

ORDINANCE NO. 14,406

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 subsection (p) of Section 134-1276 thereof, and enacting a new subsection (p) of Section 134-1276, regarding the allowed type and size of signs in the various sign overlay districts.

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. 13,889 passed November 20, 2000, by Ordinance No. 14,118 passed July 8, 2002, by Ordinance No. 14,125 passed July 22, 2002, and by Ordinance No. 14,362 passed July 26, 2004, be and is hereby amended by repealing subsection (p) of Section 134-1276 thereof, and enacting a new subsection (p) of Section 134-1276, regarding the allowed type and size of signs in the various sign overlay districts, as follows:

Sec. 134-1276. General regulations.

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

- 1) *Interior signs.* This chapter does not apply to any sign that is visible only from the premises upon which it is erected, such as on the walls of courts or malls in shopping centers.
- 2) *ESO Entertainment sign overlay district.* The intent of the ESO entertainment sign overlay district is to encourage signs that reflect the urban and entertainment character of the downtown entertainment area. It is not intended that this district be mapped outside the downtown area.
 - (a) The ESO entertainment sign overlay district shall consist of the following street frontages, extending back a distance of one-half block:
 - i) Court Avenue from First Street to Fifth Street.
 - ii) Third Street from Court Avenue to Vine Street.
 - iii) Fifth Street from Court Avenue to Vine Street.
 - (b) Within the ESO entertainment sign overlay district, all identification and on-premises advertising sign types except freestanding pole signs, roof

signs and portable signs are permitted. Within the entertainment sign overlay district, sandwich board signs are also permitted for identification and on-premises advertising. Any number and size of identification and on-premises advertising signs are permitted, provided placement does not endanger public safety and the installation conforms with building codes. Off-premises advertising signs are allowed within the entertainment sign overlay district only as described as in subparagraph d), below. Within the entertainment sign overlay district, freestanding pole signs, roof signs and portable signs are not permitted.

- (c) One sandwich board sign shall be permitted per building tenant for identification and on-premises advertising. Such signs shall comply with ingress and egress requirements outlined in the city building code. Sandwich board signs are permitted upon the sidewalks within the public rights-of-way, subject to the following:
 - (1) Such signs are permitted only during the hours the business is open to the public, and must be located adjacent to the premises.
 - (2) Such signs shall be placed no closer than two (2) feet from the back of the street curb.
 - (3) Such signs shall be no more than ten (10) square feet in area on each side, no more than five (5) feet in height, and no more than three (3) feet in width.
 - (4) There shall be no electrical service to such signs.
- (d) Within the ESO entertainment sign overlay district, all building or wall signs which project over the public rights-of-way shall be subject to the following limitations:
 - (1) Any such signs located on a one or two-story building, or located below the top of the second story of a building with more than two stories shall project no more than seven (7) feet from the building or one half the distance to the curb, whichever is less. Such projecting signs shall be not less than ten (10) feet from the ground in areas in which there is only pedestrian traffic and not less than fifteen (15) feet from the ground in areas in which there is vehicular traffic. Such projecting signs shall be not more than thirty (30) square feet in area per occupant of the first two floors and shall not extend more than four (4) feet above the roof line.
 - (2) Any such signs located above the top of the second story of a building with more than two stories shall project no more than seven (7) feet from the building, and shall have a total area per floor level of no more than thirty (30) square feet.
 - (3) Projecting signs may be anchored to the roof or building.
- e) Freestanding off-premises advertising signs are not permitted within the ESO entertainment sign overlay district. Wall-mounted off-premises advertising signs are permitted, provided they are no larger than 300 square feet and are located no closer than one hundred (100) feet from any other off-premises advertising sign.

- 3) *PSO Pedestrian oriented sign overlay district.* The intent of the PSO pedestrian oriented sign overlay district is to encourage signs of a size and orientation that reflect the pedestrian character of the Eastern Downtown Area and any other areas that may be rezoned to the PSO district. Within the pedestrian oriented sign overlay district, the sign regulations applicable to the underlying zoning district shall apply, subject to the following modifications:
- (a) The following types of signs are prohibited in the PSO pedestrian oriented sign overlay district:
 - (1) Pole signs and portable signs, except sandwich board signs subject to paragraph (b) below.
 - (2) Type B signs, except type B signs that are composed of separate, individual letters and logos.
 - (3) Type C signs, except type C signs that are composed of exposed neon or inert gas tubes.
 - (4) Type D signs.
 - (5) Signs when used on a backlit canopy covered with a translucent material. The intent of this paragraph is to prevent the use of a translucent canopy to create the appearance of a large internally illuminated sign otherwise prohibited by sub-paragraph (2) above.
 - (6) Off-premises advertising signs.
 - (b) Within the PSO pedestrian oriented sign overlay district one sandwich board sign shall be permitted per building tenant for identification and on-premises advertising. Such signs shall comply with ingress and egress requirements outlined in the city building code. Sandwich board signs are permitted upon the sidewalks within the public rights-of-way, subject to the following:
 - (1) Such signs are permitted only during the hours the business is open to the public, and must be located adjacent to the premises.
 - (2) Such signs shall be placed no closer than two (2) feet from the back of the street curb.
 - (3) Such signs shall be no more than ten (10) square feet in area on each side, no more than five (5) feet in height, and no more than three (3) feet in width.
 - (4) There shall be no electrical service to such signs.
 - (c) Where projecting signs are otherwise allowed, the following minimum height requirements shall apply in the PSO pedestrian oriented sign overlay district in lieu of the minimum height requirements otherwise applicable. Such projecting signs shall be not less than ten (10) feet from the ground in areas in which there is only pedestrian traffic and not less than fifteen (15) feet from the ground in areas in which there is vehicular traffic.

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

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 05-200), passed by the City Council of said City at a meeting held January 24, 2005 signed by the Mayor on January 24, 2005 and published as provided by law in the Business Record on February 7, 2005, Authorized by Publication Order No. 4562.

Diane Rauh, City Clerk