PLANNING AND ZONING COMMISSION

AGENDA REPORT

September 2, 2020

ITEM 5.I: An Ordinance Amending Chapter 27-503(b) of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Signs Not Requiring Permits

BACKGROUND:
In recent years, there have been multiple occasions where murals, aka works of visual art, have been installed/painted on the exterior of buildings in the downtown area. Some of these have been required to get sign permits and treated as signs while others were overseen by the City's Arts Commission or Main Street and did not get sign permits. Staff would like to have consistency in this area and not require murals to get a sign permit. It is often difficult to meet the sign requirement that the mural be cover less then 30% of the wall to which it is attached. Furthermore, murals add to the character and attractiveness of the community and serve as a public benefit to all.

Staff has prepared the attached ordinance which adds the language below to existing ordinance Section 27-503 (b).

(8) Works of visual art, when not displayed in conjunction with a commercial enterprise (nor which display a commercial message).

All the other existing language of Section 27-503 (b) remains the same and is typed into the ordinance for clarity and understanding.

If approved, the City will not require a sign permit for murals and works of visual art that do not contain or promote a commercial activity. If the mural is in conjunction with a commercial enterprise or message, then it will be treated as a sign and require a sign permit.

RECOMMENDATION:
Staff recommends approval of the attached ordinance amending Chapter 27.

Attachments:
1. Findings & Recommendations
2. Ordinance
3. Existing Section 27-503

PLANNING AND ZONING COMMISSION
FINDINGS AND RECOMMENDATION

Request to consider An Ordinance Amending Chapter 27-503(b) of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Signs Not Requiring Permits

The Planning and Zoning Commission has considered the ordinance at an open public meeting and makes the following findings and recommendations based upon the evidence presented with respect to these matters:

1. On September 8, 2020, the Planning & Zoning Commission considered An Ordinance Amending Chapter 27-503(b) of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Signs Not Requiring Permits.

2. The proposed ordinance _____ will _____ will not further the goals and objectives of the City's Comprehensive Plan.

3. The proposed ordinance _____ will _____ will not contribute to and promote the welfare and convenience of the public if the ordinance is passed.

4. The proposed ordinance _____ will _____ will not cause substantial injury to the value of property in the community.

5. Additional Comments: _____

Concerning the proposed ordinance, the Planning and Zoning Commission:

___Recommends Approval

___Disapproves _____

Passed by the Planning & Zoning Commission this _____ day of September, 2020.

_____
Chair

BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING SECTION 27-503 (b) OF THE CODE OF CITY ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI REGARDING SIGNS NOT REQUIRING PERMITS

WHEREAS, the Planning and Zoning Commission of the City of Warrensburg held a public meeting regarding residential driveways on September 8, 2020 and recommended approval of the ordinance to the City Council, and

WHEREAS, public notice of the hearing before City Council of the City of Warrensburg was published in the Daily Star Journal on August 28, 2020,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARRENSBURG AS FOLLOWS:

Section 1. That Section 27-503 (b) of the Code of City Ordinances of the City of Warrensburg is hereby amended as follows. All other portions of Section 27-503 are to remain intact unaltered except as provided in this amendment.

(b) Except as otherwise provided herein, the following types of signs shall be excluded from the permit requirements of this article:

(1) Incidental signs less than two (2) square feet in surface display area;

(2) Flags;

(3) Legal notices, identification, directional, traffic control, or other signs by any governmental body;

(4) Sandwich boards having dimensions less than four (4) feet by three (3) feet in overall size for each sign face shall be allowed at one (1) per each premises. Sandwich boards shall not interfere with pedestrian or vehicular circulation and/or safety and must be placed within fifteen (15) feet of the entry to the advertised premises;

(5) Signs installed adjacent to a drive-thru lane and intended to be viewed from vehicles using the drive-thru of a business. Drive-thru signs shall not be installed in such a manner as to attract customers or be intentionally legible from the public right-of-way;

(6) Yard signs, banners, portable signs, and other temporary signs.

a. Temporary signs are allowed up to thirty (30) days per premises per calendar year, except as detailed below:

i. *Construction sites.* A property under active construction or with an active building permit shall be allowed temporary signs for up to thirty (30) days after construction ceases or a final certificate of occupancy has been issued.

ii. *Properties for sale.* A property advertised for sale, lease or rent shall be allowed temporary signs to be removed within thirty (30) days of the sale, rental, or lease.

iii. *Election cycle.* A property shall be allowed temporary signs for up to ninety (90) days before and fifteen (15) days after an election is held that citizens of the City of Warrensburg are eligible to participate in.

