



Council Communication

Office of the City Manager

Date April 9, 2007

Agenda Item No. 56
Roll Call No. 07-
Communication No. 07-204
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Receive and file report from the Community Development Department, the Sub-committee on Electronic Billboards, and the Regulation and Ordinances Committee of the Plan and Zoning Commission regarding electronic billboards and request to extend the moratorium until June 5, 2007.

SYNOPSIS:

Recommend receipt of Community Development Department report on electronic billboards and initiate action to begin text amendments to the Zoning Ordinance in furtherance of the recommendations of the report. It is also recommended that Council take action to extend the moratorium on permits for electronic billboards to allow time for text amendments to be reviewed by the Plan and Zoning Commission and presented to the City Council for final ordinance consideration.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

At the present, there are no regulations in the existing Zoning Ordinance that would prevent new off-premises advertising signs or replacement of existing off-premises advertising signs with digital display in many zoning districts throughout the City. The concerns and questions raised that led to the temporary moratorium focused on the impacts that electronic and digital displays may have on the aesthetics of commercial and neighborhood areas, the traffic safety implications of moving or changing vivid displays, the effects of light and noise generated by the signs on surrounding residential areas, and the impact such signs may have on land values.

The Plan & Zoning Commission was asked to review existing sign regulations as applied to electronic displays and off-premises advertising in general. A report and recommendation on the issue and appropriate changes to the sign regulations with an implementation schedule was to be made on or before April 9, 2007.

Existing Regulations

The existing Zoning Ordinance in Chapter 134 of the City Code only permits off-premises advertising signs to be located in specific Commercial and Industrial Districts: "C-2", "NPC" (limited to properties previously zoned "C-2"), "C-3", "C-3A", "M-1", "M-2", "PUD" (in accordance with a Conceptual Plan), "PBP" (in accordance with a Conceptual Plan), "U-1" (under approval of Conditional Use), and "FW" (under approval of Conditional Use). General regulations applied to all off-premises advertising signs include the following:

- Height shall not exceed 45 feet (freestanding signs).
- Signs may be roof mounted no higher than 35 feet above the building with the overall height no greater than the applicable Zoning District maximum height.
- Shall generally meet the setback requirements in the applicable Zoning District.
- Shall be greater than 200 feet from any “R” Zoning District Boundary.
- Shall be greater than 500 feet from any lot that is used for a public square, public park, public or parochial school, religious assembly, funeral home, cemetery, public library, local designated landmark or historic district, and any National Register historic district.
- Signs greater than 300 square feet must be separated by at least 1,000 feet.
- Signs 300 square feet or less must be separated by at least 1,000 feet from signs greater than 300 square feet and separated by at least 500 feet from signs 300 square feet or less.
- Signs must be setback from the right-of-way at least 500 feet from designated major commercial corridors [Sec. 134-1276(q)(7)].
- Signs must be setback from the right-of-way at least 500 feet from designated scenic corridors [Sec. 134-1276(q)(8)].
- Sign area maximum is 300 square feet where permitted in “NPC” and in “C-3A” Districts.
- Sign area maximum is 672 square feet for signs in “C-2”, “M-1”, “M-2”, “PUD”, “PBP”, “U-1” and “FW” Districts, and allows a 20 percent additional for temporary extensions.

It should be noted that there are several signs located throughout the City that are considered legal non-conforming under the provisions of the Zoning Ordinance and may not comply with one or more of the existing regulations based on when they were installed.

Other Jurisdictions

In response to the changing technology for outdoor advertising, there are several other jurisdictions throughout the country that have or are considering amending regulations as they are applied to electronic and digital display off-premises advertising signs. They include Columbia, SC; the State of Rhode Island; Reading, PA; Lincoln, NE; and Cities of St. Paul, Eagan, Minnetonka, and Bloomington in Minnesota. Staff has looked closely at regulations enacted in the Bloomington code as a reference for potential changes to the Des Moines regulations.

States that prohibit all off-premises advertising signs include: Vermont, Hawaii, Maine, and Alaska. In addition the States of Rhode Island (since 1990) and Oregon (since 1975) have prohibited any additional off-premises advertising signs on state and federal roads. The cities of Colorado Springs, CO; Denver, CO; Mobile, AL; Philadelphia, PA; Portland, OR; and Seattle, WA have all put a cap on the number of off-premises advertising signs.

Review of Impacts

In order to review the impacts, staff searched for information on traffic safety and aesthetic impacts of digital display off-premises advertising signs. The primary impacts identified in the found literature revolved around the following parameters:

- Distance from the road and between signs (including size of sign)
- Brightness or level of illumination - brighter digital displays not only provide additional distraction to drivers at night, but also provide distracting glare by reflecting sunlight during the day. Illumination also affects the nearby surrounding land uses.

- Length of time image is displayed – image display times shorter than the industry standard of 8-10 seconds result in a greater distraction for drivers. Any change of display on a frequent basis can also have a negative visual impact on surrounding land uses by presenting an unwanted distraction.
- Transition of images – a transition time of longer than a second creates additional distraction for drivers.

The search for safety research regarding electronic/digital display off-premises signs came up with very limited results. The one definitive study that was referenced several times in the search was a 2003 study completed by the Wisconsin Department of Transportation. While this report essentially found that electronic/digital display and off-premises signs were indeed a distraction, there was no conclusive evidence that they caused an increase in accidents. Incidents reported were much less frequent than incidents related to cell phone or radio use. For this reason, staff recommends that any change in Des Moines regulations be based primarily on the aesthetic impacts created by such signs.

Recommendations and Findings

After presenting research and information related to the concerns raised on electronic/digital display and off-premises advertising to the Sub-committee on Electronic Billboards, and the Regulation and Ordinances Committee of the Plan and Zoning Commission, the following findings were made:

- Electronic/digital display signs (both off-premises and on-premises) can present a direct and substantial impact to community aesthetics, property values, traffic and pedestrian safety.
- Electronic/digital display advertising signs are highly visible from long distances and at wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time.
- Without changes in the City of Des Moines Zoning Ordinance with regard to Electronic/Digital Display signs (in particular billboard sized signs), these signs will continue to present an increased threat to community aesthetics, property values, and traffic safety.

The following amendments to the City of Des Moines Zoning Ordinance are recommended:

- Provide a more extensive review of the designated commercial and scenic corridors that are currently protected with regard to off-premises signs to determine if additional corridors and future planned corridors should be included under these limitations (i.e. Fleur Drive south of Army Post, Highway 5 bypass, etc.).
- Incorporate regulations for control of electronic/digital display off-premises signs to regulate the distance of sign from roadway, residential uses, and other signs; brightness/illumination (i.e. automatic dimmer of sign at dusk); duration of message (i.e. set an absolute minimum of greater than 10 seconds); transition of message (i.e. require instantaneous re-pixelization); and prohibit the fluctuation, animation, or movement of the message.
- Adjust the non-conforming provisions of the Zoning Ordinance so that signs are considered independently of other uses (i.e. reduce the 60% destroyed threshold and exclude the foundation from the consideration so that fewer legal non-conforming signs can be reconstructed).
- Modify regulations with regard to illumination of existing billboards (i.e. require down-directional, sharp cut-off lighting with recessed bulbs).
- Investigate the possibility to reduce the maximum size of billboards and or eliminate all billboards within the City through amortization.

The following is a proposed timeline for that process:

- Meet with stakeholders to review text amendments Late April 2007
- Plan and Zoning Commission consideration of text amendments May 17, 2007
- Receive and file P&Z recommendation, set hearing May 21, 2007
- Public hearing and final reading on recommended text amendments June 4, 2007

Based upon the above, it is further recommended that the temporary moratorium be extended through June 5, 2007, to allow the proposed amendments to be finalized and considered for adoption before any new large electronic/digital display signs are installed.

PREVIOUS COUNCIL ACTION(S):

Date: February 12, 2007.

Roll Call Number: 07-275.

Action: [Resolution](#) establishing a temporary moratorium on new off-premises advertising sign with electronic displays. Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: February 15, 2007

Roll Call Number: N/A.

Action: Established Billboard Sub-Committee to follow up on City Council charge to study billboard issues.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Public hearing on proposed amendments and extension of the moratorium beyond June 5, 2007, if necessary.