

ORDINANCE NO. 6565

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

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

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

15.33.190 Off-Premises Signs (Billboards)

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

- A. Zoning. Off-premises signs may be placed on property zoned I-1, I-2 and I-3, subject to all other restrictions in this section.
- B. Spacing.
 - 1. Unless otherwise provided, no off-premises sign shall be located within a seven hundred (700) foot radius of any other existing off-premises sign whether conforming or not. On-premises signs shall not be counted nor shall measurements be taken from them for the purpose of determining compliance with the off-premises spacing requirements.
 - 2. No more than one off-premises sign may be erected at any one sign location, each sign may have not more than two sign faces, provided that:
 - a. The sign faces are oriented in opposite directions; and
 - b. The maximum perpendicular distance between parallel sign faces is five feet; or
 - c. Nonparallel sign faces must be connected at one point and must have an angle of separation no greater than thirty (30) degrees.
- C. Surrounding Uses.
 - 1. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property in an agricultural or residential zoning district.
 - 2. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property line of any property occupied by one of the following use types at the time of the installation of the sign:
 - a. Cemetery;
 - b. College and university;
 - c. Cultural service;
 - d. Park and recreation services;
 - e. Public assembly;
 - f. Religious assembly;
 - g. School.

D. Siting Limitations.

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

E. Setbacks.

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

F. Sign Size.

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

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

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

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

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

- K. **Illumination.** Off-premises signs may be illuminated by indirect and internal lighting, subject to the following:
1. Signs shall not contain or be illuminated by flashing lights. Neon or incandescent illumination, which is integral to the design of the sign, shall be permitted provided the illumination does not cause glare or impair vision.
 2. Signs may include electronic changeable copy.
 3. Lighting shall be shielded to direct light away from streets and surrounding property and shall not cause glare or impair vision when viewed from any public right-of-way.
- L. **Conflicts with Traffic Control.** Off-premises signs shall not resemble an official marker erected by any governmental body nor shall it obstruct or conflict with the proper functioning of any traffic sign or signal. Off-premises signs shall not create a safety hazard by obstructing the clear view of pedestrians or vehicles.
- M. **Measurement and Design Standards.**
1. **Setback.** The setback of the sign is measured from the nearest portion of any part of the sign or sign structure to the property line.
 2. **Sign Size.** The sign size is the area including the dimensions of the sign face and the supporting frame surrounding the sign face.
 3. The supporting structure for each off-premises sign shall be of metal construction.
- N. **Installation After Approval.** Off-premises signs shall be installed within six months of the date of issuance of the sign permit. The permit becomes invalid six months from the date of issue. An extension of time is not permitted. A new application with all fees and reviews is required.
- O. **Sign Maintenance.** All off-premises signs shall be continuously maintained in safe structural condition.
- P. **Abandoned Signs.** In addition to all other applicable regulations, an off-premises sign which contains no sign copy on all faces for a continuous period of six months shall be considered an abandoned sign and shall be removed. Removal shall include the sign face, along with all of the supporting structure. Removal shall be complete within thirty (30) days of the abandonment.
- Q. **Digital signs.** A new off-premises electronic changeable copy sign (i.e. digital billboard) may be erected, or the face of an off-premises sign may be changed to an electronic changeable copy sign of equal or lesser face area, subject to the limitations in this chapter and approval of the appropriate sign permit. Conversion of an off-premises sign to an off-premises electronic changeable copy sign shall not be permitted in any zoning district in which off-premises signs are not permitted according to this section.

(Ord. 5920 § 2 (part), 2007)


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

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

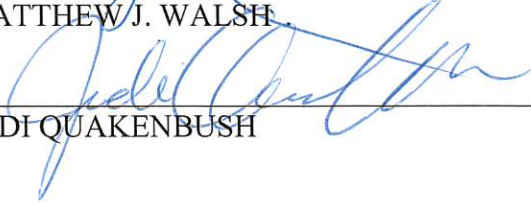
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

August 28, 2023.



MATTHEW J. WALSH Mayor

Attest: 

JODI QUAKENBUSH City Clerk

First Consideration: 7-24-23
Second Consideration: 8-14-23
Public Hearing: 8-14-23
Third Consideration: 8-28-23

Proof Of Publication

State of Iowa

Pottawattamie County

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Steve and Jane Morris, represented by Andrew Morris, to amend Section 15.33.190(1) of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the requirement to remove three existing non-conforming off-premises signs (billboards) in order to construct a new off-premises electronic changeable copy sign.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m. on the 14th day of August, 2023 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

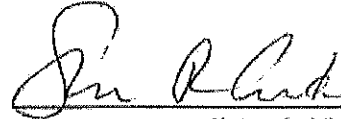
The First publication thereof began on the 05th day of August, 2023.

Jodi Quakenbush, City Clerk
2023 (8) 5- 1 Tuesday



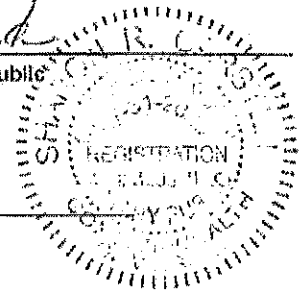
Billing Representative

Sworn to and subscribed before me this 5th day
of August, A.D. 2023.



Notary Public

State of Virginia
County of Hanover
My Commission expires _____



CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost: \$39.67
Customer Number: 1003258
Order Number: 0000378191

E-mail

jquakenbush@councilbluffs-ia.gov

Proof Of Publication

State of Iowa

Pottawattamie County

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 02nd day of September, 2023.



