

★ Roll Call Number

14-0656

Agenda Item Number

60A

Date April 21, 2014

RESOLUTION **DENYING** APPLICATION OF CLEAR CHANNEL OUTDOOR, INC., FOR RELIEF FROM THE MORATORIUM ON THE CONSTRUCTION OF ELECTRONIC SIGNS, SEEKING TO USE THE 1.5 CONVERSION CREDITS IT PREVIOUSLY EARNED, TO CONVERT EXISTING LEGAL NON-CONFORMING OFF-PREMISES ADVERTISING SIGNS TO USE AN ELECTRONIC DISPLAY

WHEREAS, on April 7, 2014, by Roll Call No. 14-0575, the City Council imposed a temporary moratorium effective until June 26, 2014, on the construction or placement of signs using an electronic display, on the conversion of existing signs to use an electronic display, and on the issuance of any new conversion credits or permits for any such construction or conversion activities; and,

WHEREAS, Clear Channel Outdoor, Inc. (hereinafter "Clear Channel") has requested relief from the moratorium to allow it to use the 1.5 conversion credits it previously earned, to convert existing legal non-conforming off-premises advertising signs to use an electronic display in conformance with the existing regulations;

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

1. The City Council hereby makes the following findings of fact:
 - a) The conversion credit system was established to encourage the removal of off-premises advertising signs under circumstances which prevent another off-premises advertising sign from being placed on the site in the future, by awarding a conversion credit to allow a legal non-conforming off-premises sign at another location to be converted to use an electronic display.
 - b) Clear Channel is the only business which holds any conversion credits. Clear Channel retains 1.5 conversion credits it previously earned by removing two off-premises advertising signs under circumstances which prevent another off-premises advertising sign from being placed on the site in the future.
 - o 1.0 credit was earned by the removal of a sign over 600 square feet in area.
 - o 0.5 credit was earned by the removal of a sign at least 300 square feet and less than 600 square feet in size.
 - c) At this time, and subject to further amendments in the legislative process, the proposed amendments to the Zoning Ordinance would allow earned conversion credits to be used in conformance with the regulations in effect at the time the credits were earned.
 - d) Clear Channel has not applied for a building permit to use any portion of the conversion credits it holds for the conversion of a specific off-premises

(continued)



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advertising sign to use an electronic display. The claimed hardship is purely hypothetical at this point in time.

- The application of Clear Channel for relief from the moratorium to allow it to use the 1.5 conversion credits it previously earned and retains, to convert existing legal non-conforming off-premises advertising signs to use an electronic display in conformance with the existing regulations, is hereby denied.

MOVED by _____ to adopt and **DENY** the application for relief from the moratorium as described above.

FORM APPROVED:

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	

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.

_____ Mayor

_____ City Clerk