

COUNCIL ACTION FORM

SUBJECT: **SIGN CODE MODIFICATIONS**

BACKGROUND:

In November staff reported to Council on several “clean-up” concerns that existed in the Sign Code, as well as an issue related to the removal of sign structures. Staff was seeking clarification regarding how to deal with sign structures that (1) had no sign face when a business was no longer in existence or (2) remained in existence when the building was already demolished.

Rather than approve the ordinance that was presented for consideration on January 8th, the City Council directed staff to prepare a modification to the sign requirements stating that, in the event a business closes and the primary building is demolished, the sign structure on that premises must also be taken down. This change also specifies that a sign structure must always have a lawfully permitted sign or a blank panel of a solid color in its frame. In other words, the frame or electrical elements of the sign structure cannot remain exposed.

The remainder of the ordinance was to be unchanged from that which was presented to the City Council on January 8th. Those changes are outlined below:

Several of the corrections are necessary because the Sign Code was moved out of Chapter 5 and into its own chapter in 2010. Some references to Chapter 5 need to be amended to reflect the correct chapter.

In 1997, the City removed an exception for public, educational, charitable, fraternal or religious signs in response to an Iowa Attorney General’s opinion that such exceptions violated “content neutrality” and could therefore be ruled unconstitutional if challenged in a court of law. This proposed ordinance would remove additional references that should have also been removed at that time.

It should be noted that, until 2010, a Sign Code violation was charged with a \$500 fine. Because the fine schedule does not currently refer to the correct chapter, a violation of the Sign Code has been charged on the standard municipal infraction schedule (\$30 per violation). **In correcting the reference to its original intent, a violation of the Sign Code would revert to its original fine of \$500 per violation.**

Council may recall that it directed staff to address electronic signs in addition to the Code clean up. Staff intends to bring recommendations on electronic signs in a separate report at a later date.

A summary of the changes identified by staff is below:

SECTION	MODIFICATION
21.113	Requires removal of a sign structure if the building is razed; also requires installation of a blank panel or a legal sign in all sign structures.
21.114	Updates the name of the S-HM zone
21.115	Eliminates permitting exemptions for public, educational, charitable, fraternal or religious signs and for political signs. <i>(Note: Political signs will remain exempt as “temporary signs”)</i>
21.121	Updates the name of the S-HM zone, removes a section allowing temporary political signs <i>(Note: Temporary political signs remain allowed under the “temporary signs” criterion)</i>
21.123	Changes a Code reference to the correct chapter
21.128	Changes an ordinance citation to the correct ordinance number
21.129	Changes Code references to the correct chapter
21.130	Clarifies that appeals are handled by the Building Board of Appeals
Appendix N	Corrects the titles of Chapters 5 and 21.

ALTERNATIVES:

- 1a. Approve on first reading the proposed modifications to *Municipal Code* Chapter 21
- b. Approve on first reading the proposed modifications to *Municipal Code* Appendix N relating to the titles of Chapters 5 and 21.
2. Do not approve changes to the Sign Code.

MANAGER’S RECOMMENDED ACTION:

These modifications will help clarify the Code for both staff and customers by correcting several internal references and improving the understanding of when a sign or sign structure must be taken down.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving on first reading the proposed modifications to *Municipal Code* Chapter 21 and the proposed modifications to *Municipal Code* Appendix N relating to the titles of Chapters 5 and 21.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING MISCELLANEOUS PROVISIONS OF
THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, CHAPTER
21, SIGNS.**

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.113 and adopting a new Section 21.113 to read as follows:

“Sec. 21.113. REMOVAL OF CERTAIN SIGNS AND SIGN STRUCTURES.

The following shall be removed within thirty (30) days of written notice from the Building Official:

- (1) A sign which for a period of six (6) months no longer advertises a bona fide business conducted, or a product sold, or a service offered.
- (2) An on premises sign and/or sign structure located on a site where the principal structure housing that which is advertised has been demolished.
- (3) A sign structure which has had its sign removed so as to expose the frame and/or electrical elements of the sign structure. An exception exists where the removed sign has been replaced with a lawfully permitted sign or a blank panel composed of a solid color that fits flush with the frame and covers all electrical elements.
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)”

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.114(6) and adopting a new Section 21.114(6) to read as follows:

“Sec. 21.114. PROHIBITIONS.

