

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE IN ORDER TO REGULATE THE ERECTION OF ADVERTISING SIGNS AND REQUIRING A PERMIT FOR THE ERECTION OF SUCH SIGNS IN THE CITY OF MEDIAPOLIS, IOWA

WHEREAS, the City of Mediapolis by and through its City Council, in order to provide for the safety, health and welfare of the citizens of the community by reducing traffic distractions and obstructions, and other hazards that may be caused by the display of signs, and to preserve the natural, historic and scenic beauty of the community.

AND WHEREAS, the city of Mediapolis by and through its City Council shall provide for a reasonable display of signs, without interference from other signs in a fair and equitable manner.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEDIAPOLIS, IOWA.

Section 1. Definitions. For use in this chapter, the following terms are defined.

- A. Advertising sign- Any sign describing products, services or events being offered to be displayed for the benefit of the public.
- B. Banner- Any sign comprised of flexible plastic, fabric or other similar material, temporarily displayed to advertise a specific event or activity.
- C. Billboard- Any sign that advertises or displays goods, products, services, or facilities which are located elsewhere than on the premises upon which such sign is displayed.
- D. Business Center Sign- A portable, double-faced sign, including but not limited to banjo and A-frame signs, that is developed by a business center management or community organization solely for information and promotion of the total business center complex rather than individual businesses.
- E. Double-faced sign- A sign structure with two parallel and directly opposite sign faces located not more than two feet apart.

- F. Erect- To build, construct, attach, hang, suspend, or affix, and includes the painting of wall signs.
- G. Facing or surface- The surface of the sign upon, or against, or through which the sign's message is displayed or illustrated.
- H. Frontage, building-Those portions of the buildings which are parallel and adjacent to the lot frontage.
- I. Frontage, lot-Those portions of a lot or building site which are adjacent to and abut a public street. For the purpose of determining maximum sign area public alleys, easements, pedestrian walkways, etc. shall not be considered lot frontage.
- J. Ground sign or freestanding sign- Any sign supported by uprights or braces placed upon the ground and not attached to any building.
- K. Identification Sign- Any sign which is limited to the name, address, and number of a building, premises, institution, or person, to the activity carried out within the building or institution, or the occupancy of the person.
- L. Illuminated sign- Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- M. Incidental sign- A sign, generally informational, that has a purpose secondary to the use of the lot in which it is located and contains no commercial message, but only such directives as "No Parking," "Entrance," "Loading Only," and "Telephone".
- N. Multi-occupant building complex-A nonresidential building or group of buildings on one or more contiguous lots or building sites under single ownership and management, containing two or more occupants sharing a common parking lot.
- O. Nonconforming sign-Any sign that does not conform to the requirements of this chapter.
- P. Projecting sign-Any sign, informational display or other advertising device, with or without a structural frame, which is placed and maintained for a limited amount of time, including but not limited to banners, flags, pennants, A-frame signs, sandwich boards, umbrellas, searchlights, balloons, tents and gas-filled figures, and signs on trailers or chassis designed to be transported, unless specifically permitted elsewhere in this chapter.

- Q. Sign-Any structure or medium primarily intended to be used to direct attention from a public right-of-way to a business, product, service, subject, idea, premise or thing when placed outside a building. The term “sign” includes, but is not limited to, all reading matter, letters, pictorial representations, trademarks, inscriptions, and patterns, whether affixed to a building or separate from a building. Municipally-installed Christmas or other seasonal decorations on City property shall not considered signs under this ordinance.

- R. Structure trim-The molding, battens, capping, nailing strips, lattice and platforms which are attached to the sign structure.

- S. Wall sign- A sign painted on any exterior wall or any building or other structure, or attached to and erected parallel to the wall, and supported throughout its entire length by the building or structure.

Section 2. Permit Required. It is unlawful for any person to erect, alter, or relocate or cause same to be done within the City any sign or other advertising structure as defined in this chapter without first obtaining a sign permit, making payment of the fee required by section 5 , and holding the City harmless from any liability incurred as a result of the installation of the sign or advertising structure. Illuminated signs shall be subject to the provision of the State of Iowa Electrical Code. In addition to remedies provided for a violation of this chapter, a double permit fee may be assessed for noncompliance with this chapter.

Section 3. Permit Application. Application for erection permits shall be obtained from the City. Information required to show compliance with this chapter and all other ordinances of the City shall be provided on the application.

Section 4 Permit Issuance. It is the duty of the City, upon the filing of an application for an erection permit, to examine such plans and specifications and to issue a permit if they are in compliance with this chapter.

