

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 430.020, 430.030, 430.040, 430.050, 430.060, 430.070, 430.080, 430.090, 430.100, 430.110, 430.120, 430.140, 430.150, 420.220, AND 445.180 OF THE CODE OF THE CITY OF MISSION, KANSAS.

Section 1. That Section 430.020 is hereby amended to read as follows:

Section 430.020. Sign Definitions.

As used in this Chapter, the following terms shall have these prescribed meanings:

ATTENTION-ATTRACTING DEVICE

Any devices with flashing, blinking, rotating or moving action, flags, streamers, spinners, pennants, lights, balloons, inflatable, air-activated, or similar devices or ornamentations designed or intended to attract the attention of the public to an establishment or to a sign.

COMMERCIAL MESSAGE

Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

DIGITAL BILLBOARD

A billboard which has a computer controlled board that displays an image through the use of light emitting diode display (LED) or similar technology.

FAÇADE

All wall planes of a building which are visible from one side or perspective.

FUEL PRICING DISPLAY

A sign or portion of a sign displaying only fuel pricing information with no additional advertising or content.

MARQUEE

A permanent roof like structure projecting beyond a building over an entrance often to a hotel, theater, or other building.

MURAL

Any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building and which does not convey a commercial message.

NON-COMMERCIAL MESSAGE

Any sign, wording, logo, or other representation that is not defined as a commercial message.

POST

To erect, attach or affix in any manner including, without limitation, nailing, tacking, tying, gluing, pasting, painting, stacking, marking or writing.

PROJECT

Multi-family housing development or a single development on identifiable parcel(s) of land.

SIGHT DISTANCE TRIANGLE

The triangular area of land at the intersection of streets or a street and driveway formed by a diagonal line connection two points located on intersecting street curb lines the short leg of which shall be twenty (20) feet and the long leg of which shall be one hundred forty (140) feet. Such area shall remain free of any sign related obstruction to vision more than two (2) feet in height measured from the roadway.

SIGN

Any framed, bracketed, free-formed, painted or engraved surface which is fabricated to create words, numerals, figures, devices, designs, trademarks or logos, which is mounted on or affixed to a building or the ground and which is sufficiently visible to persons not located on the lot where such device is located to attract the attention of such persons or to communicate information to them. "Sign" includes sign supports. Murals shall not be considered to be signs.

SIGN, ABANDONED

A sign, other than a billboard, advertising a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted.

SIGN, ATTACHED

A sign that is mounted, painted, or otherwise applied to a building.

SIGN, BACKLIGHTED

Any sign whose light source is located in the interior of the sign so that the rays go through the face of the sign.

SIGN, BANNER

A sign made of fabric or other non-rigid material with no enclosing framework.

SIGN, DETACHED

Any sign located on the ground or on a structure located on the ground and not attached to a building.

SIGN, DIRECTLY ILLUMINATED

Any sign that is illuminated by an external or internal light source that is

visible to a person standing on the ground.

SIGN, DIRECTIONAL

A sign providing directions necessary or convenient for visitors or clients coming onto a premise.

SIGN, ELECTRONIC MESSAGE

A sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.

SIGN, ILLUMINATED

A sign illuminated by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN, INDIRECTLY ILLUMINATED

Any sign that is completely or partially illuminated at any time by an external light source that is so shielded as to not be visible at eye level.

SIGN, MARQUEE

Any sign attached flat against, under, or above the marquee of a building.

SIGN, MENU BOARD

A permanently mounted sign displaying the bill of fare for a drive-through or drive-in restaurant.

SIGN, MONUMENT

A detached sign where the width of the base of the sign is a minimum of one-half (1/2) the width of the widest part of the sign face. The materials of the base of a monument sign shall be one (1) of the following: masonry, wood, anodized metal, stone or concrete.

SIGN, NEON TUBE

A directly illuminated sign which is a free-formed surface that creates words, numerals, figures, devices, designs, trademarks or logos and for which the light source is luminescent gas.

SIGN, NON-CONFORMING

A sign that on the effective date of this Article does not conform to one (1) or more of the regulations set forth in this Article.

SIGN, OBSOLETE

An off-site or on-site sign for a business or activity which is no longer operated on the premises or in the City.

SIGN, OFF-SITE

A sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold,

manufactured, produced, offered or occurs elsewhere than on the premises where such sign is located.

SIGN, ON-SITE

A sign that is other than an off-site sign.

SIGN, PEDESTRIAN ORIENTED

A sign near street or sidewalk level, oriented and scaled to the pedestrian rather than the motorist.

SIGN, PERMANENT

A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

SIGN, POLE

A detached sign which is supported by one (1) or more poles, uprights or braces in the ground.

SIGN, PORTABLE

A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

SIGN, POSTER PANEL OR BILLBOARD

A sign, generally known as outdoor advertising, mounted on a permanent or semi-permanent structure and depicting information not directly related to the property upon which it is placed. Except where a specific distinction is drawn, the term "billboard" includes "poster panel" and "digital billboard".