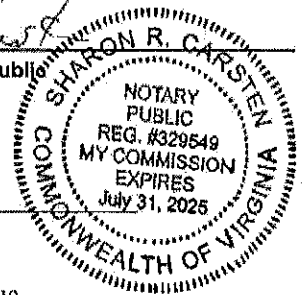
Billing Representative

Sworn to and subscribed before me this 2nd day of September, A.D. 2023.



Notary Public

State of Virginia
County of Hanover
My Commission expires _____



CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost: \$154.10
Customer Number: 1003258
Order Number: 0000382430

E-mail

jquakenbush@councilbluffs-ia.gov

**ORDINANCE NO. 6565
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SIGNS OF THE MUNICIPAL CODE (ZONING
ORDINANCE) OF THE 2020 MUNICIPAL CODE
OF COUNCIL BLUFFS, IOWA, BY AMENDING
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A. Zoning. Off-premises signs may be placed on property zoned I-1, I-2 and I-3, subject to all other restrictions in this section.

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2. No more than one off-premises sign may be erected at any one sign location, each sign may have not more than two sign faces, provided that:

- a. The sign faces are oriented in opposite directions; and
 - b. The maximum perpendicular distance between parallel sign faces is five feet;
- or
- c. Nonparallel sign faces must be connected at one point and must have an angle of separation no greater than thirty (30) degrees.

C. Surrounding Uses.

1. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property in an agricultural or residential zoning district.

2. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property line of any property occupied by one of the following use types at the time of the installation of the sign:

- a. Cemetery;
- b. College and university;
- c. Cultural services;
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1. Off-premises signs shall not be permitted within seven hundred (700) feet of either side of the Loess Hills Scenic By-Way corridor, the Avenue G corridor (Avenue G from North 8th to North 16th Street), the West Broadway viaduct corridor (West Broadway from 8th to 16th Street), South 24th Street from 23rd Avenue to Highway 275/92, South 35th Street from the Union Pacific railroad trestle (located between 13th Avenue and 14th Avenue) to 23rd Avenue, 23rd Avenue from Indian Creek to South 35th Street and Highway 275 between Interstate 29 and the Iowa-Nebraska border.

2. Off-premises signs shall not be permitted within a seven hundred (700) foot radius of any property on the National Register of Historic Places or designated as a local land-

mark, landmark site or historic district.

3. The minimum distance between any two off-premises signs with electronic changeable copy shall be five thousand (5,000) feet measured in all directions.

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3. Off-premises signs shall not encroach into the vision clearance area as cited elsewhere in this title.

4. No portion of any off-premises sign shall project beyond the average distance of the actual building line of all structures along the street frontage in the same block where the off-premises sign is to be located. However, this shall not be construed to require a distance of more than fifty (50) feet from the property line, subject to all other applicable regulations in CBMC 15.33.100.

5. No portion of any off-premises sign shall be placed or maintained in such a manner as to cover or obscure the front of any adjacent building or structure fronting on the same street.

6. In addition to the other setback limitations, all off-premises signs located along any state or federal highway shall not be placed closer than twenty-five (25) feet from the right-of-way line of such street or highway.

F. Sign Size.

1. Off-premises signs up to six hundred seventy-two (672) square feet in area are permitted where the sign face is oriented to interstate traffic, subject to all other provisions of this section.

2. Off-premises signs up to a maximum sign area of three hundred (300) square feet are permitted when the sign face is oriented toward any other type of roadway, subject to all other provisions of this section.

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

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

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2. Signs may include electronic changeable copy.

3. Lighting shall be shielded to direct light away from streets and surrounding property and shall not cause glare or impair vision when viewed from any public right-of-way.

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

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2. **Sign Size.** The sign size is the area including the dimensions of the sign face and the supporting frame surrounding the sign face.

3. The supporting structure for each off-premises sign shall be of metal construction.

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

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

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

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

For complete copy of Ordinance, see City Clerk's Office.

ADOPTED AND APPROVED August 28, 2023.

MATTHEW J. WALSH, Mayor

JODI QUAKENBUSH, City Clerk

2023 (9) 2- 1 Saturday

Council Communication

Department: City Clerk
Case/Project No.: ZT-23-003
Submitted by: Brandon Siracuse, Planner

Ordinance 6565
ITEM 5.A.

Council Action: 8/28/2023

Description

Ordinance 6565 to amend chapter 15.33 Signs of the Municipal Code (Zoning Ordinance), by amending section 15.33.190 "Off-Premises Signs (Billboards)". ZT-23-003

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	7/14/2023
Attachment A: Rendering of Applicant's Proposed Sign	Other	7/14/2023
Attachment B: Existing Section 15.33.190	Code Section	7/14/2023
Attachment C: Applicant's Proposed Amendment	Other	7/14/2023
Attachment D: Staff's Alternative Amendments	Other	7/14/2023
Attachment E: Memo from Mayor's Office	Other	7/14/2023
Notice of Public Hearing	Notice	7/14/2023
Alternative Ordinance Option (Applicants proposed amendments)	Ordinance	7/14/2023
Ordinance 6565	Resolution	7/19/2023

City Council Communication

<p>Department: Community Development</p> <p>CASE #ZT-23-003</p> <p>Applicant: Steve and Jane Morris 10566 Woodland Trail Council Bluffs, IA 51503</p> <p>Represented by: Andrew (Buck) Morris 25017 Emile Circle Waterloo, NE 68069</p>	<p>Ordinance No. _____</p>	<p>1st Consideration: 7/24/2023 2nd Consideration: 8/14/2023 3rd Consideration: 8/28/2023</p> <p>Planning Commission: 7/11/2023</p>
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Subject/Title

Request: Public hearing on the request of Steve and Jane Morris, represented by Andrew Morris, to amend Section 15.33.190(J) of the Council Bluffs Municipal Code (Zoning Ordinance) relative to off-premises electronic changeable copy signs.