Section 5. Permit Fees. Every applicant, before being granted an erection permit, shall pay to the City the fee of \$40.00.

Section 6. Exemptions. The provisions and regulations of this chapter do not apply to the following signs; provided, however, said signs are subject to the provisions of Sections 115-010, 115-020 and 115-030 of the Zoning Ordinance.

- A. Real estate signs which advertise the sale, rental or lease of the premises on which they are located, provided such signs do not exceed six (6) square feet in residential districts. Such signs shall

be placed a minimum distance of twenty-five (25) feet from the street lot line and not more than five (5) feet in front of the main building. (Section 115-030A.)

- B. Signs denoting the architect, contractor, lending institution or future occupant- or any one or more of them-placed upon work under construction, and not exceeding six (6) square feet in area in residential zoning districts and thirty (30) square feet in other zoning districts, provided that such sign is erected not more than five (5) days prior to the beginning of construction and removed prior to the occupancy of the structure.
- C. Occupational sign denoting only the name and profession of the occupant in a commercial building or public institutional building and not exceeding two (2) square feet in area per occupant, not to exceed a total of sixteen (16) square feet.
- D. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of any bronze materials.
- E. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and temporary, emergency or non-advertising signs as may be approved by the Council. Such signs may be displayed on public right-of-way.
- F. Signs or notices required to be displayed, maintained or posted by law, or by any court or governmental order, rule or regulations. Such signs may be displayed on public right-of-way.
- G. Official flags or emblems, limited to one each, of a nation, state or city, are not be considered as signs. On a lot on which one or more official flags are displayed, one private flag displaying the name and/or logo of the business or organization located on that lot may also be displayed provided that its height, location and area do not exceed those of any official flag, or fifteen (15) square feet, whichever is smaller.
- H. Signs located within a building, excluding residential zones.
- I. Signs applied directly to the body of a car, truck, bus, trailer or other vehicle, if such vehicle is operated in the normal course of business and not used primarily to display such sign.

- J. Signs on the business premises indicating the desired vehicle traffic flow such as “Enter,” “Exit” “Park” etc. providing such signs do not exceed four (4) square feet in area each and may identify the business by name or recognized emblem or insignia does not exceed twenty percent (20%) of the total sign area. These signs may not include advertising copy. The maximum number of such signs is limited to one per driveway leading to the property from public right-of-way. The sign square footage shall not be included in the total allowable sign area as permitted for the zone in which it is located.
- K. Sign announcing or supporting political candidates or issues placed on a ballot in connection with any national, state or local election, provided such signs are erected not sooner than forty-five (45) days prior to and are removed no later than seven (7) days after such election.
- L. Holiday lights and decorations, not to include promotional signs, provided commercial messages do not occupy more than twenty percent (20%) of the total sign area. Such decorations may be placed on or over the public right-of-way only when Council approval is given.
- M. Yard sale signs not exceeding a gross aggregate total of four (4) square feet in area and auction sale signs not exceeding a total of four (4) signs with a maximum of four (4) square feet each. Such signs shall be displayed for a maximum of seventy-two (72) hours. No person shall display such sign on the property of another person without first having obtained the consent of the owner of such property.
- N. Home occupation signs that are not illuminated and measure not more than two (2) square feet in area. (See 115-030C.)
- O. Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that such signs are displayed only during the event, and not more than thirty (30) days before the event, and are removed not more than three (3) days after the event. (See 115-030B).
- P. Incidental signs except in any residential district.
- Q. Works of art that do not contain any commercial messages.

- R. On-premises signs offering “drive-up” service and/or items available, may be excluded from the total sign area permitted for the zone in which it is located, if they do not exceed thirty (30) square feet.
- S. Signs in multi-occupant building complexes that are not visible from any public right-of-way and do not extend above the roof lines.

Section 7. District sign Regulations:

- A. R-1, R-1A, R-2 (Residential)
 - 1. Permitted and conditional uses, other than family residential uses, and home occupations, shall be permitted one non-illuminated identification sign per establishment with a surface area not exceeding 10 square feet, denoting only the name and address of the premises, and the name of the management.
 - 2. Churches, schools and other institutions and public buildings shall be permitted one bulletin board displaying its name, activities and services. Such bulletin boards shall not exceed twenty-four (24) square feet in area, shall be located on the same block as the building and shall be illuminated.
 - 3. Subdivisions shall be permitted one identification sign, with a surface area not exceeding ten (10) square feet, displaying only the name of the subdivision, and may be illuminated. Area of structural supports, decorative uprights, etc., shall not exceed fourteen (14) square feet per surface with a maximum of two such supports and/or decorative uprights.
 - 4. Mobile home parks shall be permitted one identification sign not exceeding ten (10) square feet for the entire development, displaying only the name and address, and may be illuminated.
 - 5. Nonconforming uses, other than residential, shall be permitted a maximum of forty (40) square feet of sign. A maximum of twenty (20) square feet of such sign may be illuminated.
- B. R-3 (Apartment Residential) Signs as permitted and regulated in the low density residential districts subject to the following modification:
 - 1. For multi-family dwelling buildings: One or two signs with a total surface area not exceeding two (2) square feet for each dwelling unit contained on the building or complex, not to exceed a total

