

IN THE CITY OF HOLTS SUMMIT, MISSOURI

BILL NO. 2017-73

ORDINANCE NO. 2668

AN ORDINANCE TO AMEND CHAPTER 46 SIGNS OF THE CITY CODE OF THE CITY OF HOLTS SUMMIT, MISSOURI

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLTS SUMMIT, MISSOURI, AS FOLLOWS:

Section 1 Amending Chapter 46 in its entirety. The Board of Aldermen of the City of Holts Summit, Missouri hereby determines that it is in the best interest of the citizens of Holts Summit to amend Chapter 46 by amending this code and establishing penalties for not following these provisions:

46.010. Purpose. The purposes of these sign regulations are to allow the effective use of signs as a means of communication in the City; to maintain and enhance the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize possible adverse effects of signs on nearby property; to enable the fair and consistent enforcement of these sign regulations; and to maintain and enhance the appearance of the community.

46.020. Definitions. Any terms not specifically defined in this Chapter shall be given the meaning defined for such term in Chapter 42 of this Code, if any. For the purposes of this Chapter, the following words and terms shall have the meanings given below:

1. Arterial Street. The following streets are designated as arterial street in Holts Summit. All roadways not listed are to be considered as collector streets for this Chapter only.

North Summit Drive, South Summit Drive, East Center, West Center, West Simon Blvd. and East Simon Blvd.

2. Attached sign. A sign, other than a temporary sign, that is affixed to or completely supported by a building.

3. Back-to-back sign. An advertising structure with two closely located signs with faces in opposing directions, spaced less than ten (10) feet apart at the point of shortest measurement.

4. Detached sign. Any sign, other than a temporary sign, not affixed to or completely supported by a building.

5. Face. That area of a sign containing the advertising information, painting, drawing, or message intended or used to advise or inform, and excluding trim and supports.

6. Flag signs. Temporary advertising signs that may be erected in all commercial zoning districts and light industrial zoning district. Flag style advertising signs may not be erected for more than one hundred eighty (180) days, nor can they exceed 32 square feet in size.

7. Electronic Message sign. Any sign, or portion of a sign, that uses changing lights to form a sign message or messages or uses electronic means to change the sign message. Electronic message boards include but are not limited to signs also known as Electronic Reader Boards, Electronic Message Center Signs, Tri-Panel Message Systems, and Commercial Electronic-Variable Message Signs (CEVMS). Illuminated signs that indicate the date, time, or temperature shall not be considered an electronic message sign.

8. Marquee sign. Any sign affixed to a marquee over the entrance or on the face of a building and supported from the building.

9. Moving sign. Any sign that moves or has moving parts other than parts that indicate date, time, or temperature.

10. Off premise sign. Any sign that directs the attention of the public to a subject not directly tied or related to the same premises where the sign is located, except signs erected solely for welcoming visitors and travelers to Holts Summit, or encouraging them to return, provided that such welcoming sign may include the name or logo of the entity sponsoring said sign.

11. Permanent sign. Any sign that is not a temporary sign.

12. Post sign. Any sign that is not attached to a building but is supported by braces, post, or by any other means than by attachment to a building improvement.

13. Premises. An area under a single ownership or a single lease, no part of which is separated from the other by any land under a different ownership or lease agreement.

14. Projecting sign. Any sign that is firmly attached to a building and extends outward therefrom.

15. Sign area. The entire area of the actual message or copy area. It shall include decorative trim or embellishments but shall not include structural elements outside the limits of such display surface and not forming an integral part of the display. For back-to-back type signs, only one face shall be counted. On all other signs, all faces shall be counted in computing the sign area.

16. Temporary sign. Any sign that is not permanently mounted or affixed and constructed of non-durable materials and is designed or intended to be displayed for a period of limited duration. Temporary signs shall be displayed no longer than 180 days.

17. Wall sign. Any sign that is firmly attached to a wall of any building and that does not extend beyond the building more than twelve (12) inches.

18. Shopping Center. A separate and distinct commercially used area in single ownership or under unified control, which includes more than one separate business establishment.

19. Shopping center master sign. A detached sign indicating only the name of the shopping center and/or names of businesses in the shopping center.

