

City of MISSION

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Community Development Department
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PLANNING COMMISSION

AGENDA

November 28, 2016

7:00 PM

1. Approval of Minutes from the October 24, 2016 meeting
2. Case #16-07 Zoning Code Text Change-Signs-Public hearing
 - Memo
 - Redline Copy of Chapter 430
 - Redline Copy of Chapter 420
 - Redline Copy of Chapter 445
 - Summary of Feedback on Code Changes
 - Current Sign Code Table
 - Proposed Sign Code Table
3. Staff Update

MINUTES OF THE PLANNING COMMISSION MEETING

October 24, 2016

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, October 24, 2016. Members also present: Jim Brown, Scott Babcock, Stuart Braden, Brad Davidson, Charlie Troppito and Frank Bruce. Also in attendance: Danielle Murray, City Planner; Nora Tripp, Secretary to the Planning Commission.

Approval of minutes from the July 25, 2016 meeting

Mr. Babcock moved and Mr. Braden seconded a motion to approve the minutes of the July 25, 2016, meeting

The vote was taken (7-0). The **motion carried**.

Case #16-08 Marjorie Schmitt – Front porch waiver

Ms. Murray: This is an item that came to our attention when the applicant came to pull a building permit. Prior to the building permit review, we look at the planning and zoning standards, setbacks being one of those things. With the proposed project, the house is already at the maximum setback, so anything in front of it would not meet the required setback. There is a section in our ordinance that does allow for the Planning Commission to waive that, based on additional conditions in our code. One of the things that qualifies for that waiver is a covered front porch, which is what their project is.

So, they are here tonight to present their plans for a covered front porch so that they can be granted the waiver that's allowed in our code for the additional encroachment into that front yard. It's not a variance, it's not something that needs a variance; it's something that's written into our ordinance as being within the power of the Planning Commission to allow. Our ordinances do say that the plans have to come to the Planning Commission to be reviewed. So, it's not a site plan case. This is simply evaluating the proposed addition for a waiver.

There are five criteria used to evaluate this proposal. First, it has to be a covered front porch, which we believe that the structure they are proposing is. It has to be under or not more than 120 square feet. This project is 120 square feet in area. Second, the exterior materials of the porch have to be consistent or complementary in color, texture and quality to those visible at the front of the dwelling. In the staff report, we talk about what architectural styling the existing house is, what the defining characteristics of that architectural style are, and how we believe this porch does comply with those. The third criteria has to do with roof design being properly proportioned to and integrated with the dwelling. We believe that the roof design is consistent with the architectural style of the home. Fourth, that the plans are approved by the Planning Commission. There is a memo and plans submitted for your review tonight. Fifth, the structure does not adversely affect drainage on the lot or neighboring properties. The standard we used to evaluate this was the maximum lot coverages that are stipulated for this zoning district, which is a maximum lot coverage of no more than 35 percent. We evaluated the current house plus the addition and they are well below that maximum. Therefore, we don't think drainage would be an issue for this project.

In closing, you should conduct your design review tonight as you see fit. Staff does believe that the proposed porch design meets all of the requirements of the code and qualifies for a front setback reduction, as requested. The applicant is here to answer any questions that you may have.

MINUTES OF THE PLANNING COMMISSION MEETING

October 24, 2016

Mr. Babcock: Are you going to paint it to match your trim, I take it?

Mr. Schmitt: (Applicant) Yes.

Mr. Babcock: I will make a comment. There is another thing that I think comes into play here. The code now, is it three feet that the garage is supposed to be behind the front portion of the house, at a minimum?

Ms. Murray: Yes.

Mr. Schmitt: This will bring us into the new code?

Ms. Murray: The standard that we used to evaluate that actually is the majority of the front of the house. So, it's possible that you're correct. We haven't taken those measurements into consideration. But, you're right. This is absolutely the kind of project we would like to see on a new home.

Mr. Bruce: The property to the north of yours, do you know how many feet the porch on that one extends beyond the face of the house?

Mr. Schmitt: No, I don't. It's just a stoop, actually. They don't have an extended porch.

Mr. Bruce: But there is a porch on that property.

Mr. Schmitt: I'm sorry, you're right. The one to the south. The one to the north, yes, I think it extends from the front of the house, it's got to be about eight feet deep. I'm not positive, but I know it's a ways out. And it was part of the original design of the house. It was not added on.

Mr. Davidson: I have a few questions. One has to do with the house on both sides of your structure. Danielle said that the front of this structure is right on the building setback line. The structure on the left and the right, has there been a porch or something added after the fact on the house on the left side of your structure?

Mr. Schmitt: No. The house to the south of us just has a front porch stoop, a three-step concrete porch, is all that's there. The one to the north, I just eyeballed it. I mean, looking down the line from my house to his. I would guess that that porch is out, it's got to be more than six feet. Seven to eight feet? But it's part of the original structure.

Mr. Davidson: So, basically, the front line of your house generally lines up with the house on the left and the right.

Mr. Schmitt: Yes.

Mr. Davidson: A second question I have is, as far as the decking material for your porch, I guess my concern is – and it can all be done correctly, okay? But is it a hard surface like a concrete porch? Or is it like a deck with a roof over it? My concern is the front porch piers, if you will. It's going to be like a deck material structure with, you know, the four piers –one, two, three and four, with a wood floor and that kind of a thing, and then a roof above. Is that what you're proposing?

Mr. Schmitt: Yes. It's a composite material, a decking material. Not concrete.

MINUTES OF THE PLANNING COMMISSION MEETING

October 24, 2016

Mr. Troppito: Unless I missed it, I don't see anything about front porch lighting. Any flood lighting planned as a part of this? Will it be facing towards the neighbors' houses?

Mr. Schmitt: No. Lighting will be typical, if we have a light on the front, it will just be a typical house light. We may put lights in the ceiling, but those would be pointed down. They won't point any direction towards the neighbors.

Mr. Davidson: About the screening. How far off the ground is this porch going to be? Twenty inches or so?

Mr. Schmitt: Or less, yes.

Mr. Davidson: I guess my question is, from the bottom of the wood structure, the deck framing, or whatever, what's going to go from the bottom of that framing down to the ground? Is that going to be exposed? Are you going to try to do a lattice?

Mr. Schmitt: We'll do a lattice material, yes.

Mr. Davidson: My point is, in my opinion, this doesn't look very good in the situation where the deck is two or three feet off the ground and it's totally exposed –

Mr. Schmitt: Unfinished, yeah.