maximum of thirty-two (32) square feet in surface area. Such signs shall indicate only the name and/or address(es) of building(s) or complex and the name and location of the management thereof. Signs may be illuminated.

C. C-2 (Central Business Commercial District)

1. The surface area of all permitted signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage, or one (1) foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for any establishment shall not exceed in square footage the amount as computed for the frontage on which the sign is located.
2. No more than one projecting sign for each establishment street frontage shall be permitted and shall project no more than eight (8) feet from the building to which it is attached. Such sign shall not project into public right-of-way and shall have a minimum height of eight (8) feet above the grade. However, time-and-temperature only signs that do not exceed fifty (50) feet in area shall be permitted to project not more than six (6) feet into the public right-of-way and an encroachment agreement is required.
3. Sign shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed a height of forty (40) feet.
4. Signs may be illuminated.

D. C-1 (General Commercial District)

1. The total surface area of all signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage, or one (1) square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface of all permitted signs for each establishment shall not exceed one hundred (200) square feet. When establishments border more than one frontage, the sign area, for each frontage shall not exceed in square footage the amount as computed for the frontage on which the sign is located.
2. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed forty (40) feet in height, except no sign shall exceed twenty-five (25) feet in

height if located within forty (40) feet of a residential zoning district boundary.

3. Where a lot's frontage exceeds three hundred (300) feet, an additional ground sign shall be permitted for each additional three hundred (300) feet of frontage.
4. Signs may be illuminated.

E. I-1, I-2 (Light and Moderate Industrial District)

1. The total surface area of all signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage, or one (1) square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for each establishment shall not exceed two hundred fifty (250) square feet.
2. For large lot/large manufacturing complexes with lots larger than five (5) acres in area and buildings with more than three acres of gross floor area, one (1) square foot of each one thousand (1000) square feet of building area, whichever results in the larger sign surface area. However, the maximum total surface area of all permitted signs shall not exceed two hundred fifty (250) square feet.
3. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed sixty (60) feet in height, except no sign shall exceed twenty-five (25) height if located within forty (40) feet of a residential zoning district boundary. A freestanding sign shall be set apart from any other such sign a minimum distance equal to four times the height of the taller sign.
4. Where a lot's frontage exceeds three hundred (300) feet, one additional ground sign shall be permitted for each additional three hundred (300) feet of frontage.
5. Signs may be illuminated.
6. The total surface area of all signs on a lot shall not exceed three (3) square feet for each lineal foot of building frontage or two (2) square feet for each lineal foot of lot frontage, whichever results in the larger sign surface area. When establishments border on more than one frontage, the sign area, for each frontage, shall

not exceed in square footage the amount as computed for the frontage on which the sign is located.

7. Signs shall not exceed the height of the call to which they are attached, and freestanding signs shall not exceed sixty (60) feet in height, except no sign shall exceed twenty-five (25) feet in height if located within forty (40) feet of a residential zoning district boundary. A freestanding sign shall be set apart from any other such minimum distance equal to four times the height of the taller sign.
8. Where a lot's frontage exceeds three hundred (300) feet, one additional ground sign shall be permitted for each additional three hundred (300) feet of frontage.
9. Signs may be illuminated.

Section 8. Business center signs.

- A. Portable signs developed by a management or quasi-public organization for promotion of a business center complex, rather than individual businesses shall comply with the following unwaivable conditions:
 1. Special use permit approval shall be required from the Board of Adjustment for the design and placement if such signs. Annual permit for the design placement of such signs. Annual permit renewal may be required if written complaint petitions are filed with the City;
 2. Annual sign permits must be obtained by the management or community organization responsible for maintenance and placement of such signs.
 3. Individual signs shall be portable and measure not more than two (2) feet wide and not more than forty-two (42) inches tall.
 4. Signs may be only located in malls, courts, plazas, squares, sidewalks and pedestrian ways that are over ten (10) feet wide.
 5. Signs on public area and right-of-way shall have an encroachment agreement from the City Council.

