

Introduced by: Karen Erwin

AN ORDINANCE AMENDING TITLE IV, LAND USE, CHAPTER 405, ZONING CODE, ARTICLE II, DEFINITIONS, AND ARTICLE XVIII, SIGNAGE REGULATION OF THE CODE OF ORDINANCES OF THE CITY OF UNION, MISSOURI PERTAINING TO SIGNS AND ESTABLISHING THE EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF UNION, MISSOURI, AS FOLLOWS:

Section One. The Board of Aldermen of the City of Union hereby determines that it is necessary to amend certain provisions of the City of Union code of Ordinances pertaining to signs as follows:

A. Title IV, Section 405.050 pertaining to definitions is hereby amended by removing the following definitions:

ABANDONED SIGN, OFF-PREMISES: A sign which advertises goods, products, services or facilities which are no longer available to the public or which directs persons to a former location where such goods, products, services or facilities are no longer available.

ABANDONED SIGN, ON-PREMISES: A sign which no longer advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

ANIMATED SIGN: Any sign which includes action or motion. For purposes of this Chapter, this term does not include flashing, changing or indexing, all of which are separately defined.

CHANGING OR INDEXING SIGNS: Signs which provide information to the general public such as time and temperature.

SIGN, ILLUMINATED: Any signage display using electrical or other illumination devices including luminous tubing, either attached or detached.

B. Title IV, Section 405.050 pertaining to definitions is hereby amended by adding or revising the following definitions:

ABANDONED SIGN: A sign which advertises a bona fide business, goods, products, services or facilities which are no longer available to the public or which directs persons to a former location where such goods, products, services or facilities are no longer available.

CHANGEABLE COPY SIGN - a sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

CHANGEABLE COPY SIGN, ELECTRONIC - a sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and

temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

ELECTRONIC GRAPHIC DISPLAY SIGN - a sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

FLASHING SIGN - a directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by means of animation, streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling.

MULTI-VISION SIGN - any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

OFF-PREMISES SIGN: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious or other non-commercial message shall also be an off-premises sign.

OFFICIAL SIGNS AND NOTICES - signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or nonprofit historical societies may be considered official signs.

ON-PREMISE SIGN: a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

PYROTECHNICS - fireworks or similar devices used to ignite a combustible substance or produce an explosion.

ROTATING SIGN - a sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including without limitation a multi-vision sign.

SIGN, BALLOON: An envelope of material used to attract attention to a business or special event which, when filled with or is in constant process of being filled with cold air, billows to a point of stretching the envelope to its fullest extension and causing the envelope to provide moderate retention of the cold air forced into it, but excluding any balloon filled with heated air, helium or any other gas capable of enabling the envelope for flight of any height or duration.

SIGN, BANNER: Sign, consisting of a flexible lightweight material, including, but not limited to, paper, plastic or cloth, either attached to a structure or freestanding.

SIGN, DIRECTIONAL: A sign without identification or advertisement that indicates a direction for vehicular or pedestrian traffic or movement. Such signs shall contain symbols, arrows or appropriate wording to indicate points of appropriate ingress or egress or other pertinent traffic directions, including the following words: (1) "Entrance" or "entrance only", (2) "One-way", (3) "Exit" or "exit only", (4) "Do not enter", (5) "No exit" or "no entrance", (6) "Drive-in

window", (7) "Right turn only" or "no left turn", (8) "Loading area", "parcel pick-up area" or "loading zone", (9) "Service vehicles only" or "no trucks".

SIGN, FREESTANDING: A detached sign supported by one (1) or more uprights, poles or braces in or upon the ground and not attached to a building or other structure. A sign that stands without supporting elements, such as a "sandwich sign", is also a freestanding sign.

SIGN, LIVING: A structure, display, drawing, message, plaque or poster held by, under the control of, or attached to a human or animal, located outdoors, for the purpose of advertising or providing information about a business, commodity, service, product or other commercial activity. A person or animal dressed in a costume for the purpose of advertising or providing information about a business, commodity, service, product or other commercial activity also shall constitute a living sign, excluding temporary signage associated with an approved special event permit or parade. Living signs do not include activities or structures, displays, drawings, messages, plaques or posters involving non-commercial speech.

SIGN, PORTABLE: A sign that is not permanently affixed to a building, other unmovable structure, or the ground. If said portable sign is on wheels it shall require placement on a paved surface.

SIGN, TEMPORARY: Any sign constructed of non-permanent materials, including, but not limited to, vinyl, cardboard, coroplast, plastic, sheet metal or wood, which has no structural support, footing, foundation, pier, pole, grade beam or any other accepted method of frost heave prevention extending below the frost line. It shall include any sign which is not designated or manufactured to be permanently anchored or affixed to the ground, building or structure, but rather is designed or primarily used as a sign which is moveable from place to place. This shall include, but is not limited to, signs affixed to a trailer or other portable structure and "A" frame or sandwich signs, yellow-flashing signs and banners. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

SIGN, TEMPORARY SPECIAL EVENT: Sign not exceeding thirty-two (32) square feet in area, erected to advertise a special event of a civic, educational, philanthropic, religious, political or similar nature.

