

Staff Report

IDENTIFIED DEFICIENCIES WITH THE SIGN ORDINANCE

March 10, 2020

BACKGROUND:

City Council requested as part of the Planning and Housing Department work plan an overview of deficiencies with the Sign Code. Note the primary signage requirements are found within Ames Municipal Code (AMC) Chapter 21 with additional select commercial standards within the Zoning Ordinance Chapter 29. This direction was in response to miscellaneous referral requests including temporary signage in residential areas, sign encroachments in the right-of-way, calculation of signage area for small frontage commercial lots, electronic messaging/digital sign standards, and potential legal deficiencies from recent case law.

Inspections and Planning staff examined the current regulations to evaluate the ease of administration and thus the ease of using the Code by the public. Additionally, Staff scrutinized the Code in light of the 2015 Supreme Court ruling in *Reed v. Town of Gilbert (AZ)*, which has compelled municipalities across the country to re-examine their signage rules to ensure they are content neutral for non-commercial speech.

The following is a list of general concerns with the current signage regulations.

1. Conflicts with current case law where sign allowances are based upon content, notably *Reed v. Town of Gilbert (AZ)* (2015), including regulations pertaining to real estate signage, off-site signage, political signs, and construction site signage
2. Fee structure (each sign on a property is assessed a fee, rather than having all signage in one development assessed as part of a package)
3. Terminology and definitions, such as a lack of rules for flags, unclear or missing definitions, and vague regulations for temporary signs (banners)
4. Sign structures do not require other types of permits, such as foundation or structural attachment
5. Certain signage elements are located *Chapter 29, Zoning*, making administration more complex than necessary, if design requirements of Chapter 29 could be incorporated into Chapter 21.
6. Address electronic messaging signs with updated requirements.
7. Sign area calculations are based on lot frontage, which varies greatly for users of similar sized buildings. A better system might be to base the size on the length of the building façade, specify ground and wall signage allowance rather than a lump sum of square footage.

8. Regulations do not always align with modern signage construction methods, such as cabinet size and sign faces
9. Create signage exemption or variance process signage size, could be addressed with new calculation method rather than variance.
10. Reorganizing *Chapter 21* for clarity, defining standards by use and zoning.

As you can see from the itemized list, most of the issues relate to making the Sign Code more usable for staff and the public. We did not highlight specific design issues that could also be addressed. The City has no design standards beyond height and total sign area for most commercial or industrial signage. Standards located in Chapter 29 were an attempt previously to add design requirements for certain districts, such as CGS and NC zoning, to have more sensitively placed signage and focus on monument signage rather than pole signs. Additionally, we have relied upon Urban Revitalization Area (URA) process to manage new signage within Campustown. However, these requirements only apply through the life of the incentive (3- 10 years). Addressing universal design features in the Sign Code may be desirable for all commercial areas in addition to the issues described above.

In order for the staff to proceed with improving the signage regulations, it is desired that the City Council provide direction as to the scope of the changes.

OPTION A – LIMITED SCOPE:

Staff could prepare changes for Items 1 through 5 for Council to review. This process would involve City employees from the Planning Division, the Inspection Division, and the Legal Department discussing and reviewing proposed amendments. The Planning and Inspection Divisions would also meet with sign contractors and other relevant stakeholders to discuss and refine the changes.

If City Council selects this option, staff will prepare revisions for discussion and feedback with Council before finalizing a draft ordinance. Staff estimates that drafting new language, internal review, and public meetings, the process of bringing back revisions to Council should take 4-6 months.

OPTION B – FULL SCOPE:

Staff could prepare changes for Items 1 through 10 for Council to review. This process would involve addition Sign research and outreach beyond Option A as it would create a more complete modern Sign Code.

If City Council selects this option, staff will prepare revisions for discussion and feedback. Staff estimates that drafting new language, internal review, and public meetings, the process of creating a new Sign Code would take 12 months.

STAFF COMMENTS:

The current Sign Code has specific deficiencies that need to be addressed for better administration. Additionally, working to improve the overall regulations would benefit the aesthetics of the community and create a more usable Code for all. Staff would prefer Option B to update signage regulations in a comprehensive way that enhances clarity and ease of use. Option B could easily be divided into two parts to allow for smaller more defined issues to move forward first with bigger picture discussions as a second component. Note that billboards regulations are also found in Chapter 29 and are regulated separately from the Sign Code as a use. Billboard regulations would likely remain part of Chapter 29 regardless of updates to the Sign Code.

City Council could choose to pick one of the two options above, or give direction on specific issues to be addressed as the final scope of work for a Sign Code update. The proposed Planning and Housing Department Work Plan on the March 10th agenda includes the Sign Code Update as a prioritized project on Attachment A.