

Date May 5, 2014

RESOLUTION SCHEDULING HEARING ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE TO ESTABLISH A CITY-WIDE FREESTANDING SIGN OVERLAY DISTRICT

WHEREAS, in order to decrease visual clutter along city corridors, streetscapes, and throughout the entirety of the city, and to encourage the use of monumental signs, City staff have proposed an amendment to the Zoning Ordinance to:

- a) Establish a City-wide FSO Freestanding Sign Overlay District, applicable to all land within the City or hereafter annexed into the City, to prohibit the use of freestanding pole signs and require freestanding on-premises advertising signs to be monumental signs;
- b) Further define and enact design and height requirements for freestanding monumental signs;
- c) Allow for exceptions, from the Zoning Board of Adjustment, to the prohibition on pole signs in the FSO Freestanding Sign Overlay District when there is no feasible location for the placement of a monumental sign; and
- d) Provide for removal of pole signs that lose legal non-conforming status; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 1, 2014, its members voted 8-4 in support of a motion to recommend approval to amend the Zoning Ordinance Text in Chapter 134, as proposed by City staff, and creation of a task force to review sign issues; and

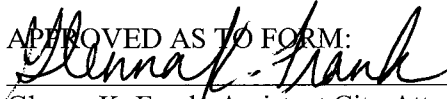
WHEREAS, the proposed text amendments are on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council shall consider the proposed amendments to the Zoning Ordinance as recommended by the City staff, at a public hearing to be held in the Council Chambers at 5:00 p.m. on May 19, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. The City Clerk is hereby authorized and directed to cause notice of said hearing 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.

(Council Communication No. 14-208)

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

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 amending the definition of "sign, freestanding" in Section 134-3, by adding a new paragraph (h) to subsection (4) of Section 134-64, by adding a new paragraph (4) to subsection (p) of Section 134-64, and by amending subsection (d) of Section 134-52, to establish a city-wide freestanding sign overlay district, prohibit use of freestanding pole signs, require freestanding signs to be monumental signs, and require removal of non-conforming signs under certain circumstances.

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 the definition of "sign, freestanding" in Section 134-3, by adding a new paragraph (h) to subsection (4) of Section 134-64, by adding a new paragraph (4) to subsection (p) of Section 134-64, and by amending subsection (d) of Section 134-52, to establish a city-wide freestanding sign overlay district, prohibit use of freestanding pole signs, require freestanding signs to be monumental signs, and require removal of non-conforming signs under certain circumstances, as follows:

Sec. 134-3. Definitions

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Sign, freestanding means a sign not attached to any building and is further defined as follows:

- (1) *Sign, portable* means a sign not permanently anchored or secured.
- (2) *Sign, monumental* means a sign affixed to a structure built on grade, having a solid opaque base constructed of brick, stone, concrete block or other durable material matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face. Monumental signs are sometimes referred to in this chapter as monument signs.
- (3) *Sign, pole* means a freestanding sign which is not a portable sign nor a monumental sign..

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Sec. 134-64. Powers and duties.

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- (4) Permit the exceptions in this subsection to the district regulations set forth in this chapter, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property; shall not impair an adequate supply of light and air to adjacent property; shall not unduly increase congestion in the public streets; shall not increase public danger of fire and safety; and shall not diminish or impair established property values in surrounding areas. However, nothing in this subsection shall be interpreted as authorizing the board to grant an exception to any separation requirement, or to grant an exception to permit a structure more than 75 feet in height in any CDO capitol dominance overlay district, such power being expressly denied the board. Any exception to a separation requirement granted for a structure for which a building permit has not been issued shall be null and void. In granting any exception, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. The board of adjustment may permit:

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- (h) Exceptions to the prohibition upon pole signs in the FSO freestanding sign overlay district, to permit a pole sign in conformance with the district regulations when there is no feasible location for the placement of a monumental sign that is outside of the vision clearance triangle required by section 114-14 of this Code and does not obstruct the vision of drivers entering or exiting the premises or adjoining premises.

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Sec. 134-1276. General regulations

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- (p) *Sign exceptions.* The regulations applicable to signage in this chapter, including the district regulations, shall be subject to the following exceptions:

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- (4) *FSO Freestanding sign overlay district.* The intent of the FSO freestanding sign overlay district is to decrease visual clutter along city corridors, streetscapes, and throughout the entirety of the city by requiring height restrictions for freestanding signs and encouraging the use of monumental signs. The FSO freestanding sign overlay district applies to all land within the city or hereafter annexed into the city. The following regulations supersede any less restrictive regulations established in the district regulations:

- (a) Pole signs are prohibited.
- (b) Any on-premises advertising sign that is a freestanding sign shall be a monumental sign, and shall comply with the following height restrictions measured from grade to the highest point on the sign:
- (1) If located at or within 25 feet from the front lot line, the sign shall be no more than 8 feet in height.
- (2) If located more than 25 feet from the front lot line, the sign shall be no more than 15 feet in height.

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Sec. 134-1352. Use of land, use of structures and structures in any R district.

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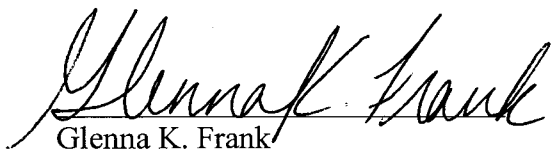
(d) Nonconforming signs. Where a sign lawfully exists at the effective date of the ordinance adopting or amending this chapter, that could not be built under the terms of this chapter because of size, height, setback, separation, or other characteristics of the sign or its location, such structure may 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) Except as allowed by paragraph (e), below, no such sign may be converted to use an electronic display.
- (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 of the face of the sign, such sign shall lose its legal non-conforming status and not be reconstructed except in conformity with this chapter. If the sign be less than 60 percent destroyed above the bottom of the 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.
- (4) If the use of the property containing a pole sign is discontinued for a period of more than six months, or if a new or amended site plan is required by a change in the use or building expansion on the premises, the pole sign shall lose its legal non-conforming status. Any pole sign which loses its legal non-conforming status shall be removed by the later of January 1, 2015, or six months after such change of status. When removal of a pole sign is so required, the entire sign structure above grade, including base and supports, shall be removed.

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

FORM APPROVED:


 Glenna K. Frank
 Assistant City Attorney