TIME AND TEMPERATURE SIGN - any sign which displays exclusively current time and temperature information.

VEHICLE SIGN - any sign exceeding ten square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernable from a public street or right-of-way as a means of communication and which by its location, size, and manner of display is reasonably calculated to exhibit commercial advertising identifying an on-site business or supplying directional information to an off-site business. A vehicle sign may be defined as a vehicle that functions primarily as a sign rather than as a transportation device, as determined by consideration of any combination of the following factors:

- (A) The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;
- (B) The vehicle on which the sign is displayed is inoperable as defined by this City Code;
- (C) The vehicle on which the sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot;
- (D) The vehicle on which the sign is displayed is not regularly used for transportation associated with the use it advertises;
- (E) The vehicle remains parked on the premises after normal business hours when customers and employees are not normally present on the premises; or
- (F) The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right of way on a regular basis.

VIDEO DISPLAY SIGN - a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics

displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

C. Title IV, Article XVIII, SIGNAGE REGULATION, is hereby repealed in its entirety and the following is enacted in lieu thereof:

SECTION 405.725: PURPOSE

The purpose of this Article is to promote the general health and welfare of the citizens of and visitors to the City of Union while at the same time respecting and recognizing the rights and legitimate business interests of residents and businesses located and/or advertising within the corporate limits of the City of Union. In developing and adopting this Article and the regulations contained herein, the City has considered, among other factors, the following:

1. The safe operation of motor vehicles;
2. Pedestrian safety;
3. The need to promote commercial and industrial activity and development within the City of Union and the State of Missouri;
4. Rules, regulations and court decisions pertaining to State and Federal control of advertising along and adjacent to interstate and primary highways;
5. Constitutionally recognized rights of free speech;
6. The need to minimize visual pollution within the City of Union and the State of Missouri;
7. The affect which dangerous signs of all types could potentially have on persons and property located within the City of Union;
8. The varying degrees of burden placed upon the administrative staff of the City of Union caused by the wide range of possible signage;
9. The rights vested in persons or entities with regard to existing signage; and
10. Property interest and enjoyment rights possessed by residential, commercial and industrial property owners.

SECTION 405.730: GENERAL PROVISIONS

With regard to the use and implementation of this Article, any specific provision shall control and have precedence over any more general provision. Unless a sign is specifically permitted in a district it is therefore prohibited in said district.

SECTION 405.735: SIGN PERMITS

A. No sign shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the City Engineer or other designated officer. Before any permit is issued, an application, provided by the City Engineer or other designated officer, shall be filed, together with drawings and specifications as may be necessary to fully advise and acquaint the

City Engineer or other designated officer with the location, construction, materials, manner of illuminating, and securing or fastening, and the wording or delineation to be carried on the sign. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and, if necessary, verification from the County Assessor that the real estate upon which the sign is to be placed is assessed as commercial real property. All signs shall conform to City ordinances and State and Federal laws. No sign shall be placed along or adjacent to any interstate or primary highway without first receiving a permit therefore from the appropriate State and/or Federal agency.

All signs that are to be illuminated by one (1) or more sources of artificial light and all Changeable Copy Signs, Electronic Changeable Copy Signs, Electronic Graphic Display Signs, Multi-vision Signs, Video Display Signs, and Time and Temperature Signs shall require a separate electrical permit and inspection. All said signs shall, in addition, be subject to the provisions of the Building Codes, adopted in Chapter 500 of this Code and permit fees required thereunder.

B. Structural and safety features and electrical systems shall be in accordance with the requirements of all Building Codes, adopted in Chapter 500 of this Code. No sign shall be approved for use unless it has been inspected by the City Engineer issuing the permit and is found to be in compliance with all the requirements of this Article and all applicable Building Codes.

C. No sign shall be located, erected or constructed in any 100-year flood plain zone, as indicated on the City of Union Flood Plains Map, without documentation from the appropriate Federal agency that the erection or construction of same is permissible and has been approved, if necessary, by the appropriate Federal agency. Such documentation, if required, must be submitted with the application.

D. The applicant for any permit required hereunder must submit with the application proof that all real and personal property taxes have been paid for all property located within the City of Union owned by the applicant and the owner of the property upon which the sign is to be placed or erected.

E. Any application for a living sign permit shall include the name and address of the persons bearing said signs and the permission of the property owner for any off-premise use. This requirement shall be an ongoing requirement and shall require updating by the applicant should the bearer of the sign or location change.

F. On-premise temporary special event signs shall require no permit, but shall meet all other conditions of this chapter. Off-premise temporary special event signs shall require a permit but no fee. Written proof of consent of the property owner shall be provided to the City for off-premise temporary special event signs, and the signs shall meet all other conditions of this chapter. No one parcel may have more than five (5) off-premise temporary special event signs at any time. Sign area, size and height limits shall be the same as the freestanding sign requirements for the underlying zoning district in which the sign is located.

G. On-premise temporary signs, including, but not limited to, private sale or "garage sales", shall require no permit, but shall meet all other conditions of this chapter. Off-premise temporary signs, including, but not limited to, private sale or "garage sale" signs, shall require a permit. Written proof of consent of the property owner shall be provided to the City for off-premise temporary signs, and the signs shall meet all other conditions of this chapter. No one parcel may have more than five (5) off-premise temporary signs at any time. No sale or event shall be allowed to erect more than five (5) signs within the City limits. Sign area, size and height limits shall be the same as the freestanding sign requirements for the underlying zoning district in which the sign is located.

H. Seasonal signage, Christmas, Thanksgiving, etc. shall be authorized without city permission in all districts, however, they shall be removed within fourteen (14) days after the holiday or event.

SECTION 405.740: SIGN PERMIT FEES

The purpose of this Section is to establish fees for the review of applications and permits required by this Code. The applicant shall make a cash deposit with the City. No fee shall be required for any on-premise sign which is painted on an existing window of the structure, for any temporary special event sign, for any real estate sign or for any political sign.

1. Ten dollar (\$10.00) minimum permit fee for any sign up to twenty (20) square feet in area.
2. Twenty-five dollar (\$25.00) permit fee for sign in excess of twenty (20) square feet in area, except for billboards.
3. Due to the requirement to have engineering plans reviewed, inspection of the sign during and after construction, and other safety related concerns, the permit fee for all billboards shall be an initial five hundred dollars (\$500.00) and such additional amount as may be determined by the City Engineer or other designated officer but shall in no case exceed one thousand dollars (\$1,000.00).
4. The fee for a permit for an off-premises temporary sign for a private sale or “garage” sale shall be three dollars (\$3.00) for up to five (5) locations.
5. The fees to be charged for the various procedures in this Chapter shall be non-refundable.

SECTION 405.745: RESIDENTIAL DISTRICTS

The following are permitted in residential districts subject to the provisions of this Article:

1. *Bulletin board sign.* One (1) bulletin board sign not exceeding fifty (50) square feet in area when erected upon the premises of a school, church, library, or other permitted institution for the purpose of displaying the name and activities or services therein. Sign area shall be as approved by the City Engineer. Signs greater than twenty (20) square feet shall bear the seal and signature of a design professional. Sign shall be designed to withstand the windload as described in the Building Code, adopted in Chapter 500 of this Code. If sign is to be lighted, electrical diagram must be submitted, also bearing seal and signature of design professional.
2. Directional signs not exceeding six (6) square feet in area. Directional signs shall be limited to two (2) signs per establishment.
3. *Nameplate.* One (1) nameplate sign not exceeding one and one half (1½) square feet in area for each dwelling unit.
4. Political signs shall not exceed six (6) square feet in area. Such signs shall be posted only on private property with the permission of the property owner or lessee.
5. Private sale or garage signs when erected upon the premises of permitted one-family, one-family attached, two-family, and multiple-family residential uses. Said private sale signs shall be removed not later than seven (7) days after erection.
6. Real estate signs not exceeding six (6) square feet in area.
7. Identification signs not exceeding twenty (20) square feet in area and four (4) feet in height for permitted multiple-family, single-family attached, planned mobile home, exceeding twelve (12) dwelling units. One (1) sign shall be permitted for each major entrance provided that said sign is located a minimum of twenty-five (25) feet from any property line.
8. *Subdivision sign.* One (1) sign per subdivision containing greater than nine (9) lots or five (5) acres (as designated by preliminary plat). Sign area not to exceed seventy-five (75)

square feet. Sign must be located a minimum of fifteen (15) feet from all rights-of-way. Sign must be located on a sign easement. (Ord. No. 2682 §1, 11-13-01)

9. Temporary special event signs.

10. Temporary signs.

11. Vehicle signs are prohibited; however this does not prohibit advertising on a motor vehicle or trailer that is regularly used for transportation of goods or people.

SECTION 405.750: BUSINESS AND INDUSTRIAL DISTRICTS

The following are permitted in business and industrial districts subject to the provisions of this Article.

1. Awnings or canopy signs over public property when a minimum of eight (8) foot clearance above the sidewalk or public property is provided, no signs are affixed to the awning, canopy, or supports and lettering on said awning does not exceed one (1) foot in height.

2. One (1) bulletin board sign not exceeding fifty (50) square feet in area when erected upon the premises of a school, church, library or other permitted institution for the purpose of displaying the name and activities or services therein. Sign area shall be as approved by the City Engineer. Signs greater than twenty (20) square feet shall bear the seal and signature of a design professional. Sign shall be designed to withstand the windload as described in the Building Code. If sign is to be lighted, electrical diagram must be submitted, also bearing seal and signature of design professional.

