

COUNCIL ACTION FORM

SUBJECT: REAL ESTATE SIGN DEFINITION

BACKGROUND:

At its October 28, 2014 meeting, the City Council discussed an Encroachment Permit Application from Campustown Properties for their property at 116 Welch Avenue. Much of the discussion centered on whether or not the proposed sign was in fact a "Real Estate" sign. Rather than move ahead to approve the encroachment permit request, the City Council tabled action on the request and directed the City Attorney to create a definition for "Real Estate" signs.

EXISTING REAL ESTATE SIGN PROCESS/CODE:

The Sign Code of the Ames Municipal Code, found in Chapter 21, contains a definition section. Presently there is no definition of "real estate sign" in this section. Many types of signs are regulated under Chapter 21 through a sign permit process administered by Inspection Division staff. Section 21.115 of the Ames Municipal Code specifically allows "real estate signs" in any zoning district, without a permit, as long as they (1) are non-electrical, (2) do not exceed six square feet in area, and (3) are advertising the sale or rent of property on that premises. In addition, Section 21.121 regulates On Premises signage, and in that section "real estate signs" in residential districts are restricted to those which do not exceed six square feet in area and which advertise the sale or lease of the premises where the sign is located.

Over the years Inspection Division staff has interpreted these two code sections to determine whether or not a sign needs a permit or is allowed on premises in a zone. The situations they have faced have all clearly met or not met all of the criteria above, so there has been no real need to determine whether a sign is a "real estate sign". The signs they have encountered have been the conventional signs that are placed by realty companies advertising the availability for sale or rent of the specific premises where the sign is located.

It has come to staff's attention that there may be occasions when someone may wish to have a sign that advertises real estate that is at an off site location and thus falls outside the specific criteria in Sections 21.115 and 21.121. Therefore, it would be useful to define "real estate sign" in the definition section of this chapter. If that term is defined, and the provisions in Section 21.115 and Section 21.121 which refer to real estate signs are retained, both the public and the staff would then know with more clarity which types of real estate signs do not need a permit and which ones may be in residential districts.

A definition which would be easy to understand and to incorporate in the definitions would be “Real Estate Sign – a sign which advertises the sale, lease, or rent of real property, or that advertises a business that deals in real estate’. Adopting this definition will not impose location restrictions, as those are spelled out elsewhere in the Sign code.

ALTERNATIVES

1. Direct staff to draft an ordinance to modify Ames Municipal Code Chapter 21 by including a definition of “real estate sign” as set forth above.
2. Direct staff to draft an alternative definition of "real estate sign" to include in Chapter 21.
3. Retain the existing language of Chapter 21.

MANAGER RECOMMENDED ACTION:

Council's request for the City Attorney to develop a new definition for real estate signs is an effort to clarify which kinds of signs need permits and which do not. Up to this point, Ames Municipal Code Sections 21.115 and 21.121 provided staff with sufficient direction to effectively review and approve sign permits for real estate signage, or to determine exemptions. However, since there may be situations in which it is would be useful to know whether a sign is a real estate sign or not, a new definition is warranted in order to clarify this situation.

Therefore, it is the recommendation of the City Manager that the City Council support Alternative #1 and direct the City Attorney to come back with an ordinance for first reading which adopts the new definition set forth above.