Background

On May 16, 2023, the Zoning Board of Adjustment held a public hearing requested by the applicants of this case regarding an administrative appeal of a decision by the Community Development Department to require the applicant to remove three existing non-conforming billboards, of equal or greater size, in exchange for constructing a new electronic billboard on property located at 13500 South 192nd Street, as required by Section 15.33.190(J) of the Municipal Code (Zoning Ordinance). The Zoning Board of Adjustment decided that staff correctly interpreted the Zoning Ordinance when issuing the initial administrative decision.

Following the Zoning Board of Adjustment's decision, the applicants submitted an application to amend the Zoning Ordinance to exempt smaller entities or individuals from the removal requirement. The applicants have requested this amendment because they believe the removal requirement places a burden on individuals and small entities who may not have control over three existing non-conforming billboards that may be removed to satisfy the requirements to install an electronic billboard.

The applicants' representative operates a concrete crushing business (salvage operation) at the property mentioned above and has proposed installing a new three-sided billboard in the northwest corner (Attachment A). The billboard's north and east elevations would display static messages, and the south elevation would display a 672 square foot electronic changeable copy sign. The proposed billboard will be used for commercial advertisements and promotion of various community events, per the applicant's letter of intent.

Discussion

The Community Development Department provided the following comments:

1. The current version of the sign ordinance was adopted in 2007 as part of a rewrite of the City’s sign regulations (Ordinance No. 5920). The requirement to remove three existing non-conforming billboards to install a new electronic billboard was an addition to the proposed sign ordinance requested by the Planning Commission with a unanimous vote. The Planning Commission requested this language as an incentive to remove billboards, according to meeting minutes. Current billboard regulations are included in Attachment ‘B’).
2. The current language relative to electronic billboards has served the City well up to this point. The goal of the removal requirement is to ensure that as new electronic billboards are installed, other non-conforming billboards are removed elsewhere. This acts as a mechanism to ensure elimination of non-conforming billboards over time. The requirement to remove three nonconforming billboards to construct one electronic billboard is also sensible, as electronic billboards typically display multiple advertisements on a rotating basis, allowing more advertisements to be displayed with fewer sign faces.
3. The applicant’s proposed amendment (Attachment ‘C’) aims to exempt individuals and smaller entities that do not have control over three non-conforming billboards from the removal requirement in Section 15.33.190(J). Staff does not support this amendment, as it would place responsibility on the City to track the ownership of billboards. The applicant’s proposal could also create a situation in which individuals and/or billboard companies create individual LLCs to get around the removal requirement by obscuring the ownership of billboards. It would not be an efficient use of time for City staff to keep track of who owns each billboard and which LLCs are associated with which individual or larger entity.
4. The applicants claim to be at a disadvantage under the existing removal requirement since they do not own three other billboards that they could remove to allow the installation of an electronic billboard. However, the existing billboard regulations do not prohibit the applicants from acquiring three existing non-conforming billboards in the City that could be used to satisfy the removal requirement for their proposed electronic billboard.
5. Planning staff have conducted research into the electronic billboard regulations of peer cities in Iowa and Nebraska, specifically looking to see how Council Bluffs’ removal requirements and related regulations compare. The table below summarizes staff’s research.

City	Removal Requirement for Electronic Billboards (Yes/No)	Relevant Requirements
Des Moines	Yes	<ul style="list-style-type: none"> • Removal is based on a credit system that awards billboard owners with credits for removal of nonconforming signs (number of credits awarded varies by sign type and size). Credits must be relinquished to install a new billboard or convert an existing static billboard • Relinquish two (2) credits to install an electronic billboard, or convert a static billboard, at least 300 sq. ft. and less than 450 sq. ft. in area • Relinquish four (4) credits to install an electronic billboard, or convert a static billboard, at least 450 sq. ft. and less than 672 sq. ft. in area

		<ul style="list-style-type: none"> • Relinquish one (1) or two (2) credits to install a static billboard, depending on the size of the static billboard to be installed • Maximum permitted billboard size is 672 square feet
Cedar Rapids	Yes	<ul style="list-style-type: none"> • Remove one (1) electronic billboard or two (2) static billboards of equal or greater size to install a new electronic billboard • Conversion of existing billboards from static to electronic requires the removal of one (1) billboard other than the one to be converted • Total number of billboards inside city limits is capped at the number legally existing on June 4, 2013, minus billboards that are removed and not replaced • Maximum billboard size is 672 sq. ft. along highways signed at 55 mph or greater, and 378 sq. ft. elsewhere
Sioux City	No	<ul style="list-style-type: none"> • Various location restrictions • Maximum billboard size is 288 to 672 sq. ft., depending on zoning district
Mason City	No	<ul style="list-style-type: none"> • An off-premises sign with an electronic graphic display message center may only be constructed to replace an existing off-premises sign • Maximum off-premises sign area is 300 sq. ft.
Waterloo	No	<ul style="list-style-type: none"> • Maximum billboard square footage of 300 sq. ft. by-right, or up to 672 sq. ft. with Special Permit granted by Board of Adjustment
Omaha	Yes	<ul style="list-style-type: none"> • Industrial Districts: remove at least three (3) existing signs totaling at least 3x the square footage of the electronic billboard to be installed • Other permissible zoning districts: remove at least four (4) existing signs totaling at least 4x the square footage of the electronic billboard to be installed • ACI ("area of civic importance) districts and Interstate corridors: remove at least five (5) existing signs totaling at least 5x the square footage of the electronic billboard to be installed • Remove one (1) existing sign at least equal in square footage for every new non-electronic billboard to be installed • Total number of off-premises sign locations, faces, and square footage is capped • Maximum billboard face area is 672 sq. ft., with certain exceptions.

