

ORDINANCE NO. 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. SECTIONS AMENDED. The following existing and/or new provisions of Article 17 signs, are hereby approved to read as follows from the approval of this Ordinance forward, all sections or provisions of Article 17 not specifically amended or added hereby, remain as currently drafted and approved, unaffected by the approval of this Ordinance:

- 17.01.07 “Sign / Signage” shall mean **and include all signs** 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.

- 17.01.10 “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 “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.

- *17.01.14 “Nit” A nit is a unit of measurement that quantifies the brightness of a display, such as a smartphone, computer, or television. The official term for a nit is candela per square meter (cd/m2), which is the standard unit for luminous intensity in the International System of Units (SI). For the purpose of this code section one (1) Nit is equal to 0.0929-foot candles.

- 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.

Section 17.05. ILLUMINATED AND ELECTRONIC SIGNS:

- 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.~~
- 17.14.07 Temporary Signs however must comply with 17.03, 17.09,17.11,17.12,17.16
- 17.19.06 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.
- 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 set-backs 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
 - 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 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 any sign or advertisement banner 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. Signs and/or sign components may not be lashed together in a fashion that constitutes a trip hazard.
- ~~17.19.13. Moving, flashing, rotating or scrolling illuminated signs or colored lights may be confused with traffic lights and therefore 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.~~
- 17.27.04All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare.
- 17.27.05Shielding. All Exterior lighting must be shielded as specified in the following table. ???? Clarify table. Is there another way to enforce this? How would we enforce the table, ladders 25’ high ect...

Wattage or Mounting Height	Shield Type		
	Full Cutoff ^a	Cutoff ^b	Semi-Cutoff ^c
All lights mounted above 25’; or All lights above 450 Watts	R	P	P
All Lights Between 100 Watts and 450 Watts	P	R	P
All Lights Between 55 Watts and 99 Watts; or Any Light Mounted Between 12’ and 25’	P	P	P
All Lights Mounted below 12’ AND less than 55 Watts	No Shielding required; all shielding types permitted		
a. Full cutoff fixtures emit 0% if its light above 90 degrees and 10% above 80% from horizontal. b. Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal. c. Semi-cutoff fixtures emit no more than 55 of its light above 90% and 20% of its light above 80 degrees. R(Required) P(Prohibited)			

SECTION 17.28 MONUMENT SIGNS

- 17.28.01Monument 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.
- 17.28.02Monument 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.
- 17.28.03Sign Location: The placement of all Monument signs shall be regulated by sub-sections 17.28.03.01 through 17.28.03.4.

17.28.03.01Monument signs are prohibited from being placed in any 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 letter of recommendation 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.

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.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. 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 5. 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.**

Brad Bleichner, Mayor of the City of

Independence, IA
ATTEST:

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