

ORDINANCE NO. 1572

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City of Des Moines Sign Code, amending chapters 18.08 and 18.42 DMMC to clarify that public readerboard signs are allowed as off premise signs, to help promote economic development, and to address community concerns.

WHEREAS, the City Council is considering a variety of means by which wayfinding and communication to the public for civic and other important events can be achieved, and

WHEREAS, the City is undergoing significant street improvements in the Gateway of South 216th Street and seeking a means to enhance communications to the public near City facilities in this area as well as throughout the Marina District and in other areas having high public visibility, and

WHEREAS, the City Council is considering some refinements in the Sign Code to help promote economic development and address community concerns, and

WHEREAS, the Des Moines City Council has been reaching out to the development and design community and Pacific Ridge property owners since 2000 and those stakeholders have encouraged the City to be more flexible with its Sign Code and other development regulations, allowing the marketplace to decide how best to achieve the City's broad development goals, and

WHEREAS, the City Council directed City staff to prepare an ordinance for its considerations which creates more flexible sign regulations for Pacific Ridge and other commercial neighborhoods, and

WHEREAS, the Planning, Building and Public Works Director acting as the SEPA responsible official reviewed this proposed non-project action and determined that the proposed textual code amendments are within the scope of the existing environmental documents and fulfilled the SEPA requirements established by chapter 197-11 WAC and chapter 165.04 DMMC pursuant to WAC 197-11-600 and DMMC 16.04.108, and

WHEREAS, the City Council set the date for the public hearing by Resolution No. 1232, fixing the public hearing for July 25, 2013 as required by DMMC 18.56.200, and

WHEREAS, the textual code amendments proposed in this Ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, notice of the public hearing was issued on July 8, 2013 in accordance with the DMMC, and

WHEREAS, a public hearing was held on July 25, 2013 and continued to August 8, 2013, and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are appropriate and necessary; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 18.08.020 and sections 1 (24.08.020), 5 and 6 of Ordinance No. 175 as amended by section 2 of Ordinance No. 255 as amended by section 2 of Ordinance No. 295 as amended by section 1 of Ordinance No. 338 as amended by section 2 of Ordinance No. 445 as amended by section 1 of Ordinance No. 463 as amended by section 10 of Ordinance No. 532 as amended by section 1 of Ordinance No. 557 as amended by section 7 of Ordinance No. 584 as amended by section 2 of Ordinance No. 628 as amended by sections 5 and 6 of Ordinance No. 793 as amended by section 2 of Ordinance No. 806 as amended by section 1 of Ordinance No. 1100 as amended by section 5 of Ordinance No. 1106 as amended by section 2 of Ordinance No. 255 as amended by section 60 of Ordinance No. 1174 as amended by sections 3 and 4 of Ordinance No. 1237 as amended by section 1 of Ordinance No. 1282 are each amended to read as follows:

Permitted uses. In a single-family residential zone the following uses only are permitted and as specifically provided in and allowed by this chapter, subject to the off-street parking requirements and the general provisions and

exceptions set forth in this Title beginning with chapter 18.36 DMMC:

(1) A one-family dwelling;

(2) Accessory buildings and uses including, but not limited to, the following:

(a) Accessory living quarters;

(b) Private garages designed to accommodate not more than four cars;

(c) (Repealed by Ord. 532);

(d) Lodgers limited to two;

(e) Private docks and mooring facilities and a private boathouse or hangar for the sole use of occupants of the premises to accommodate private noncommercial pleasure craft. Boathouses, hangars, docks and moorings shall be accessory to the primary use on the property to which they are contiguous, provided:

(i) No part of the boathouse or hangar shall extend more than 16 feet above the mean high water level;

(ii) A structure shall not be located closer to a property side line, or property side line extended, than the width of the required side yard on the lot to which such facilities are accessory;

(iii) The total area of covered moorages, boathouses, or hangars shall not exceed 1,000 square feet;

(iv) Covered structures shall abut upon the natural shoreline;

(v) Such structure shall not have a width greater than 50 percent of the width

of the lot at the natural shoreline upon which it is located;

(vi) A boat using such moorage shall not be used as a place of residence when so moored;

(f) Foster family day care home;