6. The square footage of all business center signs shall not be included as a part of a lot or establishment's total allowable sign area.

Section 9. Ground signs- Freestanding. Limited to one sign for each lot frontage abutting the property, except as otherwise permitted.

Section 10. Wall signs.

- A. Limitation of Placement and Area. Wall signs shall not project beyond the ends or top of the wall to which it is attached.
- B. Projection from wall. A wall sign shall not project more than twelve (12) inches beyond the face of the building and shall be a minimum of eight (8) feet above the sidewalk or ground when projection is in excess of four (4) inches. However, a wall sign may project over public right-of-way provided that it meets the projection limits.

Section 11. Approval required.

- A. Projecting signs, including the frames, braces and supports thereof, shall be in compliance with the State of Iowa Building and Electrical Codes and may be double-faced.
- B. Limitation of Glass. The lettering or advertising designs to be illuminated shall not be composed of glass, but may be of other transparent or semitransparent material.
- C. Removal Parts to be Secured. Any removable part shall be securely fastened.
- D. V-shaped signs must be constructed with a roof and ceiling.
- E. Signs shall not project into public right-of-way.

Section 12. Mansard roof Signs.

- A. The surface area in square feet of signage on a mansard roof cannot exceed three (3) square feet for each lineal foot of mansard roof.
- B. Signage shall not extend above the top of the mansard roof or protrude below the bottom of the mansard roof. The bottom of any sign placed on a mansard roof shall be at least ten (10) feet above grade.

Section 13. Roof signs. Roof signs, when designed by a licensed engineer based on sign size and building/roof construction and in compliance with the State of Iowa building codes are permitted.

Section 14. Canopy, marquee and non-retractable awnings.

- A. Where limitations are imposed by this chapter on the projection of a sign from the face of any building or structure, such limitations shall not apply to an identification sign affixed to a canopy, marquee or non-retractable awning, including a translucent canopy that contains letters or logos on a lighted background, provided that any identification sign located in a canopy, marquee or non-retractable awning shall be affixed flat to the face thereof.
- B. All the signs shall maintain a vertical clearance of not less than ten (10) feet above ground surface grade. No such sign shall project closer to a curb line than two (2) feet. To erect a canopy, marquee or non-retractable awning which projects over public right-of-way, the owner of the property on which such sign is to be located shall negotiate an encroachment agreement with the City Council, such agreement indemnifying the City from liability caused by the canopy, marquee or non-retractable awning.

Section 15. Awning signs.

- A. Signs painted or sewn on re-tractable awnings shall be exempt for the limitations imposed by the chapter on the projection signs from the face of the wall of any building or structure; provided, that any sign located on the awning shall be affixed flat to the surface thereof, and provided that no such sign shall extend vertically or horizontally beyond the limits of the awnings.
- B. All awning signs shall maintain a vertical clearance of not less than eight (8) feet above grade. Awning signs are permitted to project over the public right-of-way. No awning sign shall project closer to the curb than two (2) feet.

- C. The sign square footage shall not be included in the total allowable sign are permitted.

Section 16. Promotional Signs.

- A. Promotional signs shall be permitted for all grand openings and nonresidential land uses subject to the following conditions:
 - 1. Permits are required for promotional signs prior to installation.
 - 2. No more than two permits shall be issued for promotional signs at the same premises within one calendar year.
 - 3. Promotional signs shall be erected and maintained in a safe manner for a predetermined period of time not to exceed thirty (30) days and shall be removed within three days of termination of the advertised activity, event, service or sale as on the permit.
 - 4. Promotional signs may be located over public right-of-way if placed at least ten (10) feet above sidewalks and fourteen (14) feet above vehicle traveled highways and if the City Council approval has been granted, Such signs shall not be attached to city fixtures, light poles or utility poles without written permission.
 - 5. Promotional signs shall not flash, but may be illuminated if not directed at or disrupted of surrounding property.

Section 17. Billboards. Billboards shall not be erected within fifty (50) feet of any residential zone, shall be set back at least twenty-five (25) feet from all right-of-way lines and shall not exceed twenty (20) feet in height above grade.

Section 18. Unsafe and unlawful signs.

- A. All signs regulated under this chapter which shall be determined to be (1) unsafe, (2) insecure, (3) nuisance or (4) constructed, erected or maintained, including appearance and legibility, in violation of this chapter or any City ordinance, shall cause written notice thereof to be given to the property owner and/or sign installer.
- B. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove the sign, an explanation of the consequences of failure to comply

with the order and a time period for compliance. Failure to comply with the order may cause removal of the sign at the expense of the property owner, in addition to other remedial actions prescribed therein.