SIGN, PROJECT IDENTIFICATION

A sign identifying only a project or developer.

SIGN, PROJECTING

Any attached sign, including a time and/or temperature instrument located on the face of the building, extending more than one (1) foot from the face of the building.

SIGN, REAL ESTATE

A temporary sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is posted.

SIGN, ROOF

Any sign erected, constructed and maintained upon the roof or wholly or partially above a vertical wall of a building.

SIGN, SNIPE

Any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, window, tree, utility pole or temporary structure or any sign which is not permanently fastened to a building or firmly anchored to the ground.

SIGN, TEMPORARY

A sign that by its nature or content is intended for posting for a short period of time, is typically constructed from non-durable materials such as paper, cardboard, cloth, plastic and/or wallboard, is not permanently installed, and does not constitute a structure subject to the City's Building Code or Zoning Code provisions.

SIGN, WALL

Any sign attached to and erected parallel to and within one (1) foot of the face or wall of a building, including signs painted on the walls of buildings. Awnings which are backlighted shall be considered wall signs.

SIGN, WINDOW

A non-illuminated sign of a permanent nature applied directly on either the interior or exterior surface of a building's glazed surface including but not limited to windows and doors.

SIGN ALTERATION

The replacement, enlargement, reduction, reshaping or adding to a sign, frame, pole, brackets or any supporting member.

SIGN AREA

The entire face of a sign including any framing, trim, or molding, but not including the supporting structure.

SIGN HEIGHT

The vertical distance measured from the average ground level to the highest point of the sign or sign structure.

SIGN MAINTENANCE

The normal care and minor repair that is necessary to retain a safe, attractive and finished structure, frame, supports, brackets or surface. Changing copy or logo without increasing sign dimensions shall be considered maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change. Maintenance may include a change in name on the sign due to corporate merger, consolidation or other legal name change.

SIGN REFACING

Changing or replacing the words, numerals or other surface of the sign to serve a different establishment or business or to create a substantially

different visual effect without altering, moving or replacing the structure, frame supports, or bracket supporting the sign.

SIGN SUPPORT

The supporting members of the sign such as frame, poles, brackets or structures by which a sign is mounted on or affixed to a building or the ground.

TIME AND/OR TEMPERATURE INSTRUMENT

A sign displaying only time and/or temperature information with no additional advertising or comments.

WINDOW DISPLAY

A window, storefront, or opening in the exterior wall of any portion of a building through which merchandise, services, or business are displayed or advertised.

Section 2. That Section 430.030 is hereby amended to read as follows:

Section 430.030. Generally.

Other than lawful non-conforming signs, no signs shall be permitted in any district except in accordance with the provisions of this Chapter. Signs placed in the public right-of-way or on publicly owned land and which are not in compliance with the regulations of this Chapter are subject to removal by the City without notice or compensation. Signs placed on private property that are not in compliance with the regulations of this Chapter shall be removed by the property owner or the property owner's agent without notice or compensation. In addition, any sign that is not in compliance with the regulations of this Chapter is subject to the penalty provisions of Section 400.100. These provisions may be applied to the person or business placing such sign, business or organization advertised in such sign or the owner of the property or vehicle on which such sign is placed.

Section 3. That Section 430.040 is hereby amended to read as follows:

Section 430.040. Permit Required.

- A. Except as otherwise provided in this Chapter, no sign shall be installed, erected or set in place until a sign permit has been issued by the City in accordance with Section 103.040(C).
- B. Applications for sign permits shall be filed upon forms prescribed by the City, accompanied by one (1) set of plans drawn to scale indicating the sign size, location, method of illumination, content, colors, materials of the sign and structure, and method of attachment.
- C. All signs are to be designed, fabricated and installed in a professional manner

by a qualified and City licensed sign professional, except that temporary signs may also be installed by a business or property owner.

- D. With the exception of temporary signs, all materials and finishes are expected to be of high quality with an anticipated life span of ten (10) years or more. All electrical signs must have a UL label.

Section 4. That Section 430.050 is hereby amended to read as follows:

Section 430.050. Signs Excluded From Regulation.

- A. Except for the provisions of Subsections (A), (B), (C) and (D) of Section 430.110 and Subsection (E) of Section 430.090 the following signs are excluded from regulation under this Chapter:
1. Signs not exceeding four (4) square feet in area that are customarily associated with residential use, limited to signs giving property identification names or numbers, names of residents, signs on mailboxes or newspaper tubes, signs posted on private property relating to private parking or signs warning the public against trespassing or danger from animals.
 2. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs.
 3. Official signs of a non-commercial nature erected by public utility companies.
 4. Flags, pennants or insignia of any governmental body when not displayed in connection with a commercial promotion or as an advertising device and provided that not more than three (3) governmental flags, pennants or insignia shall be displayed on any property.
 5. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
 6. Signs on or adjacent to doors of commercial or industrial buildings displaying information such as the names and address of the occupant, the hours of operation or instructions for deliveries. Such signs shall not exceed four (4) square feet in area, shall not contain letters exceeding six (6) inches in height. Where multiple tenants share the same door, the sign may display the names and address of each tenant.
 7. Signs painted on or otherwise permanently attached to currently

licensed motor vehicles, which vehicles are operable and not primarily used as signs.