Lincoln	Yes	<ul style="list-style-type: none"> • Remove three (3) nonconforming signs of equal or greater area to install a new electronic billboard • Remove one (1) nonconforming sign of equal or greater area in install a new static billboard • Maximum billboard size ranges from 300 to 700 sq. ft., depending on zoning district.
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Based on the research presented above, the City’s removal requirement for electronic billboards is not an outlier among our peers in Iowa and Nebraska. While some communities have less restrictive standards, some have more restrictive standards. Council Bluffs’ current regulations are a middle ground among peer cities.

6. While the Community Development Department is most supportive of the existing billboard regulations, staff have drafted an alternative amendment that could be adopted if the City Planning Commission and City Council wish to reduce the removal requirement. Staff’s amendment (full text in Attachment ‘D’) is summarized as follows:
 - a. Eliminate removal requirement from Section 15.33.190(J)
 - b. Add new Section 15.33.190(Q) to allow the installation of new electronic billboards and conversion of static billboards to electronic with no removal requirement, subject to all other regulations in the sign code, and prohibit the conversion of static billboards in any zoning district that does not otherwise permit billboards.
 - c. Amend Section 15.33.190(D) to add “Highway 275 between Interstate 29 and the Iowa-Nebraska border” as a corridor where billboards are prohibited within 700 feet
 - d. Amend Section 15.33.190(F) to reduce the maximum sign area for Interstate-oriented billboards from 875 feet to 672 feet. The standard highway billboard size is 672 square feet, or 14’ x 48’. This amendment is being requested for consistency with other municipalities.
7. The amendments described above will eliminate the removal requirement for electronic billboards while preserving the attractiveness of the Highway 275 corridor, prohibit static-to-electronic billboard conversions outside of I-1, I-2, and I-3 industrial districts, and prohibit the installation of oversized billboards along Interstate corridors. All other existing spacing, siting, height, ground clearance, illumination, and other regulations for billboards would remain in place. Staff views this as a “compromise” solution that would reduce the burden on individuals and smaller entities wishing to install electronic billboards while protecting the appearance of non-industrial areas and preventing regulations that would result in inefficient use of staff time. However, the amendment would eliminate a useful tool the City currently uses to ensure that nonconforming billboards are removed over time.
8. The City’s mission is “to continuously improve the quality of life and attractiveness of the City of Council Bluffs.” Billboards and other off-premises signs do not contribute positively to the attractiveness of the City, as they can be distracting and unpleasant to look at. Due to the light they produce, electronic billboards can often be more distracting and unsightly than their static counterparts, and it is in line with the City’s mission to have strong standards to limit the proliferation of this type of signage. While staff understands the applicants’ concerns regarding the obstacles they face in erecting an electronic billboard on their property, the Zoning Ordinance must promote the public interest rather than individual business interests. The Community Development Department believes that the current billboard regulations best promote the public interest and fulfill the City’s mission.

All other departments and utilities were notified of the applicant's request. The Mayor's Office provided a memo stating support for the existing billboard regulations, opposition to the applicant's proposed amendment, and a preference to adopt staff's alternative amendment if the City Planning Commission and/or City Council decide to support changing the existing ordinance. The memo is included as Attachment 'E.' No other departments or utilities provided comments in opposition.

Recommendation

The Community Development Department recommends denial of the request to amend Section 15.33.190(J) of the Municipal Code (Zoning Ordinance) as presented by the applicants.

Furthermore, the Community Development Department recommends making no changes to the aforementioned code section. However, if the City Planning Commission and/or City Council decide amendments are necessary, the Community Development Department recommends approval of staff's alternative amendments.

Public Hearing

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Andrew Morris, Andrew Morris, 25017 Emile Court, Waterloo, NE 68069
2. Weston Morris, 1527 Chestnut Drive, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended approval to amend Section 15.33.190(J), Off-Premises Signs (Billboards) of the Municipal Code (Zoning Ordinance) as per Attachment 'D' of the case staff report.

VOTE: AYE – Bass, Bailey, Hutcheson, Knauss, Opperman, Rater, Rew, and Stroebele. NAY - Van Houten
ABSTAIN – None. ABSENT – None. VACANT - Two Motion: Carried.