(g) Greenhouses, private and noncommercial, for propagation and culture only and no sales from the premises are permitted;

(h) One antenna system that exceeds the maximum building height specified for the residential zone and which:

(i) Does not exceed 15 feet in height above the building height limitation specified for the zone;

(ii) Is set back the greater of the applicable building setback for the zone where located, or the vertical height of the antenna system measured from the center point of the base of the mast horizontally to the nearest property line;

(iii) Has a maximum horizontal cross-sectional area for that part of the mast that is above the building height limitation for the zone such that an imaginary four-inch diameter circle would encompass all points of the horizontal cross-section;

(iv) Has a maximum allowable three-dimensional space intrusion of 1,200 cubic feet for single ground plane antennas with a single driven element, and 200 cubic feet for beams, quads, and other multi-element antennas; except these limitations on three-dimensional space intrusion are not applicable to single long-wire antennas, single whip antennas, and single

coaxial antennas. In this paragraph, "three-dimensional space intrusion" means the space within an imaginary rectangular prism that contains all extremities of an antenna;

(v) Does not encroach into the front, side, or rear setbacks required for the zone. A guy wire and anchor point for an antenna system is prohibited in the required front yard or within three feet of the side or rear property lines; except if an alley abuts a rear property line, a guy wire and anchor point may extend to the rear property line;

(vi) A variation from the above limitations not to exceed 10 percent may be granted by the department of community development; such variation shall be granted when it will not significantly increase the hazard factor, the aesthetic impact, or the economic consequences of such antenna systems;

(i) Swimming pools and other recreational facilities for the sole use of occupants of premises and their guests;

(3) Art galleries and museums, when located in a public park;

(4) Boat moorages for pleasure craft only in connection with community and noncommercial recreational facilities as set forth in this chapter, whether the moorage is publicly or privately owned, subject to the issuance of a conditional use permit provided the following minimum conditions are conformed to:

(a) No boat sales, service, repair, boat charter, or rental are permitted on the premises;

(b) The deck of a pier shall be no more than five feet above high water level;

(c) On-shore toilet facilities shall be provided;

(d) Boats using such moorage facilities shall not be used as a place of residence;

(e) No overhead wiring shall be permitted on piers or floats except within covered moorage structures;

(f) All covered structures over water shall abut upon the shore and be at least 40 feet apart when placed side by side; when covered structures are placed end to end or side to end, one of the structures shall abut upon the shore and the structures shall be at least 15 feet apart;

(g) No covered structures over water shall be permitted to extend out from shore a distance greater than 50 percent of the maximum permitted distance from shore of a pier on subject premises, but in no case a distance of more than 300 feet from shore, unless the outer line of the property is less than 200 feet from shore, a covered structure may be permitted to extend to the outer property line;

(h) No pier, including finger piers, shall occupy more than 10 percent of the water area of a lot upon which the same is built, nor shall the total area of covered structures over water occupy more than 20 percent of the water area of such lot;

(i) All covered structures over water under one ownership shall be built in a uniform manner and design and no point in the roof of such structure shall be higher than 16 feet above high water in fresh water and no floating moorage

located in fresh or tidal water shall have a structure higher than 16 feet from the water line;

(j) The roofs of covered moorage shall contain no more than 7,200 square feet of area in any one unit and such roofs shall not be supported directly by extended piling;

(k) Side walls on covered structures shall not exceed 50 percent of the area of any three sides and shall be of rigid or semirigid material and shall cover from external view all roof bracing;

(5) Cemeteries that were legally in existence prior to August 3, 1964;

(6) Churches, providing the following conditions are conformed to:

(a) All buildings and structures on the site shall not cover more than 40 percent of the area of the site;

(b) The depth of the required front yard shall be the same as that required for the zone in which the site is located as identified on the zoning map;

(c) Buildings and structures on the site shall not be closer than 30 feet to any property line that is a common property line with residential property, except that a detached one-family dwelling on such site need conform only to the yard requirements and required distance between buildings as prescribed by the zone in which the site is located;

(d) The height limits of the zone in which the site is located shall apply, except that the height shall be measured to the mean height of the roof;

(e) On interior lots the required side yards may be used to provide off-street parking areas and on corner lots the interior side yard may be similarly used. Under no circumstances may the required front yard or the side yard on the side street be used for off-street parking;