3. One (1) commercial center sign not exceeding one hundred (100) square feet in area when erected pursuant to plans as originally submitted pertaining to a planned shopping center development or planned industrial development pursuant to the requirements of this Article. See Section 405.760 of this Article.

4. One (1) construction sign not exceeding thirty-two (32) square feet in area and ten (10) feet in height. Said construction signs shall be removed when the construction activity has been completed or abandoned.

5. Directional signs not exceeding eight (8) square feet in area. Directional signs shall be limited to two (2) signs per establishment.

6. One (1) identification sign per premises not exceeding fifty (50) square feet in area.

7. One (1) Changeable Copy Sign, Electronic Changeable Copy Sign, Electronic Graphic Display Sign, Multi-vision Sign, Video Display Sign, and Time and Temperature Sign shall be allowed only in "B-1" and "B-2" Districts and only as a conditional use subject to the requirements of Chapter 405.640 et seq. of the Union City Code.

8. Marquee signs in "B-1" Districts, when erected on the premises of a use permitted within that district and when not exceeding forty (40) square feet in area.

9. No sign, other than billboards which are controlled as hereinafter set forth, shall be placed within fifteen (15) feet of the right-of-way of any public street within the "B-2" District because of safety concern. These signs must comply with State Highways and Transportation Commission rules and regulations.

10. In all business and industrial districts except for "B-2" District, pole signs not exceeding fifty (50) square feet in area, and thirty-five (35) feet in height and set back from all street rights-of-way a minimum of fifteen (15) feet. In the "B-2" District, pole signs not exceeding two hundred (200) square feet in area, and forty (40) feet in height set back from all

street rights-of-way a minimum of fifteen (15) feet. In all cases, the top of the sign shall be included in the height requirement.

11. Political signs shall not exceed six (6) square feet in area. Such signs shall be posted only on private property with the permission of the property owner or lessee.

12. Projecting signs in "B-1" Districts, when erected on the premises of a use permitted within that district and when not projecting more than six (6) feet; provided further, that on a paved public right-of-way said sign does not project beyond a point one (1) foot back from any curb line. In addition said sign shall be installed in such a manner as to not interfere with motor vehicles or pedestrians.

13. Private sale or garage sale signs when erected upon the premises of one-family, one-family attached, two-family, and multiple-family residential uses. Said private sale signs shall be removed not later than seven (7) days after erection.

14. Real estate signs not exceeding twelve (12) square feet in area.

15. Wall signs shall not exceed fifteen percent (15%) of the total wall area to which the sign is affixed.

16. Window signs in "B-1" and "B-3" Districts when erected on the premises of a use permitted within those districts and not exceeding six (6) square feet in area. Window signs shall not be illuminated.

17. Signs which display only the name, logo and information of the business occupying the building. (Ord. No. 2682 §2, 11-13-01)

18. On-premise balloon sign. One (1) sign per location.

19. Vehicle signs are prohibited; however this does not prohibit advertising on a motor vehicle or trailer that is regularly used for transportation of goods or people.

20. *Signs for Sexually Oriented Business As Defined by Union Municipal Code:*

(a) Signs shall be no greater than one (1) square foot of sign per one (1) foot of wall length, not to exceed a total of fifty (50) square feet; said sign shall not flash, blink or move by mechanical means.

(b) Sign shall not extend above the roof line of the building.

(c) Said sign shall not exceed eight (8) feet in height from ground level.

(d) One (1) sign per premise.

(e) Wall mounted on the front facade facing the street.

(f) No merchandise, symbol or pictures of products or entertainment on the premises shall be displayed in window areas or on any sign or any area where such merchandise or pictures can be viewed from the exterior of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.

(g) No temporary signs shall be allowed.

21. *Retail Development Monument Signs.* Monument signs for retail developments shall be allowed only by conditional use permit pursuant to the procedure set forth in Section 405.685 of the Union City Code. Said sign shall not be erected on any parcel or premise that has an existing monument or other freestanding sign. The maximum area of a double-faced sign, including the masonry base, shall be four hundred (400) square feet. The area of a single face on a double-sided sign shall not exceed one-half (½) of the maximum area. The maximum area of a

single-faced monument sign, again including the masonry base, shall be one-half (½) of the maximum area permitted for a double-faced monument sign on the same lot. Said monument sign shall be located on an easement granted by the property owner for said purpose and any one landowner may only grant one such easement.

22. A living sign is allowed only on the premises of the business that is being advertised. The sign area (not including the human being or animal) shall not exceed nine (9) square feet in size and only one (1) living sign shall be allowed at any one location. If a business has more than one location and wishes to have more than one living sign, a separate permit is required for each location. In no event shall the living sign be allowed within six (6) feet of any right-of-way of any street or road within the City or within ten (10) feet of the paved surface of any such street or road. Any failure to comply with these regulations shall result in the immediate suspension or revocation of the sign permit at the particular location where the violation occurs.

