



Roll Call Number

Agenda Item Number

48

Date January 13, 2025

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 Chapter 134-5.7.1, 134-5.7.3, 134-5.7.7, 134-6.7.3 and Chapter 135-9.2.3, relating to electronic and multi-vision displays, zoning variances and Type 1 design alternatives",

presented.

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

Second by _____.

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Mayor

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, is hereby amended, by amending Chapter 134-5.7.1, 134-5.7.3, 134-5.7.7, 134-6.7.3 and Chapter 135-9.2.3, relating to electronic and multi-vision displays, zoning variances and Type 1 design alternatives.

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 Chapter 134-5.7.1, 134-5.7.3, 134-5.7.7, 134-6.7.3 and Chapter 135-9.2.3, relating to electronic and multi-vision displays, zoning variances and Type 1 design alternatives, as follows:

134-5.7 Electronic and Multi-Vision Displays

5.7.1 APPLICABILITY

The regulations of this section apply to all electronic displays and multi-vision displays; the regulations of this section may be waived or modified for a sign located on a lot occupied by an events center and the sign has been approved in accordance with the Type 2 zoning exception procedures.

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5.7.3 DISPLAY TYPE

Signs may not display full-motion video or otherwise use multiple pictures or graphics in a series of frames to give the illusion of motion or video ~~unless such sign is located on a lot occupied by an events center and the sign has been approved in accordance with the Type 2 zoning exception procedures.~~ This provision is intended to prohibit television screens, plasma screens, LED screens, holographic displays and other technology used to display video images.

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5.7.7 SEPARATION FROM RESIDENTIAL

A. Monument signs with electronic displays and multi-vision displays are prohibited within 100 feet of:

- 1. Any lot in an N or NX district that is used for residential purposes or is vacant, or

2. Any lot in a non-N or non-NX district that is occupied by a one-household or two-household use.
 3. These separation distance requirements do not apply for monument signs on lots in a P district that are separated from an N or NX district by a public right-of-way.
- B.** General advertising signs with electronic displays and multi-vision displays are prohibited within 200 feet of:
- a1. Any lot in an N or NX district that is used for residential purposes or is vacant, or
 2. Any lot in a non-N or non-NX district that is occupied by a one-household or two-household use.
- C.** These separation distance requirements do not apply if the electronic or multi-vision display is not visible from the referenced district, area or lot.
- D.** Required separation distances must be measured horizontally in a straight line from the nearest point on a sign face to the nearest point of the protected district or lot.

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134-6.7 Zoning Variances

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6.7.3 APPLICATION FILING

- A.** Complete applications for zoning variances must be filed with the neighborhood services director.
- B.** An application for a zoning use variance may not be filed or accepted for processing unless a proposed amendment to rezone the subject property to a district that would allow the subject use has been considered and denied by the city council within the preceding 12 months, except this requirement does not apply to requests to vary use separation requirements or to requests to allow use of existing buildings and associated site improvements in a F district.

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Planning and Design Chapter 135

135-9.2.3 TYPE 1 DESIGN ALTERNATIVES

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B. Other Type 1 Design Alternatives

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- 16.** Waive the requirement in sections 135-2.21.2.K and 135-8.2.3-4 of this chapter of this chapter to place utility transmission system(s) underground when all of the following criteria are met:

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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:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

January 3, 2024

Communication for consideration of the following amendments to Chapter 134 and Chapter 135 of the Municipal Code:

- A) Amendments to Chapter 134, including updating regulations applicable to electronic signage for event centers, and adding variances for the reuse of existing buildings in the Flood (F) District.
- B) Amendment correcting a cross refence within Section 135-9.2.3.B.16 of Chapter 135.

COMMISSION RECOMMENDATION: 13-0

After public hearing, the members voted as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Abstain</u>	<u>Absent</u>
Francis Boggus	X				
Leah Rudolphi	X				
Kayla Berkson					X
Chris Draper	X				
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis					X
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower	X				
Jane Rongerude	X				

Approval of the proposed Zoning Ordinance and Planning and Design Ordinance amendments.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Zoning Ordinance and Planning and Design Ordinance amendments.

STAFF REPORT TO THE PLANNING COMMISSION

GENERAL INFORMATION

The following tables summarize the proposed amendments. A redline version of the relevant code sections is included in the Commission's packet.

