



PLANNING AND ZONING COMMISSION MEETING

Tuesday, November 05, 2024 at 8:30 AM

Council Chambers - 331 First Street East

AGENDA

MEETING OPENING

1. Roll Call

NEW BUSINESS

2. Approval of previous minutes - October 1st 2024
3. Article 17, Signs amendment

ADJOURNMENT

This agenda is subject to change.



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Commission Members

Item #2.

Jane Leaven
Stephanie Sailer
Stephanie Berns
Tami Fenner

Matt Mayner
Bill Lake
Larry Karsten

PLANNING AND ZONING COMMISSION MINUTES

October 1, 2024

The Independence Planning & Zoning Commission met in the Council Chambers at 8:30 AM, on Tuesday, October 1, 2024.

Matthew Chesmore, Building Official called the meeting to order with Jane Leaven, Matt Mayner, Tami Fenner, Larry Karsten, Stephanie Berns, Bill Lake and Stephanie Sailer in attendance. Also in attendance was Matt Chesmore, Building Official.

Meeting minutes from September 3, 2024 were approved. Larry Karsten made a motion to approve. Stephanie Berns seconded. All aye.

A motion to recommend the City Council accept and approve the Final Plat of MBH Addition was made by Matt Mayner. Tammy Fenner seconded. All aye.

The meeting adjourned at 8:38 AM. Bill Lake made motion to adjourn. Matt Mayner seconded. All aye.

Respectfully submitted,

Stephanie Sailer

Planning and Zoning Commission Secretary



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matt Chesmore – Building Official

DATE OF MEETING: November 5th 2024

ITEM TITLE: Article 17, Signs amendment

BACKGROUND:

In October Code Enforcement received a concern regarding a “blade” flag mounted in a flowerpot in the downtown area. Upon investigation I did find a illegal blade flag and immediately asked the owner to remove it as it violates city ordinances. While investigating this complaint I came upon a “sandwich” sign place upon the sidewalk in the ROW for other business located on the south side of 1st St E. When I returned to my office, I informed this business owner that the advertisement media violated city ordinance and asked them to remove it. They promptly removed the sign. On 10/7/24 several business owners made statements at a regular council work session that they disagreed with the ordinance and asked if the Council would consider an amendment to the ordinance. The Council listened to the statements but were unable to act as this was in a work session. On 10/28/24 the City Council approved a moratorium suspending enforcement of the sign ordinance for certain signs, in certain areas of downtown for 120 days or until Article 17 could be amended.

After reviewing Article 17, staff identified several other areas that could be improved upon and thus made additional amendments to the language.

Most likely Article 17, as amended, will be reviewed by the City Council on 11/4/24, at a regular work session. Pending legal review, any updates herd from the Commission and Council will be made with a final draft presented to City Council at a later date.

RECOMMENDATION:

Article 17 is within the Zoning Ordinances and therefore must be reviewed by the Planning and Zoning Commission. Staff recommends review of Article 17, Signs ordinance, as amended and make recommendations of any changes the Commission would like to see made.

ORDINANCE NO. 2023-580-2024-

AN ORDINANCE AMENDING ARTICLE 17 “SIGNS” OF THE CITY OF INDEPENDENCE ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend certain provisions of Article 17 of the Zoning Code of Ordinances, “Signs”.

SECTION 2. HISTORY. The City Council previously approved Ordinance 2023-574 580 on February 27 October 28, 2023, repealing certain provisions of Article 17, specifically all those provisions, “that allow for the construction or erection of “Billboards” and/or “Ground Signs” as currently defined by the Zoning Ordinance

In furtherance of the above Purpose, and in light of the above History, the City Council proposed to repeal and replace Article 17 in its’ entirety as set forth below.

SECTION 3. ARTICLE 17 REPEALED.

Article 17 of the City of Independence Zoning Ordinance in its’ entirety, Section 17.00 through Section 17.27 17.26, is hereby REPEALED.

SECTION 4. ARTICLE 17 ADOPTED.

Article 17 of the City of Independence Zoning Ordinance in its’ entirety, Section 17.00 through Section 17.26 17.27.04, is hereby ADOPTED as follows.

Section 17.00. PURPOSE.

The purpose of this Ordinance is to ensure that signs are safely constructed, maintained in a safe condition, not located so as to cause a safety hazard and fit within the area where erected so as to not cause a negative impact on the surroundings.

Section 17.01. DEFINITIONS.

For use in this Ordinance, the following terms are defined:

- 17.01.01. “Electronic Message Sign” shall mean a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.
- 17.01.02. “Facing” or “Surface” shall mean the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.
- 17.01.03. “Ground Sign” as regulated by this Ordinance shall mean any sign supported by up-rights or braces placed upon the ground and not attached to any building and being used for advertising.
- 17.01.04. “Illuminated Sign” shall mean any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- 17.01.05. “Incombustible Material” shall mean any material which will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

- 17.01.06. “Person” shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.
- 17.01.07. “Sign / Signage” shall mean and include every sign and ground sign and shall include any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.
- 17.01.08. “Street Line” shall mean the place where the public sidewalk begins and the private property line ends.
- 17.01.09. “Structural Trim” shall mean the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.
- 17.01.10. “Business Sign” as regulated by this Ordinance shall mean any sign elevated above grade that is free standing, self-supported or permanently attached directly to the façade of a building and being used for advertising.
- 17.01.11. “Exterior Lighting” Shall mean any source of lighting providing illumination to the exterior of any building or upon any parking areas for the purpose of advertisement or security. Exterior illumination of required exits shall be governed by the International Building Code, code cycle adopted by the City of Independence Iowa.
- 17.01.12. “Store Front” Shall mean the façade facing the street the building is addressed to or in case of buildings with multiple business’s operating within, the façade where the main required entrance/exit exists. A business may only have one (1) “store front”.
- 17.01.13. “Trip Hazard” Shall be defined by the Americans with Disability Act of 1990.

Section 17.02. PERMIT REQUIRED

It shall be unlawful for any person to erect, repair, alter, relocate or maintain with the city any sign or other advertising structure as defined in this Ordinance, without first applying for and being issued a Building Permit by the city building inspector, or designee, and paying the appropriate Building Permit Fee required by Section 17.07 hereof. Illuminated Signs shall also be subject to the provisions of the Electrical Code adopted by the City of Independence, and the permit fees required thereunder. Change of signage copy does not require a permit.

Section 17.03. PUBLIC DECENCY

All graphics and lettering displayed on signs shall meet public decency standards.

Section 17.04. APPLICATION FOR BUILDING PERMIT.

Application for a Building Permit shall be made upon forms provided by the City which may be amended from time to time.

Section 17.05. ~~ILLUMINATED AND ELECTRONIC SIGNS: APPROVAL BY CITY BUILDING INSPECTOR.~~

- 17.05.01 The application for a Building Permit for the erection of a sign or other advertising structure utilizing electrical wiring and connections shall be

submitted to the city building inspector, or designee, who shall examine the plans and specifications regarding all wiring and connections to determine and ensure compliance with the Electrical Code of the City of Independence, Iowa, and shall not issue a Permit unless and until satisfied that the plans and specifications are code compliant.

- 17.05.02 Illuminated and/or electronic signs must be equipped with an automatic dimming control that must limit the illumination to not more than 500 nits at the sign surface at night or during low light times, and not more than 5,000 nits at the brightest daylight period.
- 17.05.03 Only static displays are permitted with a minimum of ten (10) seconds delay between changes in display and no more than two (2) seconds for transitions. No scrolling, flashing or animated transitions shall occur.
- 17.05.04 Limited to one (1) illuminated or electronic sign per adjacent street and must following provision listed in 17.20.
- 17.05.05 The visible sign face shall be setback at least two-hundred fifty (250) feet from any adjacent residentially zoned property.

Section 17.06. PERMIT ISSUED.

