

ORDINANCE NO. 13,863

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing subsection (q) of Section 134-1276 and Section 134-737 thereof, and enacting a new subsection (q) to Section 134-1276 and Section 134-737, regarding the permitted size and location of off-premises advertising signs.

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

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, be and is hereby amended by repealing subsection (q) of Section 134-1276 and Section 134-737 thereof, and enacting a new subsection (q) to Section 134-1276 and Section 134-737, regarding the permitted size and location of off-premises advertising signs, as follows:

Sec. 134-1276. General regulations.

.....

(q) *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 freestanding, shall not exceed 45 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 if 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. If 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 the sign is located, the minimum front yard setback requirement for the sign shall be the average of the district front yard setback requirement and the setback of such adjacent structure. If there are immediately adjacent principal structures with front yard setbacks of less than the district requirement on both sides of the property where the sign is located, the minimum front yard setback requirement for the 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. Single faced off-premises advertising signs in existence on July 1, 2000, which are located at least 500 feet from any other such sign and comply with the separation requirements in paragraph 5, below, may be altered to add a back advertising panel which conforms to the current size limitations for the zoning district in which it is located.

(4) Such signs may be located on roofs of buildings, subject to the following restrictions:

a. Such signs shall not exceed a height of 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 200 feet of (i) any lot in an R district which either is used for residential purposes or is vacant, or (ii) any portion of a PUD district devoted to single- or two-family use. No such sign shall be permitted within 500 feet of (i) any lot on which is located a public square, public park, public or parochial school, church, synagogue, funeral home, cemetery, or public library, or (ii) any lot which is part of a designated city landmark or historic district or a National Register historic district.

(6) Except as otherwise allowed by paragraph 7, below, no such sign greater than 300 square feet in size shall be located within 1000 feet of any other such sign, regardless of the size of the other sign. Except as otherwise allowed by paragraph 7, below, no such sign 300 square feet or less in size shall be located within 1000 feet of any other such sign which is greater than 300 square feet in size, nor shall it be located within 500 feet of any other sign which is 300 square feet or less in size.

(7) Along the designated major commercial corridors listed in

this subsection, in lieu of the separation requirements identified in paragraph 6, above, no such sign shall be located within 500 feet of any other such sign. The designated major commercial corridors are:

a. Second Avenue (east side) - from University Avenue to Washington Avenue.

b. Euclid Avenue - from East Fourteenth Street to Mac Vicar Freeway.

c. Mac Vicar Freeway (west side) - from extension of Tiffin Avenue to north city limits.

d. Southeast Diagonal - from Southeast Fifteenth Street to Southeast Twenty-fourth Street, and from Southeast Thirtieth Street to east city limits.

e. Southeast Fourteenth Street - from Pleasantview Drive to Bloomfield Road.

f. Army Post Road (south side) - from Southwest Ninth Street to Southwest Second Street, and from Southeast Sixth Street to and including the 2100 block of Army Post Road.

g. Sixty-third Street/ Iowa Highway 28 - from Watrous Avenue to Army Post Road.

h. Park Avenue - from Southwest Forty-sixth Street to Southwest Sixty-third Street.

i. Merle Hay Road (west side) - from Douglas Avenue to Aurora Avenue.

j. Merle Hay Road (east side) - from Aurora Avenue to north city limits.

k. Martin Luther King Jr. Parkway (east side) - from Hickman Road to Euclid Avenue.

l. Northeast Fourteenth Street - From Douglas Avenue to north city Limits.

(8) No such sign shall be located within 500 feet or face any of the designated scenic corridors listed in this subsection. These scenic corridors have been so designated because they provide significant views from the public right-of-way to the Des Moines or Raccoon River, downtown, state capitol, or large areas of open space. The designated scenic corridors are as follows:

a. Grand Avenue from Twelfth Street to the west city limits.

b. Fleur Drive from Grand Avenue to 200 feet south of Army Post Road.

c. Martin Luther King, Jr. Parkway from MacVicar Freeway to the east bank of the Des Moines River.

d. MacVicar Freeway from Seventh Street to East Sixth Street.

e. East Fourteenth Street from Hartford Avenue to Governor Square Drive.

f. Southwest First Street from Raccoon River Bridge to Depot Street.

g. Embankments of the Raccoon River Bridges at Southwest Third Street, Southwest Seventh Street, Southwest Ninth Street and Sixty-third Street.

h. Embankments of the Des Moines River Bridges at Southeast First Street, Southeast Sixth Street, Second Avenue, Sixth Avenue, Euclid Avenue and University Avenue.

(9) 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, PUD, PBP, U-1 and FW districts, 672 square feet plus an additional 20 percent for temporary extensions.

.....
.....

Sec. 134-737. Principal permitted uses.

For the purpose of this division, it shall be recognized that the type of use is not so important as the manner in which the use is accomplished. Further, in the interest of general community welfare, it is recognized that the community should be beautiful as well as financially prosperous, spacious as well as efficient, physically balanced as well as regulated. Therefore, it is considered impractical, if not impossible, to accurately enumerate those uses which would be beneficial or detrimental to the community, and it is intended only that this district shall not be used indiscriminately to permit any use which might violate the general welfare of the community, but it shall be restricted and confined to only those integrated professional-commerce uses which produce net gains to the community in both aesthetic and material quality. Residential uses shall not be permitted. The following use categories shall generally be permitted in the PBP planned business park

district as long as they meet the general intent of this division:

(1) Offices.

(2) Research, education and development facilities.

(3) Light manufacturing and assembly.

(4) Warehousing.

(5) Hotels and motels.

(6) Off-premises advertising signs.

(7) Support commercial uses. A maximum of six percent of the gross land area of the planned business park conceptual plan may be allocated to support commercial uses. Support commercial uses shall be permitted only as a part of an approved conceptual plan encompassing 100 acres or more. The development plan for any such support commercial use shall be approved only in conjunction with a development plan that includes principal uses permitted under the categories set forth in subsections (1)-(5) of this section. Support commercial uses similar in nature to the following shall be permitted:

a. Art supply stores.

b. Banks and similar facilities including drive-up facilities.

c. Blueprinting services.

- d. Book and stationery stores.
- e. Bookkeeping services.
- f. Cleaners.
- g. Convenience stores.
- h. Day care centers.
- i. Employment agencies.
- j. Gasoline service stations.
- k. Health clubs.
- l. Medical/dental and similar offices.
- m. Office supply stores.
- n. Photography, printing, copying services/supplies.
- o. Post office substations.
- p. Restaurants including drive-up facilities.

Sec. 2. 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

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 00-3826), passed by the City Council of said City at a meeting held September 25, 2000, signed by the Mayor on September 25, 2000, and published as provided by law in the Business Record on October 9, 2000. Authorized by Publication Order No. 1420.

Donna Boetel-Baker, CMC/AAE, City Clerk