

**COUNCIL ACTION FORM**

**SUBJECT: SIGN CODE CHALLENGES AND SUGGESTED CHANGES**

**BACKGROUND:**

On October 23, Council referred to staff a letter from the Building Board of Appeals expressing an interest in revising the City's Sign Code.

Over the past several years, staff has experienced a number of difficulties in administering the Sign Code. These have caused confusion for both customers and staff in determining what meets code requirements. These difficulties can be split into two general groups: Issues that warrant Code clean-up, and more comprehensive issues that warrant more in-depth discussion.

**ISSUES JUSTIFYING CODE CLEANUP:**

In 2010, the Sign Code was moved from Chapter 5 of the *Municipal Code* to Chapter 21. This was done as part of a consolidation of the Building, Electrical, Mechanical, and Plumbing Codes into Chapter 5. During that process, several code references in the new Sign Code chapter became incorrect. Staff has identified five locations in the Sign Code where references are made to the incorrect chapter and should be updated. In another location, one of the City's base zones should be updated to its present name.

Another concern is in the fines and fees schedule. 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.**

In 1997, the City updated one component of the Sign Code to remove exceptions for non-commercial signs and political signs. This was done 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. Staff has identified two similar references that should have been removed at the same time, but were overlooked.

**OTHER ISSUES THAT MAY HAVE LARGER IMPACTS:**

An additional set of issues exists where the law has been unclear to staff or customers, but the solution would be more complex than simple Code clean-up. These items may require a more in-depth discussion of the Sign Code's intent. These challenges include, but are in no way limited to, the following:

Issue	Effect
Section on electronic signs was designed 15 years ago and is limited in scope.	The code is silent on issues such as sign brightness during the day versus at night, and provides limited guidance as to allowed features such as animations.
No definitions for “banner”, “marquee”, or “canopy”.	Confusion as to the requirements and restrictions on different types of signs.
A “sign structure” (e.g., pole) is not the same as a <u>sign</u> , and only <u>signs</u> are required to be removed after a business no longer exists.	Staff can require that a sign be removed after a business permanently closes, but an empty sign pole may remain.
Temporary signs must be removed after 90 days, but no other restrictions apply.	The sign can be removed for one day, then be put back out. No permit is needed for a temporary sign.
A sign is defined as a device that is “out-of-doors”.	Words and images placed behind glass do not require permits and do not count towards size limitations because they do not meet the definition of a sign.
Ground signs do not have face size limitations.	All other classes of signs have such regulations.
The sign code sections regarding sign illumination conflict with the outdoor lighting code.	It can be unclear to applicants who look to the sign code for illumination requirements but do not consult the outdoor lighting code.
Vehicles or trailers with advertising on the sides may be parked for extended periods without permits or restrictions.	This serves as de facto signage without clear expectations of when a vehicle is used for transportation and when a vehicle is used as an advertising device.

## POTENTIAL STRATEGIES TO ADDRESS SIGN CODE ISSUES

The items identified as Code clean-up could be dealt with in short order by adopting an ordinance change. In addition, if Council wishes to address these or other more in-depth issues related to signage, staff suggests that the following plan be followed:

1. Staff would hold a series of open house discussions with business owners, residents, developers, vendors and other interested parties to hear comments, concerns, and other input on the current Sign Code.
2. Once the issues of concern are identified, staff would report back to Council and get direction on which issues the Council feels are worth addressing.
3. If Council desires to proceed further, consideration would be given to creating an ad hoc group of stakeholders to represent different interests and to lend their various perspectives to the review.
4. Once the issues to address are defined by Council, the stakeholders and staff would review and develop alternatives to address those issues.
5. A recommendation would also be developed on whether it would be advisable to amend the existing, localized sign code, or to adopt a model sign code and

amend it for local conditions (similar to the City adopting the various international construction codes with local amendments).

6. Council would determine which options to pursue, and staff would prepare an ordinance encompassing those modifications.
7. Public input would be taken on the proposed changes at a Council public hearing.
8. An updated sign ordinance would be adopted.

**Staff should caution that a more comprehensive Sign Code update is likely to entail a lengthy and contentious process. The Council has recently directed staff to initiate similar comprehensive reviews of the City's Landscaping Code and its Lighting Code. If Council desires to address the Sign Code at this time as well, staff will need to know how these major code reviews should be prioritized.**

### **ALTERNATIVES:**

1. Direct staff to prepare an ordinance correcting the issues identified above as Code clean-up.
2. Direct staff to prepare an ordinance correcting the issues identified as Code clean-up, and have a discussion at a future meeting to prioritize staff and the community's work on the outstanding development code reviews.
3. Do not address Sign Code changes at this time.

### **MANAGER'S RECOMMENDED ACTION:**

There are several deficiencies in the current Sign Code. These problems cause confusion for both staff and customers, and should be addressed with an in-depth discussion. However, it would be very challenging for customers, staff and the Council to simultaneously complete three major development code revisions.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing staff to prepare an ordinance correcting the issues identified above as Code clean-up.

In the event that Council desires to place a high priority on addressing other, more substantive sign code issues, however, then the Council should adopt Alternative No. 2. That action will initiate corrections to the Code clean-up issues, and will also direct staff to bring back information on the various development code reviews for prioritization by Council.