



# Council Communication

Office of the City Manager

Date

August 6, 2007

Agenda Item No. 29

Roll Call No. 07-

Communication No. 07-489

Submitted by: Larry Hulse, Community  
Development Director

## AGENDA HEADING:

Set public hearing regarding proposed amendments to the Zoning Ordinance text (Chapter 134) establishing designated gateway and scenic corridors, changing the provisions for legal non-conforming signs; and regulating the conversion of legal non-conforming billboards to electronic billboards.

## SYNOPSIS:

The proposed text changes are attached as Exhibit "A" and generally make the following modifications to the sign regulations in the Zoning Ordinance:

- Add several additional locations (see included map) to the list of Designated Gateway and 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.

The proposed changes are supported by the significant corridors map and proposed policies for significant corridors contained on pages 38-39 of the Des Moines' 2020 Community Character Plan.

## FISCAL IMPACT:

Amount: Indeterminate. Assessed property values may be reduced dependent on 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. On April 9, 2007 the City Council received and filed a 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 by a vote of 5-2. The report recommended the following amendments to the City of Des Moines Zoning Ordinance:

- 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; duration of message; transition of message; 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.

On June 18, 2007, the City Council voted 6-1 to approve the first consideration of an ordinance placing limitations on electronic signs including a minimum static display of eight-seconds between electronic messages. The Council extended the moratorium on digital signs originally imposed on February 12<sup>th</sup>, until August 6, 2007, (for signs greater than 24 square feet in size) to allow further review of the following: an ordinance establishing designated gateway and scenic corridors, changing the provisions for legal non-conforming signs, and regulating the conversion of legal non-conforming billboards to electronic billboards. The Council subsequently approved the second and final considerations of the amended ordinance on July 9, 2007.

The moratorium that expires today only applies to new digital signs and the conversion of existing signs to digital signs. It does not apply to the construction of new signs within the proposed scenic and gateway corridors. If the Community Development Department receives any applications for new signs before August 20<sup>th</sup> that would violate the proposed ordinance, staff will administratively decline to issue the permits until a final decision is made by City Council on the proposed ordinance changes. Any pending applications will be reported to City Council at the hearing.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: July 9, 2007

Roll Call Number: 07-1315 and 07-1316

Action: [Amending](#) Chapter 134 of the Municipal Code regarding limitations on electronic signs and off premises advertising signs. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

Date: June 18, 2007

Roll Call Number: 07-1224 and 07-1225

Action: Motion to approve first consideration of ordinance subject to the following conditions: a) The ordinance shall be amended to delete the amendments to the Zoning ordinance corresponding to the last three bullet points in the synopsis of Council Communication No. 07-368. b) The moratorium on digital

signs originally imposed on February 12, 2007 by Roll Call No. 07-275, is hereby renewed and extended until August 6, 2007, and amended to apply only to signs greater than 24 square feet in size. Motion Carried 6-1.

Date: June 4, 2007

Roll Call Number: 07-781 and 07-782

Action: [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: 07-781 and 07-782

Action: [From](#) David Harkin, 535 E. Army Post Road, requesting relief from the temporary moratorium on off-premises advertising signs and electronic displays. Moved by Vlassis to receive and file comments. 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:**

Hold public hearing and first consideration of the proposed ordinance on August 20, 2007.