

Date June 18, 2007

An Ordinance entitled, " 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 paragraphs (j) and (q) of Section 134-1276, and paragraphs (c) and (d) of Section 134-1352 thereof, and enacting a new paragraph (j) of Section 134-1276, and paragraphs (c) and (d) of Section 134-1352, by adding and enacting new Sections 134-1277 and 134-1278, and by adding and enacting new definitions in Section 134-3, all regarding the regulation of electronic signs, off-premises advertising signs and other types of signs",

presented.

MOVED by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

MOTION CARRIED

APPROVED

.....  
Mayor

67A

ORDINANCE NO. \_\_\_\_\_

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 paragraphs (j) and (q) of Section 134-1276, and paragraphs (c) and (d) of Section 134-1352 thereof, and enacting a new paragraph (j) of Section 134-1276, and paragraphs (c) and (d) of Section 134-1352, by adding and enacting new Sections 134-1277 and 134-1278, and by adding and enacting new definitions in Section 134-3, all regarding the regulation of electronic signs, off-premises advertising signs and other types of 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, as amended by Ordinance No. 13,889 passed November 20, 2000, Ordinance No. 13,905 passed January 22, 2001, Ordinance No. 14,118 passed July 8, 2002, Ordinance No. 14,125 passed July 22, 2002, Ordinance No. 14,362 passed July 26, 2004, Ordinance No. 14,406 passed January 24, 2005, and Ordinance No. 14,453 passed May 23, 2005, be and is hereby amended by repealing paragraphs (j) and (q) of Section 134-1276, and paragraphs (c) and (d) of Section 134-1352 thereof, and enacting a new paragraph (j) of Section 134-1276, and paragraphs (c) and (d) of Section 134-1352, by adding and enacting new Sections 134-1277 and 134-1278, and by adding and enacting new definitions in Section 134-3, all regarding the regulation of electronic signs, off-premises advertising signs and other types of signs, as follows:

**Sec. 134-3. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

.....  
Sign, electronic display means any portion of a sign upon which alphabetic, pictographic or symbolic informational content can be changed or altered on a display screen composed of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices, including but not limited to programmable microprocessor controlled electronic displays; and, the projection of images or messages with these characteristics by any other means onto the sign face.

Sign, multi-vision display means any portion of a sign where the display surface is comprised of rotating elements that permit the display of different messages by the rotation of the elements.

Video display means an electronic display sign upon which multiple-color pictures or graphics are displayed in a series of frames which give the illusion of motion. This definition includes, but is not limited to, television screens, plasma screens, LED screens and holographic displays used to display video images.

**Sec. 134-1276. General Regulations.**

- .....
- (j) Prohibited signs. The following designated signs shall be prohibited in all zoning districts:
  - (1) Obsolete signs. Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.
  - (2) Banners, balloons, posters, and the like. Signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners or other similarly moving devices, except as specifically provided in subsections (i)(1)d and (i)(1)f of this section. These devices when not part of any sign shall also be prohibited.
  - (3) Swinging signs. Such signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
  - (4) Portable signs. Such signs that are not permanently anchored or secured to either a building or the ground.
  - (5) Off-premises signs on public property. Such off-premises signs located on public property which is being used for public purposes.
  - (6) Painted wall signs. Such off-premises signs painted on building walls.
  - (7) Fascia signs. Such signs which encroach more than 18 inches on or over a street right-of-way or a required yard.
  - (8) Building or wall signs. Such signs which extend more than four feet above the roofline, except in areas where roof signs are permitted.
  - (9) Video display signs.

.....  
~~(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. 134-1277. Regulation of electronic signs.**

Any sign utilizing an electronic display or multi-vision display more than 24 square feet in area must meet the following operational standards:

- (a) Duration. The display area and each portion thereof must be static for at least 20 seconds between any change in the message displayed.
- (b) Transition. The change between static messages must be instantaneous.
- (c) Brightness. No lighting shall be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of any street, or is of such low intensity or brilliance as to not cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle. In no event may such a sign exceed a maximum illumination of 5,000 candelas per square meter during daylight hours and a maximum illumination of 500 candelas per square meter between dusk to dawn as measured from the sign's face at maximum brightness.
- (d) Dimmer control. Electronic display signs must have an automatic dimmer control to automatically reduce the illumination at night and during times of reduced ambient light.
- (e) Separation from Residential. No such sign shall be permitted within 100 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.