No person shall have or permit on any premises:

- (6) Any off premises sign in the following zoning districts in the City of Ames: RL, RM, RH, RLP, FS-RL, FS-RM, F-VR, and S-HM.
(Ord. No. 3753, 1-13-04)”

Section Three. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.115 and adopting a new Section 21.115 to read as follows:

“Sec. 21.115. EXEMPTIONS FROM PERMITS.

The following signs shall not require a permit; however, such signs shall be subject to the sign regulations:

- (1) Nonelectrical real estate signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only.
- (2) Nonelectrical signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building, or dwelling house and not exceeding two (2) square feet in area.
- (3) A nonelectrical single sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.
- (4) Nonelectrical memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- (5) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs; and, emblems, names, logo, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.
- (6) Nonelectrical public service signs which give only directions “in and out” or signs which provide only

information about directing people to ancillary facilities such as parking, entrance, etc.

(7) A nonelectrical temporary or portable sign.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)”

Section Four. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.121 and adopting a new Section 21.121 to read as follows:

“Sec. 21.121. ON PREMISES SIGNAGE.

For all signs subject to the sign regulations, in agricultural, commercial and industrial zoning districts in the City of Ames except in the S-HM District, there may be three (3) square feet of signage for each foot of street frontage. Signs in the Planned Zoning districts are as permitted on the approved site plan. Where any side of a building abuts on an alley, only painted on wall signs shall be permitted on the side abutting the alley. Such sign shall be calculated as part of total permissible signage. For all signs subject to the sign regulations in residential zoning districts in the City of Ames, only the following signs are permitted:

(1) Real estate signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only.

(2) Signs, including bulletin boards, which are not over sixteen (16) square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.

(3) Signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building, or dwelling house and not exceeding two (2) square feet in area.

(4) Single sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.

(5) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

(6) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs; and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

(7) Public service signs which give only directions “in and out” or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.

(8) Temporary or portable sign.

(9) Subdivision Development Signs. One subdivision development sign may be permitted per preliminary plat or Conceptual Development Plan for subdivisions of 2 acres or more in area. This sign shall not exceed 96 sq. ft. in area and 12 ft. in height. It shall be located in the subdivision it identifies and no closer than 25 ft. from any property line, no closer than 100’ from any pre-existing residence and only on lots abutting collector or arterial streets. The sign shall be the sole use of the property on which it is located. The sign shall identify the name of the subdivision exactly as it is set out on the preliminary plat or conceptual development plan approved by the City and may include the names of the subdivision developers, a map of the area covered by the subdivision and a description of amenities in it. The sign shall not be installed until utility construction has begun in the subdivision and the sign shall be removed once building permits have been issued for 50% of the lots in the subdivision.

(10) Residential Subdivision Entrance Signs. The regulations described in this section apply to subdivision entrance signs in residential subdivisions. The location, number, size, height, materials, maintenance, and message regulations for subdivision identification signs are as follows:

(a) Signs located on private property shall be no closer to the traveled part of a street than the right-of-way line. Signs shall not be allowed in the street visibility triangle, as such is described by Section 29.408(5).

(b) It shall be unlawful to erect a subdivision entrance sign on public property, and the Council shall grant no encroachment permits for such signs.

- (c) Subdivision entrance signs shall not be permitted off-premise.
- (d) Two signs shall be permitted at each subdivision entrance. Double-faced signs shall be counted as two signs.
- (e) The size of the message area (subdivision name and address) of the sign shall not exceed 20 square feet. The size of the sign structure in comparison to the size of the message area shall not exceed a ratio of 7 to 1, unless approved as part of a Planned Unit Development.
- (f) Signs shall not exceed six (6) feet in height.
- (g) Materials used in the construction of subdivision entrance signs shall be low maintenance materials and may include: metal, wood, brick, stone, and concrete.
- (h) Maintenance of signs, illumination devices, and landscaping shall be the responsibility of the property owner. Signs which, by reason of deterioration, may become unsafe or unsightly shall be repaired or removed by the property owner upon written notice of the City. Signs which by reason of deterioration become unsafe or unsightly may be removed by the City upon written notice of the City.
(Ord. No. 3299, Sec. 1, 9-27-94)
- (i) The message on a subdivision entrance sign shall include only the name and address of the subdivision.
- (j) Signs may be illuminated internally or by reflected light subject to the following:
 - (i) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises;
 - (ii) The light source shall not be placed so to cause confusion or hazard to traffic, or to conflict with traffic control signs of lights;
 - (iii) No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes blinking, flashing, rotating, and message changing; and
 - (iv) The Property Owner's Association shall be responsible for the costs associated with providing electricity to the light source.
- (k) Landscaping shall be incorporated at the base of each subdivision entrance sign which enhances the site and the surrounding area. Plant materials shall not obstruct the visibility of moving vehicles or interfere with the maintenance of adjacent public property. Approval of a landscape plan for each residential subdivision entrance sign by the Director of Planning and Housing is required.
(Ord. No. 3255, Sec. 2, 1-11-94, Ord. No. 3753, 1-13-04)
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 2594, Sec. 1, 4-19-77; Ord. No. 3053, Sec. 3, 6-27-89; Ord. No. 3194, Sec. 1, 9-24-92)"