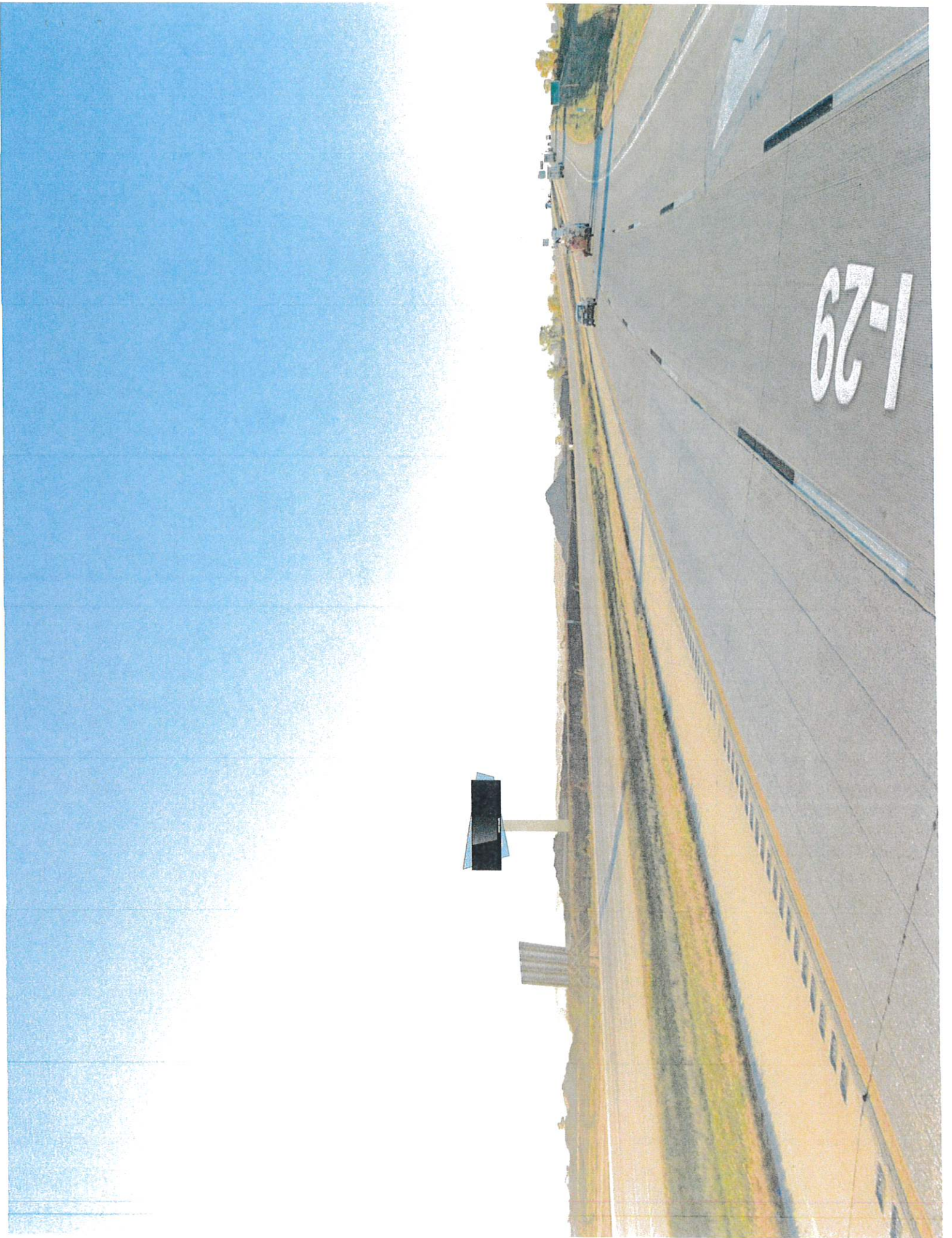
Attachments

- Attachment A: Rendering of Applicant's Proposed Sign
- Attachment B: Existing Section 15.33.190
- Attachment C: Applicant's Proposed Amendment
- Attachment D: Staff's Alternative Amendments
- Attachment E: Memo from Mayor's Office

Prepared by: Brandon Siracuse, Planner, Community Development Department









N

Morris Excavating Co., Inc.

Robb's Transfer

Mel Easton & Sons Trucking

Council Bluffs First Student

QTC Council Bluffs South

Shell

Lewis Central Middle School

LEWIS CENTRAL FOOTBALL FIELD

Lewis Central High School

Olive Garden Italian

Target

DICK'S Sporting Goods

PetSmart

Buckeye Terminals

Stem, Inc.

National Concrete Cutting

Gebswene Presbyterian Church

Council Bluffs Iowa FFW

Salem United Methodist Church

Levee Manawa City Park

Wabash Ave

Harry Langdon Blvd

Wabash Trace Nature Trail

Wabash Ave

Mosquito Creek

Mosquito Creek

Concord Loop

Concord Loop

Bates

Attachment B - Current Regulations

15.33.190 Off-Premises Signs (Billboards)

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

- A. Zoning. Off-premises signs may be placed on property zoned I-1, I-2 and I-3, subject to all other restrictions in this section.
- B. Spacing.
 - 1. Unless otherwise provided, no off-premises sign shall be located within a seven hundred (700) foot radius of any other existing off-premises sign whether conforming or not. On-premises signs shall not be counted nor shall measurements be taken from them for the purpose of determining compliance with the off-premises spacing requirements.
 - 2. No more than one off-premises sign may be erected at any one sign location, each sign may have not more than two sign faces, provided that:
 - a. The sign faces are oriented in opposite directions; and
 - b. The maximum perpendicular distance between parallel sign faces is five feet; or
 - c. Nonparallel sign faces must be connected at one point and must have an angle of separation no greater than thirty (30) degrees.
- C. Surrounding Uses.
 - 1. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property in an agricultural or residential zoning district.
 - 2. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property line of any property occupied by one of the following use types at the time of the installation of the sign:
 - a. Cemetery;
 - b. College and university;
 - c. Cultural service;
 - d. Park and recreation services;
 - e. Public assembly;
 - f. Religious assembly;
 - g. School.
- D. Siting Limitations.

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

E. Setbacks.

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

F. Sign Size.

1. Off-premises signs up to eight hundred twenty-five (825) square feet in area are permitted where the sign face is oriented to interstate traffic, subject to all other provisions of this section.

