



Council Communication

Office of the City Manager

Date

April 21, 2008

Agenda Item No. 68
Roll Call No. 08-
Communication No. 08-209
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Approving Third Reading 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 attached as Exhibit "A" to the roll call and generally make the following modifications to the sign regulations in the Zoning Ordinance:

- Expansion of the list of designated Scenic and Gateway corridors where no off-premise advertising signs are permitted within 500 feet of or facing said corridors. This includes the addition of areas such as Fleur Drive south of relocated Army Post Road, the Iowa 5 bypass and Merle Hay Road from Franklin Avenue to the northern City limits.
- Existing billboards along these corridors, if not already legal non-conforming, will become legal non-conforming.
- Legal non-conforming off-premise advertising signs cannot be enlarged or altered in a manner that increases their non-conformity, including but not limited to size and number of sign faces.
- Legal non-conforming off-premise advertising signs along Scenic or Gateway Corridors may only be converted to an electronic display sign subject to the establishment of a sign credit system, where:
 - Removal of an entire standard (14' x 48') billboard with two sign faces and located anywhere in the City would earn 2.0 credits.
 - Removal of an entire standard (14' x 48') billboard with one sign face and located anywhere in the City would earn 1.0 credit.
 - Removal of an entire poster (12' x 25') billboard with two sign faces and located anywhere in the City would earn 1.0 credit.
 - Removal of an entire poster (12' x 25') billboard with one sign face and located anywhere in the City would earn 0.5 credits.
 - Conversion of any standard (14' x 48') sign face to a digital sign face would cost 1.0 credit.
 - Conversion of any standard (12' x 25') sign face to a digital sign face would cost 0.5 credits.
 - No credits would be earned for removal of a billboard sign face that is converted to a digital billboard sign face.
 - The digital billboard sign face must be equal to or less in size than the sign face it replaces.

The sign credit system only applies to the conversion of legal non-conforming off-premise advertising signs to electronic display signs; the system is not applicable to billboards at new locations that comply with all zoning regulations for new billboards.

- The proposed ordinance no longer requires a billboard to be removed on the same corridor as the billboard being converted to digital display.

FISCAL IMPACT:

Amount: Indeterminate. Assessed property values may be reduced depending 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:

At the request of the City Council and City Manager, staff met with representatives of Clear Channel Outdoor (Clear Channel), with corporate headquarters at 2201 East Camelback Road, Suite 500, Phoenix, AZ 85016, to discuss potential revisions to the ordinance after the second reading was approved on November 5, 2007. The key modification to the final ordinance that is supported by City staff includes the establishment of the sign credit system.

In addition to the proposed ordinance, Clear Channel has agreed to remove the existing billboard at Gray's Lake with no replacement and no sign credit earned. Clear Channel also will deed the land where the billboard is located to the City.

Finally, Clear Channel has agreed to receive the equivalent of four sign credits for two billboards, which were previously located in the Western Gateway and removed by the City of Des Moines without compensation to Clear Channel. Clear Channel would waive any rights to any further compensation or legal action against the City regarding the referenced billboards.

PREVIOUS COUNCIL ACTION(S):

Date: November 5, 2007.

Roll Call Number: 07-2152

Action: [Second](#) Consideration of an ordinance amending Chapter 134 of the Municipal Code, to expand the corridors along which off-premise advertising signs (billboards) are generally prohibited and to restrict the right to replace or modify existing non-conforming signs. ([Council Communication No. 07-670](#)) Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

Date: August 20, 2007

Roll Call Number: 07-1670

Action: [On](#) proposed amendments to the [Zoning Ordinance](#) to place limitations on electronic signs and off-premises advertising signs. ([Council Communication No. 07-499](#)) Moved by Vlassis to adopt and approve, subject to final passage of the enacting ordinance. Council will have second consideration of the ordinance on October 22, 2007; refer to the City Manager to review extending the Merle Hay Corridor, and to have further discussion with Clear Channel Communication regarding the regulation of billboards. Motion Carried 7-0.

Date: August 6, 2007

Roll Call Number: 07-1518

Action: [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.

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

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