It shall be the duty of the city building inspector, or designee, upon the filing of an application for a Building Permit to examine such plans and specifications including the premises upon which the Sign is proposed to be erected, and if it shall appear the proposed Sign is in compliance with all the requirements of this Ordinance and all other ordinances of the City of Independence, Iowa, the city building inspector, or designee, shall issue the Building Permit. If the work authorized under a Building Permit has not been completed within one (1) year after the date of issuance the permit shall expire and be null and void. Any partially completed Signage must be removed by the property owner within thirty (30) days written notice from the City that the permit has expired, absent issuance of a new permit. Failure to remove a partially completed Sign in accordance herewith shall be deemed a nuisance under the City Code of Ordinances, subject to enforcement in accordance with said Code provisions.

Section 17.07. PERMIT FEES.

Applicants for a Building Permit shall pay application fees prescribed by Resolution of the City Council upon submission of the Application. No permit shall be issued without the receipt of application fees.

Section 17.08. ANNUAL INSPECTION AND FEES.

The city building inspector, or designee, shall be empowered to inspect all Signage regulated by this Ordinance for Code compliance, safety, for the purpose of ascertaining whether Signage is secure or insecure, and whether any such Signage is in need of removal or repair, as and when deemed necessary in the sole discretion of the building inspector, or designee. Inspection fees may be assessed by the building inspector as set by Resolution of the City Council.

Section 17.09. UNSAFE AND UNLAWFUL SIGNS.

If the city building inspector finds any sign or other advertising structure regulated hereunder to be unsafe or insecure, or constructed, erected or maintained in violation of the provisions of this Ordinance, he or she shall deliver a Written Notice and Order” explaining the violations or deficiencies to the permit holder and owner of the property, providing an opportunity to remedy the deficiency, explaining required repairs and/or the obligation to remove the Sign, with an explanation of the consequences of failure to comply with said order including potential

penalties. If the permit holder fails to remedy the deficiencies and/or to remove the sign in compliance with the “Written Notice and Order” within ten (10) days of service of the notice, steps may be taken by the city building inspector, or designee, to remedy the deficiencies and/or to remove the Sign consistent with the Written Notice and Order, at the expense of the permit holder and/or owner of the property on which the Sign is located. Any party so served may appeal the order of the city building inspector, or designee, to the City Council by filing a written appeal within seven (7) days of being served with the Written Notice and Order. If such an appeal is on file, the ten (10) day compliance period shall be extended for a period of ten (10) days following the City Council decision on the appeal, said decision to include findings of facts and conclusions, to be in writing, and to be served on the appellant. If the city building inspector finds that any Sign poses a serious and immediate threat to the health or safety of any person or property, he or she shall make an effort to notify the permit holder or owner of his/her findings orally and/or in writing, but may order the removal of such sign, or take other action deemed necessary to protect any person or property summarily and without notice to the permit holder or owner of the property. The actions, findings, and order of the building inspector may be appealed to the City Council with a request for restitution from the City should the Council override or reverse the decision of the building inspector.

Section 17.10. PERMIT REVOCATION.

A Sign permit shall be revoked if and when a permit holder fails to comply with a valid order of the city building inspector within the time allotted or fails to pay the expenses of repair, remediation, or removal under Section 17.09, when ordered. No Sign permit shall be issued to any permittee or property owner where a sign was located, for a period of one (1) year after the effective date of the revocation of a permit associated with said Sign and/or said property. In the event of an appeal, the effective date shall be the date the decision on Appeal is approved by the City Council.

Section 17.11. SIGN MAINTENANCE.

Every sign shall be maintained in a safe and working condition by the permittee. No Signage shall be allowed to deteriorate, all surfaces to be coated and maintained so as to prevent rust, rotting, corrosion and other similar negative conditions. Any signage surface that is broken or cracked, or has suffered any similar failures, such as letters/numbers falling or blowing off the Sign, must be repaired or replaced within a reasonable timeframe. All signage designed with lighting shall be maintained with lighting unless all visible components related to lighting are removed from the signage.

Section 17.12. WIND PRESSURE AND DEAD LOAD REQUIREMENTS.

All signs and other advertising structures shall be designed and constructed to withstand wind dead loads as required in the Building Code or other ordinances of the City of Independence, Iowa.