1. Temporary signs during an election cycle in residential zoning districts shall not exceed four (4) square feet in surface display area.

2. Temporary signs during an election cycle in non-residential zoning districts shall not exceed thirty-two (32) square feet in surface display area.

(7) Address identification for premises not to exceed two hundred (200) percent of the minimum address size as required by Chapter 6, Buildings and Building Regulations.

(8) Works of visual art, when not displayed in conjunction with a commercial enterprise (nor which display a commercial message).

Section 2. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 3. It is intended that Section 1 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg and it may be renumbered to accomplish that purpose.

Section 4. This ordinance shall be in full force and effect from and after passage.

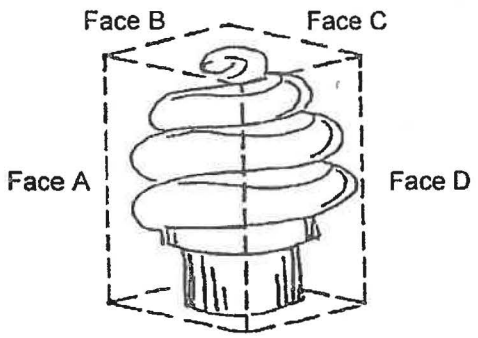
Read two (2) times and passed by title this _____ day of _____, 2020.

_____
Bryan Jacobs, Mayor

Attest:

_____
Cindy Gabel, City Clerk

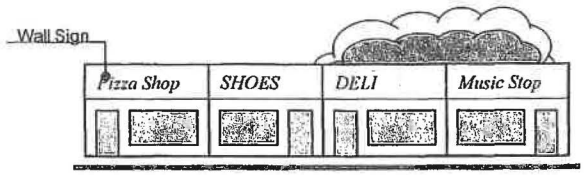
only the four (4) vertical sides of the smallest four-sided polyhedron that will encompass the surface display area.



(e) The structural supports for a sign, whether they are columns, pylons, or a building, or part thereof, shall not be included in the surface display area, provided that there are no graphics, symbols, and/or written copy on such structural supports.

Temporary signs. A sign not constructed or intended for long-term use.

Wall sign. Any sign painted on, attached to, or erected against the wall with the exposed face of the sign in a plane parallel to the plane of said wall, including signs installed inside a window and intended to be viewed from the outside.



Yard sign. A sign erected by poles or stakes affixed to the ground not to exceed four (4) square feet in surface display area and three (3) feet in overall height.
(Ord. No. 3624, § 1, 5-14-01; Ord. No. 5121, § 1, 6-8-15; Ord. No. 5306, § 1, 1-23-17)

Sec. 27-502. Signs prohibited.

The following types of signs are prohibited in the City of Warrensburg:

(a) Signs which have flashing, blinking, or beacon-type light sources, whether emitting from illuminated signs, or from lamps designed for purposes of attracting attention only.

(b) Signs which contain or are an imitation of an official traffic sign or signal.

(c) Signs causing odor or sound emission.

(d) Animated signs.
(Ord. No. 3624, § 1, 5-14-01; Ord. No. 5121, § 1, 6-8-15; Ord. No. 5306, § 1, 1-23-17)

Sec. 27-503. Signs not requiring permits.

(a) The following standards and restrictions shall apply to signs not requiring a permit:

(1) *Sight triangle.* No sign shall be located within the sight triangle of any corner lot (see section 27-231).

(2) *Emission of light.* All space lighting and signs shall be so oriented, positioned, and shielded such that only reflected or diffused light beams may reach a residence structure in a residential district, and so as not to create a traffic hazard to operators of motor vehicles or pedestrians on public thoroughfares in any district.

(b) Except as otherwise provided herein, the following types of signs shall be excluded from the permit requirements of this article:

(1) Incidental signs less than two (2) square feet in surface display area;

(2) Flags;

(3) Legal notices, identification, directional, traffic control, or other signs by any governmental body;

(4) Sandwich boards having dimensions less than four (4) feet by three (3) feet in overall size for each sign face shall be allowed at one (1) per each premises. Sandwich boards shall not interfere with pedestrian or vehicular circulation and/or

safety and must be placed within fifteen (15) feet of the entry to the advertised premises;

(5) Signs installed adjacent to a drive-thru lane and intended to be viewed from vehicles using the drive-thru of a business. Drive-thru signs shall not be installed in such a manner as to attract customers or be intentionally legible from the public right-of-way;

(6) Yard signs, banners, portable signs, and other temporary signs.

a. Temporary signs are allowed up to thirty (30) days per premises per calendar year, except as detailed below:

i. *Construction sites.* A property under active construction or with an active building permit shall be allowed temporary signs for up to thirty (30) days after construction ceases or a final certificate of occupancy has been issued.

ii. *Properties for sale.* A property advertised for sale, lease or rent shall be allowed temporary signs to be removed within thirty (30) days of the sale, rental, or lease.

iii. *Election cycle.* A property shall be allowed temporary signs for up to ninety (90) days before and fifteen (15) days after an election is held that citizens of the City of Warrensburg are eligible to participate in.