Mr. Davidson: -- and you can see underneath the structure, and that kind of thing.

Mr. Schmitt: We will definitely put a finish on there.

Chairman Lee: Any other comments?

Mr. Bruce: Mr. Chairman, I did look at the porch to the north of you, and it did appear to be about eight foot out. I didn't get out and measure it.

Mrs. Schmitt: I did measure it. It's about 7.5 feet. I just went over when we first filed this.

Chairman Lee: At this point, I would entertain a motion.

Chairman Babcock moved and Mr. Brown seconded to approve the submitted plans for Case #16-08, a covered porch at 6016 Reeds Road.

The vote on the motion was taken, (7-0). **The motion carried.**

Staff Update

Staff provided an update on current City business.

MINUTES OF THE PLANNING COMMISSION MEETING

October 24, 2016

ADJOURNMENT

With no other agenda items, **Mr. Babcock moved and Mr. Braden seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 7:45 P.M.

Mike Lee, Chair

ATTEST:

Nora Tripp , Secretary



To: Mission Planning Commission
From: Danielle Murray, City Planner
Date: November 21, 2016
Re: Case # 16-07 Sign Code Changes

Background

Over time, staff has received various comments and complaints about signs in the commercial districts of the City. Sometimes these complaints have been about the maintenance of permanent signs or awnings, but more often they have involved the location and appearance of temporary signs and/or window signs. In 2012, in an attempt to encourage voluntary compliance with the existing sign code, staff began providing reminders of sign code requirements with the annual business license renewal process. In early 2015, in response to increased feedback by the community and City Council, staff proposed a process to **conduct an inventory of existing signs, examine the current sign code regulations**, and to **propose possible changes** before beginning an **expanded sign code enforcement** effort.

Sign Code Regulation

Mission regulates signs through Sign Code Ordinances in Chapter 430 of the Land Use Regulations or Zoning Code of the Municipal Code. The Sign Code defines the various types of signs allowed and explains the physical conditions for their installation including:

- 1) Where they may be installed
- 2) Limitations on size and number
- 3) How long they may be in place
- 4) If a sign permit is required prior to installation

Signs are a form of speech and expression and, as such, are protected by the First Amendment to the Constitution. Various court cases across the country have affirmed a City's power to regulate signs only in a content-neutral fashion. Generally, that means cities may make rules about the **"time, place and manner"** of signs as long as those rules don't make any distinction based on what the sign says. The First Amendment does not protect false claims or otherwise unlawful activity.

As a component of the zoning code, state statute requires that changes to the sign code be reviewed by the Planning Commission and receive a public hearing before being referred on to the City Council for final adoption. The City's sign code is developed in consultation with legal counsel and has been reviewed by the City's land use attorney.

Sign Code Enforcement

In Mission, sign permits are required for most but not every sign type. When they are required, permit applications are reviewed and issued by the City Planner. Historically, sign

code enforcement has also been conducted by the planner, primarily on a complaint driven basis. Occasional special sweeps to address seasonal sign issues (elections, tax preparation, post storm event repairs, etc) have also been conducted. Recently, the role of Neighborhood Services staff has been expanded to include a more direct role in building and zoning issues. This realignment will allow for an increase in the capacity to provide regular, proactive sign code enforcement.

As with any enforcement activity, staff attempts to gain voluntary compliance first through informal communication and education. If voluntary compliance is not possible, the more formal process of issuing citations to appear in court can be implemented under the current code. In some specific circumstances signs can be removed by staff or abated by a professional contractor. Penalties such as fines can only be assigned by the municipal judge, and multiple court hearings are often required. Involuntary enforcement generally takes more staff resources and may not be as effective in resolving a problem in the long term.

Sign Code Change Process

In consultation with the City Council staff developed the following steps to assess and document the current situation, educate local business and property owners, and evaluate the strengths and weaknesses of our existing sign code. The goal is to create a sign code enforcement program that is fair and predictable for Mission residents and merchants and that can be sustained with available staff resources.

- Conduct a sign audit to document what signs are already “on the ground” and in permit files. Visit every commercial property in the city, including apartment complexes and churches, to inventory the existing signs. To do this the City acquired a temporary software subscription that could be accessed from mobile devices by the Neighborhood Services Officers.
- Create a comprehensive inventory database of the audit information.
- Analyze audit data for patterns and trends. Determine how many possible sign code violations exist and what general categories they fall into. (i.e. signs without permits, signs in wrong locations, sign duration violations, sign numbers, sign size)
- Solicit input regarding the best ways to address issues identified. Are sign code changes needed to achieve the preferred outcomes? Staff has communicated with the City Council as audits, analysis, and proposed code changes were developed. A letter summarizing the proposed changes and inviting comment on them was sent to every business currently holding an occupation license. The entire text of the proposed changes and a brief memo describing them was also posted to the City's website. Staff held two meetings in November with business and property owners to explain the proposed changes and solicit feedback. Comments have been summarized and are included in the packet for Planning Commission and City Council review.
- Communicate intentions to the community. Continue education efforts for businesses and local sign companies through various media and personalized correspondence.

- Design a system of continuous sign code enforcement that can be consistently implemented across the entire city.

Sign Inventory and Code Analysis

The sign inventory documented **817 signs** throughout Mission. The four most common sign types were: wall signs (315), window signs (199), temporary signs (91), and monument signs (87). Full descriptions of each sign type are presented in the attached handout and specifically discussed in the following pages. In commercially zoned areas, the typical business has only **two or three signs**.

Number of Signs by Zoning District	Signs	
	#	%
Residential Districts (<i>R-x, RP-x, DND</i>)	52	6%
Light Commercial Districts (<i>C-1, CP-1</i>)	32	4%
Downtown Districts (<i>MS1, MS2</i>)	444	54%
Office Districts (<i>C-O, CP-O</i>)	55	7%
Heavy Commercial / Industrial Districts (<i>All other districts</i>)	234	29%
TOTAL	817 signs	

Pole Signs

There are currently **23** pole signs within the City. The installation and replacement of pole signs has been prohibited since September 2003. Existing pole signs are regulated as non-conforming uses and investment is limited to maintenance only, with the intent being the eventual elimination of all pole signs.