23. *Billboards.* The erection, construction and placement of billboards shall be subject to the following regulations. These regulations are in addition to all other requirements and regulations contained in this Article unless specifically excluded from any particular provision.

a. Billboards shall only be allowed in areas which are zoned commercial or industrial and on property which touches or is adjacent to interstate or primary highways as such terms are defined by Missouri law. In no event shall billboards be permitted at a distance greater than six hundred sixty (660) feet from the right-of-way of an interstate or primary highway.

b. Billboards shall not be allowed any closer than sixty (60) feet of the nearest edge of the right-of-way of any interstate or primary highway.

c. Billboards shall be orientated toward traffic on the interstate or primary highway which is adjacent to the property upon which the billboard is situated.

d. No billboard shall be erected closer than five hundred (500) feet from any area zoned "R-1", "R-2", "R-3" or "R-4".

e. No billboard shall be erected closer than five hundred (500) feet from any residential structure.

f. No billboard shall be erected within five hundred (500) feet of any church, school, public building or structure (to include but not necessarily limited to government centers, libraries or stadiums).

g. No billboard shall be erected within five hundred (500) feet of any historical site or historical district so designated by the Federal, State or City government.

h. No billboard shall be erected within one hundred (100) feet of any on-premises freestanding or pole sign.

i. No billboard shall be erected within five hundred (500) feet of an interchange or intersection at grade. Such five hundred (500) feet shall be measured from the beginning or ending of the pavement widening at the exit or entrance to the main traveled highway.

j. The surface size of any billboard shall not exceed the size restrictions set forth in Section 226.540(2), RSMo., as amended.

k. The maximum height of a billboard shall be seventy-five (75) feet above the surface level of the adjoining interstate or primary highway.

i. (1) *Electronic message centers (EMC).*

(a) *Duration.* The full off-premises sign image or any portion thereof must have a minimum duration of one (1) minute and must be a static display. No portion of the image shall flash, scroll, twirl, change color or in any matter imitate movement.

(b) *Video display.* No portion of any billboard may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

(c) *Transition.* Where the full billboard image or any portion thereof changes, the change shall be instantaneous without dissolving, growing, melting, traveling up or down scrolling, fading or any other movement in text.

(d) *Brightness.* The brightness of EMC signs shall automatically adjust via photocell for use during daylight hours and non-daylight hours. No sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. The maximum permitted brightness for EMCs is five thousand (5,000) NIT (candela per square meter) as measured from the sign's face perpendicular to the rays of the source at maximum brightness during daylight hours and five hundred (500) NIT during non-daylight hours. The lighting and other specifications for a proposed EMC billboard shall be submitted with the application for a billboard sign to incorporate an EMC.

(e) *Fluctuating or flashing illumination.* No portion of any billboard may fluctuate in light intensity or use intermittent strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zoom, twinkles, sparkles or that in any manner creates the illusion of movement.

(f) *Public service announcements.* In emergency situations, EMC billboards shall accommodate emergency management system (EMS) requests for display of public service announcements including, but not limited to: amber alerts, emergency evacuation information, or other alerts approved by the City of Wentzville.

(g) *Conversion.* All conversions of existing static billboard (traditional) to an EMC billboard must comply with current code requirements for off-premises advertising in reference to sign size and height.

(2) *Static billboards (traditional).*

(a) *Lighting.*

(i) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature or similar information, will be allowed.

(ii) External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or Federal-aid primary highway and lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.

(iii) No sign shall be so illuminated that glare interferes with the effectiveness of, or obscures, an official traffic sign, device or signal, nor shall the illumination be directed toward any residential area, whereby producing glare.

(iv) The maximum average lighting intensity level for such sign shall be twenty (20) foot-candles.

l. No billboard shall have wind-activated elements or any similar component which might tend to interfere with the safe operation of motor vehicles.

m. No billboard, whether lighted or not, shall be erected so as to obscure or interfere with a driver's operation of a motor vehicle or in any other manner constitute a safety hazard. Any billboard which is erected in accordance with the provisions of this Article and which shall at any time thereafter be found to obstruct vision or constitute a safety hazard as may be determined by the Board of Aldermen shall be removed. The removal of any such billboard shall only occur after a hearing before the Board of Aldermen wherein the owner of any such billboard shall be given the opportunity to be heard. If the Board of Aldermen, after viewing all the evidence submitted, finds that any such billboard obstructs visions and/or in any other manner constitutes a safety hazard, the owner thereof shall be given sixty (60) days to remove the offending billboard. Appeals from the finding by the Board of Aldermen shall be controlled as hereinafter set forth.

n. No billboard shall be erected within one thousand (1,000) feet of another billboard.

o. *Permits.*

(1) The City shall not issue a permit for any new billboards without a permit having first been issued by the Highway and Transportation Department.

