CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION

Meeting Date: December 19, 2016

Item: Sign Code Amendment, Title 7: Public Ways and Property, and Title 9: Zoning, Chapter 10: Performance Standards, and Chapter 18: Signs, to adopt new regulations for the placement of signs within the corporate City limits – City initiated - AO-003191-2016

Request Action: Approval of an Ordinance Amendment

Case Advisor: Kevin Wilde, Sign and Zoning Administrator KW

Applicant's Request: Staff has been working with the Valley Junction Foundation for a number of years to identify the activities and needs of the businesses in the Valley Junction Historic Business (VJHB) district and determine what sections of the code would need to be refined to legally accommodate those needs. One of the primary requests of the businesses is more permissive signage regulations, especially the allowance to have projecting signs.

Staff prepared a presentation for a September 19, 2016 City Council workshop to seek feedback and direction on a number of signage related items that were being considered. As a result of those discussions, staff embarked on a complete rewrite of the current sign code to address sign regulations comprehensively across the city. A significant factor in the decision to daft a new ordinance was legal issues that have been brought to light by a Supreme Court case addressing freedom of speech and regulating signs based upon the content of the sign. One of the major flaws with most municipal sign codes, including West Des Moines, is that noncommercial signs were regulated differently, and often times more strictly than commercial signs. The Supreme Court ruling determined that this was unconstitutional and regulations that were based upon the content of the sign, with few exceptions, could be challenged. The City's current sign code is heavily content based. Staff has attempted to address commercial versus noncommercial signage and content based concerns as a part of this Sign Code rewrite.

The attached ordinance has several specific code sections that are being addressed. The first portion of the ordinance amends Title 7, Public Ways and Property, to establish regulations to allow specific activities and uses within the public right-of-way in the Valley Junction Historic Business District (VJHB). The buildings within the VJHB district are typically located within a foot of the public right-of-way. Any displays, benches, planters, etc. that business owners put out in front of their business, is typically on city owned property. These activities have occurred for years without the legal ability to do so as current code prohibits the placement of structures and objects on City property. Additionally, per the recently completed Historic West Des Moines Master Plan Study, there is a recommendation to increase the street activity by allowing merchants within VJHB desire to implement sidewalk café type amenities: these of course would also be on City property within the right-of-way. The proposed amendment to Title 7 defines parameters to legally allow amenities, sandwich board signs and sidewalk cafés in the right-of-way within the VJHB District. These regulations are based upon a similar ordinance from Cedar Falls that the Valley Junction Foundation provided to staff.

The amendment to the Title 9, Chapter 10, Performance Standards of the Zoning Ordinance modifies obsolete references to Valley Junction subarea plans that were eliminated in the Comprehensive Plan update but were not removed from the zoning ordinance.

The third component of the proposed ordinance is a proposal for the new Sign Code. There are a wide variety of topics covered in the sign code that are be briefly outlined in the staff comment section below.

City Council Workshop: This item was discussed at the September 19, 2016, City Council Workshop. At that meeting, the Mayor and Council requested that staff develop a comprehensive sign ordinance to recommend to the City Council.

Staff Review and Comment: The following is a brief outline of the primary components included in the proposed ordinance amendment:

- *Uses Within The Right Of Way*
  - Only allowing this in VJHB due to the minimal building setbacks. At this time, staff is unaware of any other areas of the City in which this situation exists.
  - Annual permit(s) required with proof of insurance and hold-harmless indemnification of the City of West Des Moines. Permit submittal, review, approval, denial, and appeal provisions are outlined.
  - Allows display of sample of goods for sale in the associated business, benches, planters, and other privately owned street furniture within the first 3' adjacent to the building, as long as a minimum 5' unobstructed walkway for pedestrians is maintained.
  - Allows for the placement of a maximum 2½' by 3½' sandwich board as long as minimum of 5' unobstructed walkway for pedestrians is maintained and the sign is located a minimum of 2' from the curb to accommodate vehicle bumper overhang and pedestrian movement. These signs are regulated by the sign code as Temporary Signs.
  - Allows for the establishment of a defined sidewalk cafés area adjacent to the business as long as a minimum of 5' unobstructed walkway for pedestrians is maintained and a minimum of 2' of clearance is provided each side of the entrance/exit to the business.
    - Hours of operation are limited to 7:00 am to 10:30 pm Sunday through Thursday and 7:00 am to midnight Friday and Saturday.
    - Café must be closed down (table and chairs stored) within 30 minutes after the closing of the café. Storing of café amenities may be accomplished by moving the fixtures inside the business, or properly stacking and securing next to the building.

- *Sign Code*
  - General intent. Signs are an integral part of the community and a necessary method for communication for many types of messages and information. The proposed regulations aim to preserve the right of free speech and expression, protect the public safety and welfare, preserve the visual character of the City of West Des Moines and protect property values. Sections 2 and 3 of the Sign Code speak to how this may be achieved with this code.
  - Street definition. The City's current code addresses signs for businesses that are located along public streets and has essentially no provisions for signage of businesses located along private streets. The proposed code attempts to treat establishments located along private streets the same as those along public streets in respect to allowable signage; however, it does require most ground signs along private streets to be setback a greater distance from the curb to adjust for typical public right-of-way lines which are generally 7-10' outside of the curb line of a public street. This larger setback for private signs places the signs in the property at essentially the same location as signs located along public roadways.
  - Commercial vs noncommercial signs. As briefly mentioned above, recent court rulings have indicated that signs cannot be regulated by the content. While most signs include commercial messages and are intended as advertising, it is recognized that noncommercial messages hold an equal, or greater obligation in allowing and to protecting free speech. This ordinance attempts to balance these rights with the need to maintain order, safety, and visual integrity of the community.
  - Areas of Special Character – Val Gate, Specific Plans, and PUDs. The proposed ordinance recognizes that there are unique areas within the City which require special provisions to address unique architectural, historic, scenic, or visual features that require special regulations so that signs will enhance its character.
  - Sign Design. It is often commented that the City 'just looks so nice and clean'. Staff believes that along with the landscaping that we require, a key component of this sentiment is the fact that we do not have visual sign clutter as some communities do. We do not allow pole/pylon signs; we do not have obsessively large ground signs along the roadways; wall signage is kept in proportion to the building face; the number of signs allowed on a parcel is kept in-check; and the method of construction and attachment of the signs is controlled to ensure the highest presentation of quality. This ordinance addresses in detail the type, number, size, and design or finished product of signs in anticipation of maintaining the visual appeal of the City. Some of the key elements of the code are:
    - Illumination - the copy may illuminate but the background shall be opaque: limiting the light intensity of signs, especially with the advancements in LED technologies – this applies to both ground and wall signs.
    - Signs shall be 3-dimension or portray a 3-dimensional appearance.
    - Ground signs shall not simply be a box sign on a flat base, but rather architecturally integrated with a solid base, columns, cornices, etc.
    - Allows for projecting or blade signs in VJHB.
    - Allows for the use of sandwich boards or sidewalk signs in VJHB.

- Changeable copy – maintains the current controls to limit distractions to the motoring public.
- Temporary signs – because of the vast array of messages that temporary signs may be used for in combination with recent court rulings that we cannot regulate on content (message of sign), the proposed code attempts simplify and simple indicate who gets, how many, what size, and for how long.

- *Draft Document*: Due to the size of the ordinance and details contained within, it should be realized that Staff will continue to refine the language to correct minor errors and clarify provisions if determined they are not clear. Staff does not intend to make substance changes to the ordinance. In the event that upon further review, a more substantial change is warranted, these changes will be highlighted within the staff reports for subsequent approval bodies' actions.

Noticing Information: On December 9, 2016, notice of the December 19, 2016, Plan and Zoning Commission and December 27, 2016 City Council public hearings for this project was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the proposed ordinance amendment.

Attachments:

Attachment A – Proposed Resolution

Exhibit A – Proposed Ordinance

RESOLUTION NO. PZC-_____

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 7 (PUBLIC WAYS AND PROPERTY), TITLE 9 (ZONING), CHAPTER 10 (PERFORMANCE STANDARDS), AND CHAPTER 18 (SIGNS) TO ADOPT NEW REGULATIONS FOR THE PLACEMENT OF SIGNS WITHIN THE CORPORATE CITY LIMITS

WHEREAS, pursuant to the provisions of Title 1, Chapter 1 et seq, and Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to amend Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks and Alleys) to modify Section 1 (Use of Public Ways Restricted) to establish provisions for certain commercial use of public sidewalks; amend Title 9 (Zoning), Chapter 10 (Performance Standards) to modify obsolete language dealing with Valley Junction architectural requirements; and amend Title 9 (Zoning), Chapter 18, to repeal and establish new sign code regulations;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

WHEREAS, this Commission did consider the application for an amendment to ordinance;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003191-2016) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on December 19, 2016.

_____
Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:

_____
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 19, 2016, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

_____
Recording Secretary

EXHIBIT A

Prepared by: KWilde, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 7: PUBLIC WAYS AND PROPERTY, AND TITLE 9: ZONING, CHAPTER 10: PERFORMANCE STANDARDS, AND CHAPTER 18: SIGNS, TO REGULATE THE PLACEMENT OF SIGNS WITHIN THE CORPORATE CITY LIMITS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Amendment. Title 7: *Public Ways and Property*, Chapter 1: *Streets, Sidewalks and Alleys*, Section 1: *Use of Public Ways Restricted,* is hereby repealed in its entirety and replaced with the following:

7-1-1: USE OF PUBLIC WAYS RESTRICTED:

A. Use Of Streets For Business Purposes: It shall be unlawful to park, store or place any vehicle, equipment, machinery, or any goods, wares, and merchandise of any kind upon any public street or right of way, or municipally owned property for the purpose of storage, exhibition, sale or offering same for sale, except in accordance with applicable provisions of this code and other applicable city regulations or policies as approved by the city council.

B. Obstruction of Public Ways: It shall be unlawful for any person to place or cause to be placed over, into or upon any of the public streets and sidewalks of the city any obstruction whatsoever, including any building, fence, structure, projection, awnings, canopies, marquees, signs, flags, lumber, timber, brick, stone or other material, coal, wood, goods, wares or merchandise, decorations, planters, rubbish, debris, produce or other commodities, except for the purpose of immediate transfer, or for immediate construction or lawful repair of such street or sidewalk, or except as may be excepted in this article or in other ordinances of the city.

C. Certain commercial use of Public sidewalks: Due to minimal setbacks of buildings from the public right-of-way and in an effort to encourage a lively, viable, pedestrian oriented street culture in the Valley Junction Historic Business District (VJHB), the use of the public sidewalks may be allowed in accordance with the following provisions:
   1. Nothing in this section shall be construed as permitting the long term or permanent storing of goods on sidewalks. No person shall leave upon any sidewalk in front of his/her place of business any goods, wares or merchandise which may be left there by the person delivering or receiving the goods to or from the owner or occupant of any place of business for a longer period than six (6) hours.
   2. Display of Goods: Any proprietor of an establishment in the VJHB District may apply for an annual Sidewalk Encroachment Permit to use a maximum of three feet (3') in width of the public sidewalk next to and in front of his/her building or business for the purpose of displaying samples of goods kept by him/her for sale, provided that the sidewalk is not less than twelve feet (12') in width and a minimum of five feet (5') of unobstructed public sidewalk is maintained for the free passage of pedestrian traffic on the public sidewalk. The

city may, in granting a permit under this subsection, require more than five feet (5') of unobstructed public sidewalk clearance if, in the reasonable determination of the city, such additional clearance is necessary in the interests of public safety, health, or welfare, in light of the peculiar circumstances involved with the particular permit application, or the physical characteristics of the public sidewalk area in question.

Nothing shall be used or set out on the sidewalk for such purposes which might endanger or injure the person or the apparel of anyone who might pass on the sidewalk.

An annual permit for encroachment into the public-right-of-way, proof of insurance and indemnification of the city in accordance with subsection C4t3)j below shall be required and obtained through the city clerk's office.

3. Tables, Chairs, Planters, Benches and Other Privately Owned Street Furniture: Any proprietor of an establishment in the Valley Junction Historic Business (VJHB) District may use that portion of the public sidewalk that is immediately adjacent to and that lies in between the front or side property lines, extended to the curb, for the purpose of providing tables, chairs and/or benches, for the convenience of and use by such proprietor's customers and others, with the following restrictions:
    a. Such proprietor and the proprietor's employees shall not at any time serve any food or beverages to customers or others seated at such tables, chairs and/or benches, unless approved and in compliance with the provisions for sidewalk cafes as outlined in this section or elsewhere within the city code.
    b. A minimum of five feet (5') of unobstructed public sidewalk must be provided adjacent to any tables, chairs, benches and any street furniture (public and private), in order to allow for the free passage of pedestrian traffic on the public sidewalk. The city may, in granting a permit under this subsection, require more than five feet (5') of unobstructed public sidewalk clearance if, in the reasonable determination of the city, such additional clearance is necessary in the interests of public safety, health, or welfare, in light of the peculiar circumstances involved with the particular permit application, and/or due to the physical characteristics of the public sidewalk area in question.
    c. No tables, chairs and/or benches shall be attached in any manner to the public sidewalk or to any public fixtures located on the public sidewalk without specific approval of the City. The proprietor shall be responsible for any damage to the public sidewalk or to any public fixtures located on the public sidewalk by said tables, chairs and/or benches.
    d. Each night within 30 minutes of the closing time of the establishment, all tables, chairs and/or benches shall either:
        1) Be removed from the public right-of-way restoring the sidewalk to its normal condition as a pedestrian walkway; or,
        2) Be moved to a location on the public sidewalk that directly abuts the front of the building in which such establishment is located, stacked neatly, and secured by means of chains and locks or some other secure means approved by the city so that they cannot be used to cause damage to persons or property during the hours such establishment is closed. Tables, chairs and/or benches shall not be attached in any manner to the public sidewalk or to any public fixtures located on the public sidewalk. If the proprietor selects this alternative, the proprietor shall be responsible for insuring that such tables, chairs and/or benches do not cause damage to persons or property during the hours such establishment is closed.
    e. Before a proprietor of such an establishment may lawfully place any tables, chairs, benches or any other street furniture on the public sidewalk in front of such establishment, the proprietor shall file an application for a permit with the city clerk of

the city, on a form furnished by the city clerk, and shall pay a non-refundable annual permit fee therefor, in such amount as shall be determined from time to time by resolution of the city council.

