

Date..... August 20, 2007

WHEREAS, on August 6, 2007, by Roll Call No. 07-1518, it was duly resolved by the City Council that the proposal to amend the Zoning Ordinance 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 more fully described in Exhibit "A" attached hereto, be set down for hearing on August 20, 2007, at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register as provided by law on August 9, 2007; and

WHEREAS, in accordance with the notice, those interested in the proposed amendments, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa:

1. That upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the Zoning Ordinance be and the same are hereby overruled, and the hearing closed.
2. The City Council hereby makes the following findings in support of the proposed amendment to the Zoning Ordinance 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:
  - a) The City of Des Moines has taken extensive measures to approve the appearance of the commercial corridors within the City, including but not limited to:
    - The adoption of landscape standards for site plan approval;
    - The allowance of tax abatement along certain corridors for improvements to commercial property that satisfy minimum design standards; and,
    - The construction of enhanced streetscapes, such as, but not limited to, along West Martin Luther King Jr. Parkway and Fleur Drive, in Highland Park, and the planned improvements to Ingersoll Avenue.
  - b) Signs are by their nature and intent, designed to be conspicuous and attract attention. As a result, signs have a direct and substantial impact on community aesthetics, property values, traffic safety and pedestrian safety.
  - c) The allowed size of off-premises advertising signs is disproportionately large when compared to the allowed size of an on-premises sign for a business upon the same

( continued )

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Date August 20, 2007

site. A business in the C-2 District located upon a lot with less than 180 feet of street frontage is limited to one freestanding sign not to exceed 90 square feet in size, while an off-premises advertising sign on an adjoining lot with 20 feet of frontage may be 660 square feet in size, plus an additional 20 percent for temporary extensions. The extreme size of off-premises advertising signs magnifies their detrimental impact.

- d) The construction of new and additional off-premises advertising signs along the scenic and gateway corridors within the City of Des Moines is detrimental to the City's goals of improving the aesthetics, property values, and traffic safety along those corridors and throughout the City.

( Council Communication No. 07- 499 )

MOVED by \_\_\_\_\_ to adopt and approve, subject to final passage of the enacting ordinance.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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

Date \_\_\_\_\_  
 Agenda Item 28 (do)  
 Roll Call # \_\_\_\_\_

June 4, 2007

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held May 17, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-3-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard			X	
Brook Rosenberg		X		
Mike Simonson		X		
Kent Sovern	X			
Tim Urban		X		
Marc Wallace	X			

**APPROVAL** of a set of proposed amendments to Chapter 134 (Zoning Ordinance) to place limitations on electronic signs and off-premises advertising signs generally as follows, and as more specifically described in the accompanying communication: (10-2007-5.01)

- Add new definitions for Electronic Display Sign, Multi-vision Display Sign, and Video Display.
- Add regulations for electronic display signs over 24 square feet in area restricting the duration of any message to 20 seconds minimum, requiring transition to be instantaneous, establishing maximum brightness, requiring dimmer control mechanism to adjust to changing light conditions, and establishing residential separation of 100 feet for Electronic and Multi-Vision Display Signs.
- Add Video Display signs to the general list of prohibited signs.
- Add several additional locations (see included map) to the list of Designated and Gateway scenic corridors where off-premises signs are prohibited within 500 feet.
- Add provisions changing the standards for legal non-conforming signs prohibiting them from being converted to electronic display and limiting the ability of any type of sign reuse by changing the way destruction of a sign is defined.



CITY PLAN AND ZONING COMMISSION  
 ARMORY BUILDING  
 602 ROBERT D. RAY DRIVE  
 DES MOINES, IOWA 50309-1881  
 (515) 283-4182

ALL-AMERICA CITY  
 1949, 1976, 1981  
 2003

- As part of the changes to the non-conforming provisions, an existing legal non-conforming off-premises advertising sign on a Designated Scenic and Gateway corridor could be converted to an electronic sign only if the applicant agrees to cause a second existing legal non-conforming sign of equal or larger size to be removed from the same Designated Scenic and Gateway corridor prior to such conversion.