- C. The owner may appeal, within five days of receipt thereof, the order to the Board of Adjustment, if the order concerns the safety, security or physical construction of the sign. Requests for variances and appeals for specific orders regarding size, location, or area computation, etc. shall be made to the Board of Adjustment. The appeal effectively extends the order pending the Board's decision.

Section 19. Obsolete signs. Any sign which advertises a business, event or activity no longer being conducted, or a product or service no longer offered on the premises shall be considered an obsolete sign. However, permanent signs applicable to a business temporarily suspended because of a change in ownership, or management of such business shall not be deemed obsolete unless the premises of remain vacant for a period of six months or more. Any sign which becomes obsolete or is obsolete at the time of adoption of these regulations shall be removed by the owner or agent of the property upon which such sign may be found within thirty (30) days after written notification. Failure to comply with the order within the time specified, shall be considered a violation of this chapter and, in addition, may result in removal of the sign at the expense of the property owner.

Section 20. Nonconforming signs.

- A. Non conforming signs, other than billboards, otherwise lawful on the effective date of the ordinance codified in this chapter may be continued until they are required to be removed as provided in this section.
- B. No person may engage in activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. No illumination may be added to any nonconforming sign.
- C. A nonconforming sign may not be removed or replaced except to bring the sign into complete conformance with this chapter.
- D. If the size or configuration of a lot or building is changed, signs on the resulting property or properties shall be required to

comply with the sign regulations applicable to the modified or newly created property or properties.

- E. The message of a nonconforming sign may be changed so long as this does not create any new nonconformance..
- F. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated as long as the cost of such work does not exceed, within any twelve-month period, fifty percent (50%) of the replacement value of such sign.
- G. Alterations or additions, other than permitted above, to any sign on property containing nonconforming sign(s) shall be prohibited until complete compliance with all the provisions of this chapter is obtained.
- H. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered obsolete and shall be removed by the property owner within thirty (30) days of receipt of written notice ordering such removal.
- I. I. If a billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be obsolete and shall, within thirty (30) days after such obsolescence, be altered to comply with this chapter or be removed by the sign owner, owner of the property where the sign is located, or other persons having control over such sign. For purposes of this section, a sign is "blank" if:
 - 1. It advertises a business, service, commodity, accommodation, Attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
 - 2. The advertising message it displays becomes illegible in whole Or in substantial part; or

3. The advertising copy paid for by a party other than the sign owner or promoting a business other than the rental of the sign has been removed.

Section 21. Traffic hazard obstructions- Illumination

- A. No sign shall be erected in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of, or be confused with the any authorized traffic sign, signal, or device, or which makes use of the words, "STOP," "LOOK," "DRIVE-IN" or any other words, phrases or symbols or characters as to interfere with, mislead or confuse traffic. No sign shall be located or have posts, guides or supports within public right-of-way unless expressly permitted elsewhere in this chapter.
- B. Whenever any sign is illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor operators or shine directly on adjoining property. Illuminated signs shall not flash intermittently. The mechanical components of a sign may not move, nor may the electrical components of a sign operate so as to stimulate movement except textual messages may change instantaneously or sequentially. For the purpose of this subsection, "signs" include those devices and displays located within a building that are intended to be viewed from the outdoors.

Section 22. Computation of sign area. The area of a sign shall be computed as follows;

- A. The area of a sign is that area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, logo, or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary exposed supports or uprights on which the sign is placed.
- B. The area of a sign composed of words or characters applied directly to a building or wall shall be computed as the area within a regular geometric shape that encloses the words or characters.

- C. The area of double-faced signs shall be the area of one sign face if the two faces are of equal area, or as the area of the larger face if the two are of unequal area.
- D. The area of neon striping shall be calculated as one-twelfth of a square foot per running foot of each tube.
- E. The area of a back-lit translucent canopy or other lighted translucent figure, shall be computed at the maximum visible total surface area.

Section 23. Design requirements. All signs shall be designed and constructed to withstand wind pressure and dead loads per State Code.

Section 24. Variance. Requests for variances from the requirements of this chapter are to be filed with the Board of Adjustment.

Section 25. Violation—Penalty. Any violation of the provisions set forth in this chapter or any part thereof shall be considered a misdemeanor.

Section 26. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 27. 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 28. When effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 200__.

Larry Flaherty, Mayor

ATTEST:

Julia Tribbey, City Clerk

1st reading _____

2nd reading _____

3rd reading _____