Section Five. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.123(3) and adopting a new Section 21.123(3) to read as follows:

“Sec. 21.123. WALL SIGNS.

Wall signs subject to the sign regulations shall meet the following location requirements:

- ...
 - (3) Size Regulations. The size regulations of Section 21.121 notwithstanding, there shall be allowed, with respect to each building, subject to applicable zoning regulations, one permanent wall sign that is not larger than sixty-four (64) square feet, or which does not occupy more than ten percent (10%) of the area of the wall to which it is affixed, whichever is smaller, for each of the building's sides that parallel a public street, if the wall sign is not internally lighted.”

Section Six. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.128 and adopting a new Section 21.128 to read as follows:

“Sec. 21.128. AWNING AND CANOPY SIGNS.

No portion of an awning or canopy may be lower than seven and one-half (7½) feet above a sidewalk. They may overhang public right of way only by permission of the City Council.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92; Ord. No. 3773, 6-22-04)”

Section Seven. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.129 and adopting a new Section 21.129 to read as follows:

“Sec. 21.129. NONCOMFORMING SIGNS.

Sign in existence on December 21, 1976, when these sign regulations became effective, may continue in existence subject to Sections 21.109, 21.110, 21.112, and 21.113 and also subject to the following:

...”

Section Eight. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.130(1) and adopting a new Section 21.130(1) to read as follows:

“Sec. 21.130. SIGN APPEALS.

(1) The Building Board of Appeals shall have jurisdiction, and its appeal procedures shall apply when it is claimed that the regulations of this chapter pertaining to signs have been incorrectly interpreted, or an equally good or better form of construction, method of installation or type of material can be used.

...”

Section Nine. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Ten. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Eleven. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, 2013

ATTEST:

Diane R. Voss, City Clerk

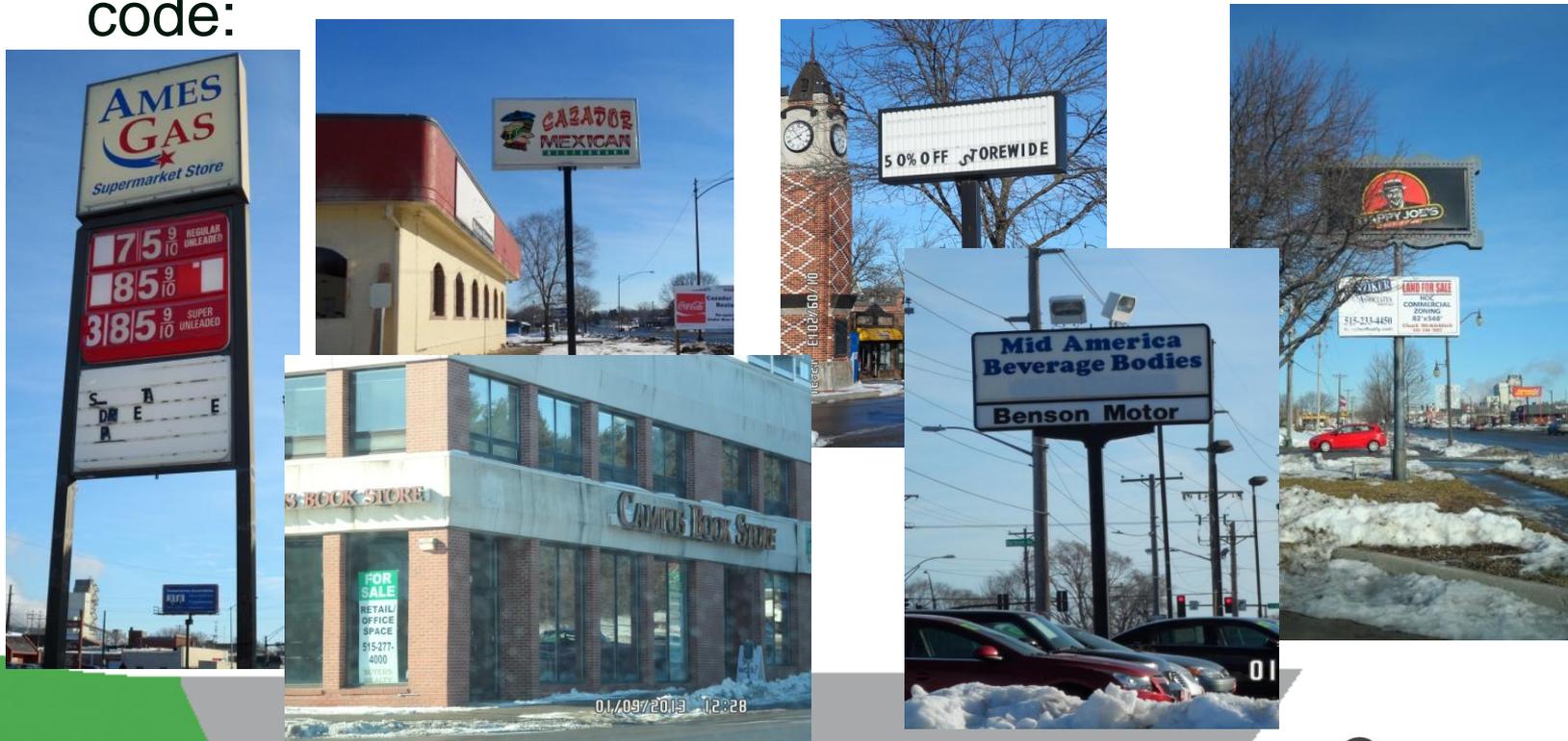
Ann H. Campbell, Mayor

Sign Structures

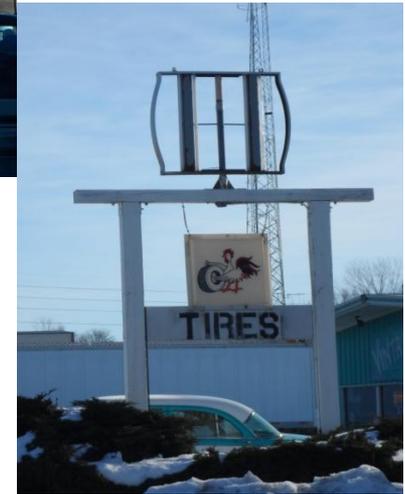


CITY OF
Ames[™]
INSPECTIONS

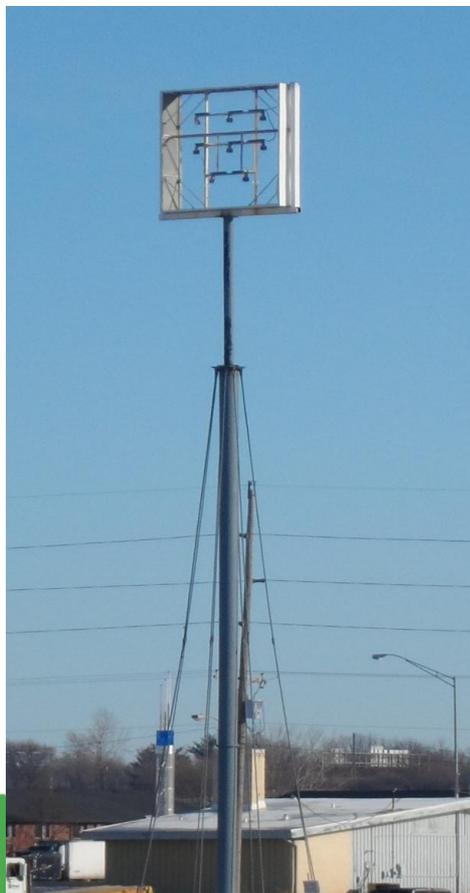
- Currently: Sign must be removed within 6 months of no longer advertising a business or service, but sign structure may remain
- Signs like these must be removed under current code:



- Result is sign structures without signs. These are allowed under current code.



- Change #1 - Sign structure must be removed if the building has been demolished.



- Change #2 – If sign is removed, the sign structure must have a new sign or a solid color blank panel. Implicitly allowed: removing the frame that holds the sign would leave a blank panel.