20. Snipe sign: Snipe sign means anything that is attached to trees, wires or to other objects that has a message appearing on it that does not apply to the present use of the premises or structure upon which the sign is located and is not otherwise permitted by this Ordinance.

46.030. Unlawful Signs. No sign shall be constructed, erected, or displayed within the incorporated limits of the City of Holts Summit, Missouri, except as permitted in this Chapter. In addition, the following specific prohibitions shall apply:

1. No sign shall be erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse, distract, or mislead traffic.

2. No sign shall be erected, constructed, or exhibited which is a flashing sign, or an advertising device, or a moving sign, or an off-premise sign, except as such signs are specifically allowed in zoning districts under this Chapter.

3. No snipe sign shall be placed on a wall or pole.

4. No signs painted on buildings, walls, or fences shall be allowed.

5. No commercial sign, including any supporting structures, shall be allowed to remain on any property more than 90 days after the business or uses advertised on the sign have been discontinued.

6. No portable or temporary sign shall be allowed except as specifically permitted in this Chapter.

7. No sign shall be erected which extends into any public right of way, or other area of public ownership, except as specifically provided for in this Chapter.

8. No sign shall be illuminated in a manner to reflect or shine directly into any public way to hamper the vision of a person operating a motor vehicle thereon.

9. No sign shall be allowed to remain on any property if such sign is not securely affixed to a substantial structure, or is not in good repair, unclean, or faded to such an extent as to be unsightly.

10. No sign shall be allowed to remain on any property if such sign contains electrical wiring which does not conform to the standards provided in Chapter 45 of this Code.

46.050. Temporary signs. The following temporary signs are permitted subject to the size and duration requirements described: Placement in any public right-of-way is prohibited.

1. In agricultural, residential, and mobile home zoning districts, one sign not exceeding eight (8) square feet in area referring to the construction, lease, hire, or sale of a building, premise, or subdivision lot which sign shall refer to the subdivision or property on which the sign is located shall be permitted. Any such sign shall be removed as soon as the premises are sold, leased, or construction is completed. No flashing signs of any type shall be permitted. Additionally, temporary “for sale” signs advertising to the public the sale of the real estate upon which the sign is located shall be permitted. All temporary signs permitted in agricultural, residential, and mobile home zoning districts shall not exceed eight (8) square feet in area, except as expressly permitted herein.

2. In commercial zoning districts, temporary signs which do not exceed thirty-two (32) square feet in area shall be permitted, includes flag style advertising signs, but only if such signs are otherwise lawful under this Chapter.

3. In manufacturing or industrial zoning districts, temporary signs which do not exceed thirty-two (32) square feet in area shall be permitted, but only if such signs are otherwise lawful under this Chapter.

4. Political signs as permitted in this Chapter. The owner of the property on which political signs are located shall be responsible for the removal of the signs. Placement on any public right-of-way shall not be allowed under any circumstance.

5. Any other temporary sign not previously mentioned herein may not be maintained on any lot in an agricultural, residential or mobile home zoning district for more than sixty (60) days in any calendar year, or one hundred eighty (180) days in all commercial zoned districts and light industrial zoning, and must not be placed in the public right of way. No flashing signs of any type shall be permitted. All temporary signs permitted in agricultural, residential, and mobile home zoning districts shall not exceed eight (8) square feet in area, except as expressly permitted herein.

6. Each day when a violation of this section occurs or continues shall be considered a separate offense.

7. Garage, yard, and rummage sale signs are permitted on private property with permission of the property owner. Signs shall not be placed more than one day before the sale and shall be removed no later than one day after the last day of such sale. The person responsible for conducting the garage, yard, or rummage sale shall be responsible for the removal of all their advertising signs. Placement on any public right-of-way is expressly prohibited

46.055. Temporary Civic or Public Service Signs.

1. A church, school, civic or veteran organization, public service group, charitable club or organization may, in all zoning districts, erect one sign, per lot, to advertise a special event or fund raiser, not to exceed thirty-two (32) square feet in area per side.

2. The temporary civic or public service signs may be erected not more than seven (7) days prior to the special event to which they pertain, and shall be removed within three (3) days after the last day of the special event. The owner of the property on which such signs are located shall be responsible for removal of the signs.