4. Sidewalk Cafes on the Public Right-of-way: In the Valley Junction Historic Business (VJHB) District, the use of the public sidewalks for sidewalk cafes and outdoor service areas may be allowed in accordance with the following provisions
    a. Definitions: The following words, terms and phrases, when used in matters related and regulated in this subsection, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning. Where words and phrases used in this division are defined by state law, such definitions shall apply to the use of such words and phrases in this division and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this section shall have the meanings set out in this section.
        1) Alcoholic beverages means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.
        2) Public right-of-way means any public street, alley, roadway, sidewalk, walkway, right-of-way or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.
        3) Public sidewalk means the improved portion of the public right-of-way lying between the traveled portion of the street and the private property line or building line, which is paved and intended primarily for pedestrian use.
        4) Restaurant means a business that serves food to customers and has more than 50% of their sales from food.
        5) Sidewalk cafe means an outdoor area meeting the requirements of this subsection that is temporarily situated on a public sidewalk and which is adjacent to and contiguous with any side of a building in which a restaurant is located, and in which food and beverages are served for consumption by persons sitting or standing at tables within such area. Sidewalk cafes must be situated on the same level as the adjacent sidewalk lying outside the sidewalk cafe.
        6) Sidewalk cafe elements means all tables, chairs, fencing, planters and plants, and any other privately owned property comprising the sidewalk cafe, which is approved for use in a sidewalk cafe by this section or in a sidewalk cafe permit.
        7) Sidewalk cafe permit means a sidewalk encroachment permit issued by the city for operation of a sidewalk cafe within the public right-of-way or on public property which meets all of the requirements of this division and all other applicable ordinances of the city and all state laws.
    b. Use of public sidewalks for sidewalk cafes shall only be permitted in those areas of the city which meet all of the following requirements:
        1) Are within the public right-of-way of the city;
        2) Are within those areas of the city that are zoned Valley Junction Historic Business (VJHB) District;
        3) Are within an area of the public sidewalk where the public right-of-way directly abuts a private building line; and
        4) Meet all of the other requirements of this section.
    c. The sidewalk cafe area must be adjacent to and contiguous with one side of the building it serves, and in which a restaurant is located and operating, and may not extend beyond the property lines of the parcel containing the building when extended perpendicularly to the adjacent street. No sidewalk café shall be located within ten feet (10') of any public alley.
    d. A minimum of five feet (5') of unobstructed public sidewalk must be provided between the boundary of the sidewalk cafe area and the curb line of the public street, free of any lampposts, public benches, planters, trees, tree grates, or other public fixtures located within the public sidewalk, in order to allow for the free passage of pedestrian traffic on

the adjacent public sidewalk. The city may, in granting the sidewalk cafe permit, require more than five feet (5') of unobstructed public sidewalk clearance for any sidewalk cafe if, in the reasonable determination of the city, such additional clearance is necessary in the interests of public safety, health, or welfare, in light of the peculiar circumstances involved with the particular cafe permit application, the configuration of the proposed sidewalk cafe, and/or due to the physical characteristics of the public sidewalk, parking areas and streets adjacent thereto.

e. A minimum two feet (2') of unobstructed clearance must be maintained on each side of any doorway leading from the building onto the public sidewalk.

f. Sidewalk cafes that serves alcoholic beverages must be in compliance with all other local, county and state requirements for outdoor alcohol sales.

g. The boundary of the sidewalk cafe area shall be delineated by, and the sidewalk cafe elements divided from, that portion of the adjacent public sidewalk lying outside of the sidewalk cafe area, by a barrier at least three feet (3') in height, consisting of:
   1) Fencing or other rigid structure; or
   2) Ropes of a design or type approved by the city.

h. Each night within thirty (30) minutes of the closing time of the sidewalk café, all sidewalk cafe elements must either:
   1) Be removed from the public right-of-way restoring the sidewalk cafe to its normal condition as a pedestrian walkway; or
   2) Be moved to a location on the public sidewalk that directly abuts the front of the building in which such establishment is located, stacked neatly, and secured by means of chains and locks or some other secure means approved by the city so that they cannot be used to cause damage to persons or property during the hours such establishment is closed. If the proprietor attaches any sidewalk cafe elements to approved public property, the proprietor shall be responsible for restoring such property to its original condition or condition of suitable agreement with the city, such as use of seasonal plugs, whenever the elements are removed per subsection C4t3)l of this section. Upon completion of the repairs, the city will inspect for compliance.

   The proprietor may select either of the above alternatives, provided that, if the proprietor selects the alternative which leaves the sidewalk café elements on the public sidewalk, the proprietor shall be responsible for insuring that such sidewalk cafe elements do not cause damage to persons or property and do not inhibit or obstruct regular sidewalk maintenance including, but not limited to ordinary repair and snow removal.

i. Except as expressly provided for in subsection h(2) of this section, no property shall be stored on the public right-of-way.

j. Notwithstanding the provisions of subparagraph h(2) of this section, if the proprietor elects to close the sidewalk cafe during certain times of the year, as provided for in subsection C4t3)n then all sidewalk cafe elements shall be removed from the public right-of-way.

k. Sidewalk cafe elements may consist of tables, chairs, fencing, planters and plants, and umbrellas and awnings and similar fixtures if approved by the city as part of the sidewalk cafe permit process.

l. A sidewalk cafe may not use or incorporate into the sidewalk cafe area any public fixtures such as benches, seats, planters, trash receptacles, lampposts, or any other publicly owned structures located in any part of the public right-of-way, unless approved by the City as a part of the sidewalk permit process.

m. Except as otherwise expressly provided in subsection h(2), stacking of chairs or tables in the sidewalk cafe area is not permitted at any time.

n. Outdoor heaters are allowed if approved by the city as part of the sidewalk cafe permit process and is in compliance with fire code as adopted by the city.

o. No advertising or signage shall be permitted in a sidewalk cafe area except that the name of the establishment may be printed on chairs, tables, umbrellas or other amenities as approved by the city.

p. In the event of any damage to the surface of any part of the public sidewalk lying within or immediately adjacent to the confines or boundaries of the sidewalk cafe area, the proprietor of the sidewalk cafe shall repair the damage to the specifications of The Director of Public Services. If the proprietor fails or refuses to repair such damage within thirty (30) days after written notice from the city to do so, The Director of Public Services, or their designee, shall cause the work to be done and billed to the proprietor and/or property owner. All costs, including administration and city staff time shall be computed and will be invoiced as part of the project. Any failure of the proprietor and/or property owner to reimburse the city for the cost of such work shall be grounds for termination of the proprietor's sidewalk cafe permit. Any such costs shall be deducted from the proprietor's cash deposit provided to the City, and the balance may be collected from the proprietor and/or property owner by legal proceedings instituted by the city, including placing a lien on the property.

q. The sidewalk cafe shall be equipped with an inside or outside water source to clean the sidewalk cafe area, as provided in subsection C4s10).

r. The city reserves the right to limit the number of permits issued for sidewalk cafes if necessary to maintain adequate pedestrian flow, to permit adequate access to building entrances, to safeguard pedestrian and traffic safety, to preserve the aesthetic quality of the surrounding area, or for any other valid public purpose. k. Operation of Sidewalk Cafes.

s. Operation of sidewalk cafes shall comply with all of the following provisions:

1) If alcoholic beverages are served in the sidewalk cafe area, the proprietor of the sidewalk cafe shall obtain the necessary liquor control license or wine or beer permit which covers the sidewalk cafe area from the Iowa Alcoholic Beverages Division, and shall otherwise comply with all requirements of the Iowa Alcoholic Beverages Control Act, Chapter 123, Code of Iowa, and Title 3, Chapter 2, Beer and Liquor Control, of the West Des Moines City Code.

2) A sidewalk cafe serving alcoholic beverages shall have an employee who shall monitor the sidewalk cafe area at all times during the hours alcoholic beverages are served or are available for service and/or consumption to prevent underage consumption and any alcoholic beverages from leaving the approved service area.

3) The sidewalk cafe, as a part of a restaurant, must be licensed by the state and/or county health departments and comply with all requirements of laws applicable to establishments that sell food to the public for consumption on the premises.

4) Sidewalk cafes may be installed no earlier than April 1, and all components thereof shall be removed from the public passageway on or before November 15 of each year.

5) The hours of operation for sidewalk cafes shall be from no earlier than 7:00 a.m. to no later than 10:30 p.m., Sunday through Thursday, and no earlier than 7:00 a.m. to no later than midnight on Friday and Saturdays. The sidewalk cafe area shall be restored to its normal condition as a pedestrian walkway at all other times, including during certain times of the year that the sidewalk cafe is not open for business, as provided in subsection C4t3)n.

6) Food and beverages, other than alcoholic beverages, must be available for service to and consumption by patrons in a sidewalk cafe during all hours of operation.

7) The sidewalk cafe area shall be served by waiters or restaurant staff at all times during all hours of operation.

8) Sidewalk cafes shall not play or allow the playing of music, whether live or recorded, that involves the use of sound amplification equipment, and no

speakers, microphones, or other sound amplification equipment shall be used in conjunction with televisions, radios or other audio or video devices in a sidewalk cafe area at any time during the hours of operation, unless a sound permit has been issued for the use.

9) Lighting of the sidewalk cafe area shall not unreasonably reflect onto adjacent properties or cause disturbance to residential quarters located above or nearby.
10) The proprietor of the sidewalk cafe area and the restaurant with which it is affiliated, or its employees or agents, shall clean the sidewalk cafe area on a daily basis, including cleaning of tables, chairs, trash receptacles, and the surface of the sidewalk within the sidewalk cafe area. All garbage, trash, litter and other debris shall be picked up and collected whenever the trash receptacles appear to be full. All garbage, trash and other debris located on the public sidewalk adjacent to the sidewalk cafe area, and extending for ten feet (10') on any side thereof, shall be the responsibility of the sidewalk cafe proprietor, or its employees or agents, to pick up and dispose of properly, during all hours of operation and before closing. No trash receptacles or sidewalk cafe elements shall be hosed down in the sidewalk cafe area or in any part of the public sidewalk at any time. The sidewalk within or adjacent to the sidewalk cafe shall not be hosed down during cold weather, when ice could form thereon.
11) The city may require additional restroom capacity in the restaurant located within the building adjacent to the sidewalk cafe area in order to comply with the requirements of city or state building, fire or other applicable codes.
12) Occupancy limits, including the occupancy load of the sidewalk cafe area, shall comply with all applicable city or state building, fire, or other applicable codes.
13) No entrances or exits to the adjacent building shall be blocked or obstructed by any sidewalk cafe elements or other materials or property.
14) Entrance into or exit out of a sidewalk cafe area shall be through the adjacent building, unless such entrance or exit to the sidewalk café is located at and adjacent to the main entrance to the building in which the restaurant is located. The fire marshal shall have authority to determine emergency exiting needs and pathways.
15) The operation of each sidewalk cafe shall be in entire conformity with all applicable federal, state and local laws and regulations, including all applicable fire code requirements.
16) Patrons of the sidewalk cafe shall wear shirts and shoes at all times, or they shall not be admitted to or served in the sidewalk cafe area.
17) The sidewalk cafe and the adjacent restaurant shall be subject to inspection by any city employee or agent of the city at any time during business hours.

t. Application for Sidewalk Café Encroachment Permit. Before a restaurant may lawfully establish a sidewalk cafe on the public sidewalk adjacent to its building, or a business may utilize a portion of the public sidewalk adjacent to its building, the proprietor of the restaurant or business shall file an application with the city clerk for a sidewalk encroachment permit on a form furnished by the clerk. The application shall be accompanied by each of the following items:

1) Proof of insurance as required in this division.
2) Written consent from the owner of the building in which the restaurant or business is located, if the applicant is not the owner of the building.
3) A significantly detailed, accurate site plan showing:
    a. The dimensions of the proposed use area, including the length and width of the area of the public sidewalk that is adjacent to said establishment.
    b. The five foot (5') area of unobstructed public sidewalk which is to be reserved for pedestrian use;

c. The location where the tables, chairs, benches, planters, fencing, roping or barrier will be placed during the hours of operation, and the size and number of other sidewalk furniture associated with the use;

d. The location where the tables, chairs and/or benches shall be stored during the hours when such establishment is closed:

e. In the event the establishment elects not to move said items inside the establishment each night, the means by which such tables, chairs, benches, etc., shall be secured:

f. The distance between the boundaries of the use area and all adjacent street curbs, buildings, property lines, street intersections, alleys, and fixtures in the public sidewalk;

g. Illustration of the provision of a minimum two foot (2') clearance between any such tables, chairs and/or benches and each side of any doorway leading from the establishment onto the public sidewalk;

h. Proof of insurance and compliance with the indemnification requirements set forth in subparagraph C4t3)j of this subsection; and

i. Such other information and documentation as the city may require in order to demonstrate compliance with the requirements of this subsection and show that the proposed sidewalk encroachment shall not unreasonably interfere with:

   (1) adequate pedestrian flow;

   (2) access to building entrances;

   (3) pedestrian and traffic safety; and

   (4) the aesthetic quality of the surrounding area.

j. A non-refundable permit fee in such amount as shall be determined from time to time by resolution of the city council.

k. A public right-of-way encroachment agreement for the portion of the public right-of-way to be occupied by the use, including an indemnification provision as provided on a form furnished by the city clerk.

l. A cash deposit in the sum acceptable to the city to cover any damage to the public sidewalk included within the use area. If the fencing or other items are permanently affixed to public property, the property owner will furnish the city with a cost estimate during the application process that provides a detailed summary of the repairs and costs to repair the items in public property. The cash deposit shall be refunded by the city clerk upon expiration, non-renewal or other termination of the sidewalk encroachment permit, if there is no damage to the public sidewalk after removal of the use from the public right-of-way.

m. If applicable, proof that the applicant holds a valid liquor control license or wine or beer permit for the restaurant which is adjacent to the proposed sidewalk cafe and proof that the applicant has applied to the Iowa Alcoholic Beverages Division for approval to extend the "premises" covered by such license or permit to include the entire sidewalk cafe area, if the applicant is applying for authority to serve alcoholic beverages in the sidewalk cafe area. No sidewalk cafe permit to serve alcohol shall be issued by the city clerk until such liquor control license or wine or beer permit has actually been issued as provided in this subsection.

n. A listing of the effective dates during the calendar year that the proprietor intends to use the area of the sidewalk or operate the sidewalk cafe. Sidewalk cafes may be installed no earlier than April 1, and all components thereof shall be removed from the public passageway on or before November 15 of each year. The proprietor

shall specify the beginning and ending dates during the calendar year that the sidewalk cafe will be open. The proprietor may revise the effective dates of operation by written notice to the city no more often than once during each permit year; however, may revise such effective dates at the time the permit is renewed each year.

4) Review of a Sidewalk Café Encroachment Permit Application. The city clerk shall forward a copy of the proprietor's application, together with all other information and documentation required in connection with said application, to the Special Event Permit review team for evaluation of compliance with the requirements of this subsection, the interests of public safety, health or welfare, and preservation of the aesthetics of the area.
    a. If the application is approved as being in compliance with the requirements of this subsection, the city clerk shall issue a permit.
    b. If the application is not approved by the city clerk, he/she shall notify the applicant of the reason or reasons the application was not approved. The applicant shall be afforded a period of thirty (30) days from the date of the city clerk's notice, within which to revise the application in an effort to comply with the requirements of this subsection and to correct the reasons for denial thereof. The applicant may appeal a denial of the permit to the Municipal Code Hearing Officer.
    c. Any permit issued under this subsection shall be issued for a period of one (1) calendar year, and may be renewed upon the filing of an application for renewal by the proprietor, payment of the required annual fee, and demonstration of proper insurance and indemnifications, if deemed necessary. The application for renewal shall state whether or not any of the contents of the original application is being revised, or modified from the previous year. Failure to identify any changes from the previous/original application as part of a renewal application shall be deemed as the same as that contained in the prior/original application.
    d. In the event that ownership of the establishment holding the permit is sold, conveyed or transferred to another person or entity, the permit shall not thereby be transferred, and the new owner shall be required to file a new and separate application for such a permit, as provided in this subsection.
    e. The city reserves the right to limit the number of permits issued under this subsection if necessary to maintain adequate pedestrian flow, to permit adequate access to building entrances, to safeguard pedestrian and traffic safety, to preserve the aesthetic quality of the surrounding area, or for any other valid public purpose.
    f. The city reserves the right to either deny an application which otherwise meets the requirements of this subsection, or to require the proprietor to meet additional terms and conditions for issuance of a permit beyond the requirements set forth in this subsection if, in the reasonable determination of the city, either granting the permit, or granting it without such additional terms and conditions, would not adequately protect and preserve the rights, privileges, and property of the city or of its residents, or would not adequately protect or preserve the peace, safety, health, welfare, comfort or convenience of the city's residents.
    g. The city may order the immediate removal of any or all of a permit holder's tables, chairs, benches and any other private street furniture in the event such items are causing a hazard to public safety, health or welfare, are interfering with the unobstructed passage of pedestrians, are unsightly in appearance or unsanitary in condition, are interfering with removal of ice and snow from the public sidewalks, will interfere with scheduled repairs or maintenance of public infrastructure within the area, or for any other reason affecting public safety, health or welfare.
    h. A permit issued under this subsection shall be revoked if the proprietor holding the permit does any of the following:
        1) fails to maintain a valid license or permit, if applicable, covering the establishment adjacent to where the tables, chairs, benches and other street furniture are located;

2) fails to either move the tables, chairs and/or benches inside the establishment, or fails to secure them, as required above in this subsection;
3) fails to pay the fee for issuance or renewal of the permit;
4) fails to operate in strict compliance with all of the provisions of this subsection, of all other city ordinances, and of state law; or
5) in connection with the placement or use of the tables, chairs, benches or other street furniture creates or allows to exist a safety hazard, health hazard, or public nuisance under state law or city ordinance,.

i. Upon the occurrence of any of the events described, the city clerk shall give the proprietor of such establishment written notice of revocation of the permit, and the permit holder shall thereupon immediately cease to place tables, chairs, benches and other street furniture on the public sidewalk adjacent to the proprietor's establishment. The permit holder may appeal the revocation of the permit by written notice of appeal mailed or delivered to the city clerk within ten (10) days of the date of notice of revocation. An appeal of a revocation shall be heard by the Municipal Code Hearing Officer.

j. The city shall retain the right to terminate any permit granted under this subsection upon seven (7) days' written notice, and may require the removal of all tables, chairs, benches and other street furniture from the public sidewalk adjacent to an establishment, if the city council, after due consideration, determines that there is a reasonable and substantial need for the use of the public right-of-way being occupied by such tables, chairs and/or benches, for a valid public purpose. The determination of the city council shall be final, and there shall be no right of appeal from such decision.

k. A permit shall not be issued under this subsection unless the applicant, at the time of filing of an application for issuance or renewal of a permit, furnishes to the City proof of insurance and indemnification of the city that meets the following requirements:
1) Commercial general liability insurance coverage in the amount of $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate for bodily injury and property damage, with the city to be named as an additional insured on the policy, with an endorsement to be issued as part of the insurance policy, evidencing compliance with this requirement; and
2) An indemnification agreement on a form furnished by the city clerk, under which the proprietor agrees to indemnify and hold the city harmless from any liability for damages arising out of the placement of items in the public right-of-way.

