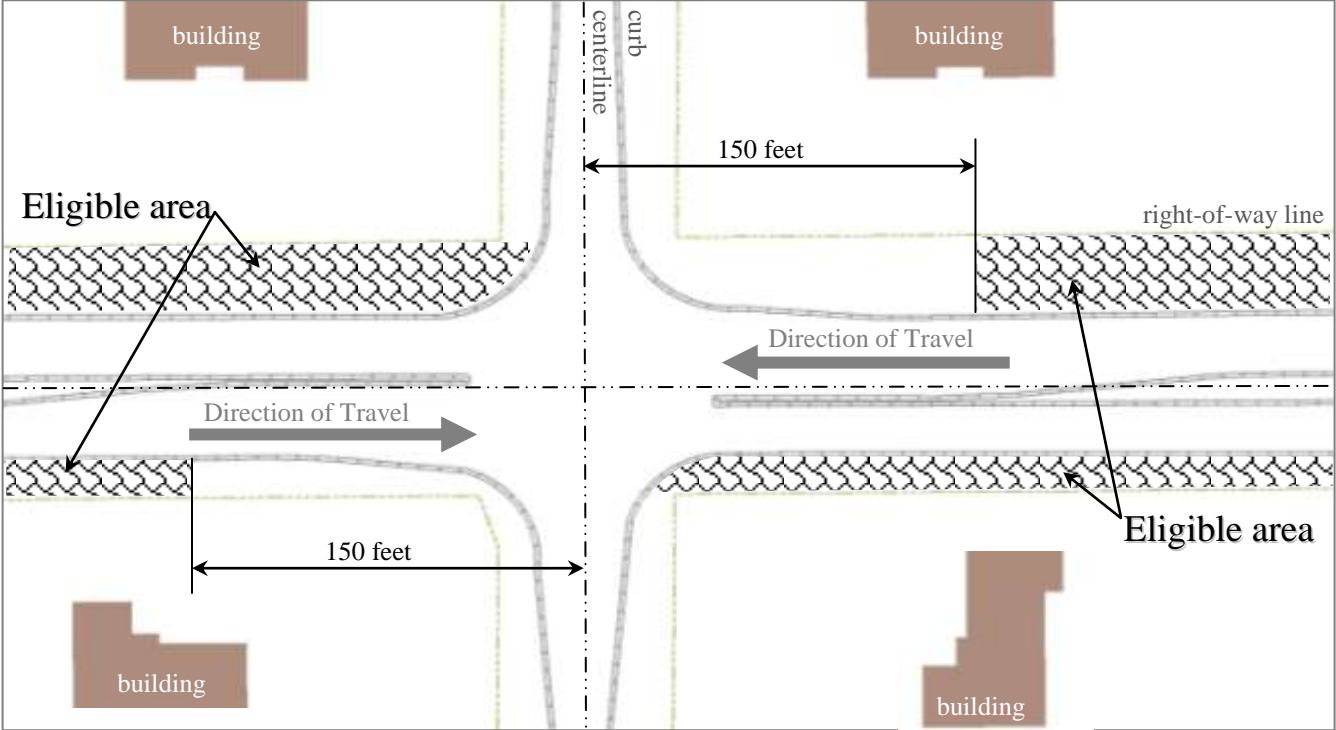


Diagram 39

Eligible locations of municipal bus shelter or bench with an advertising sign
Eligible areas are illustrated with the pattern: 

