

ORDINANCE NO. 13,627

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, as heretofore amended, by repealing subsection (R) of Section 2A-7 and paragraph (5) of subsection (A) of Section 2A-16 thereof and enacting a new subsection (R) of Section 2A-7, all relating to the allowed size and location of off-premises advertising signs.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. The City Council hereby makes the following findings in support of this ordinance.

(A) Off-premises advertising signs ("billboards") are by their vary nature and purpose designed to stand out from the neighborhood in which they are located and to divert the attention of motorist from the road to the sign.

(B) Improperly placed billboards can have a blighting effect upon the neighborhood in which they are located and be a traffic hazzard.

(C) There has recently been a huge increase in the number of applications for building permits for billboards which demonstrates that the location and density of billboards has been controlled principally by market forces rather than by the Zoning Ordinance, and that the Zoning Ordinance does not adequately protect the public safety and welfare and preserve property values.

(D) The City Council desires to permit billboards in those locations where a billboard will not detrimentally affect residential property; the public use and enjoyment of public parks and facilities; the public use and enjoyment of landmarks, historic districts and other areas of special historical or architectural significance; or scenic corridors which are recognized for their contribution to the appearance and public perception of the City. Sec. 2. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, as restated by the Ninth Supplement thereto adopted June 16, 1997, by Resolution and Roll Call No. 97-2094, and further amended by Ordinance No. 13,542 passed November 3, 1997 and Ordinance No. 13,590 passed March 3, 1998, be and is hereby amended by repealing subsection (R) of Section 2A-7 and paragraph (5) of subsection (A) of Section 2A-16 thereof and enacting a new subsection (R) of Section 2A-7, all relating to the allowed size and location of off-premises advertising signs, as follows:

**2A-7. GENERAL REGULATIONS.**

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**(R) Off-Premises Advertising Signs.** Off-premises advertising signs shall be permitted only in those zoning districts where such signs are specifically classified as permitted or conditionally permitted uses by applicable district regulations. In each zoning district where off-premises advertising signs are classified as a permitted or conditionally permitted use, such signs shall be subject to the following restrictions:

- (1) The height of any such sign, if free standing, shall not exceed thirty-five (35) feet .
- (2) Such signs shall meet applicable zoning district yard requirements for principal structures, except that the district front yard setback requirement shall apply only in the event that there is no immediately adjacent principal structure with a front yard setback of less than the district requirement on either side of the property where such a sign is located. In the event that there is an immediately adjacent principal structure with a front yard setback of less than the district requirement on only one side of the property where said sign is located, then the minimum front yard setback requirement for said sign shall be the average of the district front yard setback requirement and the setback of said adjacent structure. In the event that there are immediately adjacent principal structures with front yard setbacks of less than the district requirement on both sides of the property where said sign is located, then the minimum front yard setback requirement for said sign shall be the average of the setbacks of said adjacent structures.
- (3) Such sign may contain separate side-by-side, back-to-back or "V" type sign faces, provided such separate faces are attached to a single supporting structure and the total area of all faces does not exceed the maximum size allowed for a sign at that location.
- (4) Such signs may be located on roofs of buildings, subject to the following restrictions:
  - (a) Such signs shall not exceed a height of thirty-five (35) feet above the roof level from the point of mounting.
  - (b) The back of any such sign shall be effectively shielded from public view by a building wall, by backing the face with another such sign face to conceal the exposed backs or by painting the exposed back a neutral color. Structural supports shall be painted a neutral color.
  - (c) The total combined height of any such sign and the building upon which it is placed shall not exceed the zoning district height limitation applicable to the building.
- (5) No such sign shall be permitted within two hundred (200) feet of (a) any lot in an "R" District which either is used for residential purposes or is vacant, or (b) any portion of a "PUD" District devoted to single or two family use. No such sign shall be permitted within five hundred (500) feet of (a) any lot on which is located a public square, public park, public or parochial school, church, synagogue, funeral home, cemetery, or public library , or (b) any lot which is part of a designated City landmark or historic district or a National Register Historic District.
- (6) No such sign shall be permitted within five hundred (500) feet of any other such sign .
- (7) No such sign shall be located within five hundred (500) feet or face any of the designated scenic corridors listed below. These scenic corridors have been so designated because they provide significant views from the public right-of-way to the Des Moines or Raccoon Rivers, downtown, state capitol, or large areas of open space. The designated scenic corridors are as follows:
  - (a) Grand Avenue from 12th Street to west city limits.

- (b) Fleur Drive from Grand Avenue to two hundred (200) feet south of Army Post Road.
  - (c) Martin Luther King Jr. Parkway from MacVicar Freeway to east bank of Des Moines River.
  - (d) MacVicar Freeway from 7th Street to East 6th Street.
  - (e) E. 14th Street from Hartford Avenue to Governor Square Drive.
  - (f) S.W. 1st Street from Raccoon River Bridge to Depot Street.
  - (g) Embankments of the Raccoon River Bridges at: S.W. 3rd Street, S.W. 7th Street, S.W. 9th Street and 63rd Street.
  - (h) Embankments of the Des Moines River Bridges at: S.E. 1st Street, S.E. 6th Street, 2nd Avenue, 6th Avenue, Euclid Avenue and University Avenue.
- (8) The maximum size of any such sign shall not exceed the following limits:
- (a) Within the "NPC" and "C-3A" districts - 300 square feet
  - (b) Within the "C-2", "M-1", "M-2", "U-1" and "FW" districts - 672 square feet plus an additional 20% for temporary extensions.

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**2A-16. "C-1" DISTRICT REGULATIONS. (NEIGHBORHOOD RETAIL COMMERCIAL DISTRICTS).**

**Statement of Intent.** The "C-1" District is intended to provide for the convenience shopping of persons living in neighborhood residential areas and for general uses and activities of a retail and personal service character. Only those uses are permitted which are necessary to satisfy the local needs which occur so frequently as to require commercial facilities in proximity to residential areas. In addition, low-intensity business and professional offices are permitted.

**(A) Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the "C-1" District.

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(5) (not used)

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Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney