

21-03

Sponsor: Councilman Daniel Spitale
Councilwoman Janet Venecz

Petitioner: Hammond Plan Commission

ORDINANCE No. 9495

AN ORDINANCE AMENDING ORDINANCE NO. 8514, BEING: AN ORDINANCE ESTABLISHING A ZONING PLAN FOR THE CITY OF HAMMOND IN ORDER TO PROVIDE FOR ORDERLY GROWTH AND DEVELOPMENT WITHIN THE CITY, ALL IN ACCORDANCE WITH THE COMPREHENSIVE/LAND USE PLAN; FOR PURPOSES OF AMENDING TITLE XXI SIGNS TO INCORPORATE REVISED PROVISIONS FOR THE PROHIBITED AND TEMPORARY SIGNS

Whereas, the City of Hammond established its zoning regulations by and through the passage of Ordinance 8514, being effective in October 2003 and as has been amended from time to time; and

Whereas, the City of Hammond seeks to improve the quality of signs in the community and to ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard the health, safety, and welfare of the community; and

Whereas, the City of Hammond seeks to clarify the provisions regarding types of signs that would be prohibited from the community and signs that would be allowed on a temporary basis;

Whereas, clarifying the provisions regarding prohibited and temporary signs would provide for appropriate guidance to the City Planning Department and the Department of Inspections in order to regulate and enforce the signage provisions in order to improve the visual qualities of properties located within the City of Hammond; and

Whereas, the City Planning Department has prepared appropriate amendments to Title XXI Signs of the Zoning Ordinance 8514, as amended, and seeks to have the amendments adopted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana, that Ordinance 8514 shall be amended as follows:

Section 1

Amend Title XXII Signs by deleting Section 21.10 in its entirety and replacing it with a new Section 21.10, as follows:

Section 21.10 PROHIBITED SIGNS

The following signs are prohibited:

- 1) Roof signs; or

- 2) Signs placed on parked vehicles or trailers or those not in regular use that are placed or parked on a premises for purposes of advertising; or
- 3) Signs that, by their wording, design, color or location, resemble or conflict with traffic control signs or devices; or
- 4) Signs that create a safety hazard; or
- 5) Signs that obstruct any door, window, fire escape, or other emergency exit; or
- 6) Signs erected in the public right-of-way or on any public utility pole, bench, bus shelter, or other public structure, except when posted by a public officer in the performance of a public duty; or
- 7) Signs on fences, trees, or streetlights; or
- 8) Portable electric signs; or
- 9) Beacons; or
- 10) Balloon or inflatable signs; or other types of inflatable devices; or
- 11) Bench Signs;
- 12) Signs that give the appearance of movement caused by wind, including pennants, banners, streamers, strings of lights, spinners or other similar devices and all other signs which undulate, swing, rotate, oscillate, or otherwise move by natural or artificial means.

AND

Amend Title XXII Signs by deleting Section 21.11 in its entirety and replacing it with a new Section 21.11, as follows:

Section 21.11 TEMPORARY SIGNS

Except as provided herein, temporary signs are permitted for initial period not to exceed 30 days, at which time the signs shall be removed. After a gap period of 30 days, a temporary sign may be allowed for a secondary period not to exceed 30 days. The temporary sign shall be removed after the secondary period. No additional temporary sign permits shall be issued to the same business license holder on the same zoning lot in any calendar year.

A. Temporary signs:

- 1) are prohibited on zoning lots in residential districts or residential uses in other districts;
- 2) shall not be illuminated;
- 3) shall not be located within the public right-of-way or parkway;
- 4) shall be no more than one temporary sign per zoning lot, unless otherwise allowed in this Section;
- 5) shall be subject to the vision clearance provision of T/S 21.02 H.
- 6) shall be located subject to the minimum setback provision of T/S 21.02 G.
- 7) shall not exceed a cumulative area (i.e. the square footage) of 32 square feet for all temporary signs on a zoning lot, unless otherwise specified.

