

Date April 7, 2014

RESOLUTION SCHEDULING HEARING ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE TO FURTHER REGULATE THE OPERATION AND ALLOWED LOCATION OF ELECTRONIC SIGNS, AND IMPOSING A TEMPORARY MORATORIUM ON THE APPROVAL OF NEW ELECTRONIC SIGNS

WHEREAS, in 2007, by Ordinance No. 14,668, the zoning regulations in Chapter 134 of the City Code were amended to:

- a) Prohibit video display signs used to display pictures or graphics in a series of frames that give the illusion of motion;
- b) Require that all electronic display signs over 24 square feet in area remain static for at least 8 seconds between any change in the message displayed, and that the change between static messages be instantaneous; and,
- c) Impose more restrictive setback and separation requirements on off-premises advertising signs; and,

WHEREAS, several business owners have overlooked the ban on video display signs and have installed electronic signs in the mistaken belief that electronic signs under 24 square feet in size could be used to display moving pictures and graphics, which warrants a clarifying amendment to the zoning regulations; and,

WHEREAS, in 2008, by Ordinance No. 14,761, the zoning regulations in Chapter 134 of the City Code were further amended to:

- a) Increase the required separation between off-premises advertising signs on designated gateway corridors; and,
- b) Establish a credit system whereby the owner of a lawful off-premises advertising sign may earn a conversion credit for the removal of that sign under circumstances which prevent a new sign from being constructed at the same location, and the conversion credit can be redeemed to convert an existing non-conforming off-premises advertising sign at another location to use an electronic display,

with the goal of reducing the overall number and density of off-premises advertising signs in the City; and,

WHEREAS, the highest density of off-premises advertising signs in the City of Des Moines is along those City streets which serve as major traffic corridors; and,

WHEREAS, an unintended consequence of the credit system has been that the conversion of nonconforming off-premises advertising signs to use an electronic display has been concentrated on the major traffic corridors, while few off-premises advertising signs have been removed from those corridors, which has exacerbated the problems caused by the high density of off-premises advertising signs existing on the major traffic corridors; and,

WHEREAS, the City staff have proposed an amendment to the Zoning Ordinance to:

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- a) Change the credit system to limit the use of any new conversion credit to the conversion of a nonconforming off-premises advertising sign along the same scenic corridor or City street from which the credit was earned by the prior removal of another off-premises advertising sign;
- b) Change the operational standards on the use of electronic signs to require that all electronic signs, regardless of size, remain static for at least 8 seconds between any change in the message displayed, and that the change between static messages be instantaneous; and,
- c) Make other changes to the regulation of electronic signs and off-premises advertising signs; and,

WHEREAS, a temporary moratorium on the issuance of permits for the construction of any new electronic signs, on the conversion of any existing signs to use an electronic display, and on the approval and issuance of conversion credits for the removal of existing off-premises advertising signs, is necessary to maintain the status quo while the City considers the proposed amendment to the Zoning Ordinance and determines whether any further amendments to the applicable regulations are necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, by the City Council for the City of Des Moines, Iowa, as follows:

Initiation of Zoning Text Amendment

1. That the City Council shall consider the proposed amendments to the Zoning Ordinance as recommended by the City staff, and any additions or amendments thereto recommended by the Plan and Zoning Commission, at a public hearing to be held in the Council Chambers at 5:00 p.m. on May 19, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said hearing in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.
3. The Community Development Department and Plan and Zoning Commission are hereby directed to diligently proceed with a review of the proposed amendments to the Zoning Ordinance. The Community Development Department and Plan and Zoning Commission shall endeavor to make a report and recommendation to the City Council on or before the public hearing scheduled above, on the appropriate changes to the zoning regulations applicable to electronic signs and off-premises advertising signs.

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Imposition of Temporary Moratorium

4. Effective immediately upon the adoption of this resolution and continuing until June 26, 2014, no sign using an electronic display shall be constructed or placed at any location in the City of Des Moines where visible from a public street; no existing sign in the City of Des Moines visible from a public street shall be converted to use an electronic display; and the City staff shall not issue any new conversion credits or permits for any such construction or conversion activities. **HOWEVER, this moratorium shall not apply to the construction of a new electronic sign or the conversion of an existing sign to use an electronic display, that does not require the use of a conversion credit; that is fully compliant with the current zoning requirements; and will confirm to the operational standards in Section 134-1277(a) through (e) regardless of size.**

5. Any party may by written application to the City Clerk request relief from the effect of this moratorium where necessary to avoid unnecessary hardship. The application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship. The application shall be considered by the City Council at the first regularly scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is necessary to remedy such unnecessary hardship.

(Council Communication No. 14- **158**)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown, Assistant City Attorney

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| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| MOORE | | | | |
| 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