

Date July 9, 2007

RESOLUTION INITIATING AN AMENDMENT TO THE ZONING ORDINANCE
TO ALLOW ADDITIONAL SIGNAGE BY A BUSINESS WHOSE PRIMARY
STREET FRONTAGE HAS BEEN TEMPORARILY CLOSED, AND
TEMPORARILY SUSPENDING ENFORCEMENT

WHEREAS, the temporary closure of City streets during the construction of public improvements detrimentally impacts local businesses which rely upon the closed street as their principal means of customer access; and,

WHEREAS, the detrimental impact upon local businesses from a temporary street closure can often be mitigated by allowing the business to have additional signage to let their customers know the business is still open, and that alternate routes of access may exist; and,

WHEREAS, the proposed amendment to the Zoning Ordinance, attached as Exhibit "A", would allow any such business to have an additional 100 square feet of signage per street frontage for the duration of the temporary street closure; and,

WHEREAS, a temporary suspension of enforcement of the regulations in the Zoning Ordinance prohibiting such additional signage is warranted to immediately address the hardship created by the existing conditions; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby initiates an amendment to the Zoning Ordinance as set forth in Exhibit "A", to allow a business whose primary street access has been temporarily closed by the construction of a public improvement, to have an additional 100 square feet of signage per street frontage for the duration of such closure. The proposed amendment is hereby referred to the Plan and Zoning Commission for report and recommendation.
2. The proposed amendment to the Zoning Ordinance shall be considered by the City Council at a public hearing to be held in the Council Chambers at City Hall, at 5:00 p.m. on July 23, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. The City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

(continued)

★ Roll Call Number

Agenda Item Number
24

.....
 July 9, 2007
 Date

4. The Zoning Enforcement Officer shall temporarily suspend enforcement of the existing zoning regulations which prohibit the issuance of a permit for, and the placement of, signage that would be allowed by the enactment of the amendment to the Zoning Ordinance set forth in Exhibit "A". Such suspension of enforcement shall continue until the earlier of 90 days, or the City Council's enactment or rejection of the proposed amendment to the Zoning Ordinance.

(Council Communication No. 07-422)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

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

MOTION CARRIED APPROVED

 Mayor

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

Exhibit “A”

Proposed amendment to the Zoning Ordinance to allow a business whose primary street frontage is temporarily closed by construction of a public improvement, to have an additional sign up to 100 square feet in size on each frontage for the duration of the street closure.

Sec. 134-1276. General regulations.

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- (i) Signs permitted in all zones. The following designated signs shall be permitted in all zoning districts:
 - (1) Temporary signs.
 - a. Real estate signs. Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed. One such nonilluminated sign, not to exceed six square feet, shall be permitted on each premises. Such a sign shall not extend higher than four feet above grade level or closer than 20 feet to any property line unless located on the wall of a building. Such signs shall be removed within seven days after the disposition of the premises.
 - b. Construction signs. Such signs identifying the architects, engineers, contractors, and other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended, but not including product advertising. One such nonilluminated sign, not to exceed 100 square feet, shall be permitted per street frontage. Such sign shall not extend higher than ten feet above grade level or be closer than 20 feet to any property line unless located on the wall of a building, on the premises, or on a protective barricade surrounding the construction. Such signs shall be removed within one week following completion of construction.
 - c. Political campaign signs. Such signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property and shall be removed within one week following the election to which they pertain.
 - d. Street banners. Such signs advertising a public event providing that specific approval is granted under regulations established by the city council.
 - e. Seasonal decorations. Such signs pertaining to recognized national holidays and national observances.
 - f. Grand opening or special event signs. Subject to having obtained a sign permit for the grand opening or special event signs, any signs, including banners, balloons, posters, pennants, ribbons, streamers, and similar devices, for up to ten consecutive days to announce a grand opening or a special event or up to 30 consecutive days to announce a special event sponsored by a neighborhood association recognized under the city neighborhood recognition program. Only one such permit shall be granted

for each business or recognized neighborhood association in a one-year period.

- g. Yard signs. Such signs advertising legal yard sales, open houses or similar temporary events during the time of the event. Such signs shall not exceed six square feet in area, shall not be more than four feet in height, shall be located outside of any vision clearance triangle and shall not be placed within any public right-of-way or upon any other public property.
- h. Street closure signs. Subject to obtaining a permit, one non-illuminated or indirectly illuminated sign not to exceed 100 square feet in area per street frontage for any business whose primary street frontage has been temporarily closed to vehicular travel for construction or repair of public improvements. Such sign may be used only for the duration of the road closure and must be removed within two business days after the street is reopened.

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