Two-way traffic situation



One-way traffic situation

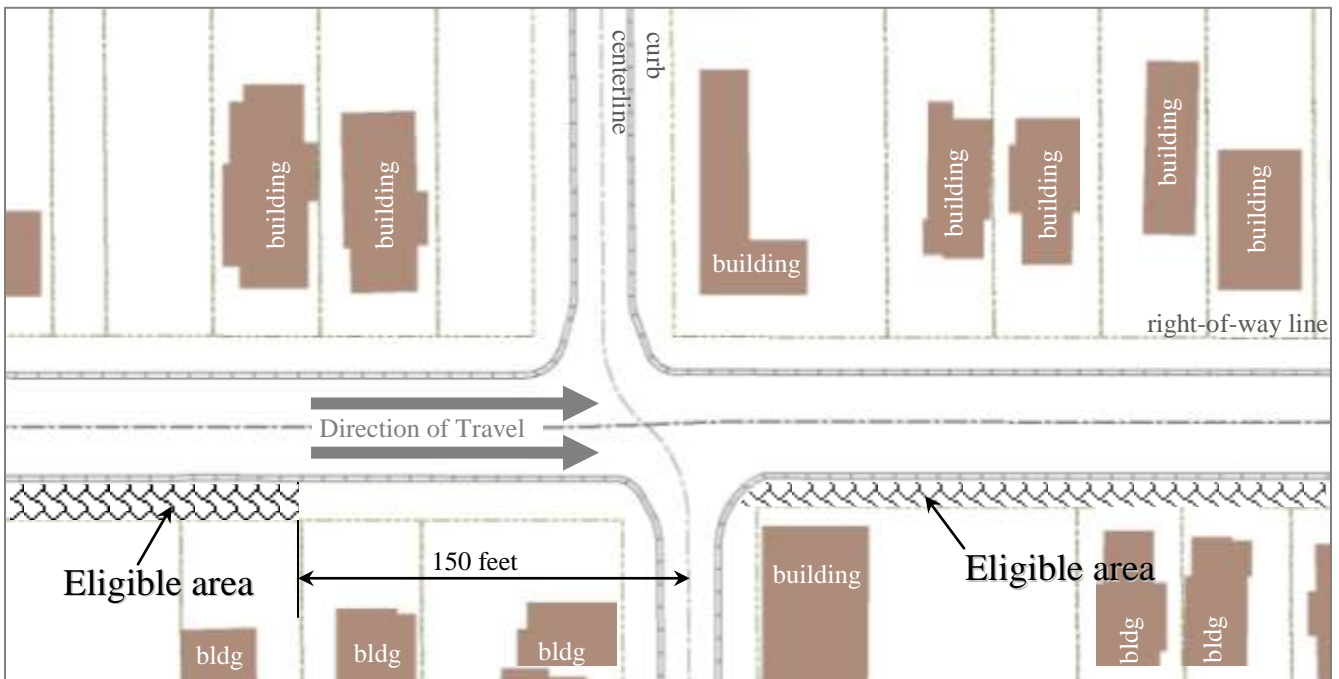


Diagram 40

Location of bus bench to municipal bus stop
Some portion of the bench must be within 12 feet of the sign location.