5. Violation. Any person violating any provision of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 2. <u>Amendment.</u> Title 9: *Zoning*, Chapter 10: *Performance Standards*, Section 4: *Specific Use Regulations*, Paragraph G, is hereby amended by removing the highlighted and strikethrough lettering:

9-10-4: SPECIFIC USE REGULATIONS:

G. The Following Standards Shall Apply To All Commercial Districts Unless Noted Otherwise In This Title:
6. Architecture Requirements In The Valley Junction Commercial District And The Valley Junction Historic Business District: All uses within the Valley Junction commercial district and the Valley Junction historic business district ~~shall be in conformance with the Valley Junction subarea plan and the historic guidelines~~ should be designed with the historical character of the area in mind and encourage the preservation of significant historical, natural, cultural sites and other unique landmarks.

Section 3. Amendment. Title 9: *Zoning*, Chapter 18: *Signs*, is hereby repealed in its entirety and the replaced with the following:

Chapter 18
SIGNS

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9-18-1: TITLE
This Chapter shall be known and may be cited and referred to as the SIGN ORDINANCE OF THE CITY OF WEST DES MOINES, IOWA.

9-18-2: PURPOSE:
The purpose of this Chapter is to provide a comprehensive and balanced legal framework for the regulation of signs and graphics. These regulations preserve the right of free speech and expression, protect the public safety and welfare, preserve the visual character of the City of West Des Moines and protect property values. It is the intent of this Chapter to:

A. Set standards and provide uniform controls that permit a reasonable use of signs that are compatible with their surroundings; and
B. Prohibit the erection of signs in such numbers, sizes, designs, illumination and locations as may create a hazard to pedestrians, bicyclists and motorists; and
C. Avoid excessive signage and visual competition, so that legal signs provide adequate avenues of free speech and communication, while minimizing clutter, unsightliness, confusion and blighting influences; and

D. Ensure that sign design builds on the image, character and visual environment that the City of West Des Moines seeks to promote and protects property values; and,
E. Protect and prevent possible damage or obstruction to public utilities and infrastructure.

9-18-3: GENERAL STATEMENT OF INTENT AND RECOMMENDED PRACTICES:
Signs are an integral part of the community and a necessary method for communication for many types of messages and information. As technology evolves, so do the methods and means of communication in the sign industry. It is difficult to anticipate all the possible scenarios where signs will be utilized. This chapter intends to outline minimum standards for signs and associated structures, but also recognizes that more restrictive standards may be necessary to protect and guide users in the community's desires for sensitive sign design and placement, as well as to enhance and protect specific areas of the community. The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any design or method not specifically prescribed by this code, provided that any such alternative material, design, or method can be shown to meet the intent of the provisions of this code and is at least equivalent to that prescribed by this code. The Director of Development Services shall have the authority to grant minor exceptions and render interpretations of these regulations for individual cases where the strict letter of this code would be impractical and an alternative solution can be identified that would still comply with the intent of the code provision. The following provisions should be used as a guide to the overall design and development of sign proposals within the community and provide a minimum basis for interpretations that may be required in the application of the regulations of this chapter.

A. Integral design element - All signs should be an integral design element of a building's architecture, and be compatible with the project's overall character and building design in terms of size, shape, color, texture, and lighting. Signs should not visually compete with the architecture of the building and design of the site. Wherever possible, signs within new developments should also complement the character and style of existing developments within the context area of the new development. Signs should be integrated so that they become a natural part of the building façade and the site design.

B. Balance - Commercial signs should reflect a balance between allowing adequate signage for business identification while protecting the visual aesthetic of West Des Moines streetscapes and natural environment.

C. Business identity - Business identity, either by awnings, accent bands, paint or other applied color schemes, signage, parapet details, decorative roof details or materials should not be the dominant architectural feature of a building. Accent colors should be used judiciously.

D. Logical sign areas - New building design should anticipate signage locations. Building elevations should provide logical areas for signs and allow flexibility for new users as the building is re-used over time.

E. Integrate sign locations – sign locations should be integrated with the overall design of the site with significant landscape elements to enhance the appearance or the sign structure.

F. Multiple tenant signs – when more than one tenant shares a development site, signs should be integrated as one unit to create a shared identity for the property or be located and/or designed as a unified package so that signs do not visually compete with each other.

G. Safe location – signs should be carefully located for safety, not blocking the views of oncoming traffic at street intersections or driveways. Placement should also consider the safety of pedestrians and other modes of transportation, such as bicycles and maintain clear lines of site where conflicts may occur on and around a site.

H. Landscaping – signs should be placed so they will not be obstructed by landscaping when the growth reaches maturity. Sign locations should be considered as a part of the design of a site and landscaping used to enhance the appearance of the sign and aid in drawing attention to the sign.

I. Lighting – illumination of signs should be accomplished in a manner to minimize glare, intensity, light spillage and trespass to prevent distractions to drivers and impacts to adjacent streets and properties to the greatest extent possible. Sign design and lighting methods should respect and maintain consistency with the ambient light levels of the area.

J. Readability – signs should be located to promote ease of readability and serve their intended function. The scale of the sign should relate to the intended viewer; signs for pedestrians would therefore be of a smaller scale than signs for moving vehicles. Design simplicity is a key factor in good design and readability. Individual, dimensional letters are preferred and required in most locations. Exceptions may be granted if the design of the sign cannot be reasonably accomplished through typically accepted standards, as long as the intent of the overall regulations can be addressed.

K. Materials – Materials used in signs and their structures should be compatible with those used on the site and associated buildings and designed to be a unifying feature that is relevant to the overall site.

N. Color – on most signs, no more than three colors (excluding black and white) should be used. Any illustration or graphic incorporated into the sign should use complementary colors that are in harmony with the general architecture and color palette of the building. Light colored graphics on a dark background are preferred as this makes the signs more readable.

9-18-4: DEFINITIONS

The following words and terms as used in this Chapter shall be deemed to mean and be construed as follows, unless the context specifically indicates otherwise:

ABANDONED SIGN: Any sign remaining in place for a period of ninety (90) days or more which no longer advertises, identifies, promotes or draws attention to an activity, business, product, or service available on the premises on which the sign is located.

ADMINISTRATIVE DECISION: A decision made by the Director of Development Services.

ARCHITECTURAL DETAIL: Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

AWNING: flexible, non-structural coverings over a structural frame that projects from a building wall for the purpose of shielding a doorway or window.

BACKER PANEL: a background behind the graphics of a sign that is made from a solid opaque material on which the graphics may be attached and intended to hide a wireway or minimize the number of potential penetrations into the surface that the sign is being mounted onto.

BANNER: A temporary sign on a lightweight material which may be mounted between posts, on or in a ridged frame, secured to a structure or hung from a bracket or pole to allow movement caused by the atmosphere.

BILLBOARD: An off premises sign that identifies or communicates a message or information related to an activity conducted, a service rendered, or a commodity available at a location other than where the sign is located.

BILLBOARD EXTENSION: Any structure used as a continuation of a billboard sign face.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING FRONTAGE: That wall or side of a building which is adjacent and most nearly parallel to a street.

CANDELA: the standard unit of luminous intensity in the International System of Units.

CANOPY: A rigid, multifaced, permanent structural roof like element that project from a building wall for the purpose of shielding a doorway or window.

CHANGEABLE GRAPHIC: The visual display, which can be changed or altered through manual, mechanical or electrical means.

COMMERCIAL: Any activity or communication done on behalf of an entity, company or individual with the intent of engaging in commerce, where the activity has the intent of convincing the audience to partake in a particular action, often purchasing a specific product or service.

CONTOURED: used to describe the shaping of a background, raceway, or other material to closely outline the shapes of the graphics of a sign.

COPY: The graphical content of a sign surface in letter or alphabetical form.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DIRECTOR OF DEVELOPMENT SERVICES: The Director of Development Services Department or his/her designee in the City of West Des Moines, Iowa.

DYNAMIC ELEMENT: Any characteristic of a sign that has or appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign face or its components, whether the apparent movement or change is in the sign, the sign structure itself, or any other component of the sign. This definition includes a display that incorporates a technology or other method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This definition also includes any rotating, revolving, moving, flashing, blinking, or animated graphic or illumination, and any sign that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

EASEMENT: The portion of a property for which access or use is allowed by a person or agency other than the owner.

ERECT: To build, construct, attach, hang, place, suspend or affix. Shall also include the painting of wall graphics.

FAÇADE: The side of a building below the eaves.

FOOTCANDLE: The basic unit of illuminance used to determine the amount of light falling on a surface. One footcandle is equivalent to the illuminance produced on one square foot of surface area by a source of one candle at a distance of one foot. Footcandle measurement is taken with a hand held light meter.

FRONTAGE: See definition of Street Frontage.

GRADE, AVERAGE FINISHED: The average final elevation of the ground level surrounding a sign, wall, or building after development.

GRAPHIC: Any display, including copy, logos or images that are an announcement, declaration, demonstration, illustration or insignia used to advertise, promote, or draw attention to the interests of any person or firm when the same is placed in view of the general public.

GROUND SIGN: A sign supported by one or more uprights, posts or bases placed upon or affixed in the ground and not attached to any part of a building.

HANGING SIGN: ground sign where the sign is hung from a bracket or arm mounted on a single post

HEIGHT, SIGN: The vertical measurement from the average finished grade nearest the supporting base or columns of the sign to the highest point of said sign. No mounding of earth (except berms required otherwise by city code for buffering) may be permitted to achieve a greater sign height.

ILLUMINATION: A source of any artificial or reflected light, either directly from a source of light incorporated in or indirectly from an artificial source.

INDIRECT ILLUMINATION: A light source of external illumination, located away from the sign that lights the contents of the sign, but which itself is not visible to persons viewing the sign from any street, sidewalk or adjacent property. For the purposes of this chapter, indirect illumination shall also include halo lighting, reverse channel letters or similar reflected lighting used to illuminate a graphic.

LANDMARK: Any site, permanent structure, or natural feature, unaccompanied by a visual display, located in a conspicuous place to draw attention to or identify a particular locality and to act as a point of orientation when locating other structures.

LEGAL NONCONFORMING SIGN: Any sign which does not conform to the requirements of this Chapter, but which was lawfully erected in accordance with the ordinance in effect at the time it was erected.

LUMEN: A unit used to measure the actual amount of light that is produced by a bulb and quantifies the amount of light energy produced by a lamp at the lamp, as compared to wattage which is the energy input to light a lamp.

MARQUEE: A permanent roof like structure, other than a building canopy or roof that projects from the façade of the building and is typically used to highlight the entrance to the building. Marquees are often ornate and incorporate lighting and signage to attract attention and identify activities associated with the business, such as theaters, convention centers, concert halls or hotels.

MONUMENT SIGN: A ground sign anchored to the ground which has a monolithic or columnar line and which essentially maintains the same contour from grade to top.

MOVING SIGN: Any sign or part of a sign that changes physical position or light intensity by any movements or rotation or that gives the visual impression of such movement or rotation.

NONCOMMERICAL: Any activity or communication that does not have the intent of promoting or encouraging the viewer to engage in commerce, involve monetary compensation, or the purchase of a specific product or service.

OFF PREMISES SIGN: Any sign, for which the purpose is to advertise, identify and/or direct attention to a profession, business, service, activity, product, campaign, or attraction which is not carried on, sold, offered or manufactured in or upon the premises.

ON PREMISES SIGN: A sign that advertises, identifies and/or directs attention to a profession, business, service, activity, product, campaign or attraction which is carried on, sold, offered or manufactured in or upon the premises.

PANEL SIGN: A sign consisting of a frame covered by a translucent material which may be internally illuminated. The entire sign structure is one unit and the copy is not intended to include three-dimensional individual letters.

PENNANTS AND/OR STREAMERS: A long, narrow ribbon like flag or tapering flag used individually or attached to a rope or structure to allow movement caused by the atmosphere.

POLE SIGN: A freestanding ground sign that is permanently supported in a fixed location by one or more visible uprights that are narrow and less than the width of the sign and are more than 1/4 of the entire height of the sign and sign structure.

PORTABLE SIGN: A freestanding sign that is movable and self-supporting, and is not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

POST AND PANEL SIGN: A freestanding sign that is not portable, with a solid panel mounted to two or more supporting posts. These types of signs are typically used for temporary signs or specifically allowed in certain districts as permanent signs with design considerations.

PREMISES: The lot or lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether owned or leased, and not located in a shopping center or multi-use building.

PROJECTING SIGN: A sign attached to and projecting away from the wall of a building and not in the same plane as the wall.

RACEWAY: An enclosed conduit greater than three inches (3") in depth that forms a physical pathway for electrical wiring, transformers, and other non-visible sign components used to protect these elements from environment factors. Usually mounted between the sign graphics and the mounting surface.

RIGHT OF WAY: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, pedestrian way, public (and private) utilities and/or other public uses.

ROOF SIGN: A sign that is displayed upon or above a roof or parapet of a building and visible from adjacent roadways, properties or ground level.

SETBACK: The minimum horizontal distance between a sign and the property lines, street right of way, or right of way easements if abutting a public street, or the distance from the back of curb on a private street.

SIGN: Any visual display or graphics, visible from a street or in view of the general public and designed to identify, announce, direct, draw attention, promote or inform.

SIGN AREA: That area of a sign as determined by the Director of Development Services using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants.

SIGN WALKER: A person (or persons) holding, wearing, or waving "sales theme signs" with graphics or costumes at entrances to major highways, at corners of high traffic intersections, or on the premise of the commercial activity being promoted to actively attract attention and direct customers to the event. Also called sign twirlers, sign holders, human billboards, sign events. This definition is not intended to include logos and graphics that are incidentally worn or carried by individuals who are not "actively" attempting to attract attention to themselves or the message of the graphic.

STREET: For the purpose of sign regulations, a street shall be defined as any public roadway that is dedicated to the city or the state, and any private, non-city owned, streets which serve the same purpose as a public roadway. This definition does not include alleys, controlled access interstate highways, private drives and drive aisle in parking lots.

STREET FRONTAGE: That boundary of a lot or parcel abutting a street. Each side of a lot or parcel so abutting a street shall be considered as a separate frontage.

STRUCTURE: Anything built that requires a permanent or temporary location. This term includes a building.

TEMPORARY SIGN: A sign intended to be displayed for a transitory or temporary period. Portable signs, or any sign not permanently embedded in the ground or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

VARIANCE: A discretionary entitlement as determined by the Board of Adjustment which permits the departure from the strict application of the standards contained in this code.

VEHICLE SIGN: Any graphic placed, painted, attached to or displayed on a vehicle, including trailers, used to promote or advertise a company, business or service.

VISION TRIANGLE: That area bounded by the street right of way lines of a corner lot and a straight line joining points on said right of way lines located twenty five feet (25') from the point of intersection of said right of way lines. Greater dimensions may be required on streets with higher traffic volumes, based upon the standards of the Institute of Transportation Engineers or the Association of American State Highway Officials.

WALL SIGN: Any permanent sign or graphic attached to, erected against, or applied to the surface of the exterior wall of a building.

WARNING AND REGULATORY SIGNS: Traffic control or other governmental signs, legal notices, railroad crossing signs, danger and such temporary emergency or non-advertising signs.

