

★ **Roll Call Number**

Agenda Item Number
37

Date September 9, 2013

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, is hereby amended by amending Section 74-103, relating to neighborhood signs and unauthorized signs",

which was considered and voted upon under Roll Call No. 13- 1353 of August 26, 2013; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)


COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: August 26, 2013
	Agenda Item No. 43 Roll Call No. [13-1353] Communication No. 13-435 Submitted by: Benjamin R. Page, Park and Recreation Director

AGENDA HEADING:

Approval of first reading of proposed ordinance regarding neighborhood recognition signage in City parks.

SYNOPSIS:

Staff recommends passage of the ad hoc Park Signage Review Committee’s proposed ordinance regarding neighborhood recognition signage in City parks.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

On April 18, 2013, an ad hoc committee was appointed to review and provide a recommendation to the Park and Recreation Board and City Council regarding neighborhood recognition signs in City parks. Committee members included Council members Bob Mahaffey and Chris Coleman, Park and Recreation Board member Susan Noland, Des Moines Neighbors Board member William Schoenenberger, Rebuilding Together of Greater Des Moines Executive Director Kimberly Hansen, City Planning Administrator Michael Ludwig, City Economic Development Coordinator Erin Olson-Douglas, Director of Park and Recreation Benjamin Page, and Assistant City Manager Matthew Anderson. Ann DiDonato and Roger Brown of the City Legal Department served as non-voting resources to the committee.

Presently no neighborhood signage is located on park properties. In 2012, the Park and Recreation Board considered a request from the Meredith Neighborhood Association to install signage in its neighborhood park, Westchester. On August 28, 2012, by a 14-0 vote (one (1) member absent) the Board approved a motion to prohibit signage other than park signage and temporary event signage in City parks. The ad hoc committee was appointed by the City Manager to further consider options for placement of neighborhood recognition signage in parks. The committee has met twice and through electronic voting (eight (8) approve, one (1) abstention by William Schoenenberger), moved to recommend the following policy be adopted as an ordinance of the Municipal Code:

- 1) A recognized neighborhood organization established pursuant to City policy shall be permitted to locate one (1) neighborhood sign recognizing such neighborhood organization within one (1) park (such signs are not allowed within cemeteries, sports complexes, golf courses, aquatic facilities or regional facilities such as the Principal Riverwalk, John and Mary Pappajohn Sculpture Park, Principal Park, and the Robert D. Ray Asian Garden) which is within the boundaries of the

neighborhood organization or within a park which is immediately adjacent to such neighborhood association. The following shall apply to such signage:

- a) It shall not exceed 24 square feet in area;
 - b) Be of a design and constructed of such durable materials as specified by the Park and Recreation Director which are consistent with the Park and Recreation Department park signage;
 - c) Conspicuously display the official city logo, six (6) inches by seven (7) inches minimum size, as part of the sign;
 - d) Not be installed until a permit has been issued by the Park and Recreation Director;
 - e) All costs of the neighborhood sign, its installation, and maintenance shall be the responsibility of the neighborhood association;
 - f) Donor recognition names, but not logos, may be shown on the rear side of the sign in the lowest one-third of such sign; and
 - g) The following types of donor names are not permitted - religious, advocacy or political organizations, brand names or goods or services names of alcohol, tobacco products, firearms, bars, taverns, or other products or services which are not legal for minors, pornographic, and lewd or obscene names. Motorized vehicle names or dealer names may be permitted.
- 2) If any such sign becomes in a state of disrepair as determined by the Park and Recreation Director or if the sponsoring neighborhood organization ceases to be a recognized neighborhood organization whose boundaries encompass the site of the sign or is immediately adjacent to the park, a 30 day written notice will be given to the sponsoring neighborhood organization to remedy the situation. If the situation is not remedied within the 30 day period, the City may remove the sign. In such an event, the sponsoring neighborhood organization shall be responsible for the costs of such removal.
- 3) The Park and Recreation Director shall determine the location of the neighborhood association sign in the park.
- 4) Public art installations in parks shall not include a sign element and must be reviewed by the Greater Des Moines Public Art Foundation and the Park and Recreation Board.
- 5) No person shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence or enclosure along or within any park.