**Sec. 134-1278. Regulation of 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 additional 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) Where off-premises advertising signs and roof signs are both permitted by the applicable district regulations, off-premises advertising signs 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 or gateway corridors listed in this subsection. These scenic and gateway 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, or serve as major entryways into distinct residential, institutional or commercial districts. The designated scenic and gateway corridors are as follows:

- a. Army Post Road and Relocated Army Post Road from Fleur Drive to Iowa Highway 28.
- b. Bell Avenue
- c. Douglas Avenue from Martin Luther King, Jr. Parkway to west city limits.
- d. East 14th Street and Southeast 14<sup>th</sup> Street from East Park Avenue to East Euclid Avenue.



- e. East Army Post Road from Indianola Avenue to east city limits.
- f. East Euclid Avenue from MacVicar Freeway to Hubbell Avenue.
- g. East University Avenue.
- h. Easton Boulevard from Hubbell Avenue to east city limits.
- i. Euclid Avenue and East Euclid Avenue from Martin Luther King, Jr. Parkway to East 14th Street.
- j. Fleur Drive from Grand Avenue to south city limits.
- k. Grand Avenue from Twelfth Street to the west city limits.
- l. Hartford Avenue from Southeast 14th Street to Southeast 22nd Street.
- m. Hubbell Avenue.
- n. Indianola Avenue.
- o. Iowa Highway 5.
- p. MacVicar Freeway between 7th Street and East 6th Street, and except the west side thereof from the extension of Tiffin Avenue to the north city limits.
- q. Martin Luther King, Jr. Parkway from north city limits to East 14th Street, but excluding the east side thereof from Hickman Road to Euclid Avenue. For that portion of E. Martin Luther King Jr. Parkway not yet constructed, the Zoning Enforcement Officer shall obtain, review and reasonably utilize the available data from the state department of transportation, the city engineering department and from any other reliable source in determining the location of the future right-of-way.
- r. Southeast 30<sup>th</sup> Street from East University Avenue to Maury Street.
- s. Southwest 1st Street from Raccoon River Bridge to Depot Street.
- t. Southwest Connector. For the portions of the Southwest Connector not yet constructed, the Zoning Enforcement Officer shall obtain, review and reasonably utilize the available data from the state department of transportation, the city engineering department and from any other reliable source in determining the location of the future right-of-way.
- u. Thomas Beck Road
- v. University Avenue
- w. U.S. Highway 65/69 from East Army Post Road to south city limits.
- x. Grand Avenue from Twelfth Street to the west city limits.
- y. Fleur Drive from Grand Avenue to 200 feet south of Army Post Road.
- z. Martin Luther King, Jr. Parkway from MacVicar Freeway to the east bank of the Des Moines River.
- aa. MacVicar Freeway from Seventh Street to East Sixth Street.
- bb. East Fourteenth Street from Hartford Avenue to Governor Square Drive.
- cc. Southwest First Street from Raccoon River Bridge to Depot Street.
- dd. Embankments of the Raccoon River Bridges at Southwest Third Street, Southwest Seventh Street, Southwest Ninth Street and Sixty-third Street.
- ee. 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. 134-1352. Use of land, use of structures and structures in any R district.**

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(c) Nonconforming structures other than signs. Where a structure other than a sign exists at the effective date of the ordinance adopting or amending this chapter that could not be built under the terms of this chapter because of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
- (2) If such structure is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this chapter. This subsection does not apply to nonconforming structures within an R-HD residential historic district. Any single-family semidetached or two-family dwelling which was a conforming structure on December 31, 1996 may be structurally altered, and if destroyed may be reconstructed and used as before, provided such reconstruction is commenced within six months of such destruction and diligently pursued to completion.

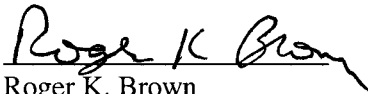
(d) Nonconforming signs. Where a sign exists at the effective date of the ordinance adopting or amending this chapter that could not be built under the terms of this chapter because of size, height, setback, separation, or other characteristics of the sign or its location, such structure may be continued so long as it remains otherwise lawful, subject to the following:

- (1) No such sign may be enlarged or altered in a way which increases its nonconformity.
- (2) No such sign may be converted to use an electronic display. However, a legal non-conforming sign on a scenic or gateway corridor may be converted to an electronic display sign 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.
- (3) If such sign is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction exclusive of the foundation and supporting elements below the bottom face of the sign, such sign shall not be reconstructed except in conformity with this chapter. If the sign be less than 60 percent destroyed above the bottom face of the

sign, it may be reconstructed and used as before provided it is done within six months of such happening and is built of like or similar materials.

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

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