By separate motion and vote members moved 12-0-1 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg			X	
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

**APPROVAL** of a motion to recommend to the City Council that the City work with the appropriate authorities to determine the proper assessed values of land and/or structures that contain very valuable billboards, and to encourage the City Council to work with billboard companies to promote community service announcements such as Amber Alerts; and,

by a separate motion the members further voted 12-1 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern		X		
Tim Urban	X			
Marc Wallace	X			

in support of a motion to recommend to the City Council that it would be in the public's interest to phase out billboards in the community.

#### **STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Staff recommends approval of the proposed text amendments as attached. Based on input from the stakeholders meeting on May 14 and the Regulation and Ordinances Committee meeting on May 16, a revised recommendation may be forthcoming at the meeting.

## **STAFF REPORT**

### **I. GENERAL INFORMATION**

On February 12, 2007 the City Council established a temporary moratorium on off-premises signs with electronic displays. The Plan and Zoning Commission created a sub-committee in response to the moratorium on February 15, 2007. The sub-committee along with staff was charged with investigating issues surrounding electronic signs. On April 9, 2007 the finding of the sub-committee and the Regulation and Ordinances Committee of the Plan and Zoning Commission reported to the City Council with the following findings:

- Electronic/digital display signs (both off-premises and on-premises) can present a direct and substantial impact to community aesthetics, property values, traffic and pedestrian safety.
- Electronic/digital display advertising signs are highly visible from long distances and at wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time.
- Without changes in the City of Des Moines Zoning Ordinance with regard to Electronic/Digital Display signs (in particular billboard sized signs), these signs will continue to present an increased threat to community aesthetics, property values, and traffic safety.

At that time the City Council then voted to extend the moratorium to develop proposed changes to the Zoning Ordinance text to mitigate potential impacts related to those findings. The Council also required that stakeholders in the sign industry be included in the review of any proposed Ordinance changes.

The attached Ordinance text changes recommended by the Regulation and Ordinances Committee will be presented at a stakeholders meeting on Monday, May 14, 2007. The Committee will review the input provided at the meeting on Wednesday May 16, 2007 prior to the Commission final consideration of text amendments. The City Council required that a recommendation from the Commission be forwarded on to them for their consideration at their June 4, 2007 meeting.

The proposed text changes generally make the following modifications to the sign regulations in the Zoning Ordinance:

- Add new definitions for Electronic Display Sign, Multi-vision Display Sign, and Video Display.
- Add regulations restricting the duration, transition, brightness, dimmer control, and residential separation for Electronic and Multi-Vision Display Signs.
- Add Video Display signs to the general list of prohibited signs.
- Add several additional locations (see included map) to the list of Designated scenic corridors where off-premises signs are prohibited within 500 feet.
- Add provisions changing the non-conforming provisions for signs prohibiting non-conforming signs to be converted to electronic display and limiting the ability of sign reuse by changing the way destruction of a sign is defined.

*(Revisions noted in discussion and motion)*

### **SUMMARY OF DISCUSSION**

Erik Lundy: Presented staff report and recommendation. Noted the subject request was originally before the City Council on February 12, 2007 in response to a sign that was installed at SW 63<sup>rd</sup> & Grand Avenue. The Plan and Zoning Commission followed up and established a subcommittee, which met once; Brian Millard was the Chairman. He thanked Commissioner Millard and the members of the R&O Committee and the contributions of all the Commissioners in the process. He explained it is not desired for moratoriums to be continually extended.

Larry Hulse: Commended Commissioner Millard for the research he did and noted there are few cities that have responded to the subject issue. Commissioner Millard found some websites that helped in the research of ordinances. Indicated if the installation is regulated there will be more calls. It has been cutting-edge review.

Brook Rosenberg: Expressed concern with regard to the 20 seconds and suggested people that slow down to view the signs would create a hazard.

Erik Lundy: Suggested the 20 minutes in the original language was looked at by R&O and determined that to be longer than necessary to reduce an impact. The idea behind setting a duration was to limit the number of messages that would be viewed. The thought was to reduce the duration to 20 seconds from the 20 minutes.

Mike Ludwig: Noted the discussion was to limit the number of sign changes to 2-3 times per minute. Most of the billboards are visible from 1/3 to 1/4 of a mile in travel distance from the billboard, which is roughly 1600 feet. At the speeds that are on most of the streets, 20 seconds covers between 700 and 1000 feet. On average the sign will change 2-3 times while the sign is visible.

Bruce Heilman: The Committee did not specifically consider the 20-second duration as a safety issue. R&O did not consider people slowing down so they could view all the changes the signs would have. The issue has to do not with the frequency, but whether changing signs should be allowed at all.

Brian Millard: Noted the Bloomington, MN ordinance details 20 minutes between sign changes. Suggested that was due to the speed of the vehicles going by so that in most cases there would be zero changes as they go high speed down the highway.

Mike Ludwig: Noted staff emailed the staff in Bloomington and indicated their intent was to have no change in signs.

Brian Millard: Asked how R&O decided the 20 seconds would be appropriate for the Des Moines Ordinance.

Bruce Heilman: Explained the email from Bloomington disavowed any safety concerns for establishing the 20 minutes. Static billboards are a distraction or they would not exist because they are advertising designed to attract attention. The introduction of changes could increase the distraction for people driving by. R&O discussed traffic light changes and estimated they average approximately 20 seconds in Des Moines. Noted that could be increased or decreased. The industry standard of 8-seconds was set by the industry.

Tim Urban: Noted he called municipalities to inquire how they regulate off-premise signs and whether they would address the use of electronic messaging. None of the five jurisdictions he spoke with had directly grappled with electronic messaging as a current technology issue. Most of them have provisions in the ordinances to disallow animated or electronic devices on off-premise signs at all; they would not allow them. He also discovered most of Des Moines' suburban neighbors do not allow off-premise advertising at all other than industrial districts. Also discovered 20-30 years ago the City Council grappled with the issue to set up an amortization plan to put them

out of business except for industrial areas. Council changed its mind in 2000 and opened the door again allowing multiple panels on single poles. West Des Moines stuck with an amortization plan from 1973 to 1983 and they are basically gone with the exception of Fuller Road, which is an industrial district. Expressed concern that the real subject discussion should be what to do with off premise signs. Noted the safety issue of the electronic signs could not be proven.

Bruce Heilman: Noted the Commission could not dismiss the directive from the City Council.

Larry Hulse: Suggested the Commission could do both. The primary part of the discussion was digital, changeable signs. The Mayor brought up the possibility of the issue being the off-site advertising in general and asked for a report on that issue as well. Noted the Commission could address and give policy recommendations on both.

Tim Urban: Noted the ordinance has a section on scenic corridors that prohibits billboards and argued that was a new initiative and would have nothing to do with the electronic signs.

Larry Hulse: Noted it would because signs that are existing could still be there.

Tim Urban: Argued how non-conforming signs are dealt with is an entirely different issue. How signs are characterized as appropriate or inappropriate in the urban landscape of Des Moines compared to the rest of the metropolitan community is the issue.

Mike Simonson: Agreed with the direction of Commissioner Urban's arguments and suggested if the Commission does not like the billboards, suggested allowing them to change them once per week and there won't be any because they won't be able to afford to put them up.

Bruce Heilman: Noted the Commission has to have a reason for doing what they do. Noted there is precedent for amortization of billboard for lack of aesthetics and the Commission has discussed it, but it is not what they are being tasked with. It would be within the Commission's purview to turn the request down and recommend eliminating all billboards within 10 years.

Mike Ludwig: Noted there were two actions by City Council. The first was to determine regulations for digital billboards; the second was a referral from the City Manager's office to the Community Development department to discuss amortization of billboards.

Erik Lundy: Completed the staff report and recommendation and highlighted the suggestions of changes in the language of the ordinance that resulted from the discussion at the stakeholders' meeting relative to the following:

- Definition of Electronic Display Signs;
- Dimmer controls;
- Roof mounted sign restrictions;
- Non-conforming provisions.

Noted the members of the stakeholders' group were very open to being involved in the process.

Brian Millard: Asked if any of the stakeholders had met with staff or talked to staff about any other ideas since the meeting with the stakeholders.

Erik Lundy: Indicated none had specifically.

#### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one in the audience to speak in favor of this request.*

*The following individuals spoke in opposition:*

Tim Jamison General Manager of Clear Channel, 3101 SW 61<sup>st</sup> Street: Noted their industry has been around for 150 years and is in every major metropolitan market in the United States and globally and noted Clear Channel has 57,000 employees. He indicated the digital billboards are on the cutting edge; it is technology that has evolved. Explained Clear Channel has over 600 of the digital billboards. Noted 98% of all boards are on 8-second spots. The premise of the City Council's concern was on safety. He noted that according to the Des Moines Police Department's accident records, on SW 63<sup>rd</sup> & Grand there was one accident in February of 2006 and since the billboard was converted to digital, there was one accident in March of 2007. Suggested if digital billboards were causing traffic accidents it would be all over the news. Asked if anyone asked Bloomington, MN if they had digital billboards. He noted they don't because of the 20 minutes intervals. Minneapolis, St. Paul, Maple Grove and Minnetonka, MN all have digital billboards, all of which were 8-second intervals, which is the average. Cedar Rapids, Waterloo and Dubuque, Iowa all have 8-second digital billboards. Questioned how Des Moines could be progressive if they don't want to participate in new technology.

Mike Simonson: Questioned how much it cost to construct the electronic billboard on SW 63<sup>rd</sup> and Grand. Also asked if they own the piece of property the billboard sits on.

Tim Jamison: Indicated the cost of the structure is less than \$400,000 because they buy them in bulk. Noted they not only own the property the existing digital billboard sits on, but they deeded a piece of it over to the City of Des Moines for the new bike trail. They placed the billboard legally and promoted the City of Des Moines for approximately \$60,000 worth of free advertising.

Mike Simonson: Noted he does not like billboards and he felt there is appropriate discussion about whether or not to have them and stressed that not having them does not mean Des Moines is not progressive. Indicated he would prefer the electronic over paper because they look better.

Dann Flaherty: Noted the easement for the bike trail was required because the bike trail was redirected.

Tim Urban: Noted billboards were a hot issue when he was on the City Council. Indicated he would vote for 20-minute intervals if it would eliminate the ability to have electronic billboards, although the real issue is the appropriateness of large signs in the cityscape.

Tim Jamison: Noted Clear Channel has built one new billboard in the last 24 months. They have taken down six due to natural attrition. Billboards disappear slowly with development. There are over 100 less billboards in the Des Moines than there were 24 years ago. Currently there are 653 faces, which would be 320 plus signs.

Brian Millard: Asked if Mr. Jamison had asked West Des Moines about traffic accident reports since it faces West Des Moines.

Tim Jamison: Noted he had not because the billboard is in Des Moines. They chose that location because it is a high traffic area. Indicated the City of Windsor Heights has contacted them to place digital billboards.

Brian Millard: Stressed it is a critical issue that needs to be covered thoroughly.

Mike Ludwig: Explained the City Council directed the Commission to review it. Indicated a motion be made and suggested if the Commission wants amortization, a motion needs to be made as well. Noted one of the provisions considered by the R&O was that on scenic/gateway corridors an existing legal non-conforming billboard could be converted to digital only if a second billboard of equal or larger size on the same corridor was removed.

Larry Hulse: Reminded the Commission that they were to be making a recommendation to the City Council and suggested if the discussion goes toward the elimination of billboards, adding what they think should happen if the Council does not agree with the recommendation.

Kaye Lozier: Suggested that the entire 235 freeway be designated as a scenic corridor.

David Cupp: Suggested the issue to be very important and noted he did not like billboards flopping in the wind and thought the electronic billboards to be a great alternative to what is there now. He also noted the instant Amber Alerts, which are public service announcements are important. Noted the Committee put a lot of time in the issue and he would vote in favor of their recommendations.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

David Cupp: Moved staff recommendation.

Bruce Heilman: Appreciated the support, but asked that the Commission not let the time and efforts the R&O spent influence their decision. He stressed the Commission owes a recommendation to the City Council, but suggested if they wanted to share their overall view of where they feel billboards should go, a separation motion could be made.

Brian Millard: Suggested the Commission has offered advice to the City Council before that was not sought of them. Suggested if the Commission believes a large sign that changes images is aesthetically pleasing, then the status quo is sufficient and there does not need to be an ordinance. Stressed bus benches are heavily regulated. A screen to change every 8 seconds is less aesthetically pleasing than one that changes every 20 minutes or even 20 seconds. Felt 20 seconds to be too short and did not ever remember sitting at a traffic light that was only 20 seconds. Without solid justification he was at a loss of what would be appropriate. Noted he sent out an email to Des Moines neighborhood associations and read it to the Commission. He read some of the replies and indicated the consensus was opposition to the billboard. Stressed the need for facts, information and input from the community. Frustrated that the subcommittee that was formed only met once and then R&O took over. Did not know what was appropriate. Suggested whether a changing image is aesthetically detrimental to a neighborhood.

Tim Urban: Reiterated it is in the Commission's purview to determine if electronic billboards are appropriate or not. His position was that they are inappropriate. Did not think there was time to get into a broader discussion about whether or not to eliminate billboards.

Bruce Heilman: Reminded the Commission that they cannot regulate the message; it is a free speech issue, however they can regulate the structure based on aesthetics. Suggested if someone could come up with why electronic messaging is not appropriate to the City of Des Moines where static is, they could make that argument, but he did not think they could. Relative to the distraction and nuisance issue, they could make a recommendation on the frequency of change and when the 20-second interval was decided the information of the 8-second industry standard was not available. Indicated he did not have enough information to recommend the interval and noted the standard was set by the industry and is not necessarily in the best interest of the community where the billboards are.

David Cupp: Did not think the discussion was about electronic messaging, but was about billboards in general and suggested updating the billboards and get rid of the paper billboards. The electronic displays could do a lot of public good, thus he moved to accept the report and forward it to the City Council.

Kent Sovern: Noted it is difficult to narrow a decision down to yes or no on such a complex issue. Indicated there were other land use issues the Commission has struggled with, but regardless of

how badly they would like to get rid of them they are beneficial to the City and the Commission has to determine the appropriateness to the citizens. He did not buy the safety argument. He did not think there is ample evidence as to what constitutes a distraction, however the Commission can appropriately deal with the aesthetic argument. Believed the electronic message boards are positive for the industry because they produce more revenue per board. Suggested the industry is motivated by monetary reasons to work with the City to improve the aesthetics and reach the goals of the R&O. He would be supportive of the 20-second interval. Suggested the issue needed to be moved forward and the broader issues could be dealt with relative to whether or not to move for the elimination of billboards overall by either separate motion or at a separate meeting.

Jeff Johannsen: Thought R&O had done a good job and commended Commissioner Millard. Noted he is not a big fan of billboards, but was pleased with the proposal.

Jim Martin: Noted the idea of the progressive nature caught his attention, but he bristled at the idea that being progressive is being like everybody else whether it is the cycling issue or what the suburbs are doing. He would prefer to see more interval than 20-second cycling, but suggested it is a good place to start.

Mike Simonson: Noted the cost of the signs has gone down already so there will be more. He was supportive of R&O's strive to put further restrictions on them. He concurred there is no safety issue. He would like to see the length of time increased substantially and would like to make another motion about the City working with the County to establish taxation of land that has million dollar billboards on it. The land the subject sign is on is flood plain, which probably has virtually no value with the exception of a valuable sign. The City and County should be entitled to some of the revenues being received from the billboard company or the landowners where the billboards sit.

Greg Jones: Noted he is on R&O and is therefore in support of the recommendations, however, he supported the further discussion about amortizing the signs over some period of time. He thought they were aesthetically challenged.