- 8) Shall not exceed the cumulative area of the maximum allowable signage calculation for the cumulative area of all temporary signs plus the cumulative area of all permanent signs.

B. Types of temporary signs:

- 1) "A-frame" "T-frame" - any portable upright, rigid, self-supporting frame sign in the form of a triangle or the letter "A." (See Figure T-1.) A "T-frame" sign is any portable, upright, rigid, self-supporting frame sign in the form of an upside down "T" which acts as the feet or supporting portion of the sign. The sign shall not exceed 6 SF (.56 sq. m.) and 4 feet (1.22 m.) in height. The sign shall be constructed of hardwood, chalkboard or similar materials. Only one A-frame sign or T-frame is allowed per zoning lot.



Figure T-1



Figure T-2

- 2) Banner, blade, or feather sign - a vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. Said signs are made of durable fabric, flexible plastic, or similar materials. Said sign shall not exceed 5 square feet (0.46 sq. m.) in area and 6 feet (1.83 m.) in height. (See Figure T-2.)
- 3) Special event signs. Said signs shall not exceed 32 SF (2.97 sq. m.) in area and 6 feet (1.83 m.) in height. Said signs shall be made of wood, vinyl, metal, or similar materials. Only one sign is allowed per zoning lot.
- 4) Other signs that are not permanently affixed or installed on the zoning lot or on a building wall and are intended to be displayed for a limited period only.
- 5) Banner signs on public street lights or other public street fixtures or other types of temporary signs on the public sidewalk in the street right-of-way are allowable by permission of the Board of Public Works and Safety for a period of time determined by the Board of Public Works and Safety.

Section 2

Severability

- A. If any Court of competent jurisdiction shall adjudge any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or amendment thereto, to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, or amendment thereto, not specifically included in said judgment. It is expressly declared that this

Ordinance and each section, subsection, paragraph, sentence, clause and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared invalid or unconstitutional.

- B. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance, or amendment thereto, to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
- C. If any Court of competent jurisdiction shall determine that any word, clause, phrase, sentence, paragraph, or subsection of the Ordinance, or amendment thereto, is unconstitutional as worded, the court shall first attempt to construe or interpret such unconstitutional provision so as to enable the same to be constitutional as so narrowed or construed. If the court cannot so limit or construe such word or provision narrowly so as to render the same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences, or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a subordinate clause, phrase, or word render the attached major section or provision unconstitutional, but instead such subordinate clause, phrase, or word shall be severed there from, unless such severance renders the remainder wholly meaningless or unconstitutional.

BE IT FURTHER ORDAINED by the Common Council of the City of Hammond that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof.



Dave Woerpel, President

Attest:



Robert J. Golec, City Clerk

The foregoing Ordinance No. 9495 consisting of four (4) pages, including this page was Approved by the Common Council on the 8TH day of February, 2021.



Robert J. Golec, City Clerk

1/13/21

CP 21-01

**Text Amendment to the Zoning Ordinance to amend provisions for temporary signs
in Title XXI Signs**

Background

The proposed text amendment intends to modify the current provisions for temporary signs. The types of temporary signs identified better. Size limitations have been added. The time frame to allow temporary signs has also been clarified. One of the more important differences is to change the balloon/inflatable signs from being allowed to being prohibited.

The time period that is allowed for a temporary sign to be placed is changed to reflect a maximum 30 day period, removal of the temporary sign for 30 days, then a second 30 period is allowed.

The overall goal is to clarify the current language and provide for appropriate limitations all with the intent of improving the aesthetic qualities of the community.

STAFF RECOMMENDATION

The staff has prepared regulations that establish clearer provisions to help the administration of the sign provisions and to improve the aesthetics of the community.

Therefore staff recommends that the Plan Commission approve of the text amendment to the Zoning Ordinance regarding temporary signs and forward the ordinance to the City Council with a favorable recommendation.

If the Plan Commission agrees with the recommendation, the staff requests that this report be adopted by the Plan Commission as Findings of Fact.