

ORDINANCE NO. 15,290

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending the definition of "sign, freestanding" in Section 134-3, by adding a new paragraph (h) to subsection (4) of Section 134-64, by adding a new paragraph (4) to subsection (p) of Section 134-64, and by amending subsection (d) of Section 134-52, to establish a city-wide freestanding sign overlay district, prohibit use of freestanding pole signs, require freestanding signs to be monument signs, and require removal of non-conforming signs under certain circumstances.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending the definition of "sign, freestanding" in Section 134-3, by adding a new paragraph (h) to subsection (4) of Section 134-64, by adding a new paragraph (4) to subsection (p) of Section 134-64, and by amending subsection (d) of Section 134-52, to establish a city-wide freestanding sign overlay district, prohibit use of freestanding pole signs, require freestanding signs to be monument signs, and require removal of non-conforming signs under certain circumstances, as follows:

Sec. 134-3. Definitions

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Sign, freestanding means a sign not attached to any building and is further defined as follows:

- (1) *Sign, portable* means a sign not permanently anchored or secured.
- (2) *Sign, monument* means a sign affixed to a structure built on grade, having a solid opaque base, constructed of brick, stone, concrete block or other durable material matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face. The height of the sign base must be not less than the larger of 2 feet or 25 percent of the total sign height. Monument signs are sometimes referred to in this chapter as monumental signs.
- (3) *Sign, pole* means a freestanding sign which is not a portable sign nor a monument sign.

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Sec. 134-64. Powers and duties.

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(4) Permit the exceptions in this subsection to the district regulations set forth in this chapter, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property; shall not impair an adequate supply of light and air to adjacent property; shall not unduly increase congestion in the public streets; shall not increase public danger of fire and safety; and shall not diminish or impair established property values in surrounding areas. However, nothing in this subsection shall be interpreted as authorizing the board to grant an exception to any separation requirement, or to grant an exception to permit a structure more than 75 feet in height in any CDO capitol dominance overlay district, such power being expressly denied the board. Any exception to a separation requirement granted for a structure for which a building permit has not been issued shall be null and void. In granting any exception, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. The board of adjustment may permit:

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(h) Exceptions to the prohibition upon pole signs in the FSO freestanding sign overlay district, to permit a pole sign in conformance with the district regulations when there is no feasible location for the placement of a monument sign that is outside of the vision clearance triangle required by section 114-14 of this Code and does not obstruct the vision of drivers entering or exiting the premises or adjoining premises.

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Sec. 134-1276. General regulations

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(p) *Sign exceptions.* The regulations applicable to signage in this chapter, including the district regulations, shall be subject to the following exceptions:

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(4) *FSO Freestanding sign overlay district.* The intent of the FSO freestanding sign overlay district is to decrease visual clutter along city corridors, streetscapes, and throughout the entirety of the city by requiring height restrictions for freestanding signs and encouraging the use of monument signs. The FSO freestanding sign overlay district applies to all land within the city or hereafter annexed into the city. The following regulations supersede any less restrictive regulations established in the district regulations:

- (a) Pole signs are prohibited.
- (b) Any on-premises advertising sign that is a freestanding sign shall be a monument sign, and shall comply with the following height restrictions measured from grade to the highest point on the sign:
 - (1) If located at or within 25 feet from the front lot line, the sign shall be no more than 8 feet in height.
 - (2) If located more than 25 feet from the front lot line, the sign shall be no more than 15 feet in height.

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Sec. 134-1352. Use of land, use of structures and structures in any R district.

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- (d) Nonconforming signs. Where a sign lawfully exists at the effective date of the ordinance adopting or amending this chapter, that could not be built under the terms of this chapter because of size, height, setback, separation, or other characteristics of the sign or its location, such structure may be continued so long as it remains otherwise lawful, subject to the following:
- (1) No such sign may be enlarged or altered in a way which increases its nonconformity.
 - (2) Except as allowed by paragraph (e), below, no such sign may be converted to use an electronic display.
 - (3) If such sign is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction exclusive of the foundation and supporting elements below the bottom of the face of the sign, such sign shall lose its legal non-conforming status and not be reconstructed except in conformity with this chapter. If the sign be less than 60 percent destroyed above the bottom of the face of the sign, it may be reconstructed and used as before provided it is done within six months of such happening and is built of like or similar materials.
 - (4) If the use of the property containing a pole sign is discontinued for a period of more than six months, or if a new or amended site plan is required by a change in the use or building expansion on the premises, the pole sign shall lose its legal non-conforming status. Any pole sign which loses its legal non-conforming status shall be removed by the later of January 1, 2015, or six months after such change of status. When removal of a pole sign is so required, the entire sign structure above grade, including base and supports, shall be removed.

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Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 14-0978), passed by the City Council of said City at a meeting held June 23, 2014 signed by the Mayor on June 23, 2014 and published and provided by law in the Business Record on July 11, 2014. Authorized by Publication Order No. 8798.

Diane Rauh, City Clerk