3. A sign permit is not required for temporary civic or public service signs.

4. No snipe signs shall be placed on a wall, a utility pole, or a traffic sign post under this section, and no such signs shall be placed in the public right-of-way.

46.060. Lighting of signs. All lighting within signs, located on signs, or directed to signs shall not create more than an intensity of eighty (80) foot-candles of light on any residential property.

46.070. Signs permitted in Commercial and Industrial zoning districts. In commercial and industrial zoning districts, there may be erected, constructed, or displayed on-premises attached signs and on-premises detached signs which comply with the requirements of this Section and which otherwise comply with the requirements of this Chapter.

1. Attached Signs. In all commercial and industrial zoning districts, each business shall be allowed to display attached signs. The area of all attached signs shall not exceed forty (40) percent of the total surface area of the face of the building, provided, however, that the area of all attached wall signs shall not exceed forty (40) percent of the total surface area of the face of the wall. The highest portion of any such attached sign shall not extend more than twenty (20) feet above the main roof or parapet of a building; but in any case, the highest portion of any such attached sign shall not extend above the building height limit of the district in which it is located, as provided in Chapter 42 of this Code. Projecting signs shall not extend into any public right-of-way and must be at least nine (9) feet above the surface adjacent to the building. Projecting signs may extend not more than six and one-half (6-1/2) feet into any front, side, or rear yard.

2. Detached signs in C-1 Office Commercial District or C-2 Merchant Commercial District. In areas zoned C-1 Office Commercial District or C-2 Merchant Commercial District each business which is not located in a shopping center may have detached signs. No such detached sign shall be erected or constructed which exceeds thirty-five (35) feet in height to the topmost point, as measured from the ground at the base of the sign or from the grade level at the street or highway adjacent to it, whichever is higher. The total sign area of all such detached signs shall not exceed one hundred sixty (160) square feet per business. All such detached signs shall be placed at least forty (40) feet away from any residential zoning district and shall not extend beyond the premises. Temporary flag style advertising signs may be erected for not more than one hundred eighty (180) days, and may not exceed thirty-two (32) square feet.

3. Detached signs in C-3 General Commercial District. In areas zoned C-3 General Commercial District, each business which is not located in a shopping center may have such detached signs as are allowed in areas zoned C-1 Office Commercial District or C-2 Merchant Commercial District, and in addition to such detached signs, each such business in C-3 General Commercial Districts may have one detached sign with a total sign area of up to two hundred (200) square feet which may not exceed one hundred (100) feet in height to the topmost point, as measured from the ground at the base of the sign or from the grade level of Highway 54 at its nearest point, whichever is higher. All such detached signs over thirty-five (35) feet in height shall be placed at least one hundred fifty (150) feet away from any residential zoning district and shall not extend beyond the premises. Temporary flag style advertising signs may be erected for not more than one hundred eighty (180) days, and may not exceed thirty-two (32) square feet.

4. Detached signs in areas zoned I Light Industrial District. In areas zoned I Light Industrial District each business located in such district may have detached signs, including off premise signs which are located within the same contiguous zoning district as such business. No such detached sign shall be erected or constructed which exceeds thirty-five (35) feet in height to the topmost point, as measured from the ground at the base of the sign or from the grade level at the street or highway adjacent to it, whichever is higher. The total sign area of all such detached signs shall not exceed one hundred sixty (160) square feet per business. All such detached signs shall be placed at least forty (40) feet away from any residential zoning district and shall not extend into any public right of way. Temporary flag style advertising signs may be erected for not more than one hundred eighty (180) days, and may not exceed thirty-two (32) square feet.