8. Signs at construction sites that are either:
 - a. Posted at the entrance to the job site explaining rules for contractors and others entering the site; or
 - b. Signs posted on construction site or painted onto construction trailers actively being used on the site, provided such signs are limited to the name, logo, address and phone number of a contractor working at the site. This provision is not intended to allow any signs that advertise a particular project, developer, owner or other business, nor is it intended to allow any sales, leasing or hiring information to be displayed.

Section 5. That Section 430.060 is hereby amended to read as follows:

Section 430.060. Prohibited Signs.

- A. The following signs are prohibited except as stated below or as otherwise specifically provided hereinafter:
 1. Outdoor advertising (such as poster panels, billboards and off-site promotional signs), except where a special use permit has been obtained for such sign.
 2. Attention-attracting devices.
 3. Snipe signs, portable signs, placards or poster board panels leaning in windows, or similar signs that are not permanently affixed to a building, structure or the ground, other than temporary signs as specifically permitted by this Chapter.
 4. Directly illuminated signs, except when used with fixtures specifically designed to illuminate signs or with marquee signs. All direct lighting must be shielded and confined to the sign surface and must not be a nuisance to neighboring properties.
 5. Electronic message signs, other than time and/or temperature instruments or fuel pricing displays.
 6. Pole signs.
 7. Roof signs.
 8. Signs in the public right-of-way; except for governmental signs, traffic signs, temporary signs as allowed in this Chapter and signs specifically

allowed in the right-of-way by the provisions of this Chapter.

9. Obsolete signs.
10. Obscene signs. "Obscene" is defined as any material that: (a) whether the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable State law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.
11. Abandoned signs.
12. Signs containing false or misleading advertising.
13. Signs falsely stating that property is zoned for specified land uses or signs stating that property will be zoned for specified land uses in the future.
14. Signs declaring that property is reserved for or is being held for a future land use which is inconsistent with the then existing zoning classification for the land.

Section 6. That Section 430.070 is hereby amended to read as follows:

Section 430.070. Signs Permitted in All Districts.

- A. Churches, schools, libraries, community centers or other public/semi-public facilities shall be allowed two (2) wall signs with not more than one (1) on a facade. No such sign shall have an overall area exceeding thirty-two (32) square feet. In lieu of one (1) of the wall signs, one (1) monument sign shall be permitted. Such monument sign shall be located on the premises and not less than ten (10) feet from the street right-of-way and each sign face shall not exceed fifty (50) square feet in area. The height of such sign shall not exceed six (6) feet above the average grade or six (6) feet above the nearest adjacent street grade, whichever is greater; provided that for each two (2) foot setback from the street right-of-way in excess of ten (10) feet, an additional foot may be added to the height of the sign to a maximum of eight (8) feet. These institutions shall be exempt from the requirement of payment of fees as indicated in Section **103.040(C)**.
- B. One (1) construction site identification sign of good quality may be permitted during the development of any project. Such sign may identify the project, the owner or developer, future tenants, the architects, engineers, realtors, contractors and subcontractors involved, funding sources and may contain related information including, but not limited to, sale or leasing information.

Such sign shall not exceed six (6) feet in height or thirty-two feet (32) square feet per face with a maximum of two (2) faces and shall be set back at least ten (10) feet from the street right-of-way. All such signs shall be removed prior to issuance of any certificate of occupancy, temporary or final, for the last building in each phase of the project. Sign permits shall not be required for such signs.

- C. One (1) directional sign shall be permitted at each entrance to a building site, at key intersections within the site and at each entrance to a drive-through facility. Ground-mounted signs shall not exceed five (5) feet in height, shall not exceed four (4) square feet of sign area per face and may be single- or double-faced. Wall-mounted signs shall not exceed two (2) square feet of sign area and shall be single-faced. Such signs may indicate entrances, exits, addresses, direction of traffic flow and the location of loading docks, parking areas, leasing offices, ATMs, delivery doors, drive-through lanes and similar facilities. Up to twenty-five percent (25%) of the area of the sign may be used to display the name or logo of the developer, building or principal tenant. Sign permits shall not be required for such signs.
- D. *Substitution Of Messages.* Subject to the land owner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed non-commercial message, provided that the sign or sign structure is legal without consideration of message content. This substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This provision does not allow for the substitution of an off-site commercial message in place of an on-site commercial message.
- E. *Penalties.* Violations of the provisions of this Section shall be a civil infraction and punishable by a minimum fine of fifty dollars (\$50.00) and up to five hundred dollars (\$500.00). Each day of a continued violation shall constitute a separate violation for the purposes of applying the penalty provision of this Section.
- F. *Severability.* Severability is intended throughout and within the provisions of this Chapter. If any Section, Subsection, sentence, clause, phrase or portion of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Chapter .

Section 7. That Section 430.080 is hereby amended to read as follows:

Section 430.080. Signs Permitted in Residential Districts.

- A. In lieu of any sign permitted under this Section, a structure being used as a residential real estate sales or leasing office may be permitted one (1) non-illuminated, detached sign. Such sign shall be not more than twelve (12) square feet in area with a maximum height of six (6) feet above grade and shall be set back a minimum of ten (10) feet from the street right-of-way. Sign permits shall not be required for such signs.
- B. In addition to construction site identification signs, each multi-family project may have one (1) banner-type sign not exceeding fifty (50) square feet. Such banners may be located only on the roof or walls of the project clubhouse or on one (1) of the individual multi-family buildings within the project. Said banner shall be in place for a maximum time period of sixty (60) days from the issuance of the sign permit and may not be renewed except that each complex may obtain additional permits for the above described banners after a three (3) year time period has passed from the issuance of previous sign permits for a banner for the subject multi-family project. Any such banners may only contain the words "now renting" or "now leasing" or "for sale", along with the name of the complex, address or location, phone numbers, development company or owner and directional symbols.
- C. Project identification signs for a subdivision or residential project may be permitted at each entrance to the subdivision or project. All project identification signs shall be monument signs and, except as hereinafter provided, shall be located on the premises. Such signs shall not exceed six (6) feet in height above the average grade and the sign face shall not exceed fifty (50) square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area extending a minimum of three (3) feet on all sides of the sign base. Where a project is situated on both sides of a public or private street, one (1) project identification sign may be located on each side of the street or, alternatively, one (1) project identification sign may be located in a landscaped median with the approval of the Planning Commission. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping.
- D. Window signs covering no more than 50% of the glazing on any façade of a building.

Section 8. That Section 430.090 is hereby amended to read as follows:

Section 430.090. Signs Permitted in Commercial and Industrial Districts.

- A. To the extent that the residential land use is permitted in a commercial or industrial district, signs for a residential land use shall be permitted as in the applicable residential district.
- B. *Districts "C-O" And "CP-O".*
 - 1. In Districts "C-O" and "CP-O", wall signs are permitted on three (3) facades, The total area of signs on each facade shall not exceed five percent (5%) of the area of the wall upon which it is mounted.
 - 2. In lieu of one (1) of the wall signs, one (1) monument sign for each building shall be permitted. Such sign shall not exceed six (6) feet in height above the average grade and the sign face shall not exceed fifty (50) square feet in area per face if located at least ten (10) feet from the public street right-of-way or private street curb line. For each additional two (2) foot setback from the public street right-of-way or private street curb line over ten (10) feet, one additional foot may be added to the height of the sign to a maximum of ten (10) feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area extending a minimum of three (3) feet on all sides of the sign base.
 - 3. Window signs covering no more than 50% of the glazing on any façade of a building.
- C. *Districts "C-1" And "CP-1".*
 - 1. Each business or commercial establishment shall be permitted not more than three (3) wall signs, not more than one (1) on each business facade. The area of such sign shall not exceed five percent (5%) of the total area of the business facade on which it is placed. Alternatively, multi-story buildings may be permitted three (3) wall signs per building, not more than one (1) sign per building facade, as indicated above for Districts "C-O" and "CP-O". Such signs shall not extend above the height of the wall upon which they are mounted. In addition, one (1) non-illuminated wall sign, not more than nine (9) square feet in area, may be placed at each major entrance to a multi-tenant building.
 - 2. In lieu of one (1) wall sign, one (1) projecting sign of the same area as the wall sign replaced shall be permitted, provided that no projecting sign shall extend more than three (3) feet from the face of the building. The lowest point of such sign must be a minimum of seven (7) feet above the ground or sidewalk.
 - 3. Except in the case of a shopping center designed as one (1) project and consisting of one (1) or several buildings, either attached or

freestanding, one (1) monument sign shall be permitted in lieu of one (1) wall sign for each commercial building, which sign shall conform to the height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O".

4. In the case of a shopping center designed as one (1) project and consisting of one (1) or several buildings, either attached or freestanding, one (1) additional monument sign may be permitted identifying the entire center. Such sign shall conform to the height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O".
5. For buildings with a non-retractable awning, canopy or covered walkway along one (1) or more sides of the building, a sign may be hung or mounted under the canopy or covered walkway identifying each business with an exterior ground floor entrance. Such signs shall be located at or near the business entrance, shall be oriented toward pedestrians on the walkway and shall not exceed three (3) square feet in sign area per face. One (1) sign shall be permitted per business entry.
6. Window signs covering no more than 50% of the glazing on any façade of a building.