Larry Hulse: Noted the dates of the moratorium were set by City Council and the Commission could request an extension of time to study or could make a recommendation, which does not mean it cannot be looked at further.

Dann Flaherty: Thanked staff and R&O for their efforts and commended Commissioner Heilman and the other commissioners on R&O. He noted where he travels there are no billboards. He would entertain another motion that offsite billboards not be permitted. Would vote in favor of the current motion.

Mike Ludwig: Clarified the motion was to include the draft plus the amendments the R&O discussed.

Kent Govern: Noted Commissioner Millard saved the Commission dozens of hours in research and commended him.

Mike Ludwig: Noted staff would want copies of the emails Commissioner Millard received. Explained minor changes to the proposed ordinance after input from the Stakeholders' meeting.

Bruce Heilman: Noted the motion included the information and changes staff presented, which included the legal non-conforming sign language.

Roger Brown: Suggested the Commission's action be to ask the City Council to continue the moratorium for another two weeks to allow the Commission to have the exact language available for discussion at the next Plan and Zoning meeting. Noted the matter is an important one, but there should not be a sense of urgency.

David Cupp: Withdrew his motion and moved to request a continuance of the moratorium until the June 7, 2007 meeting at which time it would be in writing for the Commission to discuss further.

Brian Millard: Expressed concern because there were already two City Council members who voted against extending the moratorium.

Roger Brown: Noted the Moratorium currently is extended until June 5, 2007. He suggested that the Commission make a recommendation to the City Council that at their meeting on June 4<sup>th</sup> they extend the moratorium to allow the Commission to come forward with a recommendation based on language in front of them. If the moratorium is or is not extended for two weeks Clear Channel could push the issue to get another off-premise display using digital format, although he did not think they would want to do that.

Mike Ludwig: Read the recommendation and explained the non-conforming sign language.

Kent Sovern: Noted staff is in the process of contacting the County Assessor to determine how the billboards are assessed. If they are assessed based on a measure of value as to the construction or digitization or by their potential to produce revenue.

Tim Urban: Asked if another amortization plan is adopted, it would be the taking value of the asset that becomes appraised and not the land value. The cost of digital billboards would be substantially more than the cost of the static billboards.

Roger Brown: Noted if the City needs to take down a billboard for any reason, it is the value of the billboard and what it is assessed at for tax purposes might be one thing that would be considered in determining that value, however it is extraordinarily rare that a piece of property can be condemned for its assessed value. It is only one factor that is considered in determining the value. It is true that if the sign is being condemned and being taken down, a digital billboard may drive the value of the sign up. He further explained amortization to involve the value and rate at which the value is amortized. The value will go way up but the amortization of a digital sign is also much faster.

Brian Millard: Asked if there were any non-conforming issues that would not allow the 2 for 1 swap; if all legal non-conforming signs would be eligible for the 2 for 1 swap.

Roger Brown: Noted the language only applies it to the scenic or gateway corridors. Outside those corridors there is a separation requirement. The Subcommittee thought where they were made non-conforming by the separation requirement, the solution is to separate the billboards by taking one down. The difference is there it becomes conforming by eliminating a sign or two and spreading them out. The setback from adjoining residential would be a common reason for nonconformity. In this case the language would limit the ability to swap the 2 for 1 for electronic displays along the scenic or gateway corridors. The language would need to be changed to apply it elsewhere.

Kent Sovern: Moved staff recommendation with the inclusions presented including the language intended by the R&O to reduce the number of advertising faces along scenic corridors.

Dann Flaherty: Asked legal counsel if he was comfortable.

Roger Brown: Noted he was comfortable after the detailed explanations and discussion.

Mike Simonson: Seconded the motion and asked for a friendly amendment to change the frequency time from 20 seconds to 20 minutes.

Kent Sovern: Would not accept the amendment.

Mike Simonson: Asked fellow Commissioners to reject the motion so he could make another motion.

Kent Sovern: Noted he could ask to make an amendment to that section.

Mike Simonson: Moved the amendment.