WINDOW SIGN: A sign installed inside or on an individual glazed surface panel for purposes of viewing from outside the building. This term does not include merchandise located in a window. A window sign maybe temporary or permanent.

WIREWAY: An enclosed conduit less than three inches (3") in depth that forms a physical pathway for electrical wiring between sign components and the mounting surface to allow for a method for protected connections and a means to minimize the number of wall penetrations necessary. Used in conjunction with a backer panel to screen the visibility of the wireway from the viewer.

9-18-5: PERMITS

A. Permits Required. Unless specifically noted otherwise in this chapter, it shall be unlawful for any person to erect, alter or relocate within the city any sign without first obtaining a sign permit from the Department of Development Services and making payment of the permit fee. No sign shall be erected on a property without the authorization of the property owner or authorized agent.

B. Application for permit. Application for permits shall be made upon forms provided by the Director of Development Services. Additional information may be required to clarify the submittal including, but not limited to the following information:

1. Plans and Specifications: Drawings of the plans and specifications of the sign and method of construction and attachment to the building or in the ground.
2. Location Plan: Drawing showing the location of the sign or sign structure, setbacks, the distance from other signs and signs on adjacent properties, location of the sign on a building, and any other information needed to determine compliance with code provisions.

3. Calculations: Copy of stress sheets and calculations showing the sign is designed for dead load and wind pressure in any direction in accordance with building code regulations as adopted by the City of West Des Moines.
4. Other: Such other information as the Director of Development Services shall require to show full compliance with this and all other laws and ordinances of the city.

C. Application Review: It shall be the duty of the Director of Development Services upon the filing of an application for a permit, to examine such plans and specifications and other data and make a determination of compliance with the code within twenty (20) business days. The applicant shall be notified of any additional information or clarifications required, any modifications or suggestions to make the proposed sign compliant with the code, or if the permit is rejected with the reasons for the rejection.

D. Approval or denial. If the proposed sign is in compliance with all the requirements of this chapter, approved site plans, and all other requirements and laws of the city, the Director of Development Services shall issue a permit. If the permit is denied, the applicant may resubmit a modified proposal in response to the comments which shall initiate a new twenty (20) business day response time outline in paragraph C.

E. Expiration date. If the work authorized under an erection permit has not been completed within six (6) months after the date of issuance, the said permit shall become null and void and refund of the fee shall not be allowed.

F. Permit Fees. Every applicant, before being granted a permit hereunder, shall pay the permit fee, as determined by city council resolution, for each such sign. Failure to obtain a valid permit prior to the installation of a sign, may cause the fee to be doubled, require the removal of the sign, or any other enforcement remedies available to the city.

G. Revocation of permits. The Director of Development Services is hereby authorized and empowered to revoke any permits issued upon failure of the holder thereof to comply with any provisions of this Chapter or conditions of approval included with the issuance of said permit.

9-18-6: LICENSE FEE, BOND AND INSURANCE

A. Licenses Required and Fees:
1. Erector License: Any person engaging in the act of painting, erecting, maintaining, servicing, installing or removing signs, regardless of size or weight, must first apply to the city for a license. The fee for said license shall be in the amount determined by city council resolution payable every even numbered year. This license shall expire on December 31 of every odd numbered year.
2. Proration of Fees: Proration will be calculated on a semiannual basis for renewal.

B. License Exception: No license is required for the following:
1. A nonelectrical sign erected by an owner on their property which is exempt from the owner's insurance or certificate of liability.
2. Installation of a temporary ground sign not exceeding six (6) square feet in area.

C. Erectors Bond: Any person making application for an erector's license shall execute and file with the application a surety and performance bond in the amount determined by the city council resolution and duly executed by sureties.

D. Insurance: Any person making application for an erector's license shall furnish to the city a certificate of liability insurance with a municipality endorsement included, either as a single policy or as a rider to a blanket policy showing the city as additional insured in the amount of one hundred thousand dollars/three hundred thousand dollars ($100,000.00/$300,000.00) bodily injury and fifty thousand dollars ($50,000.00) property damage or a single limit liability of three hundred thousand dollars ($300,000.00). In addition, the

city shall receive at least thirty (30) days' prior written notice of any cancellation or change in any of the required insurance policy or policies under this provision.

Said certificate of insurance shall be so conditioned as to defend, indemnify, protect and save harmless the city and its employees from and against any and all liability, claims, losses of whatsoever kind or nature, arising out of or by reason of the erection, hanging, repair or maintenance of such sign or signs.

E. Revocation of Licenses: The Director of Development Services is hereby authorized and empowered to revoke any license issued by the city upon failure of the holder thereof to comply with any provisions of this Chapter.

9-18-7: INSPECTIONS:

A. It is the applicant's responsibility to insure that all materials, designs, workmanship and methods are done in such a manner so as to be in compliance with manufacturer's specifications and any federal, state, county and local regulations and codes.

B. All illuminated signs shall be subject to the provisions of the electrical code of the city and shall be approved and labeled by a nationally recognized testing lab and the permit fees required thereunder. If in the opinion of the city, there are extenuating circumstances that cause concern that the scope of work may require a greater level of understanding or expertise, some work may require a separate electrical permit and the work to done by a licensed electrical contractor.

C. All construction or work for which a permit is required may be subject to inspection by the Director of Development Services. All such construction or work including footings and foundations (structural and location), electrical connections, etc., shall be verified to be in compliance with code, or be made available for inspection upon request by the city. Neither the Director of Development Services nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

D. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other city ordinances. Inspections presuming to give authority to violate or cancel the provisions of this code or other city ordinances shall not be valid.

9-18-8: MAINTENANCE

The conditions of this Section are applicable to all signs in this Chapter.

A. All existing legal signs shall be kept in good repair and in proper state of preservation and working order. The display surfaces of all signs shall be kept neatly painted or posted at all times.

B. Obstruction to Doors, Windows or Fire Escapes: No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire extinguisher. No sign shall obstruct or interfere with any opening required for ventilation.

C. Interference with Utilities: Signs and their supporting structures shall not interfere with any equipment or lines for utilities including, but not limited to water, sewage, gas, electricity, or communications.

D. Surrounding area. All signs and the premises surrounding the sign shall be maintained by the sign owner thereof in a clean, sanitary condition, and free and clear of rubbish and weeds.

E. Failure to maintain a legally approved sign, sign structure, and area around the sign in good order may deem the sign unsafe or unlawful, and the city cause action against the owner of the sign, or the property owner where the sign is located in accordance with any enforcement actions available to the city.

9-18-9: LEGAL NONCONFORMING SIGNS:

A. It is the intent of this chapter to allow existing legal nonconforming signs to continue to be maintained and used until they are removed under the terms of this chapter, but not to encourage their survival.

B. Change and modification. A legal nonconforming sign or sign structure shall be brought into conformity with this ordinance if it is altered, reconstructed, replaced, expanded, or relocated. A mere change in copy, or the replacement of a sign face, is not an alteration or replacement for purposes of this subsection, but conditions may be placed on the approval to bring the sign closer to compliance with the intent of the provisions of this chapter.

C. Maintenance. Legal nonconforming signs must be maintained in good condition. Maintenance required by this subsection shall include replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state, and it is not a change or modification for purposes of Subsection 1.

D. Removal. Removal of a nonconforming sign or replacement of a nonconforming sign with a conforming sign is required when:

1. A legal nonconforming sign, or a substantial part of a legal nonconforming sign, is blown down, destroyed, or for any reason or by any means taken down. As used in this subsection, "substantial" means fifty (50) percent or more of the entire sign structure; or
2. The condition of the legal nonconforming sign or legal nonconforming sign structure has deteriorated without maintenance as required by this section; or the legal nonconforming sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event; and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds fifty (50) percent of the cost of reconstruction of the sign structure; or
3. The use of the legal nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of thirty (30) consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection.

E. De minimus differences. For purposes of this ordinance, a sign conforms to the size, height, and setback regulations of this ordinance if its size, height, and setback do not exceed the size, height, and setback regulations in this ordinance by more than one hundred and one percent (101%).

F. Sign permit application. For any new sign permit applications filed under this ordinance, the city may review all signs within the subject property for compliance with the current city code. Should it be determined that there are legal nonconforming signs on the premises, the city may require that any nonconforming sign displayed on the premise that would affect the compliance of the new sign with the current code be altered or removed before that new permits may be issued under the provisions of this ordinance.

G. Development permit. Any permit that authorizes the development of a premise, any building addition, an increase in gross floor area of twenty-five percent (25%) or more, or any exterior structural remodeling of a building facade on which a nonconforming sign is located shall require all nonconforming signs on the premise for which the [specify permit] is issued to be brought into conformity with the provisions of this ordinance.

H. Amortization period. Any legal nonconforming sign which violates or does not conform to this Chapter shall be brought into conformance by alteration or removal within the following time schedule:

1. Up to and including two hundred dollars ($200.00) within thirty (30) days.
2. Two hundred one dollars ($201.00) to nine hundred ninety nine dollars ($999.00) within one year.
3. One thousand dollars ($1,000.00) to one thousand nine hundred ninety nine dollars ($1,999.00) within two (2) years.
4. Two thousand dollars ($2,000.00) to two thousand nine hundred ninety nine dollars ($2,999.00) within three (3) years.

5. Three thousand dollars ($3,000.00) to three thousand nine hundred ninety nine dollars ($3,999.00) within four (4) years.
6. Four thousand dollars ($4,000.00) and over within five (5) years.

The determination of the time schedule according to the value shall rest with the Director of Development Services.

If the sign is not removed or altered in accordance with the provisions of this section, the Director of Development Services shall give notice of noncompliance to the owner of the building or land where such sign or advertising structure is located, and to the owner of the sign, if same can be determined, to remove or alter said sign or advertising structure within thirty (30) days to conform to the provisions of this chapter.

Within fifteen (15) days after receipt of said notice, the owner of the building or land on which said sign is located may present documentary proof to the City's Building Inspection Division that the value of the sign or advertising structure is of such value that it should fall within a longer time schedule for removal or alteration as required herein. If after presentation of documentary proof to the city of the value of the sign, the owner is dissatisfied with the determination as reconsidered by the Director of Development Services, the owner may proceed in district court of Polk County, Iowa, in law or in equity to determine the value of such.

If the owner fails to present documentary proof to the City's Building Division within the fifteen (15) day period prescribed herein, it shall be concluded that the value of the sign falls within the time schedule as determined.

9-18-10: COMMERCIAL AND NONCOMMERCIAL SIGNS AND MESSAGES

This chapter is primarily intended to address and regulate commercial messages and advertising, however it is recognized that noncommercial messages hold an equal, or greater obligation to allow and to protect free speech. Nonetheless, there is also a need to balance these rights with the need to maintain order and safety in the community. Commercial signs and messages are only permitted in the zones explicitly authorized elsewhere in this Chapter: therefore, the following regulations have been adopted to address noncommercial signs:

A. In all zoning districts, on-premises, temporary signs under six (6) square feet in sign area and less than four feet (4') in height, shall be allowed. No permit is required for these signs but they are limited to one sign, per street frontage, per parcel or tenant in the case of multiple tenant occupancy.

B. In any single family residential district (RE, RS, R-1, SF-CR, SF-VJ and MH) and any RM district that has been developed with single family detached residential units, each parcel or lot shall be allowed to display on premise noncommercial signs up to sixteen (16) square feet in size and no taller than five feet (5') high without obtaining a permit; however, the total aggregate amount of noncommercial signage allowed per street frontage under this section shall not exceed sixty four (64) square feet. The aggregate amount may be accomplished by any combination of individual noncommercial signs up to sixteen (16) square feet each, however no more than six (6) signs shall be allowed on any one street frontage. Any signs allowed under this section shall maintain a minimum separation of ten feet (10') from another sign on the same property.

C. In any nonresidential district (OS, RC, CMC, NC, CVC, SC, VJC, VJHB, WR, BP, VJLI, LI, GI, OF, and PCP) and in the RH and any RM district that has not been developed with single family detached residential units, each parcel or lot shall be allowed to display on premises noncommercial signs up to thirty two (32) square feet in size and no taller than five feet (5') high without a permit. The total aggregate amount of noncommercial signage allowed per street frontage under this section shall not exceed one hundred (100) square feet. The one hundred (100) square feet may be a combination of any number of individual noncommercial signs up to thirty two (32) square feet each, however no more than eight (8) signs shall be allowed on any one street frontage. An additional thirty two (32) square feet of signage, and an additional two (2) signs, shall be allowed for each additional one hundred (100) feet of street frontage over five hundred feet (500') on any one street frontage. Any signs allowed under this section shall maintain a minimum separation of ten feet (10') from another sign on the same property.

D. Any noncommercial sign that exceeds the provisions listed above, may be allowed in accordance with the provisions for temporary signs listed elsewhere within this Chapter. Any sign authorized to be displayed by this ordinance may contain a noncommercial graphic or message.

9-18-11: EXEMPTED SIGNS

The following signs are exempted from the regulations in this Chapter:

A. Any sign required by the International Fire Code or the International Building Code.

B. Warning and regulatory signs approved by the Director of Development Services.

9-18-12: PROHIBITED SIGNS

Regulations Are Exclusionary: These regulations are intended to be exclusionary. Any type of sign not specifically listed in this chapter is prohibited. In addition, the following signs are specifically prohibited:

A. Animated signs.

B. Off-premise signs, except billboards as provided by this Chapter.

C. Spinners, balloons, pennants and streamers, except as permitted elsewhere in this chapter.

D. Flashing or moving lights.

E. Structurally or otherwise unsafe or dilapidated signs.

F. Pole signs, except where allowed through specific district regulations.

G. Portable signs, including signs on wheels, trailers, and truck beds, except as permitted elsewhere in this Chapter.

H. Roof signs visible from adjacent roadways, properties or ground level.

I. Signs with dynamic elements or movement, except as permitted elsewhere in this chapter.

J. Signs containing obscenity or pornography.

K. Vehicle signs: No vehicle, including trailers, shall be parked in such a way that it functions primarily as a sign. It shall be a violation if such vehicle is conspicuously parked in a prominent location for more than three (3) hours and there are no other stated or apparent reasons, other than signage purposes.

L. Abandoned signs.

M. Unlawful signs.

N. Signwalkers, sign spinners, sign holders, human billboards, or similar human advertisements.

O. Signs that obstruct vision, are in the vision triangle on private property or erected at or near the intersection of any streets or near a private access to a street in such a manner as to obstruct free and clear vision.

P. Signs at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device

Q. Signs which makes use of the words "STOP", "LOOK", "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse the motoring public.

R. Signs on city property not installed by agents of the city, except as permitted elsewhere within this chapter.

9-18-13: AREAS OF SPECIAL CHARACTER

A. This ordinance cannot adequately regulate all signs in an area as diverse as the City of West Des Moines. The City Council after public notice and hearing, may by ordinance designate a contiguous area as an Area of Special Character, if it contains unique architectural, historic, scenic, or visual features that require special regulations so that signs will enhance its character. Areas of Special Character may include, but are not limited to:
   1. Architecturally significant, history and scenic areas
   2. Planned Unit Developments
   3. Specific Plans areas
   4. Development Overlay Districts

B. Zoning map. The Director of Development Services shall maintain and continually revise a zoning map of the city which shall identify the boundaries of all designated areas of Special Character.

C. Special Regulations. The City shall adopt special regulations for signs in Areas of Special Character which shall be consistent with the character of existing development and/or the proposed development within the Area of Special Character.

D. Effect of special regulations. Special regulations for Areas of Special Character shall supersede and may be either more or less restrictive than the regulations for signs contained in this ordinance. Any regulations for Areas of Special Character shall respect the intent of this chapter as it would apply to the specific properties regulated within the designated area.

9-18-14: ILLUMINATION

The intent of sign illumination is to provide a method for viewing the message during periods when it is dark or weather conditions may reduce visibility, but not create glare, light spillage or trespass with a large illuminated area or excessive brightness. Unless otherwise specified herein, a sign may be illuminated with a number of methods depending upon the type of sign and the district in which the sign is located.

To the greatest extent possible, signs shall be designed to minimize the illumination of excess unused areas of a sign and to reduce the amount of light glow. Unless noted otherwise, direct or unprotected light sources used to illuminate a sign shall neither be visible from any street, nor cause glare, hazardous light trespass or distraction to pedestrians, drivers, or adjacent properties.