D. *Districts "C-2", "CP-2", "C-2B", "CP-2B" And Industrial Districts.*

1. Each business or commercial establishment shall be permitted not more than three (3) wall signs, not more than one (1) on each business facade, the area of which sign shall not exceed ten percent (10%) of the total area of the facade upon which it is placed. Such sign shall not extend above the height of the wall on which it is mounted. In addition, one (1) non-illuminated wall sign, not more than nine (9) square feet in area, may be placed at each major entrance to a multi-tenant building. Alternatively, multi-story buildings may be permitted three (3) wall signs per building, not more than one (1) sign per building facade, as indicated above for Districts "C-O" and "CP-O".
2. In lieu of any or all of the wall signs, up to three (3) marquee signs, not more than one (1) on each marquee façade, shall be permitted for each establishment. Marquee signs may incorporate direct illumination into their design.
3. In lieu of one (1) of the attached signs, one (1) projecting sign shall be permitted for each establishment, provided that the area of such projecting sign shall not exceed ten percent (10%) of the total area of the facade upon which it is attached and shall not extend above the roof level of the building where the sign is located. The lowest point of such sign must be a minimum of seven (7) feet above the ground or

sidewalk.

4. Except in the case of a shopping center designed as one (1) project and consisting of one (1) or several buildings, either attached or freestanding, one (1) monument sign shall be permitted for each commercial building in lieu of one (1) wall sign or projecting sign. Such sign shall conform to the height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O"
 5. In the case of a shopping center designed as one (1) project and consisting of one (1) or several buildings, either attached or freestanding, one (1) additional monument sign may be permitted identifying the entire center. A gasoline service station, designed as part of the center, may also have a monument sign. All other signs in the center shall consist of wall, projecting or marquee signs. The monument sign shall conform to the height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O".
 6. Drive-through restaurants and car washes may have two (2) menu boards located in conjunction with each drive-through lane. Such sign shall not exceed eight (8) feet in height or thirty-two (32) square feet of sign area per face. Drive-in restaurants or food service establishments with walk-up service windows may have one (1) menu board per order station. Menu boards for drive-in service shall not exceed eight (8) square feet of sign area per face and menu boards for walk-up service shall not exceed thirty-two (32) square feet of sign area per face. All menu boards shall be oriented toward the location of the vehicle or pedestrian being served and shall not contain lettering that exceeds six (6) inches in height.
 7. For buildings with a non-retractable awning, canopy or covered walkway along one (1) or more sides of the building, a sign may be hung or mounted under the canopy or covered walkway identifying each business with an exterior ground-floor entrance. Such signs shall be located at or near the business entrance, shall be oriented toward pedestrians on the walkway and shall not exceed three (3) square feet in sign area per face. One (1) sign shall be permitted per business entry.
 8. Window signs covering no more than 50% of the glazing on any façade of a building.
- E. *Districts "C-2A", "MS1" And "MS2".*
1. Each business or commercial establishment shall be permitted three (3) wall signs, not more than one (1) on a facade, provided that the area of each sign shall not exceed ten percent (10%) of the total area

of the facade upon which it is placed. Such signs shall not extend above the height of the wall upon which they are mounted.

2. In lieu of one (1) of the wall signs, one (1) projecting sign shall be permitted for each establishment, provided that the area of such projecting sign does not exceed ten percent (10%) of the total area of the facade upon which it is attached or ten (10) square feet, whichever is more, and does not extend above the roof level of the building where the sign is located. The lowest point of such sign must be a minimum of seven (7) feet above the ground or sidewalk.
3. A combination of a wall sign and projecting sign shall also be allowed, in which case the total area of both signs shall not exceed ten percent (10%) of the total area of the facade upon which the signs are attached. The projecting sign shall not be more than ten (10) square feet.
4. In lieu of any or all of the wall signs, up to three (3) marquee signs, not more than one (1) on each marquee facade, shall be permitted for each establishment. Marquee signs may incorporate direct illumination into their design
5. Except in the case of a shopping center designed as one (1) project and consisting of one (1) or several buildings, either attached or freestanding, one (1) monument sign shall be permitted in lieu of one (1) wall sign for each commercial building, which sign shall conform to the height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O" and be subject to the following restriction: The minimum distance from the right-of-way line to the closest building or buildings on the portion of the property where the sign is to be located must be equal to or greater than fifteen (15) feet.
6. In the case of a shopping center designed as one (1) project and consisting of one (1) or several buildings, either attached or freestanding, one (1) additional monument sign may be permitted identifying the entire center. Such sign shall conform to the height, size and setback requirements applicable to monument signs in Districts "C-O" and "CP-O".
7. In addition to the permitted wall signs, one (1) pedestrian oriented sign per business entry shall be permitted to be placed beneath a non-retractable awning and/or canopy that extends from the building. Such sign shall be limited to three (3) square feet in area and may be internally illuminated. The lowest point of such sign must be a minimum of seven (7) feet above the ground or sidewalk. In lieu of said pedestrian oriented sign, one (1) non-illuminated identification sign, not more than three (3) square feet in area, may be placed on the wall at each major entrance to the building. The highest point of

the sign may be no higher than seven (7) feet above the sidewalk.

8. Project identification signs for a residential project may be permitted at each entrance to the project. All project identification signs shall be monument signs and, except as hereinafter provided, shall be located on the premises. Such signs shall not exceed six (6) feet in height above the average grade and the sign face shall not exceed fifty (50) square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area extending a minimum of three (3) feet on all sides of the sign base. Where a project is situated on both sides of a public or private street, one (1) project identification sign may be located on each side of the street or, alternatively, one (1) project identification sign may be located in a landscaped median with the approval of the Planning Commission. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping.
 9. Window signs covering no more than 50% of the glazing of any façade of a building except in the area defined in Section 410.330 as the Downtown District, the following requirements shall apply: Window signs should be no larger than ten percent (10%) of the storefront glazing.
- F. *Districts "C-1", "CP-1", "C-2", "CP-2", "C-2A", "C-2B", "CP-2B", "MS1" And "MS2".* Where one (1) retail establishment (the "subtenant") leases space and conducts business within another retail establishment (the "primary tenant") but does not have an exterior business facade and an exterior door leading directly to the subtenant space, one exterior wall sign may be permitted if all of the following conditions are met:
6. The subtenant's business establishment occupies at least one hundred (100) square feet of floor area and is staffed and open for business during predetermined hours.
 7. The primary tenant's business establishment occupies at least twenty-five thousand (25,000) square feet of floor area.
 8. The subtenant's business is a separate legal entity from the primary tenant's business, as opposed to a department, division or subsidiary of the primary tenant's business. The application may be required to include a copy of the lease agreement between the subtenant and the primary tenant or other documentation acceptable to the City Attorney to establish that the two (2) businesses are separate legal entities.

9. A private sign criteria for the building or shopping center has been submitted to and approved by the Planning Commission which specifically provides for subtenant signage, including standards for the sign location, size, style, color and content. Such sign criteria shall include scale drawings of the facades of all primary tenants where subtenant signs are authorized showing the permitted locations for subtenant signs.
 10. The total area for all signs on the same facade does not exceed the allowable signage area for that district. The sign permit application for a subtenant sign shall include a scale drawing of the primary tenant's facade showing the location and size of the subtenant sign and all other signage on that facade. The provisions of this Section for subtenant signs shall not apply to businesses within an enclosed shopping mall or to businesses that are conducted primarily by automated machines.
- G. Neon signs or tubes shall only be allowed when they are placed inside a building and only in Districts "C-1", "CP-1", "C-2", "CP-2", "C-2A", "MS1", "MS2", "MP" and "M-1". If such signs or tubes are within forty-eight (48) inches of any window or door and visible from outside the building, then such sign or tubing shall not occupy an area greater than ten (10) square feet and only one (1) such neon sign area shall be allowed per business; provided however, that such signs under three (3) square feet shall not be required to have a sign permit. All such neon signs or tubes shall not blink, flash or otherwise be used to display intermittent lighting sequences or to simulate motion. Permitted neon tubes or signs shall be installed, wired and inspected in accordance with the adopted building codes of the City of Mission. Neon signs shall not be oriented towards residential areas.
 - H. Any neon sign or tubes removed for other than repair shall not be replaced with any other sign or surface which is not in compliance with existing laws and requirements.
 - I. In districts where automated teller machines (ATMs) are permitted, up to three (3) signs are permitted, no more than one (1) per machine/canopy face, identifying the ATM or the bank, financial institution or ATM network associated with that machine. Such signs shall not exceed eight (8) square feet in area. In addition, one (1) non-illuminated sign is permitted per ATM to identify the types of ATM cards accepted or special instructions to ATM users. Such sign shall not exceed four (4) square feet in area, shall be mounted flush to the side of the machine and shall not require a sign permit.
 - J. Only the portion of an awning which is backlit and transparent shall be considered a sign.

Section 9. That Section 430.100 is hereby amended to read as follows:

Section 430.100. Signs Permitted in Conjunction With Special Use Permits.

- A. In the case of signs permitted by the issuance of a special use permit, all signs shall be approved by City Council after recommendation from the Planning Commission, except where private sign criteria have been previously approved for the project .
- B. The special use permit for signage shall be processed as required in Sections 440.050 through 440.140.
- C. Where appropriate, the sign regulations of the underlying zoning district or the most analogous zoning district shall be followed.

Section 10. That Section 430.110 is hereby amended to read as follows:

Section 430.110. Additional Regulations Applicable To All Districts.

- A. No sign may be located such that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private streets or driveways. No detached sign shall be located in the sight distance triangle on a corner lot.
- B. No sign may be erected such that by its location, color, size or shape, it would tend to obstruct the view of or be confused with traffic signals or other signs erected by governmental agencies.
- C. All signs shall be of sound structural quality, be maintained in good repair and have a clean and neat appearance. Land adjacent to such signs shall be kept free from debris, weeds and trash. If signs are not being maintained as described and the City deems them a public hazard or nuisance, such signs shall be ordered repaired or removed.
- D. No part of any sign shall be located closer than ten (10) feet from any side or rear property line.
- E. Time and/or temperature instruments may be permitted provided they are designed in harmony with the building and are architecturally compatible.
- F. The dimensions of a backlighted sign, canopy or panel shall be measured by constructing a rectangle from the highest, lowest and widest points of such object, display or surface which displays a light source, except that the opaque surfaces immediately related to or a part of that same sign or panel shall also be calculated in the dimensions of the sign. Provided further, in calculating the dimensions of a continuous panel which spans at least eighty percent (80%) of any one (1) facade of a single or common structure with multiple tenants, the continuous opaque areas between, over and below the

lighted areas for such independent operations shall not be calculated to determine the dimensions of the signs, canopies or panels.

- G. The dimensions of a sign shall be measured by constructing a rectangle from the highest, lowest and widest points of such object, display or surface.

Section 11. That Section 430.120 is hereby amended to read as follows:

Section 430.120. Private Sign Criteria.

All hotels and motor hotels and shopping centers, business parks, office parks, industrial parks and "MXD" developments shall be required to prepare a set of sign criteria governing all exterior signs in the development to assure harmony and visual quality throughout the development. As an alternative to the specific sign requirements of any commercial or industrial district, the owner may seek approval of an alternate set of sign criteria. Such criteria shall be binding upon all subsequent purchasers or lessees within the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs shall be set out in such criteria. Final development plans shall not be approved until the Planning Commission has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For purposes of this Section, the terms "*shopping centers, business parks, office parks, industrial parks, or "MXD" developments*" shall mean a project of one (1) or more buildings that has been planned as an integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations relative to the number of detached signs, harmony and visual quality of signs to be installed. Where the ownership of the development is divided among two (2) or more owners, proposed amendments to the sign criteria must have written support from all owners or be specifically designed to affect on the property owned or represented by the applicant. Provided, however, that approved sign criteria shall in no event include prohibited signs.

Section 12. That Section 430.140 is hereby amended to read as follows:

Section 430.140. Removal of Obsolete or Abandoned Signs.

- A. If a building, structure or premise is vacated for a six (6) month period of time, any off-site or on-site signs in connection therewith shall be deemed obsolete and abandoned. The owner of said property shall be responsible for removing any such signs with the exception of advertisements dealing with the sale or leasing of the facility. In addition, the owner shall be responsible for restoring the facade of the building, structure or premise.

- B. If the time period set forth in Subsection (A) has elapsed and the sign or signs have not been removed, the City shall send written notification by certified mail, return receipt requested, to the property owner of record demanding that the sign shall be removed. If the sign has not been removed within thirty (30) days after the receipt of the notice, the City may have the sign removed and the cost assessed to the property owner.
- C. Where a sign has been removed by the City pursuant to Subsection (B), the City shall mail a statement of the cost of removal of said sign or signs to the last known address of the owner of record or person in charge of such property. If such costs are not paid within ten (10) days from the mailing of such notice, a record of the costs of abatement shall be certified to the City Clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such sign or signs were so removed. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spread on the tax rolls of the County.

Section 13. That Section 430.150 is hereby amended to read as follows:

Section 430.150. Temporary Signs.

- A. *Purpose And Findings.* The City of Mission is enacting this Section to establish reasonable regulations for the posting of temporary signs on public and private property. Temporary signs left completely unregulated can become a threat to public safety as a traffic hazard and detriment to property values as an aesthetic nuisance. By implementing these regulations, the City intends to:
 - 1. Balance the rights of individuals to convey their messages through temporary signs and the right of the public to be protected against the unrestricted proliferation of signs;
 - 2. Further the objectives of the City's Comprehensive Plan;
 - 3. Protect the public health, safety and welfare;
 - 4. Reduce traffic and pedestrian hazards;
 - 5. Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
 - 6. Promote economic development; and
 - 7. Ensure the fair and consistent enforcement of the temporary sign regulations specified in the following provisions.

B. *Temporary Signs Permitted In All Zones.*

1. Temporary signs may be posted on property in all zones of the City, subject to the following requirements and those applicable provisions stated elsewhere in the City's sign ordinance.
2. Permits for temporary signs are not required in the "R-1", "R-2" or "R-3" Districts.
3. The total square footage for temporary signs in any district per business or commercial establishment, in the aggregate, shall not exceed forty-eight (48) square feet, with no individual sign exceeding sixteen (16) square feet. The total square footage of a sign is measured to include all of the visible display area of only one (1) side of the sign and only the area of one (1) side of a double sign is included in the aggregate calculation.
4. Such signs shall not exceed six (6) feet in height.
5. Such signs shall maintain a setback at least three (3) feet from the property line.
6. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any other type of street improvements or otherwise create a hazard, including a tripping hazard.
7. No temporary sign shall be illuminated or painted with a light-reflecting paint.
8. A temporary sign shall only be posted with the consent of the property owner.
9. Temporary signs may be posted for the following periods of time not to exceed a total of 90 days per calendar year.
 - a. Up to 3, 7, 15, 30, or 60 consecutive days; or
 - b. Up to 30 or 60 non-consecutive days
 - c. Except real estate signs advertising property for sale or lease may remain until the property is sold or leased.

C. *Authorization Required For Posting Temporary Signs In The Public Rights-Of-Way.* Temporary signs shall not be posted in the public rights-of-way without obtaining a permit for such posting from the City and pursuant to the City policy regarding the posting of signs in the public rights-of-way. This restriction includes the posting of temporary signs on

trees, utility poles and other structures within the rights-of-way.

D. *Removal Or Replacement Of Temporary Signs.*

1. The person who has posted or directed the posting of a temporary sign is responsible for the removal or replacement of that sign in accordance with this Section.
2. If that person does not remove or replace the temporary sign in accordance with this Section, then the property owner or occupant of the building lot where the sign is posted is responsible for the sign's removal or replacement.
3. If the City finds that any sign is posted in violation of these regulations on private property, then written notice shall be given to the person who has posted or directed the posting of the sign. If that person fails to remove or replace the sign so as to comply with the standards herein set forth within seventy-two (72) hours after such notice, an action may be commenced under Section 430.070(E).
4. The City may immediately remove temporary signs posted on public property or rights-of-way in violation of this Section and commence an action under Section 430.070(E).

Section 14. That Section 420.220 is hereby amended to read as follows:

Section 420.220. Non-Conforming Signs.

- A. Subject to the remaining restrictions of this Section and the provisions of Section 420.200, non-conforming signs that were otherwise lawful on the effective date of this Article may be continued.
- B. No person may engage in any activity that causes an increase in the extent of non-conformity of a non-conforming sign. Without limiting the generality of the foregoing, no non-conforming sign may be enlarged or altered in such a manner as to aggravate the non-conforming condition, nor may illumination be added to any non-conforming sign.
- C. A non-conforming sign may not be moved or replaced and the message may not be changed, except to bring the sign into complete conformity with this Article, except for "sign maintenance" as defined in Section 430.020. In conducting "sign maintenance" to a non-conforming sign, a new sign permit is required any time a sign is altered.
- D. Subject to the other provisions of this Section, non-conforming signs may be maintained and repaired so long as the cost of such work within any twelve (12) month period does not exceed fifty percent (50%) of the value (tax value if listed for tax purposes) of such sign. No such work shall be done without the

person proposing to do such work first submitting such information as may be required to satisfy the Public Works Director that the cost of such work would not exceed fifty percent (50%) of the value of the sign.

- E. If a non-conforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed (including support structure) within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located or other person having control over such sign.
- F. If a non-conforming billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Article or be removed by the sign owner, owner of the property where the sign is located or other person having control over such sign. For purposes of this Section, a sign is "blank" if:
 - 1. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
 - 2. The advertising message it displays becomes illegible in whole or substantial part; or
 - 3. The advertising copy paid for by a person other than the sign owner or promoting an interest other than the rental of the sign has been removed.
- G. Sales or leasing signs existing on the effective date of this Article which do not conform to the requirements of Section 430.080(C) or not previously in compliance with applicable regulations shall be removed by July 1, 2005.

Section 15. That Section 445.180. is hereby amended to read as follows:

Section 445.180. Designated Use.

A. The following uses may be located in any district with the issuance of a Special Use Permit, except in those districts listed after each use, after a public hearing and upon recommendation of the Planning Commission and approval of the City Council and subject to such regulations, restrictions and conditions within the district and any other conditions of zoning or use so stipulated or imposed:

Use	Use to be Excluded from following districts
Automobile parking lot properly landscaped, surfaced, drained and screened	Residential districts

Cemeteries	C-2A, MS1, MS2, DND
Dog kennel — veterinary	None
Electric power substations	None
Discount store or superstore	Residential districts
Hospital	Residential districts, C-2A, MS1, MS2
Motels and hotels	Residential districts
Nurseries	Residential districts
Nursing homes	None
Radio, television and microwave towers and antennae, and in cases where such devices cannot conform to height, area or other standards of Chapter 415	None
Clubs, private where alcoholic beverages are consumed on the premises. These include taverns, beer halls, discotheques, dance clubs and the like	Residential districts
Refuse dump or land fill	Residential districts, C-2A, MS1, MS2
Reservoirs — underground	None
Sewage pumping stations	None
Water tanks	None

B. In addition, temporary use of land or building for a use that is not otherwise permitted for that premises provided such temporary use shall conform to the following conditions:

1. The use is temporary in nature and will not require major change or addition to an existing building or structure.
2. The use will not be offensive or damaging to surrounding properties by way of noise, traffic generation, commotion, storage of materials or equipment, or visual effects which are in contrast to and not in harmony with the surrounding neighborhood.
3. The use can readily be terminated and any equipment, appurtenances and materials removed immediately upon expiration or repeal of the special use permit.
4. No special use permit for a temporary use shall be valid for more than six (6) months but may be renewed by the same process as the original special use permit.

C. The Planning Commission and City Council may designate such other uses as appropriate for a special use permit upon a finding that the use is appropriate in a certain location but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

Section 16. That this ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED AND APPROVED by the City Council this 19th day of April 2017.

APPROVED by the Mayor this 19th day of April 2017.

Steve Schowengerdt, Mayor

(SEAL)

ATTEST:

Martha M. Sumrall, City Clerk

APPROVED AS TO FORM BY:

PAYNE & JONES, CHTD.

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