Dann Flaherty: Noted the amendment would be voted on first, then the motion.

Amendment failed 4-8-1 (Greg Jones, Brook Rosenberg, Jeffrey Johannsen, Kent Sovern, Kaye Lozier, David Cupp, Bruce Heilman, and Marc Wallace were in opposition; Brian Millard abstained due to a lack of information on the rationale to the duration chosen).

Motion passed 9-3-1 (Tim Urban, Brook Rosenberg and Mike Simonson were in opposition; Brian Millard abstained due to a lack of information on the rationale to the duration chosen).

Mike Simonson: Noted there would be some positive things accomplished as a result of the action; there would be half the number of billboards and the rest would be electronic because the cost will come down. Moved that City Council work with entities to determine proper assessed values of land and/or structures that contain very valuable billboards.

Kent Sovern: Would support the motion because it would help to understand how State law and the actions of the County Assessor work with this particular type of commercial activity, which will offer a better understanding of its impact both positively and negatively on the City.

Bruce Heilman: Noted the more information the Commission gets the better and if they get into an amortization discussion they will need this type of information anyhow and if the City realizes how much tax revenue they could get from the billboards it may change their appetite for amortization down the road.

David Cupp: Offered a friendly amendment to the motion to encourage the City Council to work with billboard companies to promote community service announcements such as Amber Alerts.

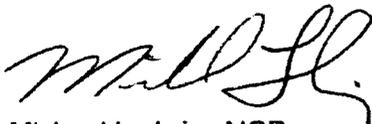
Mike Simonson: Accepted the friendly amendment.

Motion passed 12-0-1 (Brook Rosenberg abstained).

Tim Urban: Moved that the Commission go on record as indicating to the City Council that it is in the public's interest to phase out billboards in the community.

Motion passed 12-1 (Kent Sovern was opposed).

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

**Exhibit "A"**

Proposed amendments to the Zoning Ordinance to expand the corridors along which off-premises advertising signs are prohibited, and to restrict the right to replace or modify existing non-conforming signs.

**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:

- .....
- (8) No such sign shall be located within 500 feet or face any of the designated scenic corridors listed in this subsection. These scenic 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 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 14<sup>th</sup> 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 except the west side thereof 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, but excluding the east side thereof from Hickman Road to Euclid Avenue.

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. Southeast 30th Street from East University Avenue to Maury Street.
- s. Southwest 1st Street from Raccoon River Bridge to Depot Street.
- t. 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.
- u. Thomas Beck Road
- v. University Avenue
- w. U.S. Highway 65/69 from East Army Post Road to south city limits.
- a. ~~Grand Avenue from Twelfth Street to the west city limits.~~
- b. ~~Fleur Drive from Grand Avenue to 200 feet south of Army Post Road.~~
- e. ~~Martin Luther King, Jr. Parkway from MacVicar Freeway to the east bank of the Des Moines River.~~
- d. ~~MacVicar Freeway from Seventh Street to East Sixth Street.~~
- e. ~~East Fourteenth Street from Hartford Avenue to Governor Square Drive.~~
- f. ~~Southwest First Street from Raccoon River Bridge to Depot Street.~~
- gx. Embankments of the Raccoon River Bridges at SW 3rd Southwest Third Street, SW 7th Southwest Seventh Street, SW 9th Southwest Ninth Street and 63rd Sixty-third Street.
- hy. Embankments of the Des Moines River Bridges at SE 1st Southeast First Street, SE 6th Southeast Sixth Street, 2nd Second Avenue, 6th Sixth Avenue, Euclid Avenue and University Avenue.

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

- (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 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) No such sign may be converted to use an electronic display. However, a legal non-conforming sign located at least 100 feet from any adjoining R1 or R-2 Districts and from any adjoining single or two-family residential use, may be converted to an electronic display sign of equal or smaller area, if the applicant agrees to cause a second existing legal non-conforming sign of equal or larger size located along the same corridor, to be removed prior to such conversion. The entire structure above ground, including all sign faces of the second sign shall be removed before a permit is issued for the conversion.
- (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 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 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.