Chapter 134 Amendments:

SUBJECT	CODE SECTION	ACTION/PURPOSE
Table of contents correction	Article 5	Corrects a typo.
Electronic and multi-vision displays, and event center uses	134-5.7.1	Provides exception level of relief for all aspects of electronic and multi-vision displays regulations for event center uses.
	134-5.7.3	
	134-5.7.7.B	
Use variances for reuse of existing buildings zoned "F" District	134-6.7.3.B	Allows applicant to seek a use variance without first seeking a rezoning for reuse of an existing building in the "F" District.

Chapter 135 Amendments:

SUBJECT	CODE SECTION	ACTION/PURPOSE
Cross reference correction, Type 1 Design Alternative language for utility burial requirement	135-8.2.1.B	Corrects the Section 135-8.2.3 cross reference to Section 135-8.2.4

II. ANALYSIS

- 1. Amendments:** The proposed changes to Section 135-8.2.1.B, Section 134-6.7.3.B and to the Table of Contents for Article 5 of Chapter 134 are corrections and not substantive changes. The Electronic and Multi-Vision Displays section currently allows the display type regulations to be waived though the Type 2 Exception for event center uses. Relief to the rest of that section requires a Variance. The proposed changes would allow Exception level relief for the entire section for event center uses, such as the Iowa Event Center.

The proposed change to Section 134-6.7.3.B would allow a Use Variance to be considered by the Zoning Board of Adjustment for the reuse an existing building on property zoned "F" District without first seeking a rezoning. The code typically requires an applicant to attempt to rezone their property and have that request denied before they can seek a Use Variance. This is necessary to protect the integrity of the rezoning process. However, the reuse of existing buildings zoned "F" District is a unique situation that warrants an alternative path not available to other situations.

2. PlanDSM:Creating Our Tomorrow Plan: Creating Our Tomorrow is the City's Comprehensive Plan. The proposed amendments are consistent with many of the goals and policies of PlanDSM, including the following:

- *Land Use Goal 1* - Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.
- *Land Use Goal 5* – Continue to support the development of Downtown as the economic, cultural, and residential core of Des Moines.

Land Use Goal 8 – Recognize the value of ecologically sensitive land and natural resources and ensure preservation of these areas for future residents and urban vitality.

SUMMARY OF DISCUSSION


Johnny Alcivar asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION

Leah Rudolphi made a motion for approval of the proposed Zoning Ordinance and Planning and Design Ordinance amendments.

THE VOTE: 13-0

Respectfully submitted,



Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

Zoning Chapter 134

ARTICLE 5. SIGNS

Contents:

134-5.1 General

134-5.1.1 INTENT

134-5.1.2 SEVERABILITY

134-5.1.3 FINDINGS

134-5.1.4 SCOPE AND APPLICABILITY

134-~~45~~.1.5 SUBSTITUTION

134-5.7 Electronic and Multi-Vision Displays

5.7.1 APPLICABILITY

The regulations of this section apply to all electronic displays and multi-vision displays: the regulations of this section may be waived or modified for a sign located on a lot occupied by an events center and the sign has been approved in accordance with the Type 2 zoning exception procedures.

5.7.2 SIGN TYPES

Any sign utilizing an electronic display or multi-vision display is limited to the following sign types:

- A. A monument sign where no more than 24 square feet of the allowed sign area shall be utilized for the electronic or multi-vision display.
- B. A general advertising sign where permitted by this chapter.

5.7.3 DISPLAY TYPE

Signs may not display full-motion video or otherwise use multiple pictures or graphics in a series of frames to give the illusion of motion or video ~~unless such sign is located on a lot occupied by an events center and the sign has been approved in accordance with the Type 2 zoning exception procedures.~~ This provision is intended to prohibit television screens, plasma screens, LED screens, holographic displays and other technology used to display video images.

5.7.4 DWELL TIME

The images and messages displayed on electronic displays and multi-vision displays must have a minimum dwell time of at least eight seconds before changing to the next image or message. This dwell time regulation supersedes any more restrictive regulation applicable to a previously approved electronic display or multi-vision display.

5.7.5 TRANSITION

The transition or change from one message to another must be instantaneous and involve no animation or special effects.

5.7.6 ILLUMINATION

- A. The brightness of any electronic display or multi-vision display may not exceed a maximum illumination of 5,000 candelas per square meter (nits) during daylight hours and a maximum illumination of 250 candelas per square meter (nits) between dusk and dawn, as measured from the brightest element on the sign's face.
- B. Electronic displays must be equipped with a light detector or photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

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Planning and Design Chapter 135

135-9.2.3 TYPE 1 DESIGN ALTERNATIVES

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