



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matt Chesmore – Building Official

DATE OF MEETING: October 7th, 2025

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.

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.

A moratorium remains in-place for certain signs currently.

DISCUSSION:

Staff has identified and reviewed with the City’s legal department the following amendments. Staff asks that the P&Z members review each amendment and discuss any opposition to the same. It is worth noting that section numbers may not be accurately depict final section numbers at this time as they will be updated when inserted into the actual full Ordinance.

17.01.10 “Business Sign” as regulated by this Ordinance shall mean any sign elevated above grade that is free standing and self-supported and permanently anchored to Earth by a single point or base or permanently attached directly to the façade of a building and being used for advertising.

17.01.11 Reserved

- 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.
- 17.01.14 Reserved
- 17.01.15 “Portable Pedestrian Sign” as regulated by this Ordinance shall be temporary and capable of being moved without aid of equipment or moving devices. Sign must not be anchored to any horizontal or vertical surface or structure. The sign, at all times must be capable of operating in the nature it was originally intended for and being used for advertising. Examples of portable pedestrian signs are limited to, “Sandwich” or “T” signs. Blade flags, Inflatable tubes and other advertisement media are not considered portable pedestrian signs as regulated by this ordinance.
- 17.01.16 “Monument Sign” as regulated by this ordinance shall be any sign permanently installed as hard scape, which is designating a place of business, division or sub-division of any land within the boundaries of the City of Independence.
- 17.01.17 “Temporary Sign” as regulated by this ordinance shall be any sign that is not illuminated and that is intended to be replaced with a permanent sign or advertisement within 180 days and that is no larger than 16 square feet in size. Temporary signs are intended for new development of residential property or commercial business. Temporary signs are prohibited to be placed on an existing building(s) with the intentions of advertisement.
- 17.19.06 Maximum Sign Quantity. Excluding portable pedestrian signs located in areas described in section 17.19.9. One (1) Sign per 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.
- 7.19.07 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 setbacks for principal structures in said zoning district.
- 17.19.08 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.
- 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 of 4th Ave. only
 - 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) sign 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 in any zoning district area described in 17.19.09. For other areas, ground flags must comply with all other regulations of this Article 17.

17.19.11 Promotional windsocks or inflatable advertisement (commonly referred to as “dancing man”, “sky tubes” or “fly tubes”) are not permitted in any zoning district area described in 17.19.09. For other areas, promotional windsocks or inflatable advertisements must comply with all other regulations of Article 17.

17.19.12 Prohibited lashing of signs or sign components. The lashing or tying of a sign or any component of a sign or advertisement banner to a public structure such as a signpost, lamppost, bench, planter or trash receptacle ect., to aid in the support or to hold in-place is strictly prohibited. Signs and/or sign components may not be lashed together in a fashion that constitutes a trip hazard.

SECTION 17.28 MONUMENT SIGNS

17.28.01 Monument Sign as regulated by this Ordinance shall mean any sign elevated at or above grade that is free standing, self-supported and permanently anchored to earth by a single point or base.

- 17.28.02 Monument signs must only be used for the purpose of designating the legal name of a business, division or sub-division of land or locally also-known-as of such business or area.
- 17.28.03 Sign Location: The placement of all Monument signs shall be regulated by sub-sections 17.28.03.01 through 17.28.03.4.
- 17.28.03.01 Monument signs are prohibited from being placed in any public right-of-way.

Exception: The Independence City Council upon application may approve the placement of a monument sign on the right-of-way under the following conditions.

1. Require a letter of recommendation of approval from the Planning and Zoning Commission.
2. May not be placed withing 20' of any intersecting street line.
3. Legal agreement is entered into stating The City of Independence will not be held responsible for maintaining, repair or replacement of such monument sign. The agreement must also have provisions stating the name of the organization responsible for placing the monument and that this organization will be in-perpetuity, responsible for maintaining the sign and surrounding landscaping, within twenty inches of the base or widest portion thereof.
4. Property owners must indemnify the City of all damage caused to personal or public property and the cost to repair or replace such property, should damage occur.
5. Existing monument signs are permitted to remain in-place; however, they shall not be improved where such improvement would enlarge any portion of the sign or supporting structure(s) or surround landscaping. Upon the replacement of such sign, an exact duplicate in type and size will be acceptable. No other monument sign or landscaping may be placed without prior approval of the Independence City Council.

- 17.28.03.02 Monument Signs shall not have a setback requirement except when placed on a corner lot parcel.
- 17.28.03.03 Corner lot: Monument signed placed or constructed on a corner lot shall be setback 20' from the nearest intersecting street line.
- 17.28.03.04 Off-Site monument signs are prohibited.
- 17.28.04 Monument signs must be maintained in good condition by the property owner or association.
- 17.28.05 Removal. The City Council may order the removal of any sign that has been deemed inappropriate in subject material, construction material or location by the Independence

City Council. All costs associated with the removal and repair land shall be borne by the property owner.

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission make a recommendation to the City Council to make a motion to approve a resolution amending Article 17 "Signs" to include the above sections.