

★ **Roll Call Number**

Agenda Item Number

39 A

Date May 19, 2014

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 adding a definition of window sign and deleting the definition of video display in Section 134-3; by amending paragraph (7) of subsection (i) and paragraph (9) of subsection (j) of Section 134-1276; by adding a new paragraph (10) to subsection (j) of Section 134-1276; by amending Section 134-1277; and by amending subsection (e) of Section 134-1352, regarding the allowed operation, size and location of electronic signs and multi-vision display signs and the use of conversion credits earned by the removal of an off-premises advertising sign",

presented.

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

FORM APPROVED:

(First of three required readings)


 Roger K. Brown
 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 adding a definition of window sign and deleting the definition of video display in Section 134-3; by amending paragraph (7) of subsection (i) and paragraph (9) of subsection (j) of Section 134-1276; by adding a new paragraph (10) to subsection (j) of Section 134-1276; by amending Section 134-1277; and by amending subsection (e) of Section 134-1352, regarding the allowed operation, size and location of electronic signs and multi-vision display signs and the use of conversion credits earned by the removal of an off-premises advertising sign.

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, be and is hereby amended by adding a definition of window sign and deleting the definition of video display in Section 134-3; by amending paragraph (7) of subsection (i) and paragraph (9) of subsection (j) of Section 134-1276; by adding a new paragraph (10) to subsection (j) of Section 134-1276; by amending Section 134-1277; and by amending subsection (e) of Section 134-1352, regarding the allowed operation, size and location of electronic signs and multi-vision display signs and the use of conversion credits earned by the removal of an off-premises advertising sign, as follows:

Sec. 134-3. Definitions.

.....
Sign, window means a sign within a building which is located and placed so as to evidence an intent for the sign to be viewed from a public right-of-way.

.....
~~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.~~

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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:

.....

- (7) *Window signs.* Such signs which are displayed inside a window or within a building. However, an electronic display sign shall not be used as a window sign, and neon window signs shall be permitted only in those districts where neon signs are permitted.

.....

(j) *Prohibited signs.* The following designated signs shall be prohibited in all zoning districts:

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- (9) ~~*Video display signs.*~~ Electronic display signs and multi-vision signs which do not conform with the operational standards in section 134-1277.
- (10) Electronic display signs used as window signs in violation of section 134-1277.

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Sec. 134-1277. Regulation of electronic signs.

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

- (a1) *Display Type.* No such sign shall display multiple pictures or graphics in a series of frames which give the illusion of motion or video, including but not limited to television screens, plasma screens, LED screens and holographic displays used to display video images.
- (2) *Duration.* The display area and each portion thereof must be static for at least 8 seconds between any change in the ~~message displayed~~ display.
- (b3) *Transition.* The change between static ~~messages~~ displays must be instantaneous.
- (e4) *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.
- (d5) *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.
- (e6) *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.

(7) Window signs. An electronic display sign shall not be used as a window sign.

(b) Any on-premises advertising sign utilizing an electronic display or multi-vision display shall be a monument sign and no more than 24 square feet of the allowed sign area shall be utilized for the electronic or multi-vision display.

(c) The duration and transition standards set forth in this section shall supersede any more restrictive duration and transition requirements applicable to any electronic or multi-vision sign previously permitted.

(d) Statement of intent. The amendments to this section are intended to clarify the prohibition on video display signs imposed by Ordinance No. 14,668, effective July 23, 2007, and the interpretation thereof that any electronic sign which does not comply with paragraphs (a)(1), (a)(2) and (a)(3) above is a prohibited sign.

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

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(e) *Conversion of non-conforming off-premises advertising signs.* An off-premises advertising sign which 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 the district in which such sign is located or the lack of required separation from another sign, district or use, may be converted to use an electronic display or multi-vision display only under the following circumstances:

- (1) The owner of an existing lawful conforming or non-conforming off-premises advertising sign may apply to the community development director for a conversion credit for the removal of that sign. The application shall be approved and a conversion credit allowed for the removal of the existing lawful off-premises advertising sign if the following conditions are satisfied:
 - i. The sign and the entire supporting structure above grade are subsequently removed; and,
 - ii. The parcel from which the sign was removed cannot again be used for the placement of an off-premises advertising sign by reason of the district or corridor in which it is located; the lack of required separation from another district; or the recording of a restrictive covenant in a form approved by the city legal department that prohibits the use of the parcel for off-premises advertising.
- (2) If a conversion credit is allowed, the amount and usage of the conversion credit to be allowed shall be as follows:
 - i. One credit shall be ~~allowed-earned~~ for each sign face on the removed sign structure that was at least 600 square feet in area; ~~and,~~
 - ii. One-half credit shall be ~~allowed-earned~~ for each sign face on the removed sign structure that was at least 300 square feet in area, and

less than 600 square feet in area; and,-
 iii. Any conversion credit earned after May 1, 2014, shall be used for the conversion of an existing sign located in and designed to be viewed from the same gateway or scenic corridor or street as the removed sign structure.

(3) An applicant for a permit to convert an existing non-conforming sign structure to a sign structure using an electronic display or multi-vision display shall relinquish previously earned conversion credits in the amounts set forth below for each sign face on the converted sign structure converted to an electronic display or multi-vision display. The total area utilized for an electronic display or multi-vision display on each face of the sign shall be no larger than the area of the previously existing sign face.

Size of electronic display <u>or multi-vision display</u> face placed on the converted sign structure:	Number of conversion credits to be relinquished for that sign face:
over 600 square feet	1.0 conversion credit
at least 300 square feet and less than 600 square feet	0.5 conversion credits

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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