(2) The City shall charge an initial permit fee of five hundred dollars (\$500.00) for initial inspection to assure compliance with the City wind load and electrical requirements when the sign is first erected.

(3) Before a permit is issued, the applicant shall submit the following certification from the appropriate licensed professional regarding the following: Certification from a licensed engineer that the soil and subsoil surface is capable of accepting the projected loads; certification from an electrical engineer as to the electrical portion of the sign; certification from a structural engineer as to the structural strength of the sign and certified outboundary survey of the site and its setback/clearance zone.

(4) Before a permit is issued, the applicant shall submit a sign survey to indicate the relative vertical and horizontal distances between the proposed sign and all other pole-mounted signs within one thousand (1,000) feet. If by reason of height, size or spacing the proposed sign creates a significant disharmony with pole-mounted signs within one thousand (1,000) feet or unreasonably detracts from the visibility of other neighboring signs or properties, the City Engineer may require reasonable modifications of the sign's dimensions to cure such deficiencies as a condition to granting a permit.

(5) *Annual inspection and Biennial certification.* All billboards shall have an annual inspection to verify compliance with all applicable City land use standards and owners of all billboards erected shall be required to submit an inspection report from a Missouri licensed engineer as to the sign's structural integrity once every two (2) years. Such certification shall be done on or before June first (1st) of said year. Failure to submit a report shall result in the immediate revocation of the sign's permit.

24. Temporary signs.

25. Temporary special event signs.

SECTION 405.755: ADDITIONAL RESTRICTIONS AND STANDARDS FOR ALL SIGNS

A. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where by reason of the position, shape or color, may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words, "Stop", "Danger", or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.

B. Any attached sign shall be limited to the maximum building height established for the district in which it is located.

C. No business sign shall be permitted within fifty (50) feet of any residential district, without prior written approval of the Board of Aldermen, except for "billboard" which shall be subject to the aforesated regulations.

D. Signs erected flat against the walls of buildings shall not project horizontally more than six (6) inches. Where signs are permitted within three (3) feet of a driveway or parking area, there shall be a clearance of fourteen (14) feet above finished grade.

E. No sign shall be erected or maintained so as to prevent free ingress and egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

F. All signs permitted under this Chapter, whether permanent or temporary, shall at all times be maintained in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning, and other acts required for the proper maintenance of said sign.

G. Freestanding signs in "B-3" Neighborhood Business Districts shall not exceed more than thirty-five (35) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.

H. No sign whether permanent or temporary shall be erected or affixed to utility or telephone poles, light standards, or other similar fixtures. No sign whether permanent or temporary shall be erected or placed within the right-of-way of any street, highway or alley.

I. Any sign, which is damaged by any act of nature or vandalism to the extent of more than sixty percent (60%) of its replacement value, must be repaired within sixty (60) days of notice or removed.

J. Off-Premises abandoned signs and on-premises abandoned signs shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located or other party having control over the sign. A sign shall be considered abandoned if:

1) In the case of on-premises abandoned signs, for a period of three (3) consecutive months the sign advertises a service, product or activity that is no longer being conducted or offered on said premises.

2) In the case of Off-Premises abandoned signs, for a period of six (6) consecutive months the sign advertises a service, product or activity that is no longer being conducted or offered.

3) In the case of Off-Premises abandoned signs, for a period of twelve (12) consecutive months the sign is blank. For the purposes of this Section, a sign is considered blank if: a) the advertising message displayed becomes illegible in whole or substantial part or b) the message on the sign contains no advertising other than the name, address, telephone number or identification of the sign owner or message intended solely to advertise the sign for rent or sale.

K. No temporary special event sign shall be placed or erected more than six (6) weeks before the event and all such signs shall be removed no later than five (5) days after the event.

L. Basic Design Elements for Specific Signs.

(1). **Electronic Changeable Copy Sign.** Electronic changeable copy signs must meet the following standards.

- (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
- (B) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;
- (C) Setback from other electronic changeable copy, electronic graphic display or video display signs. Electronic changeable copy signs must be separated from other electronic changeable copy signs, electronic graphic display signs or video display signs by at least 35 feet;
- (D) Orientation. When located within 150 feet of a residentially-used lot in a residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
- (E) Duration. In non-residential districts any portion of the message must have a minimum duration of eight seconds and must be a static display. In residential districts any portion of the message must have a minimum duration of one hour and must be a static display. In all districts, no portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement;
- (F) Color. In residential districts any portion of the message must use an amber color;
- (G) Limited Text. The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction; and
- (H) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.

(2). **Video Display Sign.** Video display signs must meet the following standards.

- (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
- (B) District Limitations. The sign must not be located in a Residential district;
- (C) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;
- (D) Setback from other electronic graphic display, electronic changeable copy or video display signs. Video display signs must be separated from other electronic graphic display, electronic changeable copy signs or video display signs by at least 35 feet;
- (E) Orientation. In all districts the video display sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on any residential lot; from any traveled highway, street, driveway or internal access way; or from any park;
- (F) Brightness. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness;
- (G) Dimmer control. Video display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise; and
- (H) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with a video display sign.

(3). **Electronic Graphic Display Sign.** Electronic graphic display signs must meet the following standards.

- (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
- (B) Limitations. The sign must not be located in a residential district;
- (C) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;
- (D) Setback from other electronic graphic display, electronic changeable copy or video display signs. Electronic graphic display signs must be separated from other electronic graphic display, electronic changeable copy signs or video display signs by at least 35 feet;
- (E) Orientation. When located within 150 feet of a residentially-used lot in a residential zone, any part of the electronic graphic display sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
- (F) Duration. In all districts any portion of the image must have a minimum duration of 20 minutes and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement;
- (G) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in

association with an electronic graphic display sign.

(H) Brightness. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness; and

(I) Dimmer control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

(J) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic graphic display sign.

(4). **Multi-vision Signs.** Multi-vision signs must meet the following standards.

(A) Location. The sign must be located on the site of the use identified or advertised by the sign;

(B) District Limitations. The sign must not be located in a residential district;

(C) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;

(D) Setback from other multi-vision signs. Multi-vision signs must be separated from other multi-vision signs by at least 35 feet;

(E) Orientation. When located within 150 feet of a residentially-used lot in a residential zone, any part of the multi-vision sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;

(F) Duration. In all districts any image or message or portion thereof must have a minimum duration of eight seconds and must be a static display. Transition time must be no longer than 2 seconds; and

(G) Default mechanism. All multi-vision signs must be equipped with a properly functioning default mechanism that will stop the sign in one position should a malfunction occur

(H) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with a multi-vision sign.

(5). **Time and Temperature Sign.** Time and temperature signs must meet the following standards.

(A) Location. The sign must be located on the site of the use advertised or identified by the sign;

(B) District Limitations. The sign must not be located in a residential district;

(C) Duration. Time and temperature signs must have a minimum display duration of two seconds that is static during each individual message. No portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement; and

(D) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with a time and temperature sign.

(6). **Rotating Signs.**

(A) No sign shall have rotating or moving parts that revolve at a speed in excess of seven revolutions per minute.

SECTION 405.760: PLANNED COMMERCIAL, INDUSTRIAL AND SUBDIVISIONS

A. *Business Signs--Freestanding.* Subject to other provisions of this Article, each developed lot may have no more than one (1) freestanding business sign facing each roadway on which the lot has frontage regardless of the number of buildings upon the lot. However, each building, regardless of the number of lots upon which it may be located, shall have no more than one (1) freestanding business sign facing each roadway on which its lot or lots has frontage. For the purpose of this regulation, an aggregation of two (2) or more structures connected by a wall, fire wall, facade or other structural element, except for a sidewalk, shall constitute a single building. No freestanding business sign except for authorized pole signs or billboards shall exceed one hundred (100) square feet in outline area per facing; nor exceed a width of fifteen (15) feet; nor extend more than thirty (30) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.

B. A project information sign shall be permitted at each main entrance to a planned commercial, industrial or subdivision development. The sign may include the name or logo or both of the development or a particular development on an approved preliminary subdivision plat or site development concept plan, site development section plan, or site development plan.

C. In buildings containing multiple tenants, the owner of such building may assign smaller or greater percentages of wall area coverage for attached signs to each tenant. However, the total outline area of all attached business signs, including signs identifying a building or project, shall not exceed five percent (5%) of the area of the wall to which they are attached, except as provided below. In cases where five percent (5%) of the wall area has been utilized for signs for one (1) or more businesses, any additional new business occupying a portion of the same building shall not be denied attached business signs. The new business shall be permitted attached business signs not exceeding five percent (5%) of the portion, on any two (2) walls, that are exterior walls of the particular part of the building occupied by that business.

SECTION 405.765: EXISTING SIGNS

A. Legally existing signs which do not conform with the provisions of this Article may continue to be maintained and used, but shall not be permitted to be altered, enlarged, extended or relocated except in conformity with these provisions. If a non-conforming sign is damaged to the extent of more than sixty percent (60%) of its replacement value, it shall not be restored except in conformity with the requirements and regulations of this Article.

B. For the purposes of this Article, any sign, which is in existence at the time this Article is adopted, but interferes with or obstructs traffic or in any other manner poses a safety hazard shall not be considered to be a legally existing sign.

C. Off-Premises abandoned signs and on-premises abandoned signs that were non-conforming signs shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located or other party having control over the sign. A sign shall be considered abandoned if:

1) In the case of on-premises abandoned signs, for a period of three (3) consecutive months the sign advertises a service, product or activity that is no longer being conducted or offered on said premises.