BACKGROUND

Meredith Neighborhood Association Proposed Sign

The Meredith Neighborhood Association is undergoing an effort to fund and create a unique welcome marker that expresses the personality of their neighborhood, which is bordered by the city limits on the north, Douglas and Aurora Avenues on the south, Beaver Avenue on the east and 51st Street and the city limits on the west. Their proposed sign includes two (2) elements: a monument wall with custom printed photo donor recognition tiles ranging in size from 4 inch by 4 inch to 12 inch by 12 inch and a freestanding metal flower pot sculpture. The neighborhood association's desired location of the sign is Westchester Park, which is within the neighborhood boundaries.

Due to the sculptural design of the sign, the neighborhood submitted its proposal to the Greater Des Moines Public Art Foundation for consideration. The Foundation determined that the custom made sign is not a public art project and therefore does not require their action or approval. Since this

sculptural sign contains elements of a sign (neighborhood association name and donor names) and what appear to a layman to be art (sculpture of a flower pot), there is a lack of clarity as to the overlap of review needed for these types of signs. The proposed ordinance is consistent with the size requirements of the Zoning Ordinance for neighborhood signs. By limiting public art installations in parks to those not having sign elements, the proposed ordinance makes it clear that only neighborhood signs as intended under the Zoning Ordinance and the Neighborhood Sign Policy will be installed in parks.

Zoning Ordinance

Neighborhood signs are guided by Sec. 134-1276(i)(8) of the Zoning Ordinance and the Neighborhood Sign Policy. The City of Des Moines Zoning Ordinance allows neighborhood organizations to install monument and pole style signage that meets size and location restrictions and requirements that durable materials be used to identify and welcome people to their neighborhood. In addition, these signs must display the name of the recognized neighborhood, any neighborhood logo, and the official logo of the City of Des Moines. If a proposed neighborhood sign doesn't comply with the Zoning Ordinance requirements, a variance must be obtained from the Zoning Board of Adjustment.

The Zoning Ordinance requirements cover size, display, materials, location, and consent of the property owner. With regard to size, a monument sign cannot exceed 24 square feet in area, with a maximum allowed height of four (4) feet, length of eight (8) feet, and width of one (1) foot. With regard to materials, monument signs must be constructed of durable, high-quality materials such as brick, stone, treated woods, metal or concrete. The neighborhood association is responsible for the construction, installation, and maintenance of the sign. Under the Zoning Ordinance, if the sign is not maintained properly and falls into disrepair, the City Engineer can order that it be repaired or removed. The proposed ordinance parallels these requirements for neighborhood signs in the park system.

Neighborhood Association Sign Policy

The Neighborhood Sign Policy allows monument signs to be placed on private property, within the public right-of-way, or upon public property such as a park or open space; the Beaverdale Neighborhood sign in the boulevard at Beaver and Urbandale Avenues is an example of this type of signage. Under this policy, pole signs may be placed within the public right-of-way on an existing or new pole; the blue and yellow Merle Hay Neighborhood signs mounted on poles at various points in the neighborhood are examples of pole signs. The Neighborhood Signs Policy requires the neighborhood association to seek approval from the Traffic and Transportation Division if a sign is to be constructed on City of Des Moines public right-of-way; if the site is on any other allowed type of City property, the Park and Recreation Department must grant approval.

Review Process

Since the Meredith Neighborhood Association requested installation of its sign within a park, which has no precedent, staff requested consideration by the Park and Recreation Board in regard to whether signage other than that recognizing the City of Des Moines or Park and Recreation Department and its policies or programs be allowed, and more specifically whether neighborhood recognition signage should be erected. As stated above, on August 28, 2012, by a 14-0 vote (one (1) member absent) the Board approved a motion to prohibit signage other than park signage and temporary event signage in City parks.

On June 25, 2013 the Park and Recreation Board reviewed and provided their recommendation on the ad hoc committee's proposed ordinance. The board discussed this proposed ordinance at both its May and June meetings and hosted a public input hearing, although no citizens spoke at any of these meetings. The Board's prevailing motion (7-5) at the June meeting included approving the ad hoc

committee's recommendation with two (2) amendments for the City Council to consider, that the maximum sign size be reduced from 24 square feet to 12 square feet and that the ordinance not include any language regarding donor recognition.