(f) Where areas devoted to off-street parking are contiguous to residentially zoned property, then on the property line common with such residentially zoned property there shall be erected and maintained a solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height, and such walls or fences may be built progressively as the parking facilities are installed;

(g) All lights provided to illuminate a parking area or building on such site shall be so arranged as to direct the light away from adjoining premises;

(h) Church sites shall abut and be accessible from at least one public street having two moving traffic lanes and a dedicated width that will permit not less than a 36-foot roadway;

(i) Signs are allowed as provided in chapter 18.42 DMMC.

(j) For purposes of determining conformance to the foregoing conditions and the parking requirements, a plot plan showing ultimate location and use of all buildings, location of signs, location and amount of off-street parking areas, location and adequacy of ingress to and egress from parking areas, landscaping and sketches to scale showing the building elevations and floor space to be devoted to seating or assembly purposes shall be filed with and approved by the building department prior to the issuance of any building permit and thereafter the issuance of building permits shall be governed by and

conform to the approved plot plan. If, later, a modified plot plan is submitted, the modified plan shall conform to the conditions and requirements of this Title or any amendments in effect at the time the modified plan is submitted;

(7) Nursery schools, day care centers, or mini-day care programs when located on the same site with public or private schools or churches;

(8) Foster care home, 24-hour;

(9) Golf courses, private or public, including clubhouse, accessory driving range, pitch and putt courses except the following minimum conditions are required:

(a) A building or structure shall maintain a distance of not less than 50 feet from an exterior boundary line that is a common property line with residential property and from a street boundary line;

(b) A service area, a side of which constitutes a common property line with residential property, shall be screened from such property line by the erection and maintenance on such common property line of a solid wall or view-obscuring fence or hedge not less than five or more than six feet in height;

(c) No required yard or open space on the premises shall be used to provide parking spaces for cars or vehicles;

(d) Where property devoted to these purposes is bounded by a street, then on a street property line, no entrance-exit facilities for automobiles shall be located closer than 100 feet to a street intersection;

(10) Libraries (publicly operated);

(11) Parks, publicly owned and operated, except the following minimum conditions are required:

(a) No bleachers or stadiums are permitted if the site is less than 10 acres, and no public amusement devices for hire are permitted;

(b) Lights provided to illuminate a building or recreational area shall be so arranged as to reflect the light away from a lot upon which a dwelling unit is located;

(c) A building or structure or service yard on the site shall maintain a distance not less than 50 feet from a property line that is a common property line with residential property and from a public street;

(12) Public utility facilities:

(a) Public utility distribution permitted by DMMC 18.36.140 (Public utilities - Distribution) is not affected by this section;

(b) Public utility facilities necessary for the transmission and distribution of services for the area when the facilities are located underground below the natural grade of the site, except that surface-mounted transformers, telephone terminals, and metering devices less than five feet in height required in connection with underground services are permitted above ground;

(c) Public utilities facilities, such as but not limited to telephone exchanges, sewage or water pumping stations, electrical distribution substations, water storage reservoirs or tanks necessary for distribution, but not including business offices, warehousing, storage buildings or yards, service yards, sewage treatment plants

or bulk gas storage or the like, are permitted above ground, subject to the following minimum standards:

(i) Any equipment or structure except architectural screens and fences shall observe a distance of one foot for each one foot the equipment or structure rises above the grade but in no case less than 20 feet from a property line that is a common property line with a street, alley, or with residential property;

(ii) When security fences are used, they shall be supplemented with a Type II landscaping strip so as to minimize the industrial character of such fences;

(iii) Public utility facilities shall be landscaped as required in DMMC 18.41.300 (Public or institutional uses);

(iv) When the facility includes bulky structures such as water towers or standpipes, the landscaping shall include either existing or planted trees of such size as will partially screen and effectively break up the massive appearance of such structures;

(v) Landscaping shall be planted according to industry standards and chapter 18.41 DMMC, Article II (General landscaping requirements). The landscaping will be maintained in good condition at all times. Landscaping shall be planted as a yard improvement at or before the time of completion of the first structure or within a reasonable time thereafter considering weather and planting conditions;

(vi) Site plans, elevation and landscape plans shall be submitted and approved by the building department prior to the issuance of a building permit. The building department may require the posting of a surety bond guaranteeing

to the city the installation and improvement of the site in accordance with the approved screening and landscape plans in an amount estimated to be equal to the cost of such screening and landscaping;

(13) Recreational facilities, community and noncommercial, including clubhouse facilities, subject to the issuance of a conditional use permit, except the following minimum conditions are required:

(a) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be erected and maintained on any exterior boundary line that is a common property line with residential property, except that on a portion of the common property line constituting the depth of the required front yard on the adjoining residential property such wall, fence, or hedge shall be not less than 36 inches nor more than 42 inches in height. Wherever a six-foot wall, fence, or hedge is permitted, open wire mesh screens may be erected to heights greater than six feet where needed for protective purposes;

(b) A building or structure on the site shall maintain a distance not less than 25 feet from any abutting residential property;

(c) Lights provided to illuminate a building or recreational area shall be so arranged as to reflect the light away from a lot upon which a dwelling unit is located;

(d) The site shall be located upon, or have adequate access to a public thoroughfare;

(14) Schools, elementary, junior high, middle, and high, and community colleges, public and private; provided, the following minimum conditions are required:

(a) No less than the following minimum site areas shall be provided for public schools:

(i) For elementary schools, five acres;

(ii) For junior high or middle schools, 10 acres;

(iii) For senior high schools, 15 acres;

(iv) For community colleges, 20 acres;

(b) For private elementary, junior high or middle, and senior high schools, the minimum site area shall be three acres. These private schools shall be approved by the State Board of Education;

(c) Buildings or structures on the site shall maintain all yards required in the zone in which the site is located as identified on the zoning map;

(d) Buildings and structures shall maintain a distance not less than 30 feet from a property line that is a common property line with residential property;

(e) Buildings, including accessory buildings and structures, shall not cover more than 40 percent of the area of the site;

(f) Renovation, rehabilitation, or construction of schools, both public and private, shall be processed as a Type II land use action;

(15) (Repealed by Ord. 584);

(16) Planned unit development as provided in chapter 18.52 DMMC (Planned Unit Development);

(17) Unclassified uses as provided in chapter 18.32 DMMC (Unclassified Uses);

(18) Home occupation, except the following minimum conditions are required:

(a) Occupation shall be conducted entirely within the dwelling and not in an accessory building, except for a bona fide garage;

(b) Such use does not involve construction features not customary or incidental in a dwelling;

(c) The entrance to the area used for the home occupation shall be only from an entrance customary to a residential use and not exceeding four feet in width at its opening;

(d) There shall be no signs related to the home occupation or other exterior evidence of the occupation being conducted within the dwelling, including functional evidence;

(e) Such home occupation is approved by the City Manager, the criteria for such approval to be whether such home occupation will adversely affect the residential qualities of the location in which it will operate. Without limitation, factors for such decision may be size of building, parking, potential noise, potential nuisance, potential traffic, and the like;

(f) The decision of the City Manager may be appealed to the hearing examiner by filing a written notice of appeal with the City Clerk within 10 days of the mailing of the notification of denial. The appeal is heard as provided in the hearing examiner code, except the decision of the hearing examiner is final and is not appealable to

the City Council. The decision of the hearing examiner is appealable by filing a land use petition with the King County superior court in accordance with chapter 36.70C RCW, as presently constituted or as may be subsequently amended;

(g) Should a business license be granted and should the nature of the business thereafter acquire features that may have resulted in a denial of a business license in the first instance, the City Manager shall have authority to revoke the business license and the provisions codified in DMMC 5.04.020 (License required - Transfer prohibited), 5.04.030 (Licenses - Fees - Appeal), 5.04.060 (License revocation - Appeal), 5.04.070 (Renewal - Appeal), and 5.04.090 (Reasons for enactment of chapter) shall become effective;

(h) Motor vehicle repair operations are prohibited;

(19) The keeping of horses or cattle for private use only shall be permitted in any residential zone, except the following minimum conditions are required:

(a) The minimum area of land shall not be less than one acre, in which area the animal shall be restrained or controlled in such a manner that the animal cannot freely leave the premises;

(b) Not more than one horse or one cow for each one-half acre of the total site area is permitted;

(c) To restrain an animal from causing damage to adjacent property, the owner of that property where animals are to be kept shall be responsible to erect and maintain an animal-control fence no closer than five feet from the adjacent property line;

(d) Stables, corrals, exercise yards, or rings shall not be located closer than 35 feet to any boundary property line or closer than 45 feet to a building containing a dwelling unit or accessory living quarters on the same premises; and there shall be no open-air storage of hay, straw, shavings, or similar organic materials closer than 35 feet to any boundary property line or closer than 45 feet to any dwelling unit or accessory living quarters on the same premises;

(e) A person keeping horses or cattle in a residential zone under the provisions of this section is required to file a declaration of ownership form with the City Clerk. The declaration of ownership form shall be specified by the City Clerk and is filed without fee. The declaration of ownership form shall provide the name and address of the legal owner of the property, the legal description of the property, the name and address of the owner of the horse or cow if the horse or cattle owner is not the legal owner of the property;

(20) Adult family homes, subject to the following conditions:

(a) The adult family home is licensed as an adult family home by the Department of Social and Health Services of the state of Washington or successor agency; and

(b) The adult family home shall meet city licensing, zoning, building, housing, and fire regulations.

Sec. 2. DMMC 18.42.040 and section 3(part) of Ordinance No. 584 as amended by section 5 of Ordinance No. 1509 are each amended to read as follows:

Required. No sign shall be erected, re-erected, constructed, painted, posted, applied, altered, structurally revised, or repaired except as

provided in this chapter. A separate permit shall be required for a sign or signs for each business entity and/or a separate permit for each group of signs or a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate permit.

Sec. 3. DMMC 18.42.050 and section 3(A) of Ordinance No. 584 as amended by section 1 of Ordinance No. 637 as amended by section 1 of Ordinance No. 1139 as amended by section 7 of Ordinance No. 1509 are each amended to read as follows:

Exemptions. The following shall not require a sign permit; these exemptions shall not be construed as relieving the owner of a sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance regulating the same:

(1) The changing of the advertising copy or message on a lawfully erected, painted, or printed sign, theater marquee, or similar signs specifically designed for the use of replaceable copy.

(2) Painting, repainting or cleaning of a lawfully erected sign structure or the changing of the advertising copy or message thereon and other normal maintenance unless a structural or electrical change is made.

(3) Temporary decorations customary for special holidays, such as Christmas and Independence Day, erected entirely on private property.

(4) Real estate signs subject to the following requirements:

(a) Signs shall not exceed eight square feet in residential zones and 24 square feet in commercial zones.

(b) Signs shall be limited to one sign per street frontage on the premises for sale, lease, or rent, and five portable directional signs to such property.

(c) Portable off-premises directional real estate signs providing directions to an open house at a specified residence or commercial building that is offered for sale or rent are permitted only when:

(i) Signs are not placed on trees, foliage, utility poles, or placed on or interfere with official traffic control devices and their support structures installed by the City traffic engineer or the state.

(ii) Each sign does not exceed four square feet in area and 36 inches in height.

(iii) The agent or seller is physically present at the property for sale or rent.

(iv) The total number of directional signs is limited to five.

(v) Each sign if located in the public right-of-way is subject to the requirements and regulations of subsection (12)(e) through (k) of this section.

(vi) The signs may only be in place on the day of the open house.

(5) On-premises information signs guiding or directing traffic onto or off of a lot or within a lot, incidental signs, and internal information signs not over eight square feet in

area and do not exceed six feet in height. The information or copy displayed by or on any internal informational sign shall be limited to only those letters and/or symbols necessary to convey the required message in as brief a manner as reasonably possible and shall not advertise in any manner the facility occupying the premises nor goods or services available nor hours of operation.

(6) Political signs subject to the following requirements:

(a) Political signs promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on private property. Such signs shall be removed within 10 days following the election; provided, that signs promoting successful candidates in a primary election may remain displayed until 10 days following the immediately subsequent general election.

(b) It is prohibited for any person to paste, paint, affix, or fasten a political sign on any tree, foliage, utility pole, on any public building or structure, or on or to interfere with any official traffic control device and their support structures installed by the City traffic engineer or the state.

(c) Political signs posted within public right-of-way are subject to the requirements and regulations of subsection (12)(e) through (k) of this section. Additionally, political signs in the right-of-way are limited to a maximum surface area of four square feet and a maximum height of five feet.

(d) It shall be the responsibility of the candidate to have the signs removed.

(7) One nonelectrical and nonilluminated business identification sign not over thirty-six square feet in area.

(8) One on-premises nonilluminated bulletin board not over 24 square feet in area for a charitable or religious organization.

(9) For each street frontage of the premises, one nonilluminated temporary construction sign denoting the architect, engineer, and/or contractor when placed on work under construction, and not exceeding 32 square feet in area.

(10) Memorial signs or tablets, including names of buildings, and date of erection when cut into a masonry surface or when constructed of bronze or other noncombustible materials.

(11) Nonelectrical identification signs which contain no more than the name and address of the dweller or tenant of a residence shall be allowed. Only one such sign not over two square feet in area shall be allowed for each street frontage of a residential dwelling within the City.

(12) Portable signs located in the public right-of-way subject to the following requirements:

(a) Signs shall not be affixed to the ground, including through the use of stakes or other means that may damage property.

(b) No more than two signs are allowed per business and no person may have more than two signs at any one time.

(c) Sign area shall neither exceed six square feet per sign face nor 36 inches in height.

(d) Signs are allowed only during the hours of operation of the business or for the duration of special events and must be taken indoors each day.

(e) Signs may not be placed on or attached to other objects, including but not limited to buildings, structures, trees, plants, utility poles, utility boxes, utility equipment, other signs, or on or to interfere with any official traffic control device and their support structures installed by the City traffic engineer or the state.

(f) Signs shall not be placed in a manner that interferes with vehicle, bicycle, wheelchair, or pedestrian sight line views, or travel.

(g) Signs shall not be placed in street medians or traffic islands.

(h) Signs shall not be placed in a manner that will damage City landscaping, irrigation or other City infrastructure or obstruct a drainage system. Any damage as the result of the placement of the portable sign will be the responsibility of the owner of the sign.

(i) Signs shall have a professional appearance and be maintained in good condition so as to preserve the aesthetic value of the total environment.

(j) Signs shall have a name and contact phone number or other contact information on them.

(k) Signs placed in violation of this subsection (12) are subject to immediate removal and may be subject to destruction by the City, without prior notice. If the owner of the

sign is present at the time of removal, the owner is given an opportunity to remove the sign immediately.

(13) Signs used exclusively for:

(a) Display of official notices used by any court, public body, or official, or for the posting of notices by any public officer in the performance of a public duty, or by any person in giving legal notice; provided, however, that such notices are subject to the requirements and regulations of subsection (12)(e) through (k) of this section.

(b) Official directional, warning, or information signs of a public or nonprofit entity erected by or with the approval of the city; provided, however, the design and placement of such signs shall be subject to the approval of the City Manager or the City Manager's designee and, if located in the public right-of-way, shall require a right-of-way use permit and shall be subject to the requirements and regulations of subsection (12)(e) through (k) of this section. All such signs shall be installed by or under the direction of the City Manager or the City Manager's designee and may be removed by the City if they become damaged, unsightly, or otherwise fall into a state of disrepair. Upon such removal, replacement signs may be installed. The City Manager is authorized to establish a fee schedule for labor, equipment, and materials expended from public funds for installation of signs and/or posts.

(14) Official traffic control devices and their support structures installed by the City traffic engineer or state.

(15) Signs not intended to be viewed from and not readable from off premises.

- (16) Window merchandise displays.
- (17) Point-of-purchase advertising displays, such as product dispensers.
- (18) National flags, flags of political subdivisions and symbolic flags of an institution.
- (19) Barber poles.
- (20) Historic site markers and plaques.
- (21) Gravestones.
- (22) Structures intended for separate use, such as phone booths.
- (23) Identification signs upon recycling collection containers or other collection containers for public, charitable or nonprofit organizations.
- (24) Lettering or symbols painted directly onto or flush-mounted magnetically onto an operable motor vehicle operating in the normal course of business.
- (25) Sculptures, fountains, mosaics, or other public art features that do not incorporate advertising or identification of a business or product.
- (26) Temporary construction signs subject to the following standards:
 - (a) Sign shall not exceed 32 square feet.
 - (b) No more than one sign is allowed per street frontage.

(c) Sign shall be removed upon completion of the project, except as provided in DMMC 18.42.120.

Sec. 4. DMMC 18.42.150 and section 4(B) of Ordinance No. 584 as amended by section 15 of Ordinance No. 1509 are each amended to read as follows:

Prohibited signs. The following signs are prohibited:

- (1) Abandoned signs;
- (2) Signs or sign structures, which by coloring, shape, wording, or location resemble or conflict with official traffic control signs or devices;
- (3) Signs that create a safety hazard for pedestrian, wheelchair, bicycle, or vehicular traffic;
- (4) All flashing signs;
- (5) Signs attached to or placed on a vehicle or trailer parked on public or private property or public right-of-way; provided, however, that this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business or political signs exempted under DMMC 18.42.050(6) above. Public transit vehicles and taxis are exempt from this provision;
- (6) Off-premises signs, except as provided in DMMC 18.42.270; or any one sign for a Des Moines business that is 12 square feet or under;
- (7) Any sign affixed to or painted on trees, rocks, or other natural features, or utility poles and the like including advertising

signs affixed to or painted on fences, except as provided by DMMC 18.42.090;

(8) Roof signs, except in Pacific Ridge provided that signs do not exceed the allowable building height or freestanding signs standards in DMMC 18.42.310(1);

(9) All portable reader board signs;

(10) Strings of pennants, banners, posters, ribbons, streamers, balloons, spinners, searchlights, or other devices of a carnival nature, except as provided in DMMC 18.42.090;

(11) Home occupation signs;

(12) Any sign that is not specifically permitted by this chapter.

Sec. 5. DMMC 18.42.270 and section 4(N) of Ordinance No. 584 as amended by section 16 of Ordinance No. 1509 are each amended to read as follows:

Placement. All signs, except real estate directional signs, political signs, City operated signs communicating information on City services, community events and emergency management, portable signs expressly allowed under DMMC 18.42.050, and off-premises signs approved under DMMC 18.42.090, must be located on the premises or events or activities of the business that they identify or advertise. All other advertising signs located on premises other than the premises of the business or events or activities they advertise are prohibited, notwithstanding single ownership of more than one premises, except where the premises are contiguous. For the purposes of this section "contiguous" means that such buildings or properties are joined and/or interior access is provided from one to the other.

Sec. 6. DMMC 18.42.290 and section 5(A) of Ordinance No. 584as amended by section 5 of Ordinance No. 1267 as amended by section 18 of Ordinance No. 1509 are amended to read as follows:

The following signs are permitted in all residential zones:

(1) One nonelectrical identification sign per street frontage not exceeding two square feet which contains no more than the name and address of the dweller or tenant of the residence;

(2) One nonelectric identification sign per entrance to a subdivision; providing, that the sign does not exceed 24 square feet in area;

(3) Except in the PR-R zone where a wall sign for a nonresidential use within a mixed-use development may be illuminated, one nonelectric identification sign, not exceeding 24 square feet, per street frontage for nonresidential uses allowed in the residential zones;

(4) Community centers, schools, and churches are permitted one unlit wall sign no larger than 40 square feet in area and one freestanding sign not exceeding 80 square feet in area and 10 feet in height including a readerboard not exceeding 32 square feet in area;

(5) Temporary signs not exceeding 16 square feet per street frontage for nonresidential uses in a residential zone;

(6) In areas zoned for multiple-family residences, other than duplexes, one nonelectric identification sign not exceeding 24 square feet per street frontage and appropriate to the architectural design and landscape;

(7) In the PR-R zone, on-site real estate signs for the individual dwellings shall be

displayed together within or on a sign cabinet or display board. One display cabinet or board shall be allowed per street frontage;

(8) No pole signs shall be permitted and monument signs may not exceed 10 feet in height except by special use permit. No off-premises signs shall be permitted except as authorized by this chapter;

(9) Internally illuminated signs shall be constructed using individual letters/characters, or sign cabinets with an opaque field or background so that only the individual letters/characters are illuminated.