2) In the case of Off-Premises abandoned signs, for a period of six (6) consecutive months the sign advertises a service, product or activity that is no longer being conducted or offered.

3) In the case of Off-Premises abandoned signs, for a period of twelve (12) consecutive months the sign is blank. For the purposes of this Section, a sign is considered blank if: a) the advertising message displayed becomes illegible in whole or substantial part or b) the message on the sign contains no advertising other than the name, address, telephone number or identification of the sign owner or message intended solely to advertise the sign for rent or sale.

SECTION 405.770: ADMINISTRATION AND ENFORCEMENT

A. *Permit Refusal/Revocation.* The City Engineer shall refuse a permit for any sign that does not comply with the requirements of this Code and may revoke any permit:

1. For a sign that violates any provision of this Code, the zoning ordinance or any applicable technical code or regulation; or

2. That has been secured by subterfuge or fraud; or

3. That has been issued by mistake, misunderstanding or error of the City.

B. Sign Repair And Removal And Code Enforcement.

1. City Engineer shall have the authority to take such action as may be necessary to enforce this Code, including the painting, repair, alteration, replacement, condition abatement or removal of any sign that:

- a. Has not been properly maintained or repaired.
- b. Has become faded, dilapidated or is abandoned.
- c. Does not have the required permit.
- d. Is unsafe, hazardous or constitutes a public nuisance.
- e. Violates any of the provisions of this Code, the zoning ordinance or any technical code or regulation.

2. If any sign is deemed to require any such action, the City Engineer shall issue an order to the applicant, the property owner and the business owner, if applicable, notifying such persons of the Code violation(s) or other deficiency and demanding that the offending condition be remedied within a prescribed time. If the order is not complied with on a timely basis, the City Engineer shall take such action(s) as deemed necessary, at the expense of the property owner, and in such event all costs associated with the City's action(s) shall become a lien on the property, which such lien may be certified to the Franklin County Recorder of Deeds by the City Clerk.

3. The City Engineer or any law enforcement officer shall also have the authority to issue a court summons for any signs which do not have the required permit or are unsafe, hazardous or constitute a public nuisance and may remove such signs as deemed necessary at the expense of the property and/or sign owner. Any sign erected or affixed to utility or telephone poles, light standards, or other similar fixtures or erected or placed within the right-of-way of any street, highway or alley shall be presumed a nuisance and shall be subject to immediate removal.

4. Signs removed, pursuant to this section, shall be retained for a period of fourteen (14) days and shall be returned to the owner upon payment of the expenses of removal. If not claimed within that time, they shall become the property of the City and may be destroyed or sold for the payment of the expense of removal. If sold, any excess from the proceeds of the sale shall be returned to the owner.

C. Appeals. The City Engineer's rulings may be appealed to the Board of Aldermen by any aggrieved person within thirty (30) days of said ruling. The Board of Aldermen shall have the authority to grant variances from the requirements and restrictions of this Chapter, provided the Board determines that:

1. Compliance with the applicable provision of this Chapter would impose unnecessary non-economic hardship or unwarranted practical difficulty on a particular property; and
2. The requested modification will provide a result that is aesthetically equal to or superior to that which would be allowed through the strict application of the relevant provision; and
3. Strict compliance with the relevant provision is not necessary to promote the general spirit and intent of this Chapter.

D. Right Of Entry. Upon presentation of proper credentials, the City Engineer or any law enforcement office may enter any building, structure, property or premises to perform any duty or to enforce any regulation imposed by this Code.

E. *Violations--Penalty.* Violations of this Chapter shall be punishable by fines not exceeding one thousand dollars (\$1,000.00) per day for each day a violations continues or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

The City Engineer's or other designated officer's rulings are subject to the right of appeal to the Board of Adjustment. Any such appeal must be filed with the Board of Aldermen within thirty (30) days of the date the ruling is issued by the City Engineer. The decision of the Board of Aldermen is subject to the right of appeal to the Board of Adjustment by any party and to any other rights of appeals and within the time limits as provided by Missouri law.

Section 2. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of re-codifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 3. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 4. This ordinance shall be in full force and effect after its passage as provided by law.

Passed this 8th day of August, 2011.

VOTE: Paul Arand	<u>YEA</u>	Dustin Bailey	<u>YEA</u>
Vicki Jo Hooper	<u>YEA</u>	Dale Schmuke	<u>YEA</u>
Robert Schmuke	<u>YEA</u>	Jim Albrecht	<u>YEA</u>
David Pope	<u>YEA</u>	Karen Erwin	<u>YEA</u>

Mike Livengood

APPROVED this 8th day of August, 2011.

Mike Livengood
Mike Livengood, Mayor

ATTEST:

Jonita Copeland
Jonita Copeland, Clerk

