

★ **Roll Call Number**

Agenda Item Number

66A

Date August 20, 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 paragraph 8 of Section 134-1278 and paragraphs (c) and (d) of Section 134-1352 thereof, and enacting a new paragraph 8 to Section 134-1278 and paragraphs (c) and (d) to Section 134-1352, to expand the corridors along which off-premises advertising signs are generally prohibited, and to restrict the right to replace or modify existing non-conforming 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				
VLASSIS				
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

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 paragraph 8 of Section 134-1278 and paragraphs (c) and (d) of Section 134-1352 thereof, and enacting a new paragraph 8 to Section 134-1278 and paragraphs (c) and (d) to Section 134-1352, to expand the corridors along which off-premises advertising signs are generally prohibited, and to restrict the right to replace or modify existing non-conforming 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. 14,668 passed July 9, 2007, be and is hereby amended by repealing paragraph 8 of Section 134-1278 and paragraphs (c) and (d) of Section 134-1352 thereof, and enacting a new paragraph 8 to Section 134-1278 and paragraphs (c) and (d) to Section 134-1352, to expand the corridors along which off-premises advertising signs are generally prohibited, and to restrict the right to replace or modify existing non-conforming signs, as follows:

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:

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- (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, or serve as major entryways into distinct residential, institutional or commercial districts. The designated scenic 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 14th 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 30th 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.
- 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.~~
- e. ~~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.~~
- gx. Embankments of the Raccoon River Bridges at SW 3rd Southwest Third Street, SW 7th Southwest Seventh Street, SW 9th Southwest Ninth Street

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and ~~63rd Sixty-third Street.~~
 by. Embankments of the Des Moines River Bridges at ~~SE 1st Southeast First Street, SE 6th Southeast Sixth Street, 2nd Second Avenue, 6th Sixth Avenue, Euclid Avenue and University Avenue.~~

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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.

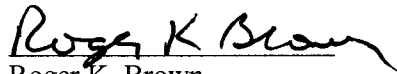
(d) Nonconforming signs. Where a sign exists at the effective date of the ordinance adopting or amending this chapter that could not be built under the terms of this chapter because of size, height, setback, separation, or other characteristics of the sign or its location, such structure may be continued 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 located at least 100 feet from any adjoining R1 or R-2 Districts and from any adjoining single or two-family residential use, may be converted to an electronic display sign of equal or smaller area, if the applicant agrees to cause a second existing legal non-conforming sign of equal or larger size located along the same corridor, to be removed prior to such conversion. The entire structure above ground, including all sign faces of the second sign shall be removed before a permit is issued for the 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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