1. Temporary signs during an election cycle in residential zoning districts shall not exceed four (4) square feet in surface display area.

2. Temporary signs during an election cycle in non-residential zoning districts shall not exceed thirty-two (32) square feet in surface display area.

(7) Address identification for premises not to exceed two hundred (200) percent of the minimum address size as required by Chapter 6, Buildings and Building Regulations.

(Ord. No. 3624, § 1, 5-14-01; Ord. No. 5121, § 1, 6-8-15; Ord. No. 5306, § 1, 1-23-17)

Sec. 27-504. Signs requiring permits.

The following standards and restrictions shall apply to all signs requiring a permit:

(a) *Sight triangle.* No sign shall be located within the sight triangle of any corner lot (see section 27-231).

(b) *Emission of light.* All space lighting and signs shall be so oriented, positioned, and shielded such that only reflected or diffused light beams may reach a residence structure in a residential district, and so as not to create a traffic hazard to operators of motor vehicles or pedestrians on public thoroughfares in any district.

(c) *Signs in residential districts:*

(1) In R1: Single-Family Residence districts and R2: One- and Two-Family Residence districts, either one (1) yard sign or one (1) wall sign limited to four (4) square feet in surface display area shall be allowed per premises. Such signs shall be non-illuminated.

(2) In R3: Low-Density Multi-Family Residence districts and R4: Medium-Density Residence districts, signs are allowed as follows:

a. Either one (1) yard sign or one (1) wall sign limited to four (4) square feet in surface display area shall be allowed per premises.

b. A multi-family complex is allowed:

i. One (1) illuminated or non-illuminated, ground mounted sign not to exceed fifty (50) square feet per entrance to the multi-family complex; or

ii. One (1) illuminated or non-illuminated wall sign not to exceed thirty (30) percent of the aggregate square footage of the wall area upon which it is installed.

(3) Signs for non-residential uses allowed or granted with a conditional use permit by section 27-200, Table of Permissible Uses, shall be permitted in accordance with the height, location, size, and number restrictions located within section 27-504 (d), Signs in central business district, except that at least a ten (10) feet setback is required from any lot line.

(4) Signs are permitted on a tract, lot or common space identified for the erection of a sign on a recorded plat as follows:

a. *Type.* Ground-mounted signs shall be allowed in accordance with the clearance, height, and location restrictions located in section 27-504 (d), Signs in central business district.

b. *Size.* Signs shall not exceed one-hundred twenty (120) square feet in overall size.

c. *Ownership.* The owner of the tract, lot, or common space upon which the sign is located, shall be responsible for the repair and maintenance of the sign in accordance with section 27-506 of this chapter.

d. *Number.* Two (2) signs are allowed at each entrance to a subdivision from a collector or arterial street.

(d) *Signs in central business district.*

(1) Driveway signs shall not intrude into any public right-of-way and all structures, supports, and sign faces shall be at least five (5) feet from any lot line.

(2) Ground mounted signs.

a. *Clearance.* Ground mounted signs shall have between zero (0) and twenty-four (24) inches of clearance above the existing finish grade level.

b. *Height.* Ground mounted signs may not exceed ten (10) feet in height above the existing finish grade level.

c. *Location.* No ground mounted sign shall intrude into any public right-of-way or interfered with pedestrian circulation, and all structures, supports, and sign faces shall be at least five (5) feet from any lot line.

d. *Number.* One (1) ground mounted sign is allowed per premises in addition to other signs allowed in the central business district.

(3) Projecting signs.

a. *Clearance.* Projecting signs shall maintain a minimum clearance of ten (10) feet over pedestrian areas, and fourteen (14) feet over vehicular ways. Awnings utilized as projecting signs shall maintain a minimum clearance of seven (7) feet over pedestrian areas.

b. *Projection.* Projecting signs may not project over six (6) feet from the edge of the building or structure to which it is attached.