



Council Communication

Office of the City Manager

Date

June 18, 2007

Agenda Item No. 67

Roll Call No. 07-

Communication No. 07-368

Submitted by: **Larry Hulse, Community
Development Director**

AGENDA HEADING:

Public hearing regarding proposed amendments to the Zoning Ordinance text (Chapter 134) to place limitations on electronic signs and off-premises advertising signs.

SYNOPSIS:

Recommend approval of the proposed text changes that are included in the Council packet Exhibit "A." Because the billboard moratorium imposed by Council has already expired, staff recommends a waiver of the second and third readings of the ordinance to ensure that any new billboard requests are subject to these proposed regulations. The following are the general modifications that are recommended for sign regulations in the Zoning Ordinance:

- Add new definitions for Electronic Display Sign, Multi-vision Display Sign, and Video Display.
- Add regulations for electronic display signs over 24 square feet in area restricting the duration of any message to 20 seconds minimum, requiring transition to be instantaneous, establishing maximum brightness, requiring dimmer control mechanism to adjust to changing light conditions, and establishing residential separation of 100 feet for Electronic and Multi-Vision Display Signs.
- Add Video Display signs to the general list of prohibited signs.
- Add several additional locations (see included map) to the list of Designated and Gateway scenic corridors where off-premises signs are prohibited within 500 feet.
- Add provisions changing the standards for legal non-conforming signs prohibiting them from being converted to electronic display and limiting the ability of any type of sign reuse by changing the way destruction of a sign is defined.
- As part of the changes to the non-conforming provisions, an existing legal non-conforming off-premises advertising sign on a Designated Scenic and Gateway corridor could be converted to an electronic sign only if the applicant agrees to cause a second existing legal non-conforming sign of equal or larger size to be removed from the same Designated Scenic and Gateway corridor prior to such conversion.

FISCAL IMPACT:

Amount: Indeterminate. Assessed property values may be reduced depending on the number of existing off-premises advertising signs removed as a result of proposed Zoning Ordinance text amendments.

Funding Source: General fund property tax revenue.

ADDITIONAL INFORMATION:

On February 12, 2007, the City Council established a temporary moratorium on off-premises signs with electronic displays. The Plan and Zoning Commission created a subcommittee in response to the moratorium. The subcommittee along with staff was charged with investigating issues surrounding electronic signs. On April 9, 2007, the subcommittee and the Regulation and Ordinances Committee of the Plan and Zoning Commission reported to the City Council with the following findings:

- 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.

At that time the City Council voted to extend the moratorium to develop proposed changes to the Zoning Ordinance text to mitigate potential impacts related to those findings. The Council also required that stakeholders in the sign industry be included in the review of any proposed Ordinance changes.

Zoning Ordinance text changes were presented at a stakeholders meeting on Monday, May 14, 2007. Stakeholder input focused on opposition to the proposed 20-second minimum duration for electronic message display. Representatives of the outdoor advertising industry indicated that anything greater than eight (8) seconds would create a hardship because contracts with national corporate advertisers for electronic billboards were established in eight (8) seconds increments. Increasing this duration would exclude the local sign operators from participating in the national contracts and would force local representatives to re-write separate advertising contracts for billboards located in the City of Des Moines.

The stakeholders also indicated that the addition of more streets to the list of Designated Scenic and Gateway Corridors would further limit the growth potential for their industry. Written comments were received from an outdoor advertising company that were strongly opposed to the limitations on duration and addition of streets to the Designated Scenic and Gateway Corridors.

The Regulation and Ordinances Committee made slight modifications to the proposed ordinance to address some of the issues identified at the stakeholder meeting. The Plan and Zoning Commission reviewed the final draft at their May 17, 2007, meeting and have forwarded their recommendation.

PREVIOUS COUNCIL ACTION(S):

Date: June 4, 2007

Roll Call Number: 07-1071

Action: Setting date of hearing on proposed amendments to Zoning Ordinance to place limitations on electronic signs and off premises advertising signs, (6-18-07). ([Council Communication No. 07-340](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: April 23, 2007

Roll Call Number: 07-782

Action: Communication [from](#) David Harkin, 535 E. Army Post Road, requesting relief from the temporary moratorium on off-premises advertising signs and electronic displays. Alternate Motion: To grant requested relief to this and to all similar signs. Moved by Vlassis to adopt and approve the waiver, and to amend the temporary moratorium initially imposed on February 12, 2007, by Roll Call No. 07-275, to exempt all electronic signs no larger than 12 square feet in size. Motion Carried 7-0.

Date: April 9, 2007

Roll Call Number: 07-696

Action: [Report](#) on Electronic Billboards and extending the temporary moratorium until June 5, 2007. ([Council Communication No. 07-204](#)) Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Hensley and Kiernan.

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: May 17, 2007

Roll Call Number: N/A

Action: Plan and Zoning Commission recommended text changes to the Zoning Ordinance to regulate electronic signs and to restrict off-premises advertising signs.

Date: February 15, 2007

Roll Call Number: N/A

Action: Plan and Zoning Commission established Billboard Sub-Committee to follow up on City Council charge to study billboard issues.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE