



Council Communication

Office of the City Manager

Date

August 20, 2007

Agenda Item No. 66
Roll Call No. 07-
Communication No. 07-499
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

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:

Recommend approval of the proposed text changes that are included in the Council packet as Exhibit A. The recommendation generally makes 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 a 500-foot setback from the corridor.
- 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.
- Allow an existing legal non-conforming off-premises advertising sign to 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 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 Plan and Zoning Commission Subcommittee on Electronic Billboards, and the Regulation and Ordinances Committee of the Plan and Zoning Commission regarding electronic billboards. 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 independent from 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 by Roll Call No. 07-275, until August 6, 2007 (for signs greater than 24 square feet in size). This allowed time for further review of 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 City Council asked for responses to the following questions at the August 6, 2007, meeting when it set the date for the public hearing:

- How many signs in the city will be impacted by the proposed changes? There are approximately 415 existing billboards within the City limits. Approximately 100 of the signs are 14' x 48' (672 s.f.) in size and 315 of the signs are 12' x 24' (288 s.f.) in size.
- What companies own the signs? Clear Channel Outdoor owns approximately 380 of the signs within the City limits. Waitt Outdoor owns 10 off premise advertising signs within the Des Moines' City limits. Other miscellaneous advertising companies own the remainder of the signs.
- Can we look at reducing the maximum size of signs? Yes. Reducing the maximum size for billboards would also cause existing billboards to become legal non-conforming signs.
- How will this action resolve the outstanding issues with the signs on Fleur Drive (Gray's Lake) and the issues related to Western Gateway? These are separate issues that will not be addressed by the ordinance under consideration.
- How would staff recommend approaching an amortization to get rid of all billboards? First, the City must define what it wants to amortize (i.e. size of billboards, existence of billboards, etc.). Second, the City must determine the economic life of each billboard (i.e. determine its value and life span). Third, the staff would need to prepare legislation for consideration by the Plan and Zoning Commission and Council that requires compliance with the new code within a set period of time that is commensurate with the economic life of the billboards (i.e. 5 years, 10 years, 15 years, etc.). Finally, the City would need to wait for the period of time to expire and defend any legal challenges to the amortization.

PREVIOUS COUNCIL ACTION(S):

Date: August 6, 2007

Roll Call Number: 07-1518

Action: Setting date of hearing for on proposed amendments to the Zoning Ordinance to place limitations on electronic signs and off-premises advertising signs, (8-20-07). ([Council Communication No. 07-489](#)) Moved by Coleman to adopt. At the hearing, City Manager will provide information regarding: 1. The number of signs impacted; 2. Amortization of billboards; 3. Possibility of reducing the maximum size. Motion Carried 7-0.

Date: July 9, 2007.

Roll Call Number: 07-1315

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

Action: On proposed amendments to Zoning Ordinance to place limitations on electronic signs and off premises advertising signs. ([Council Communication No. 07-368](#)) Moved by Hensley to adopt, 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: 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.