

ORDINANCE NO. 14,761

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 paragraphs 7 and 8 of Section 134-1278 and paragraphs (c) and (d) of Section 134-1352 thereof, and enacting a new paragraphs 7 and 8 to Section 134-1278 and paragraphs (c) and (d) to Section 134-1352, and by adding and enacting a new paragraph (e) to Section 134-1352, to expand the corridors along which off-premises advertising signs are generally prohibited, and to restrict the right to replace or modify existing non-conforming 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 amended by Ordinance No. 14,668 passed July 9, 2007, be and is hereby amended by repealing paragraphs 7 and 8 of Section 134-1278 and paragraphs (c) and (d) of Section 134-1352 thereof, and enacting a new paragraphs and 8 to Section 134-1278 and paragraphs (c) and (d) to Section 134-1352, and by adding and enacting a new paragraph (e) to Section 134-1352, to expand the corridors along which off-premises advertising signs are generally prohibited, and to restrict the right to replace or modify existing non-conforming signs, as follows:

Sec. 134-1278. Regulation of off-premises advertising signs.

Off-premises advertising signs shall be permitted only in those zoning districts where such signs are specifically classified as permitted or conditionally permitted uses by applicable district regulations. In each zoning district where off-premises advertising signs are classified as a permitted or conditionally permitted use, such signs shall be subject to the following additional restrictions:

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- (7) Along the designated major commercial corridors listed in this subsection, in lieu of the separation requirements identified in paragraph (6), above, no such sign shall be located within 500 feet of any other such sign. The designated major commercial corridors are:
 - a. Second Avenue (east side) from University Avenue to Washington Avenue.
 - b. Euclid Avenue from East Fourteenth Street to Mac Vicar Freeway.

- c. Mac Vicar Freeway (west side) from extension of Tiffin Avenue to north city limits.
 - d. Southeast Diagonal from Southeast Fifteenth Street to Southeast Twenty-fourth Street, and from Southeast Thirtieth Street to east city limits.
 - e. Southeast Fourteenth Street from Pleasantview Drive to Bloomfield Road.
 - f. Army Post Road (south side) from Southwest Ninth Street to Southwest Second Street, and from Southeast Sixth Street to and including the 2100 block of Army Post Road.
 - g. Sixty-third Street/ Iowa Highway 28 from Watrous Avenue to Relocated Army Post Road.
 - h. Park Avenue from Southwest Forty-sixth Street to Southwest Sixty-third Street.
 - i. Martin Luther King Jr. Parkway (east side) from Hickman Road to Euclid Avenue.
 - j. Northeast Fourteenth Street From Douglas Avenue to north city Limits.
- (8) No such sign shall be located within 500 feet or face any of the designated scenic and gateway corridors listed in this subsection. These scenic and gateway corridors have been so designated because they provide significant views from the public right-of-way to the Des Moines or Raccoon River, downtown, state capitol, or large areas of open space, or serve as major entryways into distinct residential, institutional or commercial districts. The designated scenic and gateway corridors are as follows:
- a. Army Post Road and Relocated Army Post Road from Fleur Drive to Iowa Highway 28.
 - b. Bell Avenue
 - c. Douglas Avenue from Martin Luther King, Jr. Parkway to west city limits.
 - d. East 14th Street and Southeast 14th Street from East Park Avenue to East Euclid Avenue.
 - e. East Army Post Road from Indianola Avenue to east city limits.
 - f. East Euclid Avenue from MacVicar Freeway to Hubbell Avenue.
 - g. East University Avenue.
 - h. Easton Boulevard from Hubbell Avenue to east city limits.
 - i. Euclid Avenue and East Euclid Avenue from Martin Luther King, Jr. Parkway to East 14th Street.
 - j. Fleur Drive from Grand Avenue to south city limits.
 - k. Grand Avenue from Twelfth Street to the west city limits.
 - l. Hartford Avenue from Southeast 14th Street to Southeast 22nd Street.
 - m. Hubbell Avenue.
 - n. Indianola Avenue.
 - o. Iowa Highway 5.
 - p. MacVicar Freeway between 7th Street and East 6th Street, and the east side of the MacVicar Freeway from the extension of Tiffin Avenue to the north city limits.
 - q. Martin Luther King, Jr. Parkway from north city limits to East 14th Street. For that portion of E. Martin Luther King Jr. Parkway not yet constructed, the Zoning Enforcement Officer shall obtain, review and reasonably utilize the available data from the state department of transportation, the city engineering department and from any other reliable source in determining the location of the future right-of-way.

- r. Merle Hay Road from Franklin Avenue to north city limits
- s. Southeast 30th Street from East University Avenue to Maury Street.
- t. Southwest 1st Street from Raccoon River Bridge to Depot Street.
- u. Southwest Connector. For the portions of the Southwest Connector not yet constructed, the Zoning Enforcement Officer shall obtain, review and reasonably utilize the available data from the state department of transportation, the city engineering department and from any other reliable source in determining the location of the future right-of-way.
- v. Thomas Beck Road
- w. University Avenue
- x. U.S. Highway 65/69 from East Army Post Road to south city limits.
- y. Embankments of the Raccoon River Bridges at SW 3rd Street, SW 7th Street, SW 9th Street and 63rd Street.
- z. Embankments of the Des Moines River Bridges at SE 1st Street, SE 6th Street, 2nd Avenue, 6th Avenue, Euclid Avenue and University Avenue.

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

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- (c) Nonconforming structures other than signs. Where a structure other than a sign 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 restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:
 - (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
 - (2) If such structure is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this chapter. This subsection does not apply to nonconforming structures within an R-HD residential historic district. Any single-family semidetached or two-family dwelling which was a conforming structure on December 31, 1996 may be structurally altered, and if destroyed may be reconstructed and used as before, provided such reconstruction is commenced within six months of such destruction and diligently pursued to completion.
- (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 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.
- (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 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 of the conversion credit to be allowed shall be as follows:
- i) One credit shall be allowed 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 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.
- (3) An applicant for a permit to convert an existing non-conforming sign structure to a sign structure using an electronic 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. The electronic display on each face of the sign shall be no larger than the area of the previously existing sign face.

Size of electronic display 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

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. 08-742), passed by the City Council of said City at a meeting held April 21, 2008 signed by the Mayor on April 21, 2008 and published as provided by law in the Business Record on May 5, 2008. Authorized by Publication Order No. 6079.

Diane Rauh, City Clerk