Section 17.13. REMOVAL OF CERTAIN SIGNS.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the property or structure upon which such sign may be found within ten (10) days after written notification from the city building inspector, and, upon failure to comply with such notice within the time specified in such order, the city building inspector is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

Section 17.14. EXEMPTIONS.

The provisions and regulations of this Ordinance shall not apply to the following signs, provided, however said signs shall be subject to the provisions of Sections 17.03 and 17.09.

- 17.14.01. Real estate signs not exceeding three (3) square feet in the area which advertise the sale, rental, or lease of the premises outside of the City Right-of-Way, upon which said signs are located only.
- 17.14.02. Professional name plates.
- 17.14.03. Signs for public, charitable or religious institutions.
- 17.14.04. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding sixteen (16) square feet in area.
- 17.14.05. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- 17.14.06. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary emergency or non-advertising signs may be approved by the City Council.

Section 17.15. OBSTRUCTIONS TO DOORS, WINDOWS, OR FIRE ESCAPES.

No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

Section 17.16. SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD.

No sign or other advertising structure as regulated by this Ordinance shall be erected at the intersection of any streets in such a manner as to obstruct fee and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or devise; or which makes use of words, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. No sign or other advertising structure as regulated by this Ordinance shall have posts, guides or supports located within any street or alley right of way.

Section 17.17. GOOSE NECK REFLECTORS.

Goose neck reflectors and lights shall be permitted on Ground Signs, Roof Signs and Wall Signs, provided, however, the reflectors shall be provided with the proper lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street or adjacent property.

Section 17.18. SPOTLIGHTS AND FLOODLIGHTS PROHIBITED.

It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.

Section 17.19 GROUND SIGNS.

- 17.19.01. Materials required. All Ground Signs for which a Building Permit is required under this Ordinance shall have a surface or facing of incombustible material, provided, however, that combustible Structural Trim may be used thereon.

- 17.19.02 Letters, etc., to be secured. All letters, figures, characters or representatives in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- 17.19.03. Height Limitations. It shall be unlawful to erect any ground sign that exceeds twenty (20) feet in total height, including any supports.
- 17.19.04 Maximum Sign Quantity. **Excluding portable pedestrian signs located in areas described in section 17.19.9.** One (1) Sign per each two hundred feet (200') of street frontage; maximum of three (3) Signs on any lot/parcel regardless of lot/parcel dimensions; one hundred feet (100') minimum separation between Signs.
- 17.19.05 Set-back line. **Excluding portable pedestrian signs located in areas described in section 17.19.9.** In all districts where permitted, the entirety of any ground sign shall be set-back from any proposed or existing right-of-way line of any alleyway, road, street or highway as shown on the official plat, so as to meet required set-backs for principal structures in said zoning district.
- 17.19.06 Bracing, Anchorage and Supports. **Excluding portable pedestrian signs located in areas described in section 17.19.9.** All ground signs shall be securely built, constructed and erected as required by the Building Code or other applicable ordinances of the City of Independence.
- 1719.07 Premises to be kept free of weeds, etc. All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish, weeds and general overgrowth.
- 17.19.08 Billboard signs are not permitted.
- 17.19.09 Portable Pedestrian Signs. **Portable pedestrian signs ("A frame", "sandwich board" or "Tframe") may be placed in the public right-of-way for retail and service uses provided:**
1. The signage is located within the following areas:
 - a. 1st Street East between the Wapsipinicon River and 4th Ave. NE
 - b. 1st Street East between the Wapsipinicon River and 4th Ave. SE
 - c. 4th Ave. NE from 1st Street East to 2nd Street NE on the west side
 - d. 3rd Ave. NE from 1st Street East to 2nd Street NE
 - e. 2nd Ave. NE from 1st Street East to 2nd Street NE
 2. A limit of one (1) is permitted per business. The sign may be placed within the public right of way, immediately adjacent to the store front, no more than twenty (20) lateral feet from the main entrance of the building.
 3. The sign is no larger than eight square feet and no taller than four feet.
 4. The sign is placed on or near a sidewalk and maintains the required ADA clearances for pedestrians' safe passage. It must not be placed in any location that creates visual obstructions or safety hazards for users of the right-of-way.
 5. The sign is removed from the right of way during non-business hours.
 6. The sign is designed with durable materials and quality aesthetics for use on a recurring basis. Changeable copy, such as chalkboards, can be included as part of the design.