PREVIOUS COUNCIL ACTION(S):

Date: August 12, 2013

Roll Call Number: 13-1292

Action: Receive and file Park and Recreation Board's vote on the ad hoc Park Signage Review Committee's proposed ordinance regarding neighborhood recognition signage in City Parks and approving recommendation of the ad hoc committee on the proposed ordinance. (Council Communication No. 13-414) Moved by Coleman to receive and file and refer to the Legal Department to prepare an ordinance adopting the ad hoc committee recommendation. Motion Carried 6-1. Nays: Moore.

Date: July 18, 2005

Roll Call Number: 05-1689

Action: Shive-Hattery, Inc. to provide Parks Identification Signage Design Services, \$19,590. (Council Communication No. 05-389) Moved by Hensley to approve. Motion Carried 6-1. Nays: Vlassis.

BOARD/COMMISSION ACTION(S):

Board: Park and Recreation Board

Date: June 25, 2013

Resolution Number: 13-049

Action: Approval of the park signage review committee proposed policy with the exception of striking the donor naming section of the policy. Approval of friendly amendment of limiting the signs to 12 square feet. Motion carried 7-5.

Board: Park and Recreation Board

Date: July 25, 2006

Resolution Number: 06-072

Action: Received and filed the proposed Parks Signage System as designed and developed by Shive-Hattery, Inc.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

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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, is hereby amended by amending Section 74-103, relating to neighborhood signs and unauthorized 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 heretofore amended, is hereby amended by amending Section 74-103 relating to neighborhood signs and unauthorized signs, as follows:

Sec. 74-103. Neighborhood signs and Unauthorized signs.

(a) A recognized neighborhood organization established pursuant to city policy shall be permitted to locate one sign recognizing such neighborhood organization within one park (signs are not allowed within cemeteries, sports complexes, golf courses, aquatic facilities, Principal Riverwalk, John and Mary Pappajohn Sculpture Park, Principal Park, and the Robert D. Ray Asian Garden) which is within the boundaries of the neighborhood organization or within a park which is immediately adjacent to such neighborhood association. Such sign shall:

- (1) Not exceed 24 square feet in area; and
- (2) Be of a design and constructed of such durable materials as specified by the park and recreation director which are consistent with the park and recreation department park signage; and
- (3) All costs of the sign, its installation and maintenance shall be the responsibility of the neighborhood association; and
- (4) Conspicuously display the official city logo, six inches by seven inches minimum size, as part of the sign; and
- (5) Not be installed until a permit has been issued by the park and recreation director; and
- (6) Donor recognition names, but not logos, may be shown on the rear side of the sign in the lowest one third of such sign; and
- (7) The following donor names are not permitted: Religious, advocacy or political organizations, brand names of goods or services, names of alcohol, tobacco products, firearms, bars, taverns, or other products or services which are not legal for minors, pornographic, lewd or

obscene names. Motorized vehicle brand names or dealer names may be permitted.

If any such sign becomes in a state of disrepair as determined by the park and recreation director or if the sponsoring neighborhood organization ceases to be a recognized neighborhood organization whose boundaries encompass the site of the sign or is immediately adjacent to the park, a 30-day written notice will be given to the sponsoring neighborhood organization to remedy the situation. If the situation is not remedied within the 30-day period, the city may remove the sign. In such event, the sponsoring neighborhood organization shall be responsible for the costs of such removal.

(b) The park and recreation director shall determine the location of the neighborhood association sign in the park.

(c) Public art installations shall not include a sign element and must be reviewed by the Greater Des Moines Public Art Foundation and the Park and Recreation Board.

(d) No person shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence or enclosure along or within any park.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

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★ Roll Call Number
13-1292

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Date August 12, 2013

WHEREAS, the Park and Recreation Board has advised that at its meeting held on June 25, 2013, a motion was made to accept the proposed ordinance recommended by the ad hoc Park Signage Review Committee relating to neighborhood signs in City parks with two amendments to reduce the sign size from 24 square feet to 12 square feet and to delete restrictions on donor names. By a vote of 7-5 the motion passed.

(Council Communication 13- 414)

MOVED by Coleman to receive and file and refer to the Legal Department to prepare an ordinance adopting the ad hoc committee recommendation.

Approved as to Form:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE		✓		
TOTAL	6	1		

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Rauh

City Clerk