

## **ORDINANCE NO. 2024-08**

### **AN ORDINANCE AMENDING CHAPTERS 153 AND 175, REVISING SUBSECTION 175.02 TO 175.03, OF THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, WITH REGARD TO DESIGN ELEMENTS FOR ON-PREMISES SIGNS**

WHEREAS, the City of Windsor Heights seeks to protect and preserve the rights, privileges and property of the City of Windsor Heights and its residents and business owners; and

WHEREAS, the City Council deems it necessary to adopt this ordinance to benefit the residents and business owners of the community and our review staff; and

WHEREAS, the City Council of the City of Windsor Heights do hereby find and declare that the revisions to the temporary signs ordinance are necessary and will protect and preserve the rights, privileges and property of the City of Windsor Heights and its residents and business owners.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:**

SECTION 1. Purpose. The purpose of this ordinance is to amend Chapters 153 and 175, Subsections 175.02 to 175.03, of the City Code to support businesses and allows for said businesses to promote their services effectively.

SECTION 2. Revised. Revised Chapters 153 and 175, Subsections 175.02 to 175.03, as follows:

#### **CHAPTER 153 TEMPORARY SIGNS**

See Chapter 175

#### **175.02 GENERAL PERMIT PROCEDURES.**

Any installation, modification, or expansion of any sign which is not exempt from the provisions of this chapter shall be subject to the following permit procedure.

1. Maintenance of Valid Sign Permit. The owner of a property containing signs requiring a permit under this Zoning Code shall at all times maintain in force a sign permit for such property. Sign permits may be issued for individual zoned lots, tenants, or sign owners. A sign permit may be revoked if the sign is not maintained in good condition.

2. Any person who displays a sign in compliance with this code may substitute the message on that sign without first securing any additional approval, permitting, or notice, provided that any such substitution would not result in the sign becoming noncompliant.

3. Nothing in this code is intended or shall be construed so as to prevent the strengthening or restoration to a safe condition of a nonconforming sign for purposes of public health and safety.

4. Sign Permit Applications. All applications for sign permits shall be submitted to the Zoning Administrator in accordance with application specifications established by the ordinance and as otherwise determined by the Zoning Administrator.

5. Application Fees. Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the Council from time to time by resolution.

6. Permit Expiration. If a permanent sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse. Permits on non-permanent signs lapse in accordance with the timeline identified on the permit. After 60 days, permits are required to maintain temporary signs.

7. Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

8. Temporary Sign Permit Approval. Temporary signs beyond those exempted under 175.03 for purposes of special events, grand openings, or other infrequent occurrences may be approved by the Zoning Administrator subject to the signs not being unsightly, obstructing view, or creating other issues and/or nuisances to a passersby.

### **175.03 EXEMPT SIGNS**

The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.

#### **1) Temporary Non-Commercial Signs (R-1, R-2, R-3 and MH Zoning Districts)**

- a) Up to three temporary or non-temporary signs on R-1, R-2, or R-3 zoned lots and parcels that are smaller than 4 square feet in area and not placed in the public right-of-way. These signs include, with regard to the size requirements previously stated, but are not limited to:
  - i) Garage Sale Signs
  - ii) Window Signs
  - iii) On-site real estate signs pertaining to the sale, rental, or development of the property it resides on
- b) Up to one temporary sign on R-1, R-2, or R-3 zoned lots and parcels that are smaller than 8 square feet in area and not placed in the public right-of-way.

## 2) Temporary Commercial Signs (UC, CC, LI Zoning Districts)

- a) Up to one temporary sign less than 8 square feet in area can be located in non-exclusive residential districts (UC, CC, LI Districts) for the first 250 sq. ft. of interior commercial/general service/retail/customer service space and one additional sign for each 3,000 sq. ft. thereafter. The interior space must be owned or exclusively leased by the business. The sign(s) cannot create any disruptions or visibility issues. A maximum of five temporary signs for each business or tenant can be exempt from permitting under this provision. Additional temporary signs up to a maximum of ten may be applied for through a temporary sign permit.
  - i) Signs shall not be placed in the public right-of-way.
  - ii) Temporary commercial wall and window signs must not cover more than 8 square feet or 20% of the commercial building façade (whichever is the smaller value) and no more than 50% of the window that a window sign is displayed in.

## 3) Other Temporary Signs

- a) Official signs authorized by a government or governmental subdivision, which give traffic, directional, or warning information, or other official information.
- b) Neighborhood or subdivision identification signs under 50 square feet.
- c) Street numbers or address signs that identify the address of a lot, structure, or establishment.
- d) Signs which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed, such as window signs.
- e) Temporary emergency or special situation signs that the city may approve the construction of that is not specifically defined in this subchapter if a valid need is shown to exist by virtue of an emergency or special situation. The duration, location, size, and other conditions regarding the sign shall be established by the city at the time of the emergency or special situation.

## 4) Signs in Right-of-Way

Any sign installed or placed on public property or in the City right-of-way shall be subject to confiscation by city staff. In addition to other remedies in the municipal code, the City shall have the right to recover from the property owner the full costs of removal and disposal of such sign.

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

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed and Approved this 21st day of October 2024.

1<sup>st</sup> Reading: September 16, 2024

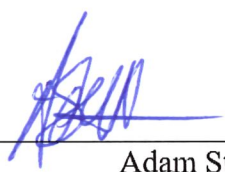
2<sup>nd</sup> Reading: October 7, 2024

3<sup>rd</sup> Reading: October 21, 24

Publish Date: October 25, 2024



  
Mike Jones, Mayor

ATTEST:  
  
Adam Strait, City Clerk