POLE SIGN

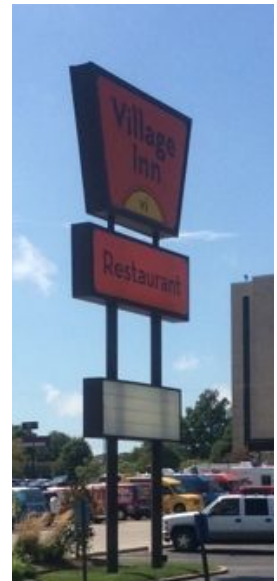
A sign which is supported by one (1) or more poles, uprights or braces in the ground so that the bottom edge of the sign face is more than ten (10) feet above the ground.

Since 2009, nine (9) existing pole signs have been removed throughout the City. This was accomplished through a combination of voluntary compliance with zoning code enforcement notices, City abatement, or normal business practices. Pole sign regulations were last amended in 2009 to allow existing pole signs in the vicinity of Johnson Drive and Metcalf Avenue under certain conditions. There are three signs that continue to meet these conditions (Village Inn, Johnny's BBQ, and Popeye's).

At the Community Development Committee's December 2015 meeting, the Committee communicated a preference to continue the prohibition on pole signs and to explore implementation of ordinance changes that would establish a deadline for property owners to actively remove all pole signs within the City. Additional discussion surrounding pole sign code revisions asked the following questions.

Decision Points (Time, Place, Manner)

- Does the City Council still desire to implement these changes in the near future, or include them in a larger discussion of sign code revisions?
- Should the City require by ordinance that pole signs be removed by a certain date (an amortization policy)? If so, how long should businesses have to remove these signs?



Temporary Signs

The results of the sign inventory show **91** temporary commercial signs were in place throughout Mission during the sign inventory, with about one-quarter (23) of those being used for purposes related to real estate and project development (purposes treated differently under our sign code).

Number of Temporary Signs by Zoning District	Signs	
	#	%
Residential Districts (R-x, RP-x, DND)	10	11%
Light Commercial Districts (C-1, CP-1)	40	44%
Downtown Districts (MS1, MS2)	7	8%
Office Districts (C-O, CP-O)	4	4%
Heavy Commercial / Industrial Districts (All other districts)	30	33%
TOTAL	91 signs	

Temporary signs can be used for any purpose under our code, but often are used to fulfill one of the following needs:

- Political signs
- Contractor projects
- Special events
- Garage sales
- Sales and promotions

The current sign code does not require a sign permit for temporary signs, allows an unlimited number of signs but restricts the overall square footages, and limits any one sign's duration to 60 days before the sign must be removed for at least 60 days. Signs which advertise property for sale are limited in duration to the period of time for which the property is on the market for sale.



While these are reasonable restrictions, they are very difficult to enforce. Staff would have to proactively monitor properties for the appearance of temporary signs, document them when seen, and spend time comparing current signs to historical signs or documenting that a sign has been in place for longer than 60 days. Proving that someone is using more than the gross allowable square footage would require staff to locate and measure each individual sign. The typical policy solution to these type of concerns is to require permits - but that may be seen as too burdensome for these signs.



Beyond issues with these restrictions, temporary signs are being used throughout the City in ways that were not intended when the code was authored. It would be difficult for enforcement alone to resolve concerns about temporary signage within the current code.

For example, in the City's business districts, many of the signs inventoried were used purely to identify or draw attention to a business - rather than to recognize a sale or some other special or temporary event. While our code should not make any distinctions between these uses, these needs would be more appropriately satisfied by permanent signage. However, temporary signs often come at a lower cost to produce, provide greater flexibility to the business, and allow for more sign space than would otherwise be allowed to an individual business.



Similarly, the sign code allows signs advertising a property for sale or lease to remain until that property is leased or sold. However, in the case of larger multi-family developments, there is virtually always *some* level of vacancy that triggers this exception in our code. Additional discussion surrounding temporary signs asked the following questions.

Decision Points (Time, Place, Manner)

- Should the City require a permit for temporary signs?
- How long should signs be allowed to stay out? Should the City impose any other form of time restriction, i.e. limiting temporary signs to certain events each year?
- Is the quality of these signs an issue that the code should address?
- Should we change how we count or limit signs?
Should we focus on the number of signs per tenant or per parcel, rather than the aggregate size?



Window Signs

The current sign code only allows window signs in the Downtown District - generally, the Johnson Drive corridor from Lamar Avenue to Nall Avenue. Such signs are intended to communicate with pedestrians walking through the district, at a slower speed than vehicle traffic. Accordingly, they are limited in size to 10% of the window glass of the facade. The current code also specifies that they should be affixed to the glass in a permanent manner rather than as copy that is changed frequently. A sign permit is required for a window sign. Window displays and lettering that identifies a business, address, or hours of operation are exempt from the sign code.

However, a large number of properties have window signs without permits and or are located outside of the downtown and are technically out of conformance with the current code. For many businesses, permanent or rotating window signage is a common business practice. Many surrounding/peer communities either limit window signs to a certain area percentage (often 50%) or exclude them from sign regulation entirely. Additional discussion surrounding window signs asked the following questions.

Decision Points (Time, Place, Manner)

- Should we allow and provide specific criteria for these signs?
- Where should these signs be allowed? Should the Downtown District be treated differently than other areas of the City?
- Should the code prescribe any “quality” requirements for these signs, such as that they must be printed on durable materials?





New / Emerging Sign Practices to Regulate

Mission currently does not have a significant number of vehicular signs or people hired to act as sign holders in the public right of way. In the past, mobile, dedicated sign trucks have circulated town on public streets and parked in underused or vacant parking lots visible to major thoroughfares. While regulating these types of advertising are difficult, many communities and people view them as a nuisance.

Decision Points (Time, Place, Manner)

- Should the city be proactive in enacting regulations to prohibit these signs?

Other Legal Concerns

In June of 2015, the U.S. Supreme Court issued a decision in *Reed v. Town of Gilbert* that rules unconstitutional many of the categories used by cities to regulate signs. These concerns are not unique to the City of Mission; indeed, they affect most cities in the United States.

In addition, the Kansas Legislature recently prevented cities from regulating the placement or number of *political* signs posted for the period of time surrounding an election. The position of the League of Kansas Municipalities is that this law is unconstitutional under *Reed* as a content-based discrimination in speech; however, this has not yet been tested before a court.

The City considered the proposed sign code revisions in consultation with our city attorney to address these conflicts with case law and state law. Significant interpretation or testing of the impacts of the *Reed* decision is not yet available, however our land use attorney is comfortable with the proposed changes.

Proposed Sign Code Changes

In February 2016 Staff presented final analysis of the inventory and asked for direction to prepare code changes to respond to identified problems. Council's direction to staff at the worksession and subsequent committee meeting was to:

- Continue to prohibit pole signs throughout the City
- Require pole signs to be removed within a certain number of years
- Establish stricter regulations for temporary signage

- Expand the allowance of window signs by right, subject to reasonable restrictions

In addition, staff also considered any other necessary changes to the code to improve enforcement, to address other issues identified through the inventory, or to comply with recent case law. Attached is a redline copy of the proposed code changes as well as a table showing the impact by zoning district and sign type. If adopted as proposed, very little of the existing sign code standards will change. Most businesses will continue to be allowed the same number, size and type of signs as they are now. The changes in the proposed code that are most likely to impact business are as follows:

- Allow marquee signs by right in three additional commercial zoning districts
- Allow monument signs by right in the Main Street District 1 and Pedestrian Oriented Business District zoning districts under certain conditions
- Allow window signs anywhere in Mission with a limit on coverage of windows in the downtown district of 50% of the window glazing
- Allow electronic signs for the display of prices for fuel
- Require sign permits for temporary signs
- Limit the posting of temporary signs to no more than three 60-day periods per year per business
- Prohibit costumed characters as attention attracting devices
- Eliminate all pole signs by December 31, 2023 through an amortization process.
- Streamline the approval process for electronic time/temperature instruments
- Standardize the processes of placing liens against properties that have been abated by the City

Staff Recommendation

The Planning Commission should consider the proposed final draft of code changes and open the required public hearing for any comment. At the conclusion of the meeting, the Commission should continue the public hearing to their January 23, 2017 meeting to accommodate any changes to the proposed code the Commission may recommend and to allow for additional public comment after the holidays. Staff recommends adoption of the code changes as currently proposed.

Chapter 430. Signs

Section 430.010. Statement of Intent.

[Ord. No. 1091 §§1 – 3(App. A §430.010), 9-24-2003]

- A. The intent of this Chapter is to create the framework for a comprehensive and balanced system of sign regulations to facilitate an easy and pleasant communication between people and their environment and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance. With these purposes in mind, it is the intent of this Chapter to authorize the use of signs which are:
1. Compatible with their surroundings,
 2. Appropriate to the activity that displays them,
 3. Expressive of the identity of individual activities and the community as a whole, and
 4. Legible in the circumstances in which they are seen.

Section 430.020. Sign Definitions.

[Ord. No.1091 §§1 – 3(App. A §430.020), 9-24-2003; Ord. No. 1142 §17, 12-8-2004; Ord. No. 1259 §2, 5-21-2008; Ord. No. 1303 §1, 9-23-2009]

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, costumed characters or any banner, lights searchlight, or 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.

~~BACKLIGHTED SIGN~~

~~Any sign which displays direct or indirect light from the back of such sign through a transparent, translucent or open material.~~

~~BUILDING LOT~~

~~Any pieces or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purposes of transfer of ownership.~~

COMMERCIAL SIGN 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. A sign which identifies, advertises or directs attention to a business or is intended to

induce the purchase of goods, property or service including, without limitation, any sign naming a brand of goods or service and real estate signs, as further defined below.

DETACHED SIGN

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

DIRECTLY ILLUMINATED SIGN

Any sign where the source of illumination of the sign is exposed to the human eye such as, but not limited to, an incandescent bulb or florescent tube.

INDIRECTLY ILLUMINATED SIGN

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

MARQUEE SIGN

Any sign attached flat against or under the marquee or permanent sidewalk canopy of a building but not on the upper surface of a marquee or canopy.

MONUMENT SIGN

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 and/or where the base consists of two (2) or more supports so that the top edge of the sign face of a monument sign is ten (10) feet or less above the ground. The materials of the base of a monument sign shall be one (1) of the following: masonry, wood, anodized metal, stone or concrete.

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.

FACADE

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 ~~A figure, painting or design professionally applied to and made~~

~~integral with a wall or ceiling surface and which does not convey any commercial a commercial message information.~~

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.~~

NON-CONFORMING SIGN SUPPORT

~~The supporting members of the sign such as frame, poles, brackets or structure by which a sign is mounted on or affixed to a building or the ground which do not comply with the standards established in the Building Code.~~

OBSOLETE SIGN

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

OFF-SITE SIGN

~~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.~~

ON-SITE SIGN

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

POLE SIGN

~~A sign which is supported by one (1) or more poles, uprights or braces in the ground so that the bottom edge of the sign face is more than ten (10) feet above the ground.~~

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.

POSTER PANEL OR BILLBOARD

~~A sign, generally known as outdoor advertising, mounted on a 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”.~~

PROJECT IDENTIFICATION SIGN

~~A sign identifying only a project and developer.~~

PROJECTING SIGN

Any 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 to which it is attached.

REAL ESTATE SIGN

A 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.

ROOF SIGN

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

SEMI-ILLUMINATED SIGN

Any sign located on a building face which is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light.

PROJECT

Multi-family housing development or a particular development on an identifiable parcel 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 premises.

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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.

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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, ~~supportspole~~, 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.

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, ~~pole~~ 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.

~~SNIPLE SIGN~~

~~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~~securely fastened to a building or firmly anchored to the ground.

~~TEMPORARY SIGN~~

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

TIME AND/OR TEMPERATURE INSTRUMENT

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

~~TWO-FACED SIGN~~

~~A sign with two (2) sign faces where the angle of separation of the faces is not greater than ninety percent (90%).~~

~~WALL SIGN~~

~~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.~~

WINDOW SIGN

~~A non-illuminated sign of a permanent nature applied directly on glass. A window sign does not include placards or poster board panels leaning in windows, which are prohibited, except for open/closed signs that shall be no larger than one (1) square foot.~~
WINDOW DISPLAY

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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 430.030. Generally.

[Ord. No. 1091 §§1 – 3(App. A §430.030), 9-24-2003; Ord. No. 1259 §3, 5-21-2008]

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 ~~are shall be removed~~subject to removal 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 430.040. Permit Required.

[Ord. No. 1091 §§1 – 3(App. A §430.040), 9-24-2003]

~~B.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 Public Works Department~~ in accordance with Section **103.040(C)**.