2. Off-premises signs up to a maximum sign area of three hundred (300) square feet are permitted when the sign face is oriented toward any other type of roadway, subject to all other provisions of this section.
- G. Height. The maximum height of any off-premises sign shall be forty (40) feet as measured from the natural grade level below the sign to the topmost point of the sign structure.
- H. Ground Clearance. Off-premises signs shall be no less than five feet above the natural level of the ground upon which it is located, exclusive of foundation.
- I. Roof Mounted Signs. Off-premises signs shall not be installed upon or against a roof or on top of or above the parapet of any building.
- J. Animation and Motion. The face of an off-premises sign may be changed to an electronic changeable copy sign of equal or lesser face area, subject to the siting limitations in this chapter and approval of the appropriate refacing permit. For each new off-premises electronic changeable copy sign of a given sign area to be erected in conformance with this chapter, three existing nonconforming signs each encompassing equal or greater sign area shall be removed. Off-premises signs shall not revolve or rotate. Slow or continuous motion or rotation within a portion of the sign face comprising less than thirty-eight (38) percent of the area of such sign shall be permitted.
- K. Illumination. Off-premises signs may be illuminated by indirect and internal lighting, subject to the following:
1. Signs shall not contain or be illuminated by flashing lights. Neon or incandescent illumination, which is integral to the design of the sign, shall be permitted provided the illumination does not cause glare or impair vision.
 2. Signs may include electronic changeable copy.
 3. Lighting shall be shielded to direct light away from streets and surrounding property and shall not cause glare or impair vision when viewed from any public right-of-way.
- L. Conflicts with Traffic Control. Off-premises signs shall not resemble an official marker erected by any governmental body nor shall it obstruct or conflict with the proper functioning of any traffic sign or signal. Off-premises signs shall not create a safety hazard by obstructing the clear view of pedestrians or vehicles.
- M. Measurement and Design Standards.
1. Setback. The setback of the sign is measured from the nearest portion of any part of the sign or sign structure to the property line.
 2. Sign Size. The sign size is the area including the dimensions of the sign face and the supporting frame surrounding the sign face.
 3. The supporting structure for each off-premises sign shall be of metal construction.

- N. Installation After Approval. Off-premises signs shall be installed within six months of the date of issuance of the sign permit. The permit becomes invalid six months from the date of issue. An extension of time is not permitted. A new application with all fees and reviews is required.
- O. Sign Maintenance. All off-premises signs shall be continuously maintained in safe structural condition.
- P. Abandoned Signs. In addition to all other applicable regulations, an off-premises sign which contains no sign copy on all faces for a continuous period of six months shall be considered an abandoned sign and shall be removed. Removal shall include the sign face, along with all of the supporting structure. Removal shall be complete within thirty (30) days of the abandonment.

(Ord. 5920 § 2 (part), 2007)

Attachment C - Applicants' Proposed Amendment

15.33.190 Off-Premises Signs (Billboards)

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

- A. Zoning. Off-premises signs may be placed on property zoned I-1, I-2 and I-3, subject to all other restrictions in this section.
- B. Spacing.
 1. Unless otherwise provided, no off-premises sign shall be located within a seven hundred (700) foot radius of any other existing off-premises sign whether conforming or not. On-premises signs shall not be counted nor shall measurements be taken from them for the purpose of determining compliance with the off-premises spacing requirements.
 2. No more than one off-premises sign may be erected at any one sign location, each sign may have not more than two sign faces, provided that:
 - a. The sign faces are oriented in opposite directions; and
 - b. The maximum perpendicular distance between parallel sign faces is five feet; or
 - c. Nonparallel sign faces must be connected at one point and must have an angle of separation no greater than thirty (30) degrees.
- C. Surrounding Uses.
 1. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property in an agricultural or residential zoning district.
 2. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property line of any property occupied by one of the following use types at the time of the installation of the sign:
 - a. Cemetery;
 - b. College and university;
 - c. Cultural service;
 - d. Park and recreation services;
 - e. Public assembly;
 - f. Religious assembly;
 - g. School.
- D. Siting Limitations.

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

E. Setbacks.

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

F. Sign Size.

1. Off-premises signs up to eight hundred twenty-five (825) square feet in area are permitted where the sign face is oriented to interstate traffic, subject to all other provisions of this section.

2. Off-premises signs up to a maximum sign area of three hundred (300) square feet are permitted when the sign face is oriented toward any other type of roadway, subject to all other provisions of this section.
- G. Height. The maximum height of any off-premises sign shall be forty (40) feet as measured from the natural grade level below the sign to the topmost point of the sign structure.
 - H. Ground Clearance. Off-premises signs shall be no less than five feet above the natural level of the ground upon which it is located, exclusive of foundation.
 - I. Roof Mounted Signs. Off-premises signs shall not be installed upon or against a roof or on top of or above the parapet of any building.
 - J. Animation and Motion. The face of an off-premises sign may be changed to an electronic changeable copy sign of equal or lesser face area, subject to the siting limitations in this chapter and approval of the appropriate refacing permit. ~~For each new off-premises electronic changeable copy sign of a given sign area to be erected in conformance with this chapter, three existing nonconforming signs each encompassing equal or greater sign area shall be removed.~~ Before any person who owns or controls one or more existing legal non-conforming signs, or any persons under common control with such person, may erect a new off-premises electronic changeable copy sign of a given area in conformance with this chapter, up to three existing legal nonconforming signs owned by such person or persons each encompassing equal or greater sign area shall be removed. Off-premises signs shall not revolve or rotate. Slow or continuous motion or rotation within a portion of the sign face comprising less than thirty-eight (38) percent of the area of such sign shall be permitted.
 - K. Illumination. Off-premises signs may be illuminated by indirect and internal lighting, subject to the following:
 1. Signs shall not contain or be illuminated by flashing lights. Neon or incandescent illumination, which is integral to the design of the sign, shall be permitted provided the illumination does not cause glare or impair vision.
 2. Signs may include electronic changeable copy.
 3. Lighting shall be shielded to direct light away from streets and surrounding property and shall not cause glare or impair vision when viewed from any public right-of-way.
 - L. Conflicts with Traffic Control. Off-premises signs shall not resemble an official marker erected by any governmental body nor shall it obstruct or conflict with the proper functioning of any traffic sign or signal. Off-premises signs shall not create a safety hazard by obstructing the clear view of pedestrians or vehicles.
 - M. Measurement and Design Standards.
 1. Setback. The setback of the sign is measured from the nearest portion of any part of the sign or sign structure to the property line.
 2. Sign Size. The sign size is the area including the dimensions of the sign face and the supporting frame surrounding the sign face.

3. The supporting structure for each off-premises sign shall be of metal construction.
- N. Installation After Approval. Off-premises signs shall be installed within six months of the date of issuance of the sign permit. The permit becomes invalid six months from the date of issue. An extension of time is not permitted. A new application with all fees and reviews is required.
- O. Sign Maintenance. All off-premises signs shall be continuously maintained in safe structural condition.
- P. Abandoned Signs. In addition to all other applicable regulations, an off-premises sign which contains no sign copy on all faces for a continuous period of six months shall be considered an abandoned sign and shall be removed. Removal shall include the sign face, along with all of the supporting structure. Removal shall be complete within thirty (30) days of the abandonment.
- (Ord. 5920 § 2 (part), 2007)

DRAFT

Attachment D - Staff's Alternative Amendments

15.33.190 Off-Premises Signs (Billboards)

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

- A. Zoning. Off-premises signs may be placed on property zoned I-1, I-2 and I-3, subject to all other restrictions in this section.
- B. Spacing.
 1. Unless otherwise provided, no off-premises sign shall be located within a seven hundred (700) foot radius of any other existing off-premises sign whether conforming or not. On-premises signs shall not be counted nor shall measurements be taken from them for the purpose of determining compliance with the off-premises spacing requirements.
 2. No more than one off-premises sign may be erected at any one sign location, each sign may have not more than two sign faces, provided that:
 - a. The sign faces are oriented in opposite directions; and
 - b. The maximum perpendicular distance between parallel sign faces is five feet; or
 - c. Nonparallel sign faces must be connected at one point and must have an angle of separation no greater than thirty (30) degrees.
- C. Surrounding Uses.
 1. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property in an agricultural or residential zoning district.
 2. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property line of any property occupied by one of the following use types at the time of the installation of the sign:
 - a. Cemetery;
 - b. College and university;
 - c. Cultural service;
 - d. Park and recreation services;
 - e. Public assembly;
 - f. Religious assembly;
 - g. School.
- D. Siting Limitations.

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

E. Setbacks.

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

F. Sign Size.

1. Off-premises signs up to ~~eight hundred twenty-five (825)~~ six hundred seventy-two (672) square feet in area are permitted where the sign face is oriented to interstate traffic, subject to all other provisions of this section.

2. Off-premises signs up to a maximum sign area of three hundred (300) square feet are permitted when the sign face is oriented toward any other type of roadway, subject to all other provisions of this section.
- G. Height. The maximum height of any off-premises sign shall be forty (40) feet as measured from the natural grade level below the sign to the topmost point of the sign structure.
- H. Ground Clearance. Off-premises signs shall be no less than five feet above the natural level of the ground upon which it is located, exclusive of foundation.
- I. Roof Mounted Signs. Off-premises signs shall not be installed upon or against a roof or on top of or above the parapet of any building.
- J. Animation and Motion. ~~The face of an off-premises sign may be changed to an electronic changeable copy sign of equal or lesser face area, subject to the siting limitations in this chapter and approval of the appropriate refacing permit. For each new off-premises electronic changeable copy sign of a given sign area to be erected in conformance with this chapter, three existing nonconforming signs each encompassing equal or greater sign area shall be removed.~~ Off-premises signs shall not revolve or rotate. Slow or continuous motion or rotation within a portion of the sign face comprising less than thirty-eight (38) percent of the area of such sign shall be permitted.
- K. Illumination. Off-premises signs may be illuminated by indirect and internal lighting, subject to the following:
1. Signs shall not contain or be illuminated by flashing lights. Neon or incandescent illumination, which is integral to the design of the sign, shall be permitted provided the illumination does not cause glare or impair vision.
 2. Signs may include electronic changeable copy.
 3. Lighting shall be shielded to direct light away from streets and surrounding property and shall not cause glare or impair vision when viewed from any public right-of-way.
- L. Conflicts with Traffic Control. Off-premises signs shall not resemble an official marker erected by any governmental body nor shall it obstruct or conflict with the proper functioning of any traffic sign or signal. Off-premises signs shall not create a safety hazard by obstructing the clear view of pedestrians or vehicles.
- M. Measurement and Design Standards.
1. Setback. The setback of the sign is measured from the nearest portion of any part of the sign or sign structure to the property line.
 2. Sign Size. The sign size is the area including the dimensions of the sign face and the supporting frame surrounding the sign face.
 3. The supporting structure for each off-premises sign shall be of metal construction.

- N. Installation After Approval. Off-premises signs shall be installed within six months of the date of issuance of the sign permit. The permit becomes invalid six months from the date of issue. An extension of time is not permitted. A new application with all fees and reviews is required.
- O. Sign Maintenance. All off-premises signs shall be continuously maintained in safe structural condition.
- P. Abandoned Signs. In addition to all other applicable regulations, an off-premises sign which contains no sign copy on all faces for a continuous period of six months shall be considered an abandoned sign and shall be removed. Removal shall include the sign face, along with all of the supporting structure. Removal shall be complete within thirty (30) days of the abandonment.
- Q. Digital signs. A new off-premises electronic changeable copy sign (i.e. digital billboard) may be erected, or the face of an off-premises sign may be changed to an electronic changeable copy sign of equal or lesser face area, subject to the limitations in this chapter and approval of the appropriate sign permit. Conversion of an off-premises sign to an off-premises electronic changeable copy sign shall not be permitted in any zoning district in which off-premises signs are not permitted according to this section.