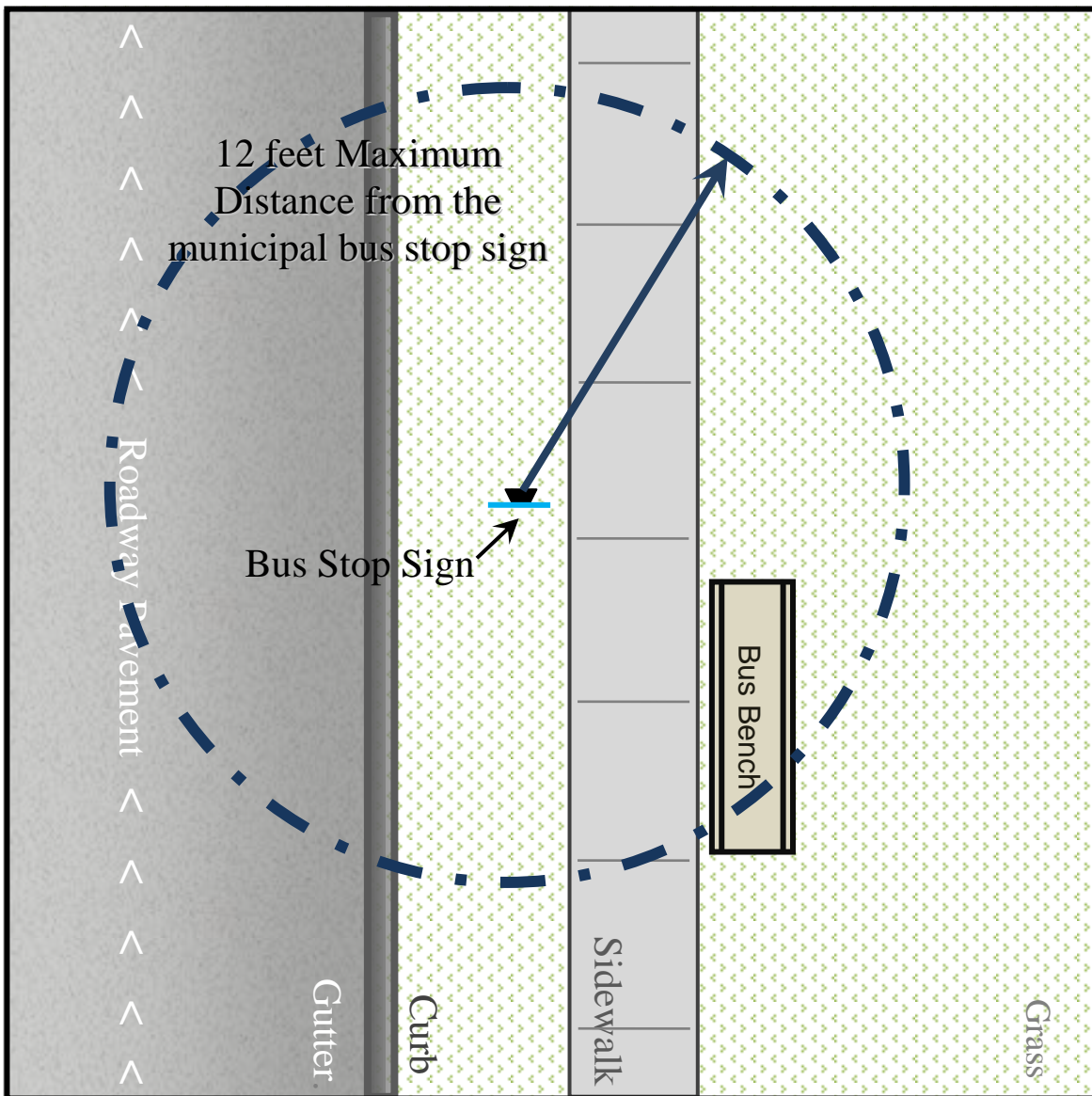
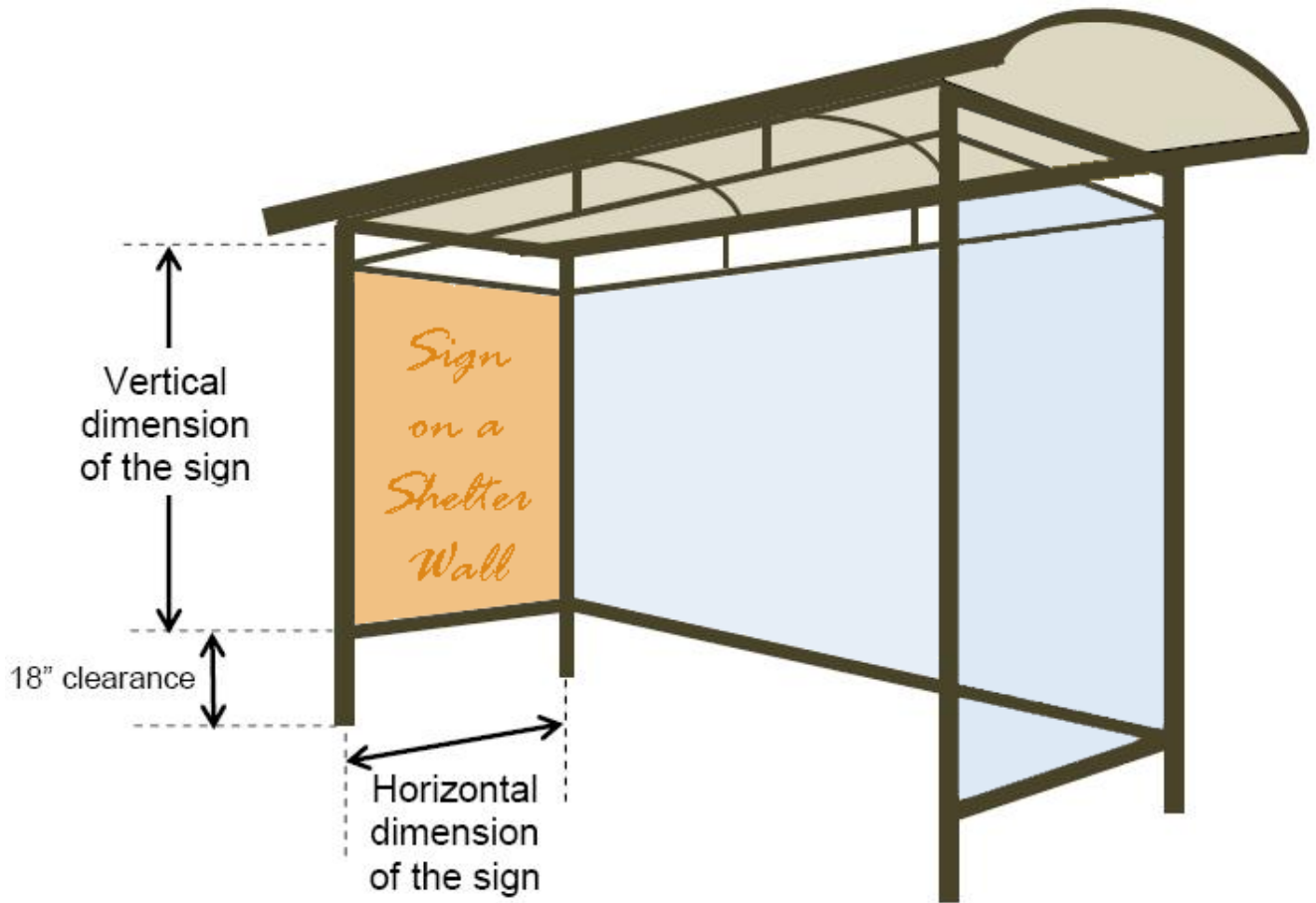
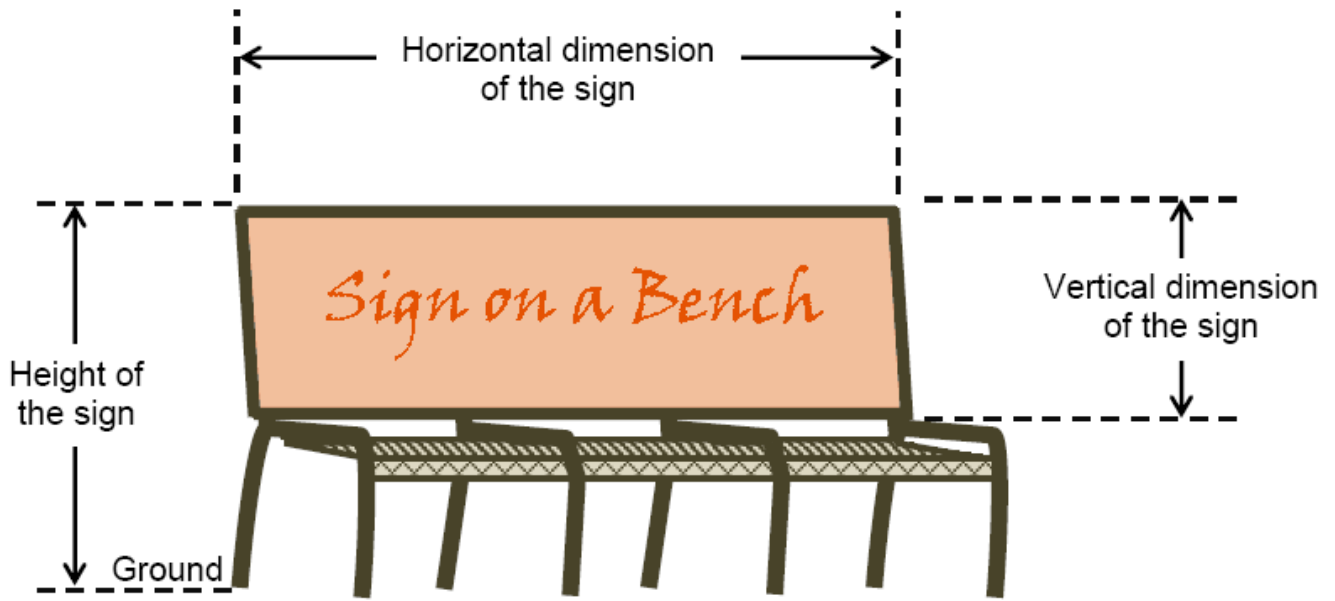


Diagram 41

Municipal bus bench measurements
Municipal bus shelter measurements



SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14, or **March 1, 2011**, whichever last occurs.

The foregoing amending ordinance, 2011-AO-01, to the Sign Regulations of the “Revised Code of the Consolidated City and County” of Indianapolis- Marion County, Indiana, is hereby adopted by the affirmative vote of the undersigned members of said Commission, this 19th day of January, 2011.

Tim Ping, Commissioner

Dorothy J. Jones, Commissioner

J. Scott Keller, Commissioner

Diana Hamilton, Commissioner

Randy Snyder, Commissioner

Lisa Kobe, Commissioner

Tom Morales, Commissioner

Tasha Phelps, Commissioner

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA**

ATTEST:

James J. Curtis, Sr., Secretary
Metropolitan Development Commission
of Marion County, Indiana