

ORDINANCE NO. 2025-

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

Be It Enacted 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. SECTION MODIFIED. Section 17.01 of the City of Independence Zoning Ordinances, is repealed and the following adopted in lieu thereof:

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 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.
- 17.19.07 Set-back line. Excluding portable pedestrian signs located in areas described in section 17.19.09. 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 17.19.09. 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 “T frame”) 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 etc., 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 3. NEW SECTION. The City of Independence Zoning Ordinances, is amended by adding a new Section 17.27, entitled MONUMENT SIGNS, which is hereby adopted to read as follows:

SECTION 17.27 MONUMENT SIGNS

- 17.27.01 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.
- 17.27.02 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.
- 17.27.03 Sign Location: The placement of all Monument signs shall be regulated by sub-sections 17.27.03.01 through 17.27.03.04.

17.27.03.01 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 within 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.

17.27.03.02 Monument Signs shall not have a setback requirement except when placed on a corner lot parcel.

17.27.03.03 Corner lot: Monument sign placed or constructed on a corner lot shall be setback 20' from the nearest intersecting street line.

17.27.03.04 Off-Site monument signs are prohibited.

17.27.04 Monument signs must be maintained in good condition by the property owner or association.

17.27.05 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.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. 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 6. 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 _____ day of _____ 2025.

Brad Bleichner, Mayor of the
City of Independence, IA

ATTEST:

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

First Reading: _____
Second Reading: _____
Third Reading: _____

I certify that the foregoing was published as Ordinance No. 2025-_____ on the _____ day of _____ 2025.

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

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