5. Shopping center master sign. Setbacks will be measured from the property line closest to the nearest street. Commercial and industrial zoning districts located in a shopping center, may have one detached shopping center master sign, subject to the following provisions:

a. Arterial street. A shopping center master sign located on an arterial street may have a total sign area of up to sixty-four (64) square feet which may not exceed twelve (12) feet in height to the

topmost point, as measured from the ground at the base of the sign or from the grade level at the street or highway adjacent to it, whichever is higher. For each 1.25-foot setback, three and one-half (3.5) square feet may be added to the maximum area allowed with a total sign area of up to 128 square feet and one (1) foot may be added to the maximum height allowed which may not exceed thirty (30) feet to the topmost point. All such detached signs shall be placed at least one hundred (100) feet away from any residential zoning district and shall not extend beyond the premises. Where increased sign area and height are allowed due to increased setback, the setback shall be measured from the property line. A shopping center master sign is allowed provided there is not an existing detached sign within one hundred (100) feet of frontage of the proposed sign.

b. Collector Street. A shopping center master sign not located on an arterial street may have a total area of up to 64 square feet which may not exceed 12 feet in height to the topmost point, as measured from the ground at the base of the sign or from the grade level at the street or highway adjacent to it, whichever is higher. Where increased sign area and height are allowed due to increased setback, the setback shall be measured from the property line. All such detached signs shall be placed at least one hundred (100) feet away from any residential zoning district and shall not extend beyond the premises. A shopping center master sign is allowed provided there is not an existing detached sign within one hundred (100) feet of frontage of the proposed sign.

7. Electronic Message Sign Regulations in Commercial and Industrial Zoning. In all commercial and industrial zoning districts, each business shall be allowed to display a detached or attached electronic message sign within the regulation of 46.070. Regulations on electronic signs are as follows:

a. Scrolling messages. No scrolling messages shall be allowed adjacent to residential zoned areas or placed in the right-of-way.

b. Time duration. Any image or message or portion thereof displayed on a sign shall have a minimum display time duration of eight seconds and shall be static display. Transition time shall be no longer than two seconds and black space is not permitted between message changes. Gas price signs, time and temperature signs and similar electronic signs are exempt these regulations.

c. Brightness. The maximum brightness of electronic message signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours and shall not exceed 500 nits (candelas per square meter) between dusk and dawn. All electronic signs shall be equipped with an automatic dimmer control which produces a distinct illumination change from the higher allowed illumination level during daytime hours to the lower allowed level for the time between one half hour before sunset and one-half hour after sunrise.

d. Amber alerts. All approved electronic signs shall be made available for amber alerts and other emergency community notifications as deemed necessary by the Holts Summit Police Department.

e. Public decency. All graphics and lettering displayed on electronic message signs shall meet public decency standards.

f. Railroad crossings. No electronic message sign shall be permitted within 200 feet of any railroad crossing.

g. Unlawful signs. All electronic message signs must adhere to the prohibitions set forth in 46.030 of the city code.

h. Government signs. The provisions of this section do not apply to government electronic message signs that may be erected in the interest of the public good.

i. Portable signs. Portable electronic message signs are prohibited.

j. Projection. Electronic message signs mounted on a building or building appurtenance shall not project from the face of more than 18 inches.

k. Malfunction. Electronic message signs shall contain a default design that will freeze the display or design in one position in the event of a malfunction.

l. Audio and pyrotechnics. Electronic message signs shall not contain or utilize audio speakers or any form of pyrotechnics.

46.080. Signs in Residential and Mobile Home zoning districts. No signs are allowed in residential or mobile home zoning districts, except for those temporary signs as described in Section 46.050 of this Chapter or those permanent signs specifically provided for in this Section.

1. Any premises sign, a display of which is required by law or erected by a governmental agency, is permitted in residential areas and shall not be included in the determination of sign area under the provisions of this Section. Any sign erected by a public, educational, religious, or charitable institution is permitted in a residential area and shall not exceed fifty (50) square feet. Any such sign shall be placed at least forty (40) feet from all residential property lines, except that any such sign may be placed in the center of the premises lot where the lot dimensions are insufficient to allow placement of such sign at least forty (40) feet from all residential property lines. One attached and unlighted sign of not more than one (1) square foot in area, and relating to the use of a residence for a home occupation permitted under Chapter 42 of this Code, shall be permitted on any residence.

46.090. Signs Permitted in Agricultural Districts. Each lot in agricultural zoning districts shall be permitted to have one permanent sign with a face area of sixteen (16) square feet or less and temporary signs as authorized in such districts by Section 46.050 of this Chapter.