Sec. 7. DMMC 18.42.300 and section 5(B) of Ordinance No. 584 as amended by section 2 of Ordinance No. 1237 as amended by section 19 of Ordinance No. 1509 are each amended to read as follows:

Neighborhood commercial zones. The following signs are permitted in the neighborhood commercial zone (N-C) and commercially zoned properties located in the Redondo neighborhood:

(1) Total sign area for a single business shall not exceed one square foot per lineal foot of street frontage up to a maximum of 100 square feet and freestanding signs may not exceed 40 square feet. No freestanding sign shall exceed the height of the primary use structure;

(2) Revolving signs are prohibited;

(3) Temporary signs are permitted as provided in DMMC 18.42.050;

(4) Projecting signs are prohibited.

Sec. 8. DMMC 18.42.310 and section 3 of Ordinance No. 1509 are amended to read as follows:

Commercial zones. The following signs are permitted in the Pacific Ridge commercial zone 1, Pacific Ridge commercial zone 2, business park zone and all commercial zones abutting Pacific Highway South that are not within the Pacific Ridge neighborhood:

(1) Freestanding signs. For single business properties, multiple-tenant buildings, multiple-building complexes, and shopping centers, freestanding signs are allowed as follows:

(a) Number of freestanding signs.

(i) For building sites with up to 300 feet of street frontage, one sign is allowed.

(ii) For building sites with more than 300 feet of street frontage and having more than one vehicular access, two signs are allowed; provided, that the total allowable sign area is not exceeded and the signs are more than 100 feet apart.

(b) Freestanding sign size.

(i) Each sign allowed shall not exceed 100 square feet in area.

(ii) For properties with less than 80 feet of street frontage, sign area shall not exceed one square foot of sign area for each lineal foot of street frontage.

(c) Freestanding sign height.

(i) For single business properties and multiple business properties, freestanding signs shall not exceed 20 feet in height as measure from median sidewalk grade. The City Manager is authorized to formally waive the maximum sign height when signs must be set back

from the arterial because of sloping site conditions provided the City Manager determines that the intent of this section is otherwise met.

(ii) For shopping centers and multi-building complexes freestanding signs shall not exceed 20 feet in height as measured from median sidewalk grade.

(d) Allowed signs, sign area, or sign height may not be transferred from one street frontage to another.

(e) The City Manager or designee may approve monument signs located on a separate parcel of property within a multiple-building complex or shopping center when the following conditions exist.

(i) The multiple-building complex or shopping center appears and functions as one building site; and

(ii) The monument sign appears and functions as an on-premises sign; and

(iii) The approval would not result in additional signs or sign area for the multiple-building complex or shopping center than would otherwise be allowed; and

(iv) All monument and wall signs within the multiple-building complex or shopping center conform to the provisions of this chapter.

(f) Freestanding signs shall not be located on, above, nor project over the public right-of-way.

(2) Wall signs.

(a) Each single business property is permitted a total sign area not to exceed two square feet per lineal foot of street frontage, up to a maximum of 200 square feet or no more than 10% of the front wall size, whichever is larger.

(b) Each multiple business property is permitted a total sign area not to exceed 20 square feet plus 40 square feet per licensed business; provided, however, that each business must be guaranteed a minimum of at least 25 square feet signage.

(c) Each multi-building complex and shopping center is permitted a total sign area not to exceed 150 square feet plus 40 square feet per licensed business; provided, however, that each business must be guaranteed a minimum of at least 35 square feet signage.

(d) Except for buildings containing multiple business, wall signage shall not extend horizontally a distance greater than 50 percent of the width of the building wall on which it is displayed.

(e) Allowed wall signage is not transferable from one property to another; except within a shopping center or multi-building complex.

(f) Wall signs shall not be placed higher than 35 feet above median sidewalk grade.

(g) Projecting signs may not project further than six feet from the surface of the building. A right-of-way use permit shall be required for signs projecting over the public right-of-way.

Sec. 10. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 8th day of August, 2013 and signed in authentication thereof this 8th day of August, 2013.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: August 14, 2013

Effective Date: September 7, 2013