ORDINANCE NO. 6565

AN ORDINANCE TO AMEND CHAPTER 15.33 SIGNS OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.33.190 "OFF-PREMISES SIGNS (BILLBOARDS)".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 15.33 Signs, be and the same is hereby amended by amending Section 15.33.190 "Off-Premises Signs (Billboards)" to read as follows:

15.33.190 Off-Premises Signs (Billboards)

This section contains the regulations for signs directing attention to a business, profession, commodity or service which is not located on the same property on which the sign is located. For purposes of this section, off-premises signs shall include billboards, bulletin boards and advertising signs as defined in the sign code as adopted by reference in CBMC 13. Off-premises signs shall be subject to the provisions of this section, notwithstanding any other applicable regulation of the zoning district in which the off-premises sign is located.

A. Zoning. Off-premises signs may be placed on property zoned I-1, I-2 and I-3, subject to all other restrictions in this section.

B. Spacing.
   1. Unless otherwise provided, no off-premises sign shall be located within a seven hundred (700) foot radius of any other existing off-premises sign whether conforming or not. On-premises signs shall not be counted nor shall measurements be taken from them for the purpose of determining compliance with the off-premises spacing requirements.
   2. No more than one off-premises sign may be erected at any one sign location, each sign may have not more than two sign faces, provided that:
      a. The sign faces are oriented in opposite directions; and
      b. The maximum perpendicular distance between parallel sign faces is five feet; or
      c. Nonparallel sign faces must be connected at one point and must have an angle of separation no greater than thirty (30) degrees.

C. Surrounding Uses.
   1. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property in an agricultural or residential zoning district.
   2. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property line of any property occupied by one of the following use types at the time of the installation of the sign:
      a. Cemetery;
      b. College and university;
      c. Cultural service;
      d. Park and recreation services;
      e. Public assembly;
      f. Religious assembly;
      g. School.

D. Siting Limitations.
   1. Off-premises signs shall not be permitted within seven hundred (700) feet of either side of the Loess Hills Scenic By-Way corridor, the Avenue G corridor (Avenue G from North 8th to North 16th Street), the West Broadway viaduct corridor (West Broadway from 8th to 16th Street), South 24th Street from 23rd Avenue to Highway 275/92, South 35th Street from the Union Pacific railroad trestle (located between 13th Avenue and 14th Avenue) to 23rd Avenue, 23rd Avenue from Indian Creek to South 35th Street and Highway 275 between Interstate 29 and the Iowa-Nebraska border.
   2. Off-premises signs shall not be permitted within a seven hundred (700) foot radius of any property on the National Register of Historic Places or designated as a local landmark, landmark site or historic district.
   3. The minimum distance between any two off-premises signs with electronic changeable copy shall be five thousand (5,000) feet measured in all directions.
   4. Off-premises signs erected on property adjacent to or within the area of the interstate or federal-aid primary road system shall also be subject to the advertising controls of the state of Iowa.

E. Setbacks.
   1. Off-premises signs shall meet the minimum setback requirements for principal structures in the underlying zoning district.
   2. No portion of any off-premises sign shall encroach into any required front yard, rear yard, side yard or street side yard.
   3. Off-premises signs shall not encroach into the vision clearance area as cited elsewhere in this title.
   4. No portion of any off-premises sign shall project beyond the average distance of the actual building line of all structures along the street frontage in the same block where the off-premises sign is to be located. However, this shall not be construed to require a distance of more than fifty (50) feet from the property line, subject to all other applicable regulations in CBMC 15.33.100.
   5. No portion of any off-premises sign shall be placed or maintained in such a manner as to cover or obscure the front of any adjacent building or structure fronting on the same street.
   6. In addition to the other setback limitations, all off-premises signs located along any state or federal highway shall not be placed closer than twenty-five (25) feet from the right-of-way line of such street or highway.

F. Sign Size.
   1. Off-premises signs up to six hundred seventy-two (672) square feet in area are permitted where the sign face is oriented to interstate traffic, subject to all other provisions of this section.
   2. Off-premises signs up to a maximum sign area of three hundred (300) square feet are permitted when the sign face is oriented toward any other type of roadway, subject to all other provisions of this section.

G. Height. The maximum height of any off-premises sign shall be forty (40) feet as measured from the natural grade level below the sign to the topmost point of the sign structure.

H. Ground Clearance. Off-premises signs shall be no less than five feet above the natural level of the ground upon which it is located, exclusive of foundation.

I. Roof Mounted Signs. Off-premises signs shall not be installed upon or against a roof or on top of or above the parapet of any building.

J. Animation and Motion. Off-premises signs shall not revolve or rotate. Slow or continuous motion or rotation within a portion of the sign face comprising less than thirty-eight (38) percent of the area of such sign shall be permitted

K. Illumination. Off-premises signs may be illuminated by indirect and internal lighting, subject to the following:
   1. Signs shall not contain or be illuminated by flashing lights. Neon or incandescent illumination, which is integral to the design of the sign, shall be permitted provided the illumination does not cause glare or impair vision.
   2. Signs may include electronic changeable copy.
   3. Lighting shall be shielded to direct light away from streets and surrounding property and shall not cause glare or impair vision when viewed from any public right-of-way.

L. Conflicts with Traffic Control. Off-premises signs shall not resemble an official marker erected by any governmental body nor shall it obstruct or conflict with the proper functioning of any traffic sign or signal. Off-premises signs shall not create a safety hazard by obstructing the clear view of pedestrians or vehicles.

M. Measurement and Design Standards.
   1. Setback. The setback of the sign is measured from the nearest portion of any part of the sign or sign structure to the property line.
   2. Sign Size. The sign size is the area including the dimensions of the sign face and the supporting frame surrounding the sign face.
   3. The supporting structure for each off-premises sign shall be of metal construction.

N. Installation After Approval. Off-premises signs shall be installed within six months of the date of issuance of the sign permit. The permit becomes invalid six months from the date of issue. An extension of time is not permitted. A new application with all fees and reviews is required.

O. Sign Maintenance. All off-premises signs shall be continuously maintained in safe structural condition.

P. Abandoned Signs. In addition to all other applicable regulations, an off-premises sign which contains no sign copy on all faces for a continuous period of six months shall be considered an abandoned sign and shall be removed. Removal shall include the sign face, along with all of the supporting structure. Removal shall be complete within thirty (30) days of the abandonment.

Q. Digital signs. A new off-premises electronic changeable copy sign (i.e. digital billboard) may be erected, or the face of an off-premises sign may be changed to an electronic changeable copy sign of equal or lesser face area, subject to the limitations in this chapter and approval of the appropriate sign permit. Conversion of an off-premises sign to an off-premises electronic changeable copy sign shall not be permitted in any zoning district in which off-premises signs are not permitted according to this section.

(Ord. 5920 § 2 (part), 2007)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND August 14, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 7-24-23
Second Consideration: 8-14-23
Public Hearing: 8-14-23
Third Consideration: _____