46.100. Nonconforming Signs-Amortization.

1. All signs which have been lawfully erected shall be deemed to be legal and lawful signs and may be maintained subject to the provisions of this Section. In no event shall a sign that was in violation of any provision of the Holts Summit, Missouri, City Code at the time of its erection or first display be considered a lawful sign unless such sign is lawful under the terms of this Chapter.

2. If any nonconforming sign is destroyed, dilapidated, or damaged to the extent of seventy-five (75) percent of the sign's physical value or area, then it shall not be permitted to be replaced.

3. Nonconforming signs may not be enlarged or increased in height unless after such enlargement or increase the sign is not in violation of any size or height limitations contained in this Chapter.

4. A nonconforming sign may not be relocated except when such relocation brings the sign into compliance with this Chapter.

5. The sign face of a nonconforming sign may be altered if the sign face is not thereby enlarged beyond the maximum area allowed by this Chapter.

46.110. Permits. A permit is hereby required prior to the erection, construction, reconstruction, alteration, moving, or conversion of any sign. Application for a permit shall be made to the zoning inspector upon a form provided by the City showing the plans and specifications of the proposed sign, and any additional information as may be required to assure compliance with the ordinances of the City. This section does not pertain to real-estate signs, political/campaign signs, or signs advertising garage/yard/rummage sales.

46.120. Enforcement. It shall be the duty of the zoning inspector to enforce the provisions of this Chapter and to refuse to issue any building permit for any sign which would violate any of the provision hereof, and such zoning inspector is hereby authorized and instructed to prosecute or bring any proceedings in a proper court in the name of the City against any person violating any of the terms of this Chapter. In case any sign is erected, constructed, reconstructed, altered, moved, converted or maintained, or any sign is used in violation of this Chapter, such zoning inspector is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, construction, reconstruction, alteration, repair, conversion or use, to restrain, correct, or abate such violation, and to prevent any illegal act.

46.130. Abatement of violations. The zoning inspector is hereby authorized to cause any sign or premises to be inspected and examined to determine compliance with this Chapter. The zoning inspector is authorized to order the owner of any private property to remove or bring into compliance any unlawful sign on the owner's property within ten (10) days. The notice to abate shall be done by certified return receipt requested mail

The order shall require the unlawful sign to be removed or brought into compliance unless the owner, within ten (10) days of receipt of the order, appeals the matter as provided in this Chapter.

If it is concluded upon such appeal that the sign is unlawful, the zoning inspector shall order the sign removed or brought into compliance within ten (10) days.

1. If a sign is not removed or brought into compliance as specified in an un-appealed order of the zoning inspector or as ordered following an appeal of an order, the zoning inspector may cause the sign to be removed. The zoning inspector shall submit the actual cost of the removal to the owner of the property.

2. The remedies provided in this Section are not exclusive but are in addition to other remedies provided in this Chapter.

46.140. Penalty. The owner or general agent of a building or premises where a violation of any provision of this Chapter has been committed or shall exist, or the lessees or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, take part in, or assists in any such violation or who maintains any sign or premises in which any such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100) for each and every day that such violation continues after due notice as provided herein, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars (\$100) nor more than Two Hundred Fifty Dollars (\$250) for each and every day that such violation shall continue. Any person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of this Chapter in the respect named in such order, shall also be subject to a civil penalty of Two Hundred Fifty Dollars (\$250).

46.150. Appeals to Board of Adjustment. The Board of Adjustment shall have the power to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this Chapter, the Board of Adjustment shall have the power to vary or modify the application of any of the regulations of this Chapter so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done. Appeals to the Board of Adjustment pursuant to this Section shall be submitted in accordance with procedures set forth for appeals to the Board of Adjustment in Chapter 42, Zoning.

Section 2 All ordinances or portions of ordinances, which are inconsistent with this, are hereby repealed.

Section 3. Effective Date. This ordinance shall be in full force and effect immediately upon its final passage.

FIRST READING HELD ON THIS 12TH DAY OF OCTOBER 2017.

SECOND AND FINAL PASSAGE THIS 14th DAY OF DECEMBER 2017

Landon Oxley, Mayor

ATTEST:

Amy Burec, City Clerk