A. General sign illumination standards:
   1. All illuminated signs are subject to the provisions of the electrical code as adopted by the City of West Des Moines.
   2. A balance should occur between the ambient light levels of the area, project or development and the illumination of a sign. The lighting design of a sign must take into account background lighting levels, lighting from other sources and the characteristics of the surrounding area. If the area has relatively low night lighting levels, like in or adjacent to residential properties, sign illumination should be reduced or designed to lessen the impact and light trespass. In no event shall any illuminated sign exceed a maximum illumination of 5,000 candelas per square meter during daylight hours and a maximum illumination of 500 candelas per square meter between dusk to dawn as measured from the sign's face at maximum brightness.
   3. All sign illumination shall be static in color and intensity, unless noted otherwise within this chapter. Blinking, rotating, cycling, flashing, moving, hanging, or reflecting lights are prohibited.
   4. Signs in residential areas, or which face residential dwellings within 300 feet of the light source, shall be designed to comply with one, or a combination of the following illumination options:
      a. First consider if the sign needs to be lighted at all. Lights in the window display may be sufficient to identify the business, which is particularly true if good window graphics are used or the patrons are primarily pedestrians. There may also be businesses that have

hours of operation that are primarily daytime hours or have limited patron traffic that could be adequately served with window graphics or other non-illuminated signage.

b. Use external illumination that is down cast, or uses full cut off or fully shielded fixtures that are designed and aimed so the light falls entirely upon the sign and are positioned so the light source is not visible from any point off the property or from roadways to reduce glare.

c. Illuminate the sign with halo lighting or comparable indirect lighting method.

d. Any sign surface so situated shall not exceed a maximum of two (2) footcandles as measured at ground level.

B. Hours of Operation: Internally illuminated signs on non-residential properties may be illuminated from 5:00 am until 11:00 pm, or one hour past the close of business of the facility being identified or advertised, whichever is later. Signs shall provide an automatic timer to comply with the intent of this section.

C. Illumination methods

1. External illumination, is where the light source that illuminates the sign content is remote or separate from the sign and aimed at the face of the sign, i.e. spot lights, gooseneck lighting, or similar. External illuminated signs are subject to the following regulations:

   a. The source of the light must be concealed by translucent covers or positioned in such a manner that they are not visible to the general public and glare is minimized.

   b. External illumination shall be a stationary light source, shielded and directed solely at the sign.

2. Internal illumination, is when the sign or sign structure, includes light sources that are contained within the sign or structure to produce light through or around the graphics of the sign. The following descriptions define the types of internal illumination and sign design that will be used to identify what signs are acceptable in what areas of the city:

   a. *Reverse channel letters*: also known as halo lighting, channel letter with opaque face and side walls where the individual graphic has an opaque face and a light source inside of the sign that projects the illumination back onto the surface behind the sign with softer, indirect light. The light source is shielded from view by returns on the sign. This type of would comply with sections that limit lighting to indirect lighting.

   b. *Individual face lit channel letters*: three-dimensional letters illuminated from behind or containing a light source, with translucent face that conveys light forward. These types of signs may be in combination with halo lighting.

   c. *Opaque face with push through sign* - lettering or graphic image is cut through the sign face and backing material and mounted or inlaid so the sign looks as if the lettering or image had been pushed through, up, and out of the sign face and the lettering is translucent to allow lighting the imagery from behind.

   d. *Contoured panel sign* - three dimensional graphic where the edges are fabricated to closely follow and form an outline of the letter, word or graphic. This type of sign may be a viable option for script lettering and complex logos where more preferred options would not be possible because of the graphic being presented. Where this option is determined to be an acceptable alternative, the image shall be designed to minimize the illumination of the background so that only the copy or graphic are illuminated.

   e. *Panel sign/cabinet sign/box sign* - A sign consisting of a frame covered by a translucent material where the entire sign structure is one unit with a common internal lighting source and the graphics are not intended to include three-dimensional individual images. This type of sign is prohibited in most districts in the city except as gasoline canopy signage. In situations in which they are allowed, the image shall be designed to minimize the illumination of the background so that only the copy or graphic are illuminated.

   f. *Exposed neon sign* - sign fashioned from continuous hollow tubing filled with gases that glow when an electrical current is passed through the tubing, where the tubing is visible to the viewer. The tubing is bent in the shape of letters or images and are only allowed to

convey an architectural theme, period signage, or a unique sign design that is only possible with the use of exposed neon.

g. *Exposed LED sign* - Illumination through the use of exposed LEDs is allowed only as specified for electronic changeable graphic. All signs using LEDs must have installed ambient light monitors and must at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions. At no time shall the sign be operated at a brightness level greater than allowed by this code.
    1) Time and temperature signs – where allowed, shall be limited to a maximum of twelve (12) square feet of sign area and shall be counted toward the allowable sign area established for the method of display (wall or ground) for the property. The sign shall be a static display that changes no more frequently than once every eight (8) seconds.
    2) Digital readerboards – electronic, changeable message displays of static graphics for which the change sequence is determined by computer software or similar means and the image change may be accomplished by means of fade, dissolve or scrolling the message. These types of signs are prohibited.
    3) Video display boards – a programmable, electronic graphic display that has the capacity for signage that features changeable text, illustrations or animation, using computer software or other technology to automate the messages. These types of signs are prohibited.

h. *Architectural lighting* – there is a variety of lighting options that are sometimes used to accent the architecture features of a building and can be creatively used in attractive and effective ways, but there are also lighted architectural elements that can be used to draw attention to the uses and be considered signage, even without words or graphics. As part of the Planning Division architectural review of a building, these lighting features may be allowed as part of the architectural theme of a building or tenant space. Architectural lighting must be identified on the site plan building plans. Any such lighting, (not intended to include seasonal holiday lighting displays), that is not approved as a part of the architecture of a project during the site plan review, shall be considered signage and be included in the wall signage calculations. The following are examples of architectural lighting that should be presented and reviewed as part of the architecture of the building:
    1) Neon, LED banding, illuminated accent bands, or similar application
    2) Festoon lighting or similar draped or outline lighting
    3) Backlit facades or similar translucent lighted building faces (this is not intended to include normal interior room lighting seen through windows)
    4) Accent lighting and projected images
    5) Specialty lighting, such as illuminated site or building features or changing colors.

TABLE 9-18-1

Districts	Illumination methods & /Sign design options							
	External	Internal illumination source						
		Reverse channel/halo	Channel letters	Push Through	Contoured Panel	Panel or cabinet	Exposed neon	Exposed LED
OS, RE, RS, R-1, SF-CR, SF-VJ, MH	●	●	X	X	X	X	X	X
RM, RH	●	●	X	X	X	X	X	X
RC, CMC, SC, WR	●	●	●	●	○	X	○	○
PCP, BP	●	●	●	●	○	X	X	○
NC, CVC, VJC, OF	●	●	●	●	○	X	○	X
VJHB	●	○	X	X	X	X	○	X
LI, GI, VJLI	●	●	●	●	○	○	○	X
Institutional Uses	●	●	○	○	X	X	X	X
Areas of Special Character	○	○	○	○	○	○	○	○

● Allowed in this district ○ Allowed with design considerations X Prohibited

9-18-15: GROUND SIGNS

A. Ground signs are defined as any permanent sign that is installed on posts or other supports that are placed on, or anchored into the ground and is independent and detached from any building or other structure. Also called freestanding signs.

B. The intent of a ground sign is primarily to provide on-premises information to the general public, typically away from the building, near a street, thoroughfare or entrance to the site. They are generally placed in a location and manner necessary to identify the name of the development, subdivision or identify the users within the site, or to provide information needed to navigate and locate a business or uses within the site.

C. Billboards are ground signs that are an exception as they are <u>off-premises signs</u> that are intended to identify or communicate a commercial or non-commercial message related to activity or events conducted, services rendered, or a commodity sold at a location other than where the sign is located.

D. Specific criteria for various ground signs:

1. *Access Identification and Directional Signs*: Signs intended to provide instruction and/or information to the motoring public to move them into and around a site. These signs do not include logos or business identification, and are limited to generic information for the viewer's needs, such as: enter, exit, main entrance, employee parking, deliveries, drive thru, etc.
    a. Maximum dimensions for these signs, including the support structure, is four feet (4') high and two feet (2') wide.
    b. A minimum ten foot (10') setback from the public right-of-way line shall be required and a minimum twenty foot (20') setback from the back of curb for any private street or drive. Consideration should be given to the placement of these signs so as to not obstruct visibility and create potential safety hazards.
    c. There is no restriction as to the number of these signs allowed per site, but a layout plan and design need to be submitted to the city for review and approval. The city retains the

authority to determine the appropriateness and need for the signs with the intent of preventing visual clutter.

d. No permit required for these signs.
e. Raised copy or lettering shall not be required for this sign type.
f. Illumination shall be allowed as outlined in Table 9-18-1.

2. *Ground Directory Signs*: Pedestrian scale ground signs located near a building entrance intended to identify and provide information on the tenants within the building.
   a. Limited to one ground directory sign per building entrance located within fifty feet (50') of the building entrance.
   b. No lettering on a directory sign shall be larger than four inches (4") high
   c. No permit is required if the sign is setback more than one hundred feet (100') from a street frontage or the face of the sign is not visible from the public street. If setback one hundred feet (100') or less and/or the ground sign face is visible from the street, a sign permit will be required and it will be considered one of the allowed monument or landscape signs for the property.
   d. Maximum size for a ground directory sign shall be twenty (20) square feet.
   e. Raised copy or lettering shall not be required for this sign type.
   f. Illumination shall be allowed as outlined in Table 9-18-1. As these signs are intended to be viewed at a closer distance, the lighting should be minimized as much as practical.

3. *Interstate Signs*: Elevated ground sign allowed on private properties adjacent to the interstate to be viewed by and directed towards the motoring public on the interstate. These signs are intended to identify on-premises businesses or services. May also be referred to as freeway or highway signs.
   a. Where Allowed: Any non-residential use with a minimum of 300' of interstate frontage is eligible to have an interstate sign. Each parcel shall be limited to one interstate sign, unless the parcel has more than 900 feet of interstate frontage, in which case a second interstate sign may be allowed provided that there is a minimum 500 foot separation between the two ground signs. No business or tenant shall be identified on more than one interstate sign within a parcel.
   b. Height Allowed: The maximum height of the interstate sign structure as measured to highest element shall be thirty feet (30'). In those situations in which it can be proven through an engineer's survey that the elevation at the base of the intended interstate sign structure at the closest edge of interstate pavement is lower than the roadway surface of the interstate, the height of the sign structure may be increased to achieve a maximum height of thirty feet (30') above the height of the adjacent interstate pavement elevation. In no case shall the highest element of interstate sign structure exceed sixty feet (60') in height.
   c. Setbacks: Interstate signs shall be setback a minimum of ten feet (10') from the interstate right of way but no greater than one hundred feet (100') parallel and adjacent to the interstate frontage. Interstate signs shall also be set back a minimum of one hundred feet (100') from the property line of any adjacent parcels.
   d. Sign Area Allowed: The total sign area shall be measured based upon the actual square footage of a square or rectangle that encloses the copy, logos, and graphics of one sign face. Double sided signs may be permitted with the maximum square footage permitted on each side. The maximum sign area for a single tenant sign shall be one hundred (100) square feet. If the interstate sign is to have two or more tenants, the sign area may be increased to a maximum of two hundred (200) square feet.
   e. Structure Design: The interstate sign structure shall be monolithic in design which maintains essentially the same dimension from grade to top. However, up to one-third ($^1/_3$) of the upper base area may be open to decrease the visual mass and surface area affected by wind loads while maintaining structural integrity. In no situation shall the base of the structure appear as a single post as that would be considered a pole sign which is prohibited. The interstate sign structure shall be constructed with similar building

materials and colors used on the principal building on the parcel where the structure is located. The maximum width of an interstate sign structure shall be twelve feet (12').

f. Sign Design: All interstate signs shall be composed of individual dimensional letters (channel letters, reverse channel letters or solid letters), routered face or designed in a similar manner such that only the text, copy or graphic content of the sign is illuminated and the background is opaque. Panel and box signs with letters painted or adhered to the face of the sign shall be prohibited, except as follows as determined by the Director of Development Services:
    1) A panel sign is the only reasonable type of signage that will preserve the integrity of a known and identifiable corporate logo or trademark, and
    2) The panel sign is installed so that the box of the sign is hidden and the panel face is mounted flush with the surface of the interstate monument sign structure.

4. *Landscape Signs*: Signs that are incorporated into a landscape feature such as a retaining wall, decorative fence, fountain, etc. and allowed in lieu of a monument sign. The intent of this section is to encourage creative designs and unique entry features and to establish a method to allow for the incorporation of signage in these features that would not normally comply with regulations for monument signs. It is not the intent to allow for a larger monument sign surrounded with a limited number of landscape plantings to qualify as a landscape sign. A landscape sign requires a more significant site enhancement of which the sign is integrated into the overall landscape feature or theme.
    a. In lieu of a monument sign.
    b. A minimum one hundred and fifty feet (150) of lot frontage on a street is required.
    c. Number allowed: One landscape sign is allowed per street frontage that has the minimum frontage requirement. A sign may be reallocated from a qualifying frontage to a frontage that is less than the minimum required, or elsewhere on the property, but no additional sign would be allowed on the qualifying frontage. There must be a minimum separation of one hundred fifty feet (150') from another landscape or monument sign on the same parcel.
    d. Height Allowed: The maximum height of any structure associated with a landscape sign is eight feet (8') as measured to highest element of the structure.
    e. Setbacks: A minimum setback of ten feet (10') from a public right of way line and twenty feet (20') from the back of curb of a private street or drive shall be required. Consideration should be given to the placement of the sign and landscape features so as to not obstruct visibility and create potential safety hazards.
    f. Sign Area Allowed: The total sign area shall be measured based upon the actual square footage of one square or rectangle that encloses the copy, logos, and graphics of one sign face. The maximum sign area allowed at the minimum setback shall be forty-five (45) square feet. Signs with two equal sized sign faces that are back to back, or have an interior angle of less than 45 degrees between the sign faces, shall be allowed and only one face shall be counted towards the total sign area. Signs where the interior angle between two equal sized sign faces is greater than 45 degrees, each sign face shall be counted independent of the other to calculate the total sign area.
    g. For non-residential uses, an additional fifteen (15) square feet of sign area shall be allowed if an additional setback of ten feet (10') or greater is provided.
    h. A building with a minimum of 900,000 square feet of gross floor area (GFA) is allowed a maximum of one hundred and fifty (150) square feet of sign area for a landscape sign. Said sign must be setback a minimum of twenty feet (20') from the public right-of way line and thirty feet (30') from the back of curb of a private street or drive.
    i. Structure Design: Since the design of these signs requires that it be incorporated into the landscape features of the site, it would be difficult to define specific criteria without limiting creative options. The structure needs to be designed to create visual interest and be integrated into, or at a minimum, complement the surroundings, incorporating architectural elements and unique design elements consistent with the materials and

colors of site and building elements of the site. A plan of the proposal needs to be submitted to the city for review and, if the feature has not been previously approved as a part of a site plan review, an amendment to the approved site plan may be required if the change is determined to be a significant departure from the approve plan.

j. Sign Design: A three-dimensional appearance of the copy, graphics, or design elements is required and may be achieved by individual dimension letters or graphics, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the city.

k. Sign illumination shall be allowed as outlined in Table 9-18-1.

l. Special District Regulations:

1) Residential Subdivision Signs: A landscape sign may be allowed in lieu of a monument sign at each entrance into a defined residential development or subdivision, however, an easement shall be recorded for the sign and acceptable documentation as determined by the city that outlines the responsibility and strategy for the long term maintenance of the sign and removal, or repair at such time that the sign is no longer desired or being maintained appropriately. Illumination shall be allowed as outlined in Table 9-18-1.

