

COUNCIL ACTION FORM

SUBJECT: Proposed Ordinance to Allow Signage in Residentially-Zoned Private Parks

BACKGROUND:

At the regular meeting of the Ames City Council on Tuesday, April 24, 2018, City Council referred an item directing staff to initiate a text amendment to Chapter 21 of the Municipal Code. This referral was the result of a letter (Attachment A) sent to the Mayor and Council on April 9, 2018 from Donna Scherr, President of the Somerset Property Owners' Association, requesting that signage be allowed on the privately owned parks within Somerset.

Chapter 21 of the Ames Municipal Code regulates signage within the City of Ames. The allowance for signs in residential zones is very limited. As shown below, Section 21.121 prohibits signage in residential zones with twelve exceptions. Staff recommends the addition of subsection (13) in bold below:

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, **or privately owned parks**, when such signs 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 tables, 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 direction "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.*
 - 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 or 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.*

(11) Multiple-Family Development Entrance Signs. The regulations described in this section apply to entrance signs in multiple-family residential developments. Multiple-family developments include apartments with 13 or more dwelling units and group living facilities with 13 or more sleeping rooms. The location, number, size, height, materials, maintenance, and message regulations for multiple-family development entrances 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 multiple-family residential entrance sign on public property, and the Council shall grant no encroachment permits for such signs.*
- c. *Multiple-family development entrance signs shall not be permitted off-premise.*
- d. *One sign shall be permitted per driveway entrance from a public street.*
- e. *The size of the message area (development name and address) of the sign shall not exceed 20 square feet.*
- f. *Signs shall not exceed six (6) feet in height.*
- g. *Materials used in the construction of multiple-family development 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.*
- i. *The message on a multiple-family development entrance sign shall include only the name and address of the development.*
- 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 or 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.*

(12) Commercial Signage for Mixed-Use Developments. The regulations described in this section apply to signs used to advertise commercial tenant spaces on residentially zoned properties.

- a. *Ground Signs:*

- i. *The number of ground signs shall not exceed one, excluding any permitted residential subdivision entrance signs or multiple-family development entrance signs.*
 - ii. *The maximum height of a ground sign is twelve (12) feet, including the sign structure.*
 - iii. *The maximum square footage of a monument sign is 64 square feet, not including the sign structure.*
- b. *Wall Signs:*
- i. *The maximum square footage of a wall sign is thirty-two (32) square feet.*
 - ii. *The number of wall-mounted signs shall not exceed two (2) signs per tenant space, including lettering on awnings and windows.*
 - iii. *Wall signs are prohibited above the first floor of the building.*
- c. *Prohibited signs include:*
- i. *Off-premise signage; and*
 - ii. *Electronic message signs.*
- d. *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 as to cause confusion or hazard to traffic, or to conflict with traffic control signs or lights; and*
 - iii. *No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes, but shall not be limited to, blinking, flashing, rotating, and message changing.*

The proposed text is intended to help identify park areas that are not currently allowed signage. Adding the language **'or privately owned parks'** to Section 21.121(2) keeps the restrictions consistent with similar signs on church, charitable, school, and fraternal properties.

ALTERNATIVES:

The following options are available to the City Council:

- 1.) Approve on first reading the addition of **'or privately owned parks'** to Sec. 21.121(2) allowing signs, not exceeding 16 square feet, to be erected on privately owned parks.
- 2.) Request Staff draft alternative language that would allow signage in privately owned parks.
- 3.) Deny on first reading the addition of **'or privately owned parks'** to Sec. 21.121(2). This would prohibit the erection of signage in privately owner parks.

MANAGER'S RECOMMENDATION

The City Manager recommends approving Alternative 1, allowing signs not exceeding 16 square feet to be erected on privately owned parks. The proposed language is consistent with comparable signs and would allow private parks to identify themselves. Landmark identification, such as a park sign, is beneficial to our citizens as it increases their ability to be located during an emergency.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SUBSECTION 21.121(2) AND ENACTING A NEW SUBSECTION 21.121(2) THEREOF, FOR THE PURPOSE OF ALLOWING PARK SIGNS ON PRIVATE PARKS IN RESIDENTIAL NEIGHBORHOODS REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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 Subsection 21.121(2) and enacting a new Subsection 21.121(2) as follows:

“Sec. 21.121. ON PREMISES SIGNAGE.

...

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

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

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor