

00RDINANCE NO. 15,291

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.

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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.

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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:

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(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.

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

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 (9) 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 must meet the following operational standards:

(1) *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 display.

(3) *Transition.* The change between static displays must be instantaneous.

(4) *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.

(5) *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.

(6) *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) *Transitional provisions.* In lieu of the operational requirements under paragraphs (1), (2) and (3) of subsection (a) above, electronic signs under 24 square feet in area which were placed into use prior to June 1, 2014, under authority of a sign permit shall be subject to the following requirements until June 1, 2024, or such earlier time as the electronic components of the sign are replaced. This shall not prevent the replacement of individual components as part of normal maintenance of the sign.
 - (1) No such sign shall display multiple pictures or graphics in a series of frames which gives the illusion of motion or video, except as allowed below:
 - i) Such signs may be used to display a series of images consisting of pictures, graphics, text or a combination thereof, provided that the entire display is static for at least two seconds between changes of image, and the change of images is instantaneous.
 - ii) Such signs may be used to display text that scrolls in one direction (vertically or horizontally) at a rate that is legible to the average person. Any change in the direction of scrolling shall be separated by an intervening display of a static image for at least two seconds. The scrolling text can be combined with a background image that is static for at least two seconds between changes, and instantaneously changes between images.
- (e) *Operational standards subject to future change.* The city reserves the right to amend the operational standards for the use of electronic signs placed into use after June 1, 2014, regardless of size. Issuance of a permit for an electronic sign shall not be construed as establishing a right for continued operation of the sign in accordance with the operational standards then in effect. No permit shall be issued for a new electronic sign without a written acknowledgment by the owner or tenant of the premises that they have received notice that the future use of the sign is subject to the applicable operational standards, as amended from time to time.
- (f) *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 earned for each sign face on the removed sign structure that was at least 600 square feet in area;
 - ii. One-half credit shall be 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 June 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 or multi-vision display 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. 14-0979), passed by the City Council of said City at a meeting held June 23, 2014 signed by the Mayor on June 23, 2014 and published and provided by law in the Business Record on July 11, 2014. Authorized by Publication Order No. 8799.

Diane Rauh, City Clerk