5. *Monument Signs*: A permanent sign structure, typically located near the street and directed at the motoring public to identify businesses, complexes, centers, and tenants within the property on which the sign is located.

a. A minimum one hundred and fifty foot (150') lot frontage on a street is required to qualify for a monument sign.

b. Number allowed: One monument sign is allowed per street frontage that has the minimum frontage requirement. A sign may be reallocated from a qualifying frontage to a frontage that is less than the minimum required, or elsewhere on the property, but no additional sign would be allowed on the qualifying frontage.

c. Signs must maintain a minimum separation of one hundred fifty feet (150') from another monument sign on the same parcel and fifty feet (50') from a sign on an adjacent property.

d. Height Allowed: The maximum height of a monument sign at the minimum setback, including the structure, is five feet (5') as measured to highest element of the structure. Additional height may be allowed with additional setback as outlined below.

e. Setbacks: A minimum setback of ten feet (10') from a public right of way line or twenty feet (20') from the back of curb of a private street or drive shall be required, unless noted otherwise in this section. Consideration should be given to the placement of the sign and landscape features so as to not obstruct visibility and create potential safety hazards.

f. Sign Area Allowed: The sign area for a monument sign shall be the area of one rectangle or square that encloses the extreme edges of the entire structure of said sign of one sign face. The maximum size for a monument sign at the minimum setback is thirty five (35) square feet, unless noted otherwise within this section. Signs with two equal sized sign faces that are back to back, or have an interior angle of less than 45 degrees between the sign faces, shall be allowed and only one face shall be counted towards the total sign area. Signs where the interior angle between two equal sized sign faces is greater than 45 degrees, each sign face shall be counted independent of the other to calculate the total sign area.

g. For non-residential uses, the sign area may be increased up to maximum of sixty four (64) square feet and the height of the structure may be increased to a maximum of seven feet (7') with an additional ten feet (10') of setback provided in all required setbacks.

h. Structure Design: The intent of this section is to have regulations that require that a monument sign be designed to create visual interest and be unified with the architecture, colors and materials that are relevant to the overall site. Monument signs need to be more than just a box with tenant names placed on a slab in the ground; they need to be an attractive feature, incorporating architectural elements on the sides, bottom and top to

frame the sign area. These elements are to help provide unification with the architectural theme of the site.

Monument signs shall be designed to include a solid base at least twelve inches (12") high, along with columns, pilasters, cornices, or similar details to provide design interest. The design of the structure needs to be consistent with the materials and colors of site and building elements of the site. The signage portion of a monument sign may be elevated above the base on exposed posts but the height of the exposed posts shall not be greater twelve inches (12"), or one quarter (¼) of the total height of the structure and sign, whichever is more restrictive.

i. Sign Design: A three-dimensional appearance of the copy, graphics, or design elements is desired and may be achieved by individual dimension letters or graphics, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the city. Panel and box signs with letters or graphics painted or adhered to the face of the sign shall be prohibited.

j. Sign illumination shall be allowed as outlined in Table 9-18-1.

k. Special District Regulations:

1) Residential Subdivision Signs: A monument sign may be allowed in lieu of a landscape sign at each entrance into a defined residential development or subdivision, however, an easement shall be recorded for the sign and acceptable documentation as determined by the city that outlines the responsibility and strategy for the long term maintenance of the sign and removal, or repair at such time that the sign is no longer desired or being maintained appropriately. Illumination shall be allowed as outlined in Table 9-18-1.

2) Valley Junction Historic Business District (VJHB) – due to the small lots and minimal building setbacks in the district, any lot within the VJHB District with a minimum frontage on a public street of fifty feet (50') may qualify for a ground/monument sign.

i. A minimum setback of five feet (5') from the public right of-way shall be required. The maximum square footage of the sign and structure shall not exceed twenty (20) square feet.

ii. Post and panel signs may be allowed as a monument sign if the maximum height of any exposed post, or similar support structure, is not greater than one quarter (¼) of the total height of the sign. All other requirements for a monument sign shall be met for these types of signs.

iii. Hanging signs on a single post shall be allowed as a monument sign with the maximum post height of seven feet (7'). Sign shall be setback a minimum of five feet (5') from the public right-of-way. The maximum sign area of a hanging sign shall be ten (10) square feet.

iv. All signs in the Valley Junction Historic Business District should be designed to reflect the unique character and eclectic nature of the district.

6. *Project Directory Sign*: A permanent, diagramed representation of the complex located near the entrance of a multiple building complex which shows the location and address of the building or unit designations within the complex. This sign is intended to help emergency service and visitors with a visual map of the complex to determine how to get to a particular building or unit most efficiently. These signs are is not intended to be additional signs or graphics to promote, advertise or identify the complex for motorist on a roadway.

a. May be required at the discretion of the City's Fire Marshal.

b. No sign permit is required.

c. Maximum sign area shall be thirty five (35) square feet.

d. Maximum height shall be eight (8) feet above grade.

e. Post and panel sign design shall be allowed but the height of the exposed post shall not be more than three (3) feet, or one quarter (¼) of the total height of the sign, whichever is more restrictive.
f. A three-dimensional appearance of the copy, graphics, or design elements is not required for this sign type.

7. *Billboards* - An off premises sign, that identifies or communicates commercial or noncommercial messages related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
   a. General Provisions: No billboard shall be permitted within one hundred feet (100') of any dwelling unit, public park or property line of public or parochial school site, church site, hospital site, cemetery, similar institution or zoning district not permitting billboards or off premises signs. Furthermore, no billboard sign shall be permitted to face and be located within three hundred feet (300') of a residential zoned district or use.
   b. Any off-premise signs along an interstate and primary highway must provide documentation that the sign has been approved by the Iowa Department of Transportation (IDOT) prior to review by the city.
   c. Billboards which conform to the provisions of this section shall be permitted in the following zoning districts:
      1) General industrial district (GI)
      2) Agricultural/open space district (OS)
   d. No billboard shall be established closer than one hundred feet (100') from a public right-of-way or one hundred and twenty feet (120') from the back of curb of a private street.
   e. The following size and height standards shall apply to all billboards regardless of zoning district:

	Maximum size	Maximum Height	Extensions
Single billboard	350 square feet	35 feet	One sign extension shall be allowed per sign at no more than 10 feet outside the area of the sign and no more than 100 additional square feet in size
Double billboard*	675 square feet	35 feet	

* A double billboard is two sign faces mounted on the same structure and shall only be allowed on parcels of 10 acres or more.

   f. Structure design - a minimum distance of ten feet (10') between ground level at the base of the supporting uprights and the bottom of the sign face shall be provided.
   g. Spacing Of Billboard Signs:
      1) On federal and state highways, federal and state regulations for spacing and setbacks shall apply; provided, however, if the regulations of this chapter are found more restrictive, the more restrictive requirement shall apply.
      2) No billboard shall be established within three hundred feet (300') of any other billboard sign facing the same direction.
   h. Electronic Changeable graphics on Billboards shall be prohibited.
   i. A three-dimensional appearance of the copy, graphics, or design elements is not required for this sign type.
   j. For any new billboard structure, or any structural alteration of an existing billboard, a building permit shall be required prior to the commencement of work.
   k. Interior illumination shall be prohibited. External illumination shall be allowed but must be designed to minimize light spillage on to adjacent properties and roadways.

TABLE 9-18-2

Districts	Freestanding Sign Design And Illumination Methods								
	Sign Design							Illumination	
	Access ID and Directory Signs	Ground Directory Signs	Interstate Signs	Landscape Signs *	Monument Signs*	Project Directory Signs	Billboards	External or Indirect	Internal
OS	X	X	X	○	○	X	●	●	○
RE, RS, R-1, SF-CR, SF-VJ,	X	X	X	○	○	X	X	●	X
MH	○	X	X	●	○	○	X	●	X
RM (SF)	●	X	X	●	○	X	X	●	X
RM	○	X	X	●	○	X	X	●	X
RH	○	X	X	●	●	●	X	●	X
PCP, BP	●	●	●	●	●	○	X	●	●
RC, CMC, SC, WR	●	●	●	●	●	○	X	●	●
NC, CVC, VJC, OF	●	●	X	○	○	X	X	●	●
VJHB	○	○	X	○	○	X	X	●	X
LI, VJLI	●	●	X			X	X	●	●
GI	●	●	○	○	●	○	●	●	●
Institutional Uses	○	X	○	○	○	X	X	○	○
PUD PUD or Specific Plan(1)	○	○	○	○	○	○	X	○	○

(1) Specific regulations are identified in the applicable PUD or Specific Plan. If nothing is noted in the language of the PUD or Specific Plan, the regulations of the underlying zoning for any parcel shall apply.

* Landscape and monument signs are allowed as an either/or sign option and must meet specific design criteria to be allowed in any of the noted districts

● Allowed in this district ○ Allowed with design considerations or as needed X Prohibited

9-18-16: WALL SIGNS:

A. Wall signs are defined as any permanent sign attached to, erected against, or applied to the surface of the exterior wall of a building. The intent of a wall sign is to provide identification for the occupants of a building so that motoring traffic can locate the user or business they seek to find. There are also pedestrian scale wall signs that are designed to communication information to foot traffic, or close up viewing, and not design to attract the attention of a viewer traveling in a motor vehicle or seeing the information from a greater distance. It is the intent of these regulations to facilitate these intents by establishing design criteria that will guide the design of signage to provide opportunities for creative design options while minimizing sign clutter, excessive illumination, and possible annoyances to the general public.

B. Specific criteria for various wall signs:

1. *Awning Signs, Building Canopy Signs And Marquee Signs*:

Awning Signs: signs attached to or adhered to an awning (awnings are flexible, non-structural coverings over a structural frame that projects from a building wall for the purpose of shielding a doorway or window).

Building Canopy Signs: signs that are attached to, or constructed into a building canopy (building canopies are permanent, rigid, structural, roof like elements that project from a building wall for the purpose of shielding a doorway or window).

Marquee Signs: Any sign attached to or supported by a marquee structure (a marquee is a permanent roof like structure, other than a building canopy or roof, that projects from the façade of the building and is typically used to highlight the entrance to the building. Marquees often ornate and incorporate lighting and signage to attract attention and identify activities associated with the business, such as theaters, convention centers, concert halls or hotels.)

Under Awning Sign: Is a sign which is attached to the structural support frame and hangs below an awning, canopy, or marquee and is designed to provide business identification information for pedestrians walking through or under these overhead structures.

a. Awnings, canopies or marquees without lettering or other advertising are not regulated as signage, unless back lit (see below), but may require review for compliance with the approved architecture of the building and/or a building permit.
b. Shall maintain a minimum clearance of eight feet (8') about the grade below.
c. Sign copy will count towards the allowable wall signage for the tenant/building.
d. Sign copy may be placed on the top of a building canopy or marquee, provided that the top of the sign is still below the principle roof line of the building.
e. No awning, canopy or marquee shall located closer than five feet (5') to a public right-of-way line or easement, with the exception of the VJHB District (see below)
f. Exterior illumination, such as gooseneck down lighting, or interior lighting which only illuminates the copy of the sign, shall be allowed. If an awning, canopy or marquee is back lit, the entire awning, canopy, or marquee will be considered signage.
g. No awning, building canopy or marquee shall be mounted on a building wall so that it extends above the parapet or roof line of a single story building, or the bottom of the second story windows.
h. Due to the minimal setback of the buildings, in the VJHB district, awnings may be allowed over the public right-of-way, but a hold harmless agreement, indemnification of the city, and proof of insurance must be provided in accordance with Section 7-1-1: Use of Public Ways Restricted.
i. Under Awning Signs are limited to one per tenant frontage with a maximum sign area of three (3) square feet. A minimum clearance of eight feet (8') between the bottom of the sign and the grade below shall be maintained.

2. *Projecting Sign* (also called a Blade Sign): A double-sided sign with two faces that is generally mounted perpendicular to the building wall by way of brackets or hanging supports. This type of sign does not include awning, canopy, or marquee signs.
    a. One projecting sign, per building frontage, per tenant is allowed.
    b. A minimum fifty feet (50') of separation shall be provided from any other projecting sign.
    c. Shall not be less than eight feet (8') from the bottom of the sign to the grade below. If the sign is erected over a driveway or street, it shall not be less than fifteen feet (15') from the bottom of the sign to grade below.
    d. No sign shall extend away from the building wall greater than five feet (5') as measured to the furthest edge; however, no projecting sign shall be closer than five feet (5') to a public right-of-way line or easement, with the exception of the VJHB District as prescribed below.
    e. The dimension between the principal sign faces of a projecting/blade sign, shall not exceed twelve inches (12").
    f. One square foot of sign area for each linear foot of building or tenant frontage may be used for a projecting sign, up to a maximum of 20 square feet. Only one face of a projecting sign shall be counted towards the allowed wall signage of a building or tenant frontage.
    g. No projecting sign shall be located so as to extend above the parapet or roof line of a single story building, or the top of the second story windows.
    h. Projecting sign shall be designed to adhere to structural and load capacities of the West Des Moines area and of the building that it is attached. Structural and load calculations may be required prior to sign approval.
    i. May be externally or internally illuminated. If internally illuminated, all projecting signs shall be designed in such a manner that only the text, copy or graphic of the sign is illuminated and the background is opaque. This may be accomplished with individual channel letters, halo lit letters, routered face with push through letters, or comparable design acceptable to the city.
    j. Complex shapes are encouraged for projecting signs rather than simple rectangle, square and circle shapes.
    k. Due to the minimal setback of the buildings, in the VJHB district, projecting signs may be allowed over the public right-of-way, but a hold harmless agreement, indemnification of the city, and proof of insurance must be provided in accordance with Section 7-1-1: Use of Public Ways Restricted: however, renewal and provision of proof of insurance annually is not required.

3. *Flat Wall Signs*: Any permanent sign attached to, erected against, or adhered onto the exterior surface of the wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall.
    1. All flat wall signs shall have a three-dimensional appearance with a minimum dimensional depth of three quarters of an inch (3/4") for the copy, graphics, or design elements. The dimensional depth may be achieved by individual dimension letters or graphics, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the city.
    2. Raceways shall be prohibited, except in situations where the architecture of a building would prevent any other alternative as determined by the city. In such situations, the visibility of the raceway shall be minimized through one or more of the following options:
        1) Contoured raceway as a design element of the sign proposal; or
        2) Concealed behind a backer panel or similar architectural feature.
        3) When no other option exists, the raceway shall be minimized in size and painted to blend in with the building it is mounted onto.

In an effort to accommodate desires to minimize wall penetrations for signage, an acceptable alternative is the installation of a wireway. The wireway shall have a maximum depth of three inches (3") and be located behind a contoured backer panel upon which individual channel letters can be mounted. The backer panel must screen the wireway from visibility and become a design element of the entire sign. If the backer panel is a contracting color from the wall behind, the backer panel will be included in the sign area calculation.

3. If internally illuminated, all flat wall signs shall be designed in such a manner that only the text, copy or graphic content of the sign is illuminated, and the background is opaque. This may be accomplished with individual channel letters, halo lit letters, routered face with push through letters, or comparable design acceptable to the city.
4. Where allowed elsewhere in this code, panel sign shall be contoured around the copy of the sign with an opaque background.

4. *Other Wall Signs:*
   a. Building Directory Sign: A sign internal to a site and not intended to attract people off a street, but intended to provide information on the tenants within the building to the public once they are within the site.
      1) No lettering shall be larger than four inches (4") high
      2) No permit is required if the sign is setback more than one hundred feet (100') from a street or the sign face is not visible from the street. If 100' or less and the sign face is visible from the street, a sign permit will be require and the sign area will be counted towards the allowable wall signage for the building.
      3) Maximum size is thirty-two (32) square feet.
      4) Limited to one sign per building entrance.
   b. Icon Sign: is a unique, three-dimensional object or sign that describes a business's product or services. As a three dimensional sign, these signs will be treated as a projecting sign and must comply with those requirements. The square footage of an icon sign will be measured by the smallest rectangle that outlines the entire sign on the largest dimension of the sign.
   c. Freestanding Structure Sign: Any sign that that is not attached to a building, but rather is attached to a canopy, or similar open-air, overhead structure, such as a gasoline canopy, or a freestanding structure, such as a kiosk, or ATM.
      1) If the freestanding structure is associated with a principal use in a building on the same site, any signage on the structure shall be counted towards the wall sign area earned by the building or tenant frontage of the principal use.
      2) A maximum of one sign per structure face shall be allowed with a maximum of fourteen (14) square feet.
      3) If the freestanding structure is the principal use (no principal use in an associated building), the maximum amount of signage per structure face shall be no greater than five percent (5%) of the structure face, or fourteen (14) square feet, whichever is more restrictive.
      4) No sign shall extend about the parapet or roof line of the canopy or structure.
      5) A panel sign is allowed as a freestanding structure sign, but shall be designed in such a manner that only the text, copy or graphic content of the sign is illuminated and the background of the sign face is opaque.
   d. Incidental Wall Signs: These are signs on a building that display general site information, dates of construction, instructions, directives, or restrictions that are primarily oriented to pedestrians or motor vehicles operators who have entered the property from the public street. These signs are not intended to contain a commercial message or advertising.
      1) Maximum of six (6) square foot per sign.
      2) No permit required.

e. Murals: An image, picture or representation painted on or adhered to the exterior surface of a building that is intended to serve as an artistic and/or historic function, and is not related by language, logo or graphic to the advertisement of any product, service or identification of any business. It is designed and intended to serve as public art, to enhance public spaces, but is not necessarily publicly owned.

1) Any graphic that includes a commercial message would be considered a wall sign and must comply with wall sign regulations. The city shall make this determination and notify the applicant of that finding.
2) If the city determines that the graphic would qualify as a mural, then the applicant shall be directed to submit a Minor Modification proposal to the Planning Division for a façade change on private property, or to the West Des Moines Arts Advisory Commission for review and recommendation if on public property.

f. Window Signs: Any graphic installed, adhered to, or painted upon an individual glazed surface panel or placed inside within ten feet (10') of the glazed surface for the purposes being viewed from outside of the glazed surface. This term does not include merchandise located in a window and holiday displays.

1) Permanent window signs, which are graphics that are expected to remain in place for more than 30 days and are not easily changed, such as window vinyl, shall be allowed for non-residential uses. Said graphics shall not exceed twenty-five percent (25%) of the window area of that façade of the building. Up to one hundred percent (100%) of the window area may be covered for the purpose of privacy or sunscreen, but only a maximum of twenty-five percent (25%) may include a graphic with the balance of the background being a solid neutral color.
2) Temporary window signs, which are graphics that are short term and intended to be in place less than 30 days, such as posters, temporary painted signs, etc. shall be allowed for non-residential uses on an additional fifteen percent (15%) of the window area of that façade of the building.
3) For permanent window signs, if the amount exceeds the allowed twenty-five percent (25%), the entire sign shall be counted as wall signage and regulated as such.
4) No permit is required for window signs but, proof may need to be provided to the city of the calculations to show compliance upon request.

g. Special District Regulations:

1) Residential Wall Signs: Wall signs are not allowed in single family residential districts, however, there is the potential for a need for wall signage in a multifamily residential development. A multifamily project shall be allowed one wall sign per street frontage, including frontage on an interstate, at a rate of one (1) square foot per linear foot of building frontage facing the street up to a maximum of sixty four (64) square feet.

   Illumination of the sign shall be allowed with external or indirect lighting as shown in Table 9-18-2. Signs shall be allowed to be illuminated from 5:00 am until 11:00 pm and shall provide an automatic timer to comply with the intent of this section.

TABLE 9-18-3

Districts	Wall Mounted Sign Design & Illumination Methods							
	External	Internal illumination source						
		Reverse channel/halo	Channel letters	Push Through	Contoured Panel	Panel or cabinet	Exposed neon	Exposed LED
OS, RE, RS, R-1, SF-CR, SF-VJ, MH	●	●	X	X	X	X	X	X
RM, RH	●	●	X	X	X	X	X	X
RC, CMC, SC, WR	●	●	●	●	○	X	○	○
PCP, BP	●	●	●	●	○	X	X	○
NC, CVC, VJC, OF	●	●	●	●	○	X	X	X
VJHB	●	○	X	X	X	X	○	X
LI, GI, VJLI	●	●	●	●	○	○	X	X
Institutional Uses	●	●	○	○	X	X	X	X
PUD or Specific Plan(1)	○	○	○	○	○	○	○	○

(1) Specific regulations are identified in the applicable PUD or Specific Plan. If nothing is noted in the language of **the PUD or Specific Plan, the regulations of the underlying zoning for any parcel shall apply.**

● Allowed in this district ○ Allowed with design considerations or for specific types of signs

X Prohibited

C. *Sign Area Formula For Wall Signs*:

1. The area of a wall sign is determined by the city using actual dimensions, where practical, or approximate dimensions when irregularity of a sign shape warrants. The area of each sign is to be measured by adding the sum of the area of two (2) contiguous rectangles or squares that enclose the extreme points or edges of all copy, logos, and graphics of said sign.
2. Sign Area Allowed:
   a. One square foot of sign area is earned for every linear foot of building, or tenant, frontage facing a street when said building is setback a distance of two hundred fifty feet (250') or less from the right-of-way line or back of curb of a private street.
   b. One and one-half ($1^1/_2$) square feet of sign area is earned per linear foot of building, or tenant, frontage facing a street when said building is setback a distance of two hundred fifty one feet (251') to five hundred feet (500').
   c. Two (2) square feet of sign area is earned per linear foot of building, or tenant, frontage facing a street when said building is setback greater than five hundred feet (500').
   d. If the front of a building faces away from the street frontage, or there is an intervening building between the applicant building and the street, that wall area for the front of the building would earn signage at a rate of one-half ($^1/_2$) square foot of sign area per linear footage of said wall, unless the building has no other building frontage facing a public street. In these situations, the building or tenant would earn one square foot of sign area for every linear foot of building, or tenant, frontage for the wall that contains the primary entrance into the building or tenant space.
   e. For multiple story buildings, those tenants located on the second or higher floors, shall earn signage at a ratio of one-half ($^1/_2$) square footage per linear footage of the exterior wall of their leasable area facing a street.
   f. At no time shall more than two (2) walls be used to compute allowable signage.

3. There is no limit on the number of signs allowed on a building, unless restricted elsewhere within this code, however the total amount of sign area earned, based upon the formulas above, shall not be exceeded. Additionally, the total amount of sign area that may be placed on any one wall shall not exceed what that wall would earn at a one (1) square foot per linear foot of frontage.
4. Maximum Size of Letters, Graphics, and Logos: No letter, graphic or logo dimension greater than six feet (6') shall be allowed, except in those situations in which a use occupies in excess of one hundred thousand (100,000) square feet of building area. In these instances, individual letters, graphics or logos may be up to, but shall not exceed eight feet (8') in height.

9-18-17: SPECIAL SIGNS

A. *Changeable Graphics Sign*: These are permanent signs which have graphic content that can be changed or altered through manual, mechanical or electrical means.
   1. Where allowed, changeable graphics signs shall be counted as part of the wall or ground signage allowed elsewhere in this chapter.
   2. The changeable graphics area shall be no more than one-third (1/3) of the total allowable sign area of the sign, up to a maximum of twenty (20) square feet.
   3. Manually changeable graphics is characterized by the letters or graphics being placed in a holder on the sign face either individually, with slide in panels with the message, or as a complete sign panel face that gets changed manually. This type of changeable graphic may be included as a part of any allowed sign.
   4. Electronically changeable graphics and video displays, shall be prohibited, except for time and temperature signs.
      a. Time and temperature signs – where allowed, shall be limited to a maximum of twelve (12) square feet of sign area and shall be counted toward the allowed sign area established for the method of display (wall or ground) for the property. The sign shall be a static display that changes no more frequently than one every eight (8) seconds.

B. *Institutional Signs*: Since an institutional use, such as a government, church or school, can be allowed in any zoning district under certain conditions, standards need to be adopted that define what signage will be allowed in the event that the use is placed in a district that may not allow a particular sign. To the greatest extent possible, signage for an institutional use should blend in with the underlying zoning district standards. Should the use be located in a district that has less stringent standards that those listed in this section, the more lenient standards may be utilized.
   1. Zones Allowed: Institutional signs shall be allowed in all zones in accordance with the following:
      a. <u>Ground Signs</u>:
         1) Monument/Landscape Signs: A freestanding monument/landscape sign shall be allowed for any parcel with a minimum of one hundred twenty five feet (125') of street frontage. The Director of Development Services may grant an exception of the minimum frontage requirement if the site has no frontage that would comply with the minimum and they determine that identification of the institutional use by other available sign options may not clearly identify the use to the motoring public. One sign shall be allowed per vehicle entrance. A minimum separation of one hundred twenty five foot (125') between signs along the same street frontage shall be provided. The standards established in the table below shall be the minimums allowed. If the institutional use is located in a zoning district that would allow greater signage, the monument/landscape signs may be allowed in accordance with the applicable zoning district.
         2) Bulletin Board Signs: A bulletin board sign may be an independent ground sign, combined with a monument/landscape sign, or may be attached to the building as a wall sign. As the information for a bulletin board sign is considered temporary and changes over time, the method of providing changeable graphics shall comply with all city regulations regarding changeable graphic/reader board signs.

i. Freestanding Bulletin Board Sign: One freestanding bulletin board sign shall be allowed per street frontage in addition to any allowed monument/landscape sign. Separation requirements for monument/landscape signs shall not apply to bulletin board signs. If a freestanding bulletin board is allowed in addition to a monument sign, the use of any other temporary signs, such as banners, bandit signs, etc., shall be prohibited on the site. The intent of the bulletin board sign is to establish a permanent location for the display of temporary signage for activities, events and announcements for the use.

ii. Combination Monument/Landscape Sign And Bulletin Board Sign: In the event that the bulletin board sign is combined with a monument/landscape sign, the additional sign area provided under this code for the bulletin board may not be utilized to increase the sign area allowed for the identification of the institutional use, i.e., the combined sign is allowed to be sixty four (64) square feet total, fifty (50) square feet of a combined sign for identification of the institutional use and fourteen (14) square feet for the changeable graphics for the bulletin board. The area dedicated to the permanent identification of the institutional use shall not exceed the total allowed for a monument/landscape sign under this code.

iii. Wall Mounted Bulletin Board Sign: The square feet allowed for the bulletin board sign shall be in addition to allowed building/wall signage.

3) Access Identification and Directional Signs: these signs shall comply with sign code provisions for access identification and directional signs.

b. Building Signage: Institutional uses shall be allowed one square foot of building (wall) signage per linear foot of building frontage facing a street. In the event that an institutional use is located on a parcel with no public street frontage, the frontage of the building with the primary entrance shall be used to determine the maximum allowed square footage of signs. In no case shall more than two (2) building frontages be allowed to be counted toward allowed signage. The maximum letter height shall be six feet (6') high.

c. Site Plan Approval: Landmark, statue, mural, or religious symbol may be allowed but shall be presented to the city council for approval as part of a site plan.

d. Illumination: Signs may be illuminated a manner allowed based upon the zoning district the use is located (see Table 9-18-1), however consideration shall be given to sign design and type of illumination to keep in character with the surrounding neighborhood.

e. Standards: The following standards shall apply to institutional signs:

TABLE 9-18-4

Type Of Sign	Permit/ Approval[1]	Maximum Sign Area	Area Formula	Maximum Sign Height	Sign Setback	Other Requirements
Bulletin board - freestanding or building sign	S	32 sq. ft.	B	5 ft.	10 ft.	See "signs not needing a permit"
Combination monument/landscape and bulletin board	S	64 sq. ft.	B	10 ft.	20 ft.	See "bulletin board signs"
Directional	A	8 sq. ft.	B	4 ft.	10 ft.	
Landmark, statue, mural, or religious symbol	C	-	-	-	-	Must be approved as part of a site plan
Landscape	S	30 sq. ft.	A	7 ft.	10 ft.	In lieu of monument sign
Monument	S	35 sq. ft.	B	5 ft.	10 ft.	In lieu of landscape sign

Note: Sign permit (S), administrative review (A), city council approval (C).

C. *Lots without Street Frontage.*

1. A buildable lot without lot frontage on a private or public street is allowed one off premises sign per entrance to the street.
2. The sign may be must be located within fifteen feet (15') of the roadway and the private easement that provides access to the lot.
3. Setback shall be a minimum of ten feet (10') from the public street right-of-way or back of curb of a private street.
4. The maximum dimensions for a sign under this section is four foot (4') tall and two feet (2') in width.
5. Illumination of the sign shall be allowed in accordance with the zoning district in which the sign is located.
6. If more than one sign is allowed under this section, the signs must be located at least fifty feet (50') away from another sign allowed by this section.
7. The provision of written consent of the owner of the property upon which the sign is located is required.
8. Only allowed in all zoning districts that have not been developed with single family detached residential units.

D. *Signs on Public Property.*

1. It shall be unlawful for any person or entity to place, affix, or erect any "sign", defined in this chapter, on any property owned by the city or on any easement granted to the city, except in accordance with the provisions herein. Any sign that overhangs, protrudes over, or has been posted on any structure on property owned by the city or easement granted to the city shall also be considered unlawful, except as otherwise provided herein.
2. Due to the minimal building setbacks of the buildings in the Valley Junction Historic Business District (VJHB), the following exceptions shall apply:

a. For any permanent sign or structure that projects over the public right-of-way from the building, a hold harmless agreement, indemnification of the city, and proof of insurance must be provide in accordance with Section 7-1-1: Use of Public Ways Restricted.

b. Temporary movable signs on public sidewalks. Any proprietor of an establishment in the VJHB District, may use a portion of the public sidewalk that is immediately adjacent to and that lies in between the side property lines, as extended to the curb, for the purpose of displaying one (1) temporary movable sign for said establishment, with the following restrictions:

1) The portion of the public sidewalk that may be used by the proprietor of such establishment for the display of such signs is the area of the public sidewalk that extends from the storefront of the establishment to the adjacent street curb and between the side property lines of the building in which the establishment is located, as such side property lines are extended to the adjacent street curb.
2) All such temporary signs must in all events maintain at least a two-foot (2') setback from the outside edge of said sign to the inside edge of the street curb.
3) In order to allow for the free passage of pedestrian traffic on the public sidewalk, a minimum of five feet (5') of unobstructed public sidewalk must be provided at all times between such storefront and the edge of the sign closest to the storefront, or between the edge of the sign closest to the street and the inside edge of the street curb. However, the city may, in granting a permit under this subsection, require more than five feet (5') of unobstructed public sidewalk clearance if, in the reasonable determination of the city, such additional clearance is necessary in the interest of public safety, health, or welfare, in light of the peculiar circumstances involved with the physical characteristics of the public sidewalk area in question.
4) No such temporary movable sign shall be attached in any manner to the public sidewalk, or to any public fixtures within the right-of-way, such as light poles, traffic signs, tables, chairs, or other fixtures, or on top of any temporary elevations such as fill material or snowbanks.
5) No such temporary sign shall exceed two and one-half feet (2½') in width and three and one-half feet (3½') in height as measured to the outer frame measurements and height measured from the natural grade of the sidewalk surface adjacent to such establishment.
6) No more than one such sign may be placed in front of any single store-front.
7) All such signs must be well-maintained and kept in good repair.
8) By the closing time of such establishment each day, such sign shall be moved inside the building adjacent to which the sign is displayed, restoring the public sidewalk to its normal condition as a pedestrian walkway.
9) Before the proprietor of any an establishment may lawfully place any temporary sign on the public sidewalk, the proprietor shall file an application for a Sign Encroachment Permit with the city clerk, on a form furnished by the city, and shall pay a non-refundable annual permit fee in such amount as shall be determined by resolution of the city council. The application and an accompanying diagram or site plan shall show:
    i. The dimensions, including the length and width, of the public sidewalk that is adjacent to said establishment, as described in this subsection;
    ii. The five foot (5') area of unobstructed public sidewalk which is to be reserved for pedestrian use;
    iii. The two foot (2') setback from the outside edge of said sign to the inside edge of the street curb;
    iv. The approximate location where the sign shall be positioned;

v. The size of said sign to its outer dimensions;

vi. Written consent to the filing of said application from the owner of the building in which such establishment is located, if the applicant is not the owner of the building;

vii. Proof of insurance and compliance with the indemnification requirements set forth in subparagraph 15 of this subsection; and,

viii. Other information and documentation as the city may require in order to demonstrate that the proprietor complies with the requirements of this subsection.

The city clerk shall forward a copy of the application, to the Development Review Team (DRT) for evaluation of compliance with the requirements of this subsection, and compliance with the interest of public safety, health, or welfare. The development review team may approve, approve with conditions, deny the application or refer to the City Council for further direction. The applicant my appeal any denial to the Municipal Code Hearing Officer.

10) Any permit issued under this subsection shall be issued for the applicable calendar year, and may be renewed upon the filing of an application by the proprietor for renewal of the permit before its expiration, and by payment of the required annual fee. The application for renewal shall state whether or not any of the contents of the original application are being revised, failing which, the contents of the application for renewal shall be deemed to be the same as contained in the original application.

11) In the event that ownership of the establishment holding the permit is sold, conveyed or transferred to another person or entity, the permit shall not thereby be transferred, and the new owner shall be required to file a new and separate application for such a permit, as provided in this subsection.

12) The city reserves the right to limit the number of permits issued under this subsection if necessary to maintain adequate pedestrian flow, to permit adequate access to building entrances, to safeguard pedestrian and traffic safety, to preserve the aesthetic quality of the surrounding area, or for any other valid public purpose. The city reserves the right to either deny an application which otherwise meets the requirements of this subsection, or to require the proprietor to meet additional terms and conditions for issuance of a permit beyond the requirements set forth in this subsection if, in the reasonable determination of the city, either granting the permit, or granting it without such additional terms and conditions, would not adequately protect and preserve the rights, privileges, and property of the city or its residents, or would not adequately protect or preserve the peace, safety, health, welfare, comfort or convenience of the city's residents.

13) The city may order the immediate removal of any such temporary sign in the event such sign is causing a hazard to public safety, health or welfare, is interfering with the unobstructed passage of pedestrians, is unsightly in appearance, is interfering with the removal of ice and snow from the public sidewalks, or for any other reason affecting public safety, health or welfare.

14) A permit issued under this subsection shall be revoked by the city if the proprietor holding the permit does any of the following:

i. Fails to move the sign inside the building by closing time of the establishment as required in this subsection;

ii. Fails to pay the fee for issuance or renewal of the permit;

iii. Fails to operate in strict compliance with all of the provisions of this subsection, of all other city ordinances, and of state law;

iv. Creates or allows to exist a safety hazard in connection with the placement of the sign; or,

v. Fails to maintain insurance coverage as require.

15) Upon the occurrence of any of the events described, the city clerk shall give the proprietor of such establishment written notice of revocation of the permit, and the permit holder shall thereupon immediately cease to place the sign on the public sidewalk adjacent to the proprietor's establishment. The permit holder may appeal the revocation of the permit by written notice of appeal mailed or delivered to the city clerk within ten (10) days of the date of notice of revocation. An appeal of a revocation shall be heard by the Municipal Code Hearing Officer.

16) The city shall retain the right to terminate any permit granted under this subsection upon seven (7) days' written notice, and may require the removal of all tables, chairs, benches and other street furniture from the public sidewalk adjacent to an establishment, if the city council, after due consideration, determines that there is a reasonable and substantial need for the use of the public right-of-way being occupied by such tables, chairs and/or benches, for a valid public purpose. The determination of the city council shall be final, and there shall be no right of appeal from such decision.

17) A permit for a temporary movable sign shall not be issued under this subsection unless the applicant, at the time of filing an application for issuance or renewal of a permit, furnishes proof of insurance and indemnification of the city that meets the following requirements:

i. Commercial general liability insurance coverage in the amount of $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate for bodily injury and property damage, with the city to be named as an additional insured on the policy, with an endorsement to be issued as part of the insurance policy, evidencing compliance with this requirement; and

ii. An indemnification agreement on a form furnished by the city, under which the proprietor agrees to indemnify and hold the city harmless from any liability for damages arising out of the placement of the temporary movable sign in the public right-of-way.

E. *Temporary Signs.* Temporary signs are signs that are erected for a limited duration and not to be continued after the expiration of the allowed time period. The intent of this section is to prescribe the conditions in which temporary commercial signs, or attention attracting devises, may be allowed for a limited duration in addition to any permanent permitted signs. All temporary signs allowed under this section must be located on-premises of the activity, product, service or event that is the subject of the sign.

1. In all zoning districts, temporary, on-premises, commercial signs under six (6) square feet in sign area and less than four feet (4') in height, are allowed with no permit required. No more than one (1) temporary commercial sign per street frontage per parcel, or tenant in the case of multiple tenant occupancy, shall be allowed unless otherwise allowed within this chapter. The use of more than one (1) commercial sign per street frontage requires the approval of a sign permit and will be regulated under the provisions provided for short term temporary signs. In a situation where there is temporary activity on a site, such as a contractor doing work on a home or lawn care, a temporary sign would be allowed on the property only at those times there is someone on site actively working. Signs under this provision would be expected to be removed upon completion of the work and in instances in which there are three (3) or more consecutive days in which no work is being performed on-site.

2. Short Term Temporary signs: A sign permit shall be required for on premise temporary commercial sign which is larger than six (6) square feet in size, or when the aggregate total of the

signs per street frontage for a single business exceeds six (6) square feet. Short term temporary signs include all freestanding or ground mounted banners, temporary flags, aerial signs and balloon tether over a site, inflatable signs and attention attracting devices, such as searchlights. Temporary post and panel signs may also be allowed under the provisions of a short term temporary sign permit.

a. These signs are allowed on private property in any non-residential district, and in the Residential High Density (RH) district and any Residential Medium Density (RM) district that has not been developed as detached single family residential units.
b. At the minimum setback, the maximum height for any short term temporary sign shall be ten (10) feet above grade.
c. Shall be setback a minimum of ten (10) feet from a public street right-of-way and/or twenty (20) feet from the back of the curb for a private street or drive. The setback shall be increased equal to the height of the proposed sign for any sign exceeding ten (10) feet. Aerial signs are and exception and are limited to one per site and shall be tethered in such a way that the sign remains wholly located on or above the site for which the permit is issued. Signs taller than ten (10) feet may be allowed with additional setback above the minimum required equal to the height of the proposed temporary sign.
d. All signs shall be securely anchored in such a way to comply with the wind pressure and dead load regulations outlined within the Building Code as adopted by the City of West Des Moines.
e. The maximum duration of each sign permit per property or tenant, in the case of a multi-tenant building, shall be four (4) consecutive days or any portion thereof. Permits may be issued for consecutive events but shall not exceed four (4) events in a calendar year, and a maximum of sixteen (16) days per year.
f. The maximum size for any individual sign shall not exceed sixty four (64) square feet and the aggregate total of the combination of signs allowed under any one short term temporary sign permit allowed under this section shall not exceed one hundred (100) square feet.
g. Prohibited elements. No illumination, amplified sound, animation, dynamic elements, or attachments, including but not limited to balloons, ribbons, streamers, pennants or speakers, shall be allowed.

3. Long Term Temporary signs: A permit is required for any temporary sign over six (6) square feet in size that is proposed to be installed for longer than the maximum sixteen (16) days allowed under short term temporary sign regulations. Long term temporary signs are on premise commercial signs constructed of a hard material, such as plywood or similar rigid material, or soft material (e.g. banner) if the sign is mounted onto a hard surface, such as the wall of a building.

a. These signs are allowed in any nonresidential district, Residential High Density (RH) district, and any Residential Medium Density (RM) district which has not been developed with detached single family residential units.
b. The maximum height shall not exceed ten (10) feet in height.
c. Signs must be setback a minimum of ten (10) feet from a public street right-of-way and twenty (20) feet from the back of the curb of a private street or drive. Building mounted temporary signage shall not be allowed above the roof or parapet of the building.
d. All signs shall be securely anchored in such a way to comply with the wind pressure and dead load regulations outlined within the Building Code as adopted by the City of West Des Moines.
e. The maximum duration of each sign permit for a long term temporary sign per property or tenant, in the case of a multi-tenant building, shall be forty-five (45) consecutive days or any portion thereof. Permits may be issued for consecutive events, but shall not exceed two (2) events or a maximum of ninety (90) days in a calendar year.
f. A maximum of one thirty two (32) square foot sign per street frontage shall be allowed per property or tenant, in the case of a multi-tenant building. An additional thirty two (32) square foot sign shall be allowed for each additional one hundred (100) feet of any one street frontage over five hundred feet (500'). Signs allowed under this section shall

have a minimum separation of ten (10) feet from another sign, temporary or permanent, on the same property.

g. Prohibited elements. No illumination, amplified sound, animation, dynamic elements, or attachments, including but not limited to balloons, ribbons, streamers, pennants or speakers, shall be allowed.

4. Sites with Active Development. Sites with active development are construction projects in which construction activities are visible to the general public and for which there has been a site plan, permitted conditional use permit, plat or similar development entitlement approved by the city. At such time that a building permit has been issued, a temporary sign(s) shall be allowed in all zones and are subject to the following size, number and location restrictions:

   a. One temporary ground sign per property frontage of a street (including interstate highways) shall be allowed
   b. Signs shall no exceed ten feet (10') in height and a maximum sign graphic area of sixty four (64) square feet.
   c. Illumination of these signs shall be prohibited.
   d. A ten foot (10') setback from the property line of the development shall be required.
   e. Post and panel signs shall be allowed
   f. 3-dimensional lettering is not required.
   g. Sign Removal:
   h. For individual project sites, signs shall be removed within seven (7) days after issuance of a certificate of occupancy, completion of the final inspection by the city or upon the expiration of the building permit for the project.
   i. For development sites with multiple individual or unrelated construction/development projects, signs permitted under this section shall be allowed to remain in place on the site until all tenant spaces have been occupied initially or all individual parcels within the development have been built upon.
   j. Sign(s) shall be separated by a minimum of one hundred fifty feet (150').

9-18-18: ENFORCEMENT

A. Abandoned Signs. Any sign or part of a sign remaining in place for a period of ninety (90) days or more after it is no longer an on-premise sign shall be considered abandoned. An abandoned sign shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which such sign may be found within thirty (30) days after written notification from the Director of Development Services. Upon failure to comply within the time specified in such order, the Director of Development Services is hereby authorized to cause removal of such sign, and any expense thereto shall be paid by the owner of the building or structure upon which the sign is located or attached.

B. Unsafe Signs: If the Director of Development Services finds that any sign regulated herein is unsafe, unsecured, and/or deemed a potential hazard to the public, the Director of Development Services shall promptly give written notice by mail or personal service to the entity to which the sign applies or to the owner of premises or building upon which the sign is located. If measures are not taken to remove or alter the sign so as to comply with the standards herein set forth within twenty four (24) hours after such notice, the Director of Development Services, at the expense of the permittee or owner of the property upon which it is located may initiate removal or alteration of the sign. However, if the owner of the sign has promptly ordered the necessary parts to repair the sign and has not received them or has promptly ordered the repair work done by an authorized erector and the erector has failed to respond within the twenty four (24) hour period, then a further extension of time may be granted by the Director of Development Services upon a verified statement that such delay is not the result of any act of the permittee or owner of the premises.

C. Unlawful Signs. If the Director of Development Services finds that any sign regulated herein has been maintained, constructed, or erected in violation of the provisions of this Chapter, they shall promptly give written notice by mail or personal service to the owner of the premises upon which the sign is located to remedy the violation. If the permittee or owner fails to remove or alter the structure so as to comply with

the standards herein set forth within twenty four (24) hours after such notice, the Director of Development Services, at the expense of the permittee or owner of the property upon which it is located may initiate removal or alteration of the sign. The Director of Development Services may refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed provided such authority is confined to the premises where the violation occurred.

D. Signs on City Property. Any sign unlawfully placed on any property owned by the city or any easement granted to the city shall be forfeited and subject to confiscation. The Director of Development Services shall issue a written warning for a first violation of this section. For any and all subsequent violations of this section, the Director of Development Services shall be authorized to issue written citations. The fine for subsequent violations shall be fifty dollars ($50.00).

Citations may be issued to any person, or entity identified on the unlawful sign or property owner upon which the sign is located. There is a prima facie presumption that any person, property, or entity identified on the sign is responsible for the placement of the sign. Because the unlawful signs shall be removed from property owned by the city or easement granted to the city, the Director of Development Services shall document or photograph the sign at its location prior to its removal. Written citations may be personally served or sent via regular mail to the responsible person, entity or property owner. If notice of the citation is sent via regular mail, a copy of the citation may also be posted on a conspicuous place on property owned or leased by the responsible person or entity, where possible.

Payment of the fine resulting from a written citation for a violation shall be made to the city clerk's office within thirty (30) calendar days of the date issued. A person, entity or property owner wishing to contest the written citation shall appear in person or by authorized representative in the city clerk's office or do so in writing on a form provided by the city clerk's office within thirty (30) calendar days of the date which the citation was issued Failure to pay or to timely contest the written citation under the provisions of this section shall render the charges contained therein admitted.

E. General Maintenance: The Director of Development Services, after ten (10) days' notice to the sign owner, may order the removal of any sign that is not maintained in accordance with the provisions of this Chapter. All costs associated with the removal of a sign may be assessed against the property or building upon which the sign is located. However, if the owner of the sign has promptly ordered the necessary parts to repair the sign and has not received them or has promptly ordered the repair work done by an authorized erector and the erector has failed to respond within the twenty four (24) hour period, then a further extension of time may be granted by the Director of Development Services upon a verified statement that such delay is not the result of any act of the permittee or owner of the premises.

9-18-19: APPEAL PROCEDURE:

A. Appeal Procedure: The individual or entity affected by any decision, interpretation, or order made by the Director of Development Services regarding the enforcement of this chapter may appeal to the Board of Adjustment within ten (10) days from the date of the decision by filing with the City Clerk a notice of appeal specifying the grounds for the appeal and tendering the filing fee of one hundred dollars ($200.00). The city clerk shall forthwith transmit to the board of adjustment all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from except for unsafe signs which present an immediate and serious danger to the public and the provisions elsewhere provided for in this chapter shall be applicable.

B. Public Hearing: The board of adjustment shall, upon the filing of an appeal, fix a reasonable time for a hearing on same, giving public notice thereof as well as due notice to the parties in interest. All interested persons may offer oral or written testimony at the public hearing on the appeal and every variation and exception granted or denied by the board of adjustment shall be written testimony or evidence submitted in connection therewith. A vote of three (3) members of the board of adjustment may affirm, modify or reverse the order, requirement, decision or determination of the Director of Development Services.

C. Appeal To District Court: Any person or any officer, department, board or bureau of the city jointly or severally aggrieved by any decision of the board of adjustment on matters subject to this chapter may within thirty (30) days from date of the filing of the decision by the board of adjustment, appeal therefrom to the district court of Polk County in accordance with the rules of civil procedure.

9-18-20: VARIANCES:

A. Variance Procedure: A variance may be granted from the terms of this code as will not be contrary to the public interest when owning to special conditions a literal enforcement of the provisions of this code would result in unnecessary and undue hardship. Such variance shall be filed with The Director of Development Services with written documentation specifying the believed grounds for the variance and a filing fee as determined by the city council resolution. In order to grant any variance from the terms of this code the following must be found:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings similarly sited.
2. That special conditions and circumstances do not result from the actions of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings or structures similarly sited.
4. That a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties similarly sited under the terms of this code and would work unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That the granting of the variance will be in harmony with the general intent and purpose of this code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

B. Conditions and Safeguards: In granting any variance the following may be prescribed:

1. Appropriate conditions and safeguards in conformity with this code or other applicable county ordinances. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this code.
2. For any variance granted for the construction of a specific project, the applicant shall have a period of one year to execute a permit and commence with construction. If after the one year period these requirements have not been met, the variance shall become null and void. (Ord. 1247, 6-16-1997)

C. Board Of Adjustment Decision: The board of adjustment shall, upon the filing of a variance, fix a reasonable time for a hearing on same, giving public notice thereof as well as due notice to the parties of interest and in accordance with state code noticing requirements. All interested persons may offer oral or written testimony at the public hearing on the variance and every variation and exception granted or denied by the board shall be based on the written testimony or evidence submitted in connection therewith. A vote of three (3) members of the board of adjustment may grant, modify, or deny a request for a variance. (Ord. 1454, 9-17-2001

9-18-21: PENALTIES:

Any person in violation of this chapter shall be subject to the provisions of section 1-4-1 of this code. After a conviction of violation of any of the provisions of this chapter, each day that a violation is permitted to exist constitutes a separate and distinct violation.

Section 8. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 9. Savings Clause. If any section, provision, sentences, clause, phrase 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 provision, section, subsection, sentences, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 10. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 11. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

Section 12. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2016, and approved this _____ day of _____, 2016.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2016, and was published in the Des Moines Register on _____, 2016.

_____
Ryan Jacobson
City Clerk