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~~C.B.~~ Applications for sign permits shall be filed upon forms prescribed by the City, accompanied by ~~two one (12)~~ sets of ~~plans plats~~ drawn to scale indicating the sign size, location, method of illumination, content, colors, materials of the sign and structure, and method of attachment.

~~D.~~ All signs hereafter installed shall have permanently affixed thereto a label clearly visible at all times indicating the number of the sign permit issued therefor.

~~E.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 banners may also be installed by a business or property owner.

~~F.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 430.050. Signs Excluded From Regulation.

[Ord. No. 1091 §§1 – 3(App. A §430.050), 9-24-2003; Ord. No.1259 §4, 5-21-2008]

- 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, ~~and shall not be illuminated~~. 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.

~~7.~~ 8. Window Temporary signs.

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~~8.9.~~ 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.

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Section 430.060. Prohibited Signs.

[Ord. No.1091 §§1 – 3(App. A §430.060), 9-24-2003; Ord. No. 1142 §18, 12-8-2004; Ord. No.1259 §5, 5-21-2008; Ord. No. 1303 §2, 9-23-2009]

- 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, ~~pennants and streamers.~~
 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 residential~~ properties.
 5. Electronic message signs, other than time and/or temperature instruments ~~or fuel pricing displays.~~
 6. Pole signs, ~~except that an existing business as of 2003 within one thousand (1,000) feet of the intersection of Johnson Drive and Metcalf Avenue are permitted to maintain, reface or replace existing pole signs for which a valid sign permit has previously been issued. New signs that replace existing pole signs must reduce the non-conforming height, area or setback of the previously issued sign permit.~~
 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 ~~literacy~~ literary, artistic, political or scientific value.
11. Abandoned ~~non-conforming~~ 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 430.070. Signs Permitted in All Districts.

[Ord. No. 1091 §§1 – 3(App. A §430.070), 9-24-2003; Ord. No. 1142 §19, 12-8-2004; Ord. No. 1259 §6, 5-21-2008]

- 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) ~~detached~~ 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~~ professional 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) ~~parking lot~~ 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. *Variances.* Any person seeking minor adjustments to the strict application of this Section to the posting of a temporary sign shall file an "application for variance" in accordance with Section 440.310 of the Zoning Code.~~
- ~~F.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.~~
- ~~G.F. *Severability.* Severability is intended throughout and within the provisions of this ChapterSection. If any Section, Subsection, sentence, clause, phrase or portion of this ChapterSection 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.~~

Section 430.080. Signs Permitted in Residential Districts.

[Ord. No. 1091 §§1 – 3(App. A §430.080), 9-24-2003; Ord. No. 1259 §7, 5-21-2008]

- A. In lieu of any sign permitted under ~~this Section, Subsection (A)~~, 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. In addition to project identification signs permitted at entrances to the subdivision or project, project identification signs may be permitted on the premises adjacent to the intersection of two (2) thoroughfares or the intersection of a thoroughfare and a collector street.~~

C. Section 430.090. Signs Permitted in Commercial and Industrial Districts.

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Section 430.090. Signs Permitted in Commercial and Industrial Districts.

[Ord. No. 1091 §§1 – 3(App. A §430.090), 9-24-2003; Ord. No. 1142 §20, 12-8-2004; Ord. No. 1259 §8, 5-21-2008]

- 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) ~~detached~~ 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 ~~CO~~ 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.

C. *Districts “C-I” And “CP-I”.*

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) ~~development~~ unified entity and consisting of one (1) or several buildings, either attached or freestanding, one (1) ~~detached~~ 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 “C P-O”.
4. In the case of a shopping center designed as one (1) ~~development~~ unified entity and consisting of one (1) or several buildings, either attached or freestanding, one (1) additional ~~detached~~ 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.

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 ~~or marquee~~ 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 ~~or marquee~~ 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.

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- 2.3. 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.

- 3.4. Except in the case of a shopping center designed as one (1) ~~development unified entity~~ and consisting of one (1) or several buildings, either attached or freestanding, one (1) ~~detached~~ 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"

- 4.5. In the case of a shopping center designed as one (1) ~~development unified entity~~ and consisting of one (1) or several buildings, either attached or freestanding, one (1) additional ~~monument detached~~ sign may be permitted identifying the entire center. A gasoline service station, designed as part of the center, may also have a ~~detached~~ monument sign. All other signs in the center shall consist of wall, projecting or marquee signs. The ~~detached~~ monument sign shall conform to the

height, size and setback requirements applicable to monument signs in Districts “C-O” and “CP-O”.

~~5-6.~~ 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.

~~6-7.~~ 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.

E. Districts “C-2A”, “MS1” And “MS2”.

~~1. Each business or commercial establishment shall be permitted signage as follows:~~

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~~1.~~ Each business or commercial establishment shall be permitted ~~Three~~ 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.

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~~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 façade, shall be permitted for each establishment. Marquee signs may incorporate direct illumination into their design

e. ~~Except in the case of a shopping center designed as one (1) development 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 "C P-O" and be subject to the following restriction:~~

5. ~~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) development 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".~~

~~2-7.~~ 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.

~~3-8.~~ 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.

4. ~~On property zoned "MS2", monument signs are permitted subject to the following restrictions:~~

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- a. ~~One (1) detached monument sign shall be permitted for each building in lieu of one (1) wall sign or projecting sign; provided however, that in the case of a shopping center designed as one (1) unified entity and consisting of one (1) or several buildings, either attached or freestanding, one (1) detached monument sign shall be permitted for the entire center.~~
- b. ~~The minimum setback from the right-of-way line to the closest building or buildings on the lot must be equal to or greater than fifteen (15) feet.~~
- c. ~~Such sign shall not exceed six (6) feet in height above 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 which is equal to or greater than two hundred (200) square feet.~~
- d. ~~The minimum setback for the monument sign is ten (10) feet.~~

~~5. Monument signs are not permitted in the “C-2A” and “MS1” Districts unless a minimum sufficient ten (10) foot setback exists for such a sign.~~

~~6.9.~~ In the area defined in Section **410.330** as the Downtown District, the following requirements shall apply:

- a. ~~Window signs are geared towards pedestrians and therefore should be no larger than ~~fifty~~ten percent (4050%) of the storefront glazing. Signs should be of a permanent nature applied directly on the glass. No placards or poster board panels leaning in windows are allowed, except for open/closed signs that shall be no larger than one (1) square foot.~~
- ~~b.~~a. No canopies, panels or awnings which span through two (2) or more storefronts shall be allowed. Backlit awnings are permitted only if the awning is opaque. If a portion of a backlit awning is not opaque, then that portion shall be considered a “sign”.

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 ~~EO~~ exterior wall sign may be permitted if all of the following conditions are met:

1. 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.
2. The primary tenant’s business establishment occupies at least twenty-five thousand (25,000) square feet of floor area.
3. 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.

4. 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.
5. 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 application shall also include a copy of the lease agreement between the subtenant and the primary tenant or other documentation acceptable to the City Attorney that the two (2) businesses are separate legal entities.~~ 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. ~~Interior n~~ Neon signs or tubes ~~as defined in this Subsection~~ shall only be allowed when they are placed inside a building and be allowed 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 addressed 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.

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

[Ord. No. 1091 §§1 – 3(App. A §430.100), 9-24-2003]

- A. In the case of ~~signs permitted by the issuance of a~~ special use permit ~~uses~~, all ~~wall and detached~~ signs shall be approved by City Council after recommendation from the Planning Commission, except where private sign criteria have been previously approved for the development.
- 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~~may be followed.

Section 430.110. Additional Regulations Applicable To All Districts.

[Ord. No. 1091 §§1 – 3(App. A §430.110), 9-24-2003; Ord. No. 1142 §21, 12-8-2004; Ord. No. 1259 §9, 5-21-2008]

- 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 ~~ground-mounted sign with a height of more than thirty-six (36) inches above the road level~~ shall be located in the sight distance triangle on a corner lot, ~~the short leg of which shall be twenty (20) feet and the long leg of which shall be one hundred forty (140) feet measured along the curb line or edge of pavement.~~
- 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 Director of Public Works~~ 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. ~~Such signs shall be subject to approval by the approved by City Council.~~
- F.E. 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.

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

H. Any pole sign existing on January 1, 2016 shall be removed no later than December 31, 2023, it being the legislative finding of the ~~Governing Body~~ City Council that a period of seven (7) years is a reasonable time in which to require removal.

Section 430.120. Private Sign Criteria.

[Ord. No. 1091 §§1 – 3(App. A §430.120), 9-24-2003]

All hotels and motor hotels and shopping centers, business parks, office parks, ~~or~~ 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. ~~In all respects, the criteria shall be within the regulations set out in this Code and shall be for the purpose of assuring harmony and visual quality throughout the development.~~ Final development plans ~~(in the case of a planned zoning district) or building permits (in the case of a conventional zoning district)~~ 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, ~~or~~ 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 430.130. (Reserved)

[1] Editor’s Note – Ord. no. 1259 §10, adopted May 21, 2008, repealed section 430.130 “political signs” in its entirety. Former section 430.130 derived from ord. no. 1091 §§7 – 3(App. A §430.730), 9-24-03. At the editor’s discretion, this section has been reserved for the city’s future use.

Section 430.140. Removal of Obsolete or Abandoned Signs.

[Ord. No. 1091 §§1 – 3(App. A §430.140), 9-24-2003; Ord. No. 1259 §ii, 5-21-2008]

- 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 off-site or on-site~~ 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 ~~Code Enforcement Officer~~ City shall send written notification by certified mail, return receipt requested, to the property owner of record demanding ~~indicating~~ 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. C. Where a sign has been removed by the City pursuant to Subsection (B), the City ~~Clerk~~ 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. the Governing Body shall proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land and the City Clerk shall certify such assessment to the County Clerk for collection and payment the same as other assessments and taxes are collected and paid to the City.

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Section 430.150. Temporary Signs.

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[Ord. No. 1259 §12, 5-21-2008]

- 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. 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.
3. 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 ~~furniture~~ or otherwise create a hazard, including a tripping hazard.
4. No temporary sign shall be illuminated or painted with a light-reflecting paint.
5. A temporary sign shall only be posted with the consent of the property owner ~~or applicant~~.
6. ~~A~~Temporary signs may be posted for a period of up to sixty (60) days, ~~after~~ which time ~~the signs~~ shall be removed for a period of at least sixty (60) days, except for real estate signs advertising property for sale or lease, which 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 ~~Director of Community Development or the Director of Community Development's designee~~ City and pursuant to the ~~Department of Community Development's~~ 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 ~~Director Of Community Development or the Director of Community Development's designee~~City finds that any sign is posted in violation of these regulations on private property, ~~then(s) he shall give~~ 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).~~such sign may be removed by the Director.~~
4. The ~~Director of Community Development or the Director of Community Development's designee~~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).~~file a civil complaint against the person who posted the sign to recover the cost of removing the sign.~~

Chapter 420. Accessory Uses, Prohibited Uses and Non-Conforming Uses

Article IV. Non-Conforming Situations and Vested Rights

Section 420.220 Non-Conforming Signs.

[Ord. No. 1142 §14, 12-8-2004; Ord. No. 1259 §1, 5-21-2008]

- 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~~refaced.
- 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.

Chapter 445. Building Permits, Special Use Permits and Certificate of Occupancy

Article III. Special Use Permits

Section 445.180. Designated Use.

[Ord. No. 1007 §16-220.01, 1-24-2001; Ord. No. 1013 §1, 6-27-2001; Ord. No. 1045 §16-220.01, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.180), 9-24-2003; Ord. No. 1124 §26, 8-25-2004]

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
<u>Billboard Signs</u>	<u>Residential districts</u>
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

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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.

Summary of Feedback on Sign Code Changes

In response to community input and following a 2015 sign inventory, the City Council and staff have developed proposed revisions to the City’s sign ordinance. Please provide your feedback here.

Proposed changes:

- Allows marquee signs by right in three additional commercial zoning districts
- Allows monument signs by right in the Main Street District 1 and Pedestrian Oriented Business District zoning districts under certain conditions
- Allows window signs anywhere in Mission with a limit on coverage of windows in the downtown district of up to 50% of the window glazing
- Allows electronic signs for the display of prices for fuel
- Requires sign permits for temporary signs
- Limits the number and duration of temporary signs to no more than three 60-day periods per business per year
- Prohibits costumed characters as attention attracting devices
- Eliminates all pole signs by December 31, 2023
- Streamlines the approval process for electronic time/temperature instruments
- Standardizes the processing of liens against properties that have been abated by the City

Comment	Date	Format	Author/Business
Additional staffing or more active enforcement of the sign code is needed. If enforcement can not be done consistently and fairly, then changes should not be considered. Non-conforming signs should be removed as required by the current code.	11/4/2016	Website	Marty Hugo-Real Estate Dynamics
Temporary signs along the street between Nall Avenue and Roe Avenue detract form the street improvements made by the City.	11/7/2016	Website	Joyce Farrell
Interior signs indicating if a business is open/closed should be allowed to be illuminated	11/8/2016	Email	Becky Hanf-Mission Fresh Fashion
Home occupations like in-home daycare should be allowed to post temporary signs. Banner signs and many temporary signs on commercial businesses are often ugly and their time limits should be more strictly enforced.	11/8/2016	Website	Sonja Mollison

Understands and supports the proposed sign code changes	11/10/2016	Website	Ted Stone
Supports allowing window signs, especially in residential areas.	11/10/2016	Meeting	Scott Stannard
Does not support pole sign amortization, would prefer a longer time period (15 years) or not at all. Appreciates no fees for temporary sign permits. Feels remaining pole signs in Mission are well maintained. Sign code is not currently enforced strongly enough. Does not believe existing changeable copy pole sign could be replaced by allowed monument and or temporary signs. Believe pole sign generate sales and business activity. Pole signs need to be visible over long distances (1/4 to 1/2 miles). Think that small/local businesses would be hurt by forced removal of pole signs.	11/10/2016	Meeting-verbal comments	Various-Bob McDaniel-Village Inn, Kathy Casey-Casey Auto, Lee Lynch-Discount Mattress, Scott Stannard-home occupation
Feels that the pole sign at this location looks great and is well maintained. Has invested money in keeping it that way.	11/14/2016	Email	Gene Sobbe-Pride Cleaners
Mission has helped to foster the creation of a small business community and values a pleasant and uniform look. However, rather than trying to do everything proposed, the city should focus on temporary signs first.	11/16/2016	Meeting	Sandy Russell-Twisted Sisters
Supports including costumed characters as a prohibited sign type. Does not support sign amortization, prefers to allow non-conforming sign code to more slowly remove remaining pole signs.	11/16/2016	Meeting-verbal comments	Various-Lee Lynch-Discount Mattress, Kevin Hinckle-K&H Automotive, Dave Shepherd-Mission Bank, Kevin Fullerton-Springboard Creative, Deb Settle-NE Chamber, Sandy Russell-Twisted Sister
Does not believe sign clutter is an issue along Johnson Drive in the western portion of the city. Does not support non-conforming sign amortization and thinks that the city should focus attention and resources on replacement of street and curbs along Broadmoor Street south of Johnson Drive. Believes enforcement of amortization will create poor relationship between city and businesses in the community.	11/23/2016	Email	Kevin Hinckle-K&H Automotive

Current City of Mission Sign Regulations (For New Signs)
February 2016

	Definition	Sign Permit Required?	Single-Family Residential	Multi-Family Residential	Civic Buildings (Schools, Churches, etc.)	C1 - CP-1 (Light Commercial)	C-2A, MS1, MS2 (Downtown)	C-O / CP-O (Office)	All Others (Heavy Commercial / Industrial)
Major Types									
Wall Signs	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.	Yes	No	No	Per tenant: 2 signs allowed Limit 1 per façade 32 sqft max area	Per tenant: 3 signs allowed 1 per façade not more than 5% of area of each façade	Per tenant: 3 signs allowed 1 per façade not more than 10% of area of each façade	Per building: 3 signs allowed 1 per façade not more than 5% of area of each façade	Per tenant: 3 signs allowed 1 per façade not more than 10% of area of each façade Allowed 1 additional non-illuminated wall sign, max. 9sqft in area at each major entrance to multi-tenant
Monument Signs	A detached sign where the width of the base of the sign is a minimum of one-half (½) the width of the widest part of the sign face or where the base consists of two (2) or more supports so that the top edge of the sign face of a monument sign is ten (10) feet or less above the ground. The materials of the base of a monument sign shall be one (1) of the following: masonry, wood, anodized metal, stone or concrete.	Yes	1 at each entrance to a subdivision / project. Max 6' height Max. 50 sqft per sign.	1 at each entrance to a subdivision / project. Max 6' height Max. 50 sqft per sign.	1 allowed in lieu of a wall sign Max. 6' to 8' height based on a setback formula	1 allowed in lieu of a wall sign 6' to 10' height based on a setback formula Shopping centers do not need to surrender a wall sign	No	1 allowed in lieu of a wall sign Max. 6' to 10' height based on a setback formula	1 allowed in lieu of a wall sign Mac. 6' to 10' height based on a setback formula Shopping centers do not need to surrender a wall sign
Projecting Signs	Any 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 to which it is attached.	Yes	No	No	No	1 allowed in lieu of a wall sign, subject to same area restrictions; Min. 7' above ground Max. 3' from wall	1 allowed in lieu of a wall sign, subject to same area restrictions; Min. 7' above ground	No	1 allowed in lieu of a wall sign, subject to same area restrictions; Min. 7' above ground
Under Canopy (Pedestrian)		Yes	No	No	No	One at each exterior ground floor entry beneath awnings, canopies, etc. Max. 3sqft per sign.	One at each exterior ground floor entry beneath awnings, canopies, etc. Max. 3sqft per sign. Min. 7' above ground	No	One at each exterior ground floor entry beneath awnings, canopies, etc. Max. 3sqft per sign.
Window Signs	Not Defined	Yes	No	No	No	No	No, except in the Downtown District (generally, Lamar to Nall, 58th to 61st): Limited to covering 10% of glazing	No	No

Current City of Mission Sign Regulations (For New Signs)
February 2016

Temporary Signs	A sign that is intended for a temporary period of posting on public or private property, is typically constructed from non-durable materials such as paper, cardboard, cloth, plastic and/or wallboard and does not constitute a structure subject to the City's Building Code or Zoning Code provisions.	No	No limitation on number; Aggregate square footage of 48 sqft, with no sign exceeding 16sqft Sign may be up for 60 days, then sign must be removed for 60 days Real estate signs (property for sale or lease) excluded from limitations on duration For multi-family only: One 50sqft banner sign for 60 days displaying "now leasing", "now renting", etc. for two months every three years
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Current City of Mission Sign Regulations (For New Signs) February 2016

	Definition		Single-Family Residential	Multi-Family Residential	Civic Buildings (Schools, Churches, etc.)	C1 - CP-1 (Light Commercial)	C-2A, MS1, MS2 (Downtown)	C-O / CP-O (Office)	All Others (Heavy Commercial / Industrial)
Minor Types									
ATM	Not Defined	No	No	No	No	Where ATMs are allowed: 3 signs, 1 per face, 8 sqft per sign. 1 additional non-illuminated sign, 4sqft.			
Construction Identification	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.	No	Excluded From Regulation						
Directional	Not Defined	No	1 sign allowed for each entrance to a building site; each key intersection; each entrance to drive-through. Ground-mounted: Max. 5' height, Max. 4sqft area per sign. Wall-mounted: Max. 2sqft area per sign. Max. 25% area used to display owner / tenant / etc. No sign permits required.						
Entrance Directory	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 and shall not be illuminated. Where multiple tenants share the same door, the sign may display the names and address of each tenant.	No	No	No	No	Excluded From Regulation			
Interior Neon	Not Defined	No	No	No	No	1 sign. Max 10sqft. Signs below 3sqft do not require a sign permit.			
Marquee	Any sign attached flat against or under the marquee or permanent sidewalk canopy of a building but not on the upper surface of a marquee or canopy.	Yes	No	No	No	No	No	No	Optional instead of wall signs
Menu Board	Not Defined	Yes	No	No	No	Where drive-through services are allowed: 2 signs, Max. 8' height, Max. 32sqft area per sign Drive-in establishments: 1 sign per stall, 8sqft area per drive-in sign, 32sqft area per walk-up sign, , Max. 6" lettering height.			
Project Identification	One (1) construction site identification sign of professional 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. [...] 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.	No	1 sign. Max 6" height, Max. 32sqft area per sign, 10' setback from right-of-way						
Residential Signs	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.	No	Excluded From Regulation	Excluded From Regulation	Excluded From Regulation	No	No	No	No
Vehicle Signs	Signs painted on or otherwise permanently attached to currently licensed motor vehicles, which vehicles are not primarily used as signs.	No	Excluded From Regulation						

Current City of Mission Sign Regulations (For New Signs) February 2016

	Definition		Single-Family Residential	Multi-Family Residential	Civic Buildings (Schools, Churches, etc.)	C1 - CP-1 (Light Commercial)	C-2A, MS1, MS2 (Downtown)	C-O / CP-O (Office)	All Others (Heavy Commercial / Industrial)
Prohibited Types									
Attention-Attracting	Any device with flashing, blinking, rotating or moving action or any banner, searchlight or balloons designed or intended to attract the attention of the public to an establishment or to a sign.	No	No	No	No	No	No	No	No
Electronic Message	Not defined; prohibited except for "time and temperature instruments"	No	No	No	No	No	No	No	No
Off-Premise	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.	No	No	No	No	No	No	No	No
Outdoor Advertising	A sign, generally known as outdoor advertising, mounted on a 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".	Yes	Special Use Permit	Special Use Permit	Special Use Permit	Special Use Permit	Special Use Permit	Special Use Permit	Special Use Permit
Pole	A sign which is supported by one (1) or more poles, uprights or braces in the ground so that the bottom edge of the sign face is more than ten (10) feet above the ground.	No	No	No	No	No	No	No	No
Roof	Any sign erected, constructed and maintained wholly upon or over the roof line.	No	No	No	No	No	No	No	No
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 securely fastened to a building or firmly anchored to the ground.	No	No	No	No	No	No	No	No
Other Prohibitions			Signs in the public right of way; abandoned or obsolete (old tenant / business) signs; signs that are demonstrably false or misleading (i.e. zoning)						

Proposed City of Mission Sign Regulations November 2016									
Definition	Sign Permit Required?	Single-Family Residential	Multi-Family Residential	Civic Buildings (Schools, Churches, etc.)	C1 - CP-1 (Light Commercial)	C-2A, MS1, MS2 (Downtown)	C-O / CP-O (Office)	All Others (Heavy Commercial / Industrial)	
Major Types									
Wall Signs	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.	Yes	No	No	Per tenant: 2 signs allowed Limit 1 per façade 32 sqft max area	Per tenant: 3 signs allowed 1 per façade not more than 5% of area of each facade	Per tenant: 3 signs allowed 1 per façade not more than 10% of area of each facade	Per building: 3 signs allowed 1 per façade not more than 5% of area of each facade	Per tenant: 3 signs allowed 1 per façade not more than 10% of area of each facade Allowed 1 additional non-illuminated wall sign, max. 9sqft in area at each major entrance to multi-tenant
Monument Signs	A detached sign where the width of the base of the sign is a minimum of one-half (½) the width of the widest part of the sign face or where the base consists of two (2) or more supports so that the top edge of the sign face of a monument sign is ten (10) feet or less above the ground. The materials of the base of a monument sign shall be one (1) of the following: masonry, wood, anodized metal, stone or concrete.	Yes	1 at each entrance to a subdivision / project. Max 6' height Max. 50 sqft per sign.	1 at each entrance to a subdivision / project. Max 6' height Max. 50 sqft per sign.	1 allowed in lieu of a wall sign Max. 6' to 8' height based on a setback formula	1 allowed in lieu of a wall sign 6' to 10' height based on a setback formula Shopping centers do not need to surrender a wall sign	No (YES)	1 allowed in lieu of a wall sign Max. 6' to 10' height based on a setback formula	1 allowed in lieu of a wall sign Mac. 6' to 10' height based on a setback formula Shopping centers do not need to surrender a wall sign
Projecting Signs	Any 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 to which it is attached.	Yes	No	No	No	1 allowed in lieu of a wall sign, subject to same area restrictions; Min. 7' above ground Max. 3' from wall	1 allowed in lieu of a wall sign, subject to same area restrictions; Min. 7' above ground	No	1 allowed in lieu of a wall sign, subject to same area restrictions; Min. 7' above ground
Under Canopy (Pedestrian)		Yes	No	No	No	One at each exterior ground floor entry beneath awnings, canopies, etc. Max. 3sqft per sign.	One at each exterior ground floor entry beneath awnings, canopies, etc. Max. 3sqft per sign. Min. 7' above ground	No	One at each exterior ground floor entry beneath awnings, canopies, etc. Max. 3sqft per sign.
Window Signs	Not Defined	Yes	No (YES)	No (YES)	No (YES)	No (YES)	No, except in the Downtown District (generally, Lamar Ave to Nall Ave, 58th to 61st St): Limited to covering 10% (50%) of glazing	No (YES)	No (YES)

Proposed City of Mission Sign Regulations
November 2016

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