(Ord. 5920 § 2 (part), 2007)



Interoffice Memo

To: Brandon Siracuse, Planner
From: Brandon Garrett, Chief of Staff *Bob Garrett*
Cc: Christopher Gibbons, Planning Manager
Date: June 29, 2023
Re: Billboard Text Amendment

I understand there are three options. Generally speaking, there's an option to do nothing and leave the ordinance as it is today, an option to approve the applicant's proposed amendment, and an option to approve staff's alternative amendment.

From what I understand, the existing ordinance was developed to help limit the proliferation of billboard signage throughout our community, particularly in the West Broadway corridor. I think the existing ordinance has served our City well and has been very successful in reducing the number of billboards.

The applicant's proposal to only require companies that have multiple billboards to be removed adhere to the requirement may sound practical, but I do not think that it is. It would be a tracking nightmare for staff to see who owns which billboard and in some cases, who has ownership in every LLC that may be created for each billboard. The proposal serves the purpose of the applicant's property, but we need to be mindful that amendments to the zoning ordinance apply citywide.

Staff's alternative proposal does open the door for the applicant's specific desired billboard location by deleting the sign removal requirement, while also solidifying protection along U.S. Highway 275 between I-29 and the Missouri River not previously covered under "Siting Limitations". We should probably make that change to siting limitations regardless of what happens.

My preference is to leave the ordinance alone, but the staff's alternative makes a lot of sense. I would strongly advise against moving forward with the applicant's proposal due to difficulty of enforcement and unintended consequences citywide.

Our City's mission is to continuously improve the quality of life and attractiveness of the city of Council Bluffs. Ordinances such as this go a long way in supporting that mission by caring for the aesthetics of our community, its corridors, historic districts, and entryways.

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

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

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

15.33.190 Off-Premises Signs (Billboards)

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

- A. Zoning. Off-premises signs may be placed on property zoned I-1, I-2 and I-3, subject to all other restrictions in this section.
- B. Spacing.
 1. Unless otherwise provided, no off-premises sign shall be located within a seven hundred (700) foot radius of any other existing off-premises sign whether conforming or not. On-premises signs shall not be counted nor shall measurements be taken from them for the purpose of determining compliance with the off-premises spacing requirements.
 2. No more than one off-premises sign may be erected at any one sign location, each sign may have not more than two sign faces, provided that:
 - a. The sign faces are oriented in opposite directions; and
 - b. The maximum perpendicular distance between parallel sign faces is five feet; or
 - c. Nonparallel sign faces must be connected at one point and must have an angle of separation no greater than thirty (30) degrees.
- C. Surrounding Uses.
 1. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property in an agricultural or residential zoning district.
 2. Off-premises signs shall not be located within a one hundred fifty (150) foot radius of any property line of any property occupied by one of the following use types at the time of the installation of the sign:
 - a. Cemetery;
 - b. College and university;
 - c. Cultural service;
 - d. Park and recreation services;
 - e. Public assembly;
 - f. Religious assembly;
 - g. School.

D. Siting Limitations.

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

E. Setbacks.

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

F. Sign Size.

1. Off-premises signs up to eight hundred twenty-five (825) square feet in area are permitted where the sign face is oriented to interstate traffic, subject to all other provisions of this section.
2. Off-premises signs up to a maximum sign area of three hundred (300) square feet are permitted when the sign face is oriented toward any other type of roadway, subject to all other provisions of this section.

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

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

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

J. Animation and Motion. The face of an off-premises sign may be changed to an electronic changeable copy sign of equal or lesser face area, subject to the siting limitations in this chapter and approval of the appropriate refacing permit. Before any person who owns or controls one or more existing legal non-conforming signs, or any persons under common control with such

person, may erect a new off-premises electronic changeable copy sign of a given area in conformance with this chapter, up to three existing legal nonconforming signs owned by such person or persons each encompassing equal or greater sign area shall be removed. Off-premises signs shall not revolve or rotate. Slow or continuous motion or rotation within a portion of the sign face comprising less than thirty-eight (38) percent of the area of such sign shall be permitted.

- K. **Illumination.** Off-premises signs may be illuminated by indirect and internal lighting, subject to the following:
1. Signs shall not contain or be illuminated by flashing lights. Neon or incandescent illumination, which is integral to the design of the sign, shall be permitted provided the illumination does not cause glare or impair vision.
 2. Signs may include electronic changeable copy.
 3. Lighting shall be shielded to direct light away from streets and surrounding property and shall not cause glare or impair vision when viewed from any public right-of-way.
- L. **Conflicts with Traffic Control.** Off-premises signs shall not resemble an official marker erected by any governmental body nor shall it obstruct or conflict with the proper functioning of any traffic sign or signal. Off-premises signs shall not create a safety hazard by obstructing the clear view of pedestrians or vehicles.
- M. **Measurement and Design Standards.**
1. **Setback.** The setback of the sign is measured from the nearest portion of any part of the sign or sign structure to the property line.
 2. **Sign Size.** The sign size is the area including the dimensions of the sign face and the supporting frame surrounding the sign face.
 3. The supporting structure for each off-premises sign shall be of metal construction.
- N. **Installation After Approval.** Off-premises signs shall be installed within six months of the date of issuance of the sign permit. The permit becomes invalid six months from the date of issue. An extension of time is not permitted. A new application with all fees and reviews is required.
- O. **Sign Maintenance.** All off-premises signs shall be continuously maintained in safe structural condition.
- P. **Abandoned Signs.** In addition to all other applicable regulations, an off-premises sign which contains no sign copy on all faces for a continuous period of six months shall be considered an abandoned sign and shall be removed. Removal shall include the sign face, along with all of the supporting structure. Removal shall be complete within thirty (30) days of the abandonment.

(Ord. 5920 § 2 (part), 2007)

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

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

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

PASSED
AND _____, 2023.
APPROVED

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: _____

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____