7. All other provisions of sections 17.19 and 17.26 apply.

- 17.19.10 Ground flags (commonly referred to as "blade" or "feather flags") are not permitted.
- 17.19.11 Promotional windsocks or inflatable advertisement (commonly referred to as "dancing man", "sky tubes" or "fly tubes") are not permitted.
- 17.19.12 Prohibited lashing of signs or sign components. The lashing or tying of a sign to a public structure such as signpost, lamppost, bench, planter or trash receptacle ect., to aid in the support or to hold in-place is strictly prohibited. Multiple signs and/or sign components may not be lashed together in a fashion that constitutes a trip hazard.

Section 17.20. BUSINESS SIGNS.

- 17.20.01. Signs, any part of which project out from the building from four (4) to eighteen (18) inches shall be erected so that no portion of the sign is less than eight feet (8') above grade.
- 17.20.02. Signs which project more than eighteen inches (18") from the building must be at least twelve feet (12') above grade and may extend a maximum of eight feet (8').
- 17.20.03. Moving, flashing, rotating **or scrolling** illuminated signs or colored lights ~~that may be confused with traffic lights and therefore be potentially hazardous,~~ are not permitted.
- 17.20.04. Free standing commercial or industrial signs shall not project over the public right-of-way.
- 17.20.05. Signs shall be structurally safe and in good repair as determined by the Building Official, including signs connected to a building façade.
- 17.20.06. One (1) temporary on-site sign, non-illuminated and not exceeding four (4) square feet in size advertising the sale or rental of the property may be placed in a required front yard without a permit. Any sign advertising the sale or rental or property exceeding four (4) square feet in size is required to have a permit.

Section 17.21. YARD SIGNS.

- 17.21.01. Real Estate Signs, including open house directional signs, shall not be placed in the City right-of-way.
- 17.21.02. Real Estate Open House Directional Signs shall be limited to a maximum placement of three (3) days.
- 17.21.03. Garage/Yard Sale Signs shall not exceed three (3) square feet in area.
- 17.21.04. Garage/Yard Sale Signs shall not be placed in the City right-of-way.
- 17.21.05. Garage/Yard Sale Signs shall be limited to a maximum placement of three (3) days.

Section 17.22. COMPLIANCE WITH ALL STATE AND FEDERAL REGULATIONS.

Any Signage erected under the provisions of this Ordinance, shall comply in all respects with all pertinent State and Federal regulations.

Section 17.23. PROHIBITIONS ON CORNER LOTS.

No Signage shall be permitted on a corner lot in the area of said lot formed by the lines of streets intersecting at an angle of less than sixty (60) degrees and a line joining points on such lines one hundred fifty (150) feet distance from their point of intersection.

Section 17.24. LOCATION OF SIGNS WITHIN RESIDENCE DISTRICTS PROHIBITED.

No outdoor advertising sign shall be permitted where the majority of buildings in a block are zoned residential on both sides of the street.

Section 17.25. SCENIC AREAS.

Signage shall not be erected in any areas designated by Resolution of the Independence City Council as a scenic area.

Section 17.26. OFF-SITE SIGNS

Off-site signs, except yard signs and temporary signs as allowed under this Ordinance, are not permitted.

Section 17.27 EXTERIOR LIGHTING

17.27.01 Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the general character of the adjacent buildings.

17.27.02 All lighting shall be designed and located to not provide direct light or glare onto any adjacent property. Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

17.27.03 All lighting shall be reduced to levels necessary only for security purposes within one hour after the closing of the business.

17.27.04 All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare.

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this 11th day of November 2024.

ATTEST: _____
Brad Bleichner, Mayor of the City of Independence, IA

Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA

First Reading: November 12, 2024
Second Reading: WAIVED
Third Reading: WAIVED

I certify that the foregoing was published as Ordinance No. 2024- on the _____ day of _____ 2024.

Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA