

BILL NO. ____ [Bill No.]

SPONSORED BY COUNCILMAN _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF JEFFERSON, MISSOURI, AMENDING CHAPTER 3 ADVERTISING AND SIGNS PERTAINING TO SIGN CODE REGULATIONS.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF JEFFERSON, MISSOURI, AS FOLLOWS:

Section 1. Chapter 3 (Advertising and Signs) Section 1 (Intent) is amended as follows:

Sec. 3-1. Intent and General Provisions.

A. Intent.

1. The intent of this chapter is to protect and promote the public interest, health, welfare, morals and safety of the city, and to enhance and preserve natural features and aesthetics within the city and to promote high standards in appearance and effective communication by necessary outdoor advertising while preserving residential areas, open views and vistas, **and traffic safety** by effective regulation.

(Code 1977, § 3-1; Code 1983, § 3-1; Ord. No. 11288 §1, 8-21-89; Ord. 14287, §7, 8-6-2007)

2. **This chapter also intends to promote a content neutral sign code developed based on the decision of Reed v. Town of Gilbert, U.S., 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S.. This chapter recognizes that government signs are government speech intended to ensure public safety. These government signs include those described and regulated in the Manual on Uniform Traffic Control Devices and signs that are necessary to identify properties and to implement the laws of the state.**

B. **Owners and Tenants. Wherever this chapter allows signage on a premise, the right to the signage, unless specifically stated otherwise the City Code, is granted to the owner of a property. The owner may delegate that right to any tenant or tenants but shall in no case grant to said tenant or tenants, individually or cumulatively, more signage than has been allotted to the owner by this code. In all cases the owner shall remain liable for complying with this code and assuring that the owner's tenants do not exceed the allotted signage.**

C. **Government Signs.**

1. **Government signs identified in his section shall be authorized in every zoning district.**

2. **Government signs include:**

a. **Traffic Control Signs. Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.**

- b. Property Address Signs. Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification may be on the curb and must be on the principal building on the property. This size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the identifier shall be located on the mailbox or other suitable device such that it is visible from the street.
- c. Private Property Warning Signs. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.
- d. Banners placed by the City on utility poles pursuant to Article VI to promote government speech or directions to designated city districts .

Section 2. Chapter 3 (Advertising and Signs) Section 2 (Definitions) is amended as follows:

Sec. 3-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Accessory Structure: A building or structure that is accessory (or secondary) to the primary building or structure on a lot, as determined by the Director. For the purpose of this Chapter, accessory building or structures may include, but are not limited to, stand-alone ATMs, stand-alone drive-up tellers, car washes and pump island canopies, and shall not include fences, light or utility poles, or retaining walls.

Accessory Structure Sign: A sign attached to or located upon an accessory structure.

Advertising devices: Banners or streamers affixed to poles, wires or ropes; wind operated devices; **advertising flags:** flashing lights and other similar contrivances.

Advertising flag: A pole mounted flag sign with a display height greater than display width, commonly referred to as “swooper flag”, “feather flag”, or “teardrop flag”. Flags affixed to a permanent flagpole, as defined in this chapter as “Flag” and in conformance with Section 3-7 shall not be considered advertising flags.

Awning sign: A sign incorporated in or attached to an awning.

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

Banner: A sign of lightweight fabric, plastic or similar material.

Beacon: a light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also a light with one or more beams that rotate or move.

Billboard: An off-premise sign which advertises a product or service and/or has a maximum size of more than thirty-two square feet per sign face.

Building, Accessory: An Accessory Structure, as defined in this chapter.

Building, Primary: A structure in which is conducted the principal use of the property on which it

is located.

Building mounted sign: Any sign attached to a building.

~~Building Official: The Director of the Department of Planning and Protective Services of Jefferson City or a duly authorized representative.~~

Business: A legally permitted non-residential use occupying a building or tenant space within a multi-tenant building. For the purposes of calculation of allowable signage area within this chapter, multiple businesses occupying the same space, as determined by the Director, shall be considered a single business.

Canopy sign: A sign attached to the underside or constructed upon a canopy.

City: The City of Jefferson, Missouri.

City Council: The City Council of the City of Jefferson, Missouri.

Director: The Director of the Department of Planning and Protective Services, or his or her designee.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

Directional sign: Any on premise sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

District: Zoning District, as identified on the Official Zoning Map (of the Zoning Cod) of the City of Jefferson.

Facade area: The exterior surface area of a building (including all windows and architectural features) in a single elevation, between finished grade and the top of the parapet wall or the line formed where the wall meets the slope of a hip roof.

Face: That area of a sign containing the advertising information, painting, drawing or message intended or used to advise or inform, but excluding structural supports.

Flag: a piece of cloth, woven material, or fabric attachable by one edge to a pole or rope. A “flag”, as defined and regulated by this chapter, has an unfurled width greater than its height when displayed, and is distinguished from an “advertising flag”, also defined and regulated by this chapter, which has an unfurled height greater than width when displayed. A building mounted flag affixed in such a manner as to be permanently unfurled shall be considered a sign and subject to applicable regulations for signs.

Freestanding sign: Any nonmovable sign not attached to a building.

Electronic Message Center: A sign or component of a sign that uses single or multiple changing colored lights or a video screen to form a message or series of messages that are electronically programmed or modified by electronic processes, but shall not include a sign which only shows the word “open” or “closed”. (Ord. No. 14789, §1, 5-16-2011)

Flashing signs: Any sign that is not otherwise defined as an electronic message center, the illumination of which is not constant in intensity when in use. Illuminated signs approved by the Board of Adjustment which indicate the date, time, temperature, or other public service information shall not be considered flashing signs. (Ord. No. 14789, §1, 5-16-2011)

Ground sign, detached: A permanent business sign which meets the following specifications: (1) the bottom of the sign shall be no more than three feet from the ground; (2) the maximum height of the sign shall not exceed ten feet and the maximum area of the sign face shall not exceed thirty-two square feet per face; and (3) illuminated ground signs adjacent to or across from residential properties shall not cast more than five footcandles at the edge of their property line. Heights shall be measured from the ground level beneath the midpoint of the

base of the sign. For spacing purposes, a detached ground sign shall be considered to be a post sign. (Ord. No. 15214, §1, 12-16-2013)

Illuminated sign: A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within the sign, including but not limited to neon and exposed lamp signs, or a sign illuminated by external light directed primarily toward this sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.

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

Menu Board Sign: A permanently mounted sign displaying the bill of fare for a drive-through restaurant.

Moving sign: Any sign, not otherwise defined as an electronic message center, which moves, appears to move, or has moving parts. Signs approved by the Board of Adjustment which indicate the date, time, temperature, or other public service information shall not be considered moving signs. (Ord. No. 14789, §1, 5-16-2011)

Non-conforming sign or non-conforming outdoor advertising: A sign which was lawfully erected but which does not conform to the requirements of city codes, ordinances or regulations enacted at a later date or which later fails to comply with city codes, ordinances or regulations due to changed conditions.

Off-premise sign: Any display, device, figure, plaque, or other outdoor advertising maintained or used to advertise or to inform or to direct the attention of the public to a business or activity conducted upon the premises which is not the same premises where the sign is located. (Ord. 14237, §1, 8-6-2007)

On-premise sign: Any display, device, figure, plaque, poster, or other outdoor advertising maintained or used to advertise or to inform or to direct the attention of the public to a business or activity conducted upon the premises upon which such sign is located, or to a product or service sold or rendered thereon.

Outdoor advertising: An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of any public right-of-way.

Permanent Sign: A sign constructed of durable materials intended for long term use, securely affixed to a building or the ground.

Planning and Zoning Commission: The Planning and Zoning Commission of the City of Jefferson, Missouri.

Post sign: Any sign which is not attached to a building but is supported by braces, pole(s), post(s), or by any means other than by attachment to a building improvement.

Premises: ~~A lot together with all buildings and structures thereon.~~ **A parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder of Deeds or it may include parts of or a combination of such parcels when adjacent to one another, under common ownership, and used as one.**

Primary façade: The side of a building designated by the owner as being the primary façade. In the case of corner lots or lots with multiple street frontages, a maximum of two sides of the building may be designated as a primary façade.

Property: A premises, as defined in this chapter.

Projecting sign: Any sign which is firmly attached to a building and extends outward therefrom twelve inches or more.

Roof sign: Any sign erected, constructed, or maintained upon or extending above the roof of any

building.

Sandwich board sign: An advertising or business ground sign constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

Secondary façade: All sides of a building not designated as a primary façade.

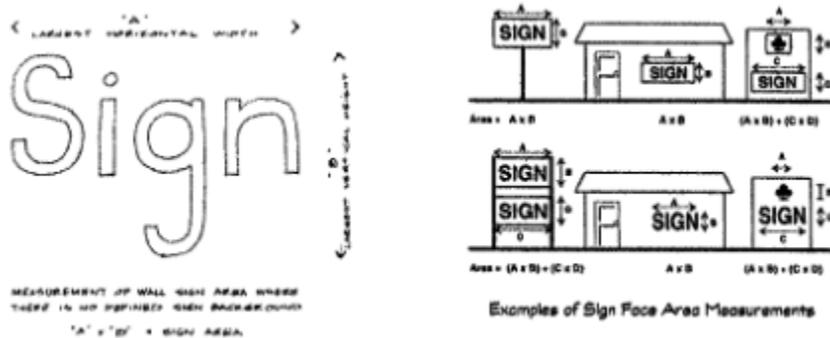
Sign: Any display name, identification, description, illustration, device, building or building treatment which is visible to the public and which directs attention to a product, place, activity, institution, profession, person, service, business, or solicitation.

(Ord. No. 14819, §1, 7-5-2011)

Sign: A name, identification, description, display, or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization, or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

Sign area: The entire area of the actual message or copy area. It shall include decorative trim or embellishments but shall not include structural elements outside the limits of such display surface and not forming an integral part of the display. For back to back type signs, only one face shall be counted. On all other signs, all faces shall be counted in computing the sign area. **The size of the sign face panel measured in square feet, or the area of smallest square or rectangle that can encompass all items of information, including any decorative trim or embellishments, if it is not a panel. For back to back type signs, only one face shall be counted. On all other signs, all faces shall be counted in computing the sign area. For examples of measurement of sign area, see Exhibit 3-2.A**

Exhibit 3-2.A



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Street or highway frontage: The distance along one side of any public street or highway measured along the right-of-way line.

Temporary Sign: A sign constructed of nondurable materials intended for short term use.

Wall sign: Any sign which is firmly attached to a wall of any building and which does not extend beyond the building more than twelve inches.

Window Sign: A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building.

Section 3. Chapter 3 (Advertising and Signs) Section 4 (On-Premise signs) is amended as follows:

Sec. 3-4. On-premise signs.

- A. Signs for uses authorized in Commercial and Industrial Districts. On Premise signs in the C-O, C-1, C-2, M-1, M-2 districts, may be erected or constructed after the effective date of this chapter including wall signs, projecting signs, freestanding signs, awning signs, canopy signs, directional signs, and marquee signs which conform to the provisions of this chapter.
1. Building mounted signs. Building mounted signs such as wall signs, projecting signs, awning signs, canopy signs, and marquee signs shall conform to the following requirements.
 - a. Size of sign allowed on primary facade. For signs located on the primary facade of a building the sign area shall not exceed **ten percent (10%) of the total square feet of the primary facade area, subject to the maximum size allowed pursuant to subsection d.** ~~the following:~~
 - 1) ~~In the C-2 and C-1 districts, ten percent (10%) of the total square feet of the length of the primary facade multiplied by the lessor of twenty (20) feet or the height of the primary facade, subject to the maximum size allowed pursuant to subsection d.~~
 - 2) ~~In the C-O district, seven and one half percent (7.5%) of the total square feet of the length of the primary facade multiplied by the lessor of twenty (20) feet or the height of the primary facade, subject to the maximum size allowed pursuant to subsection d.~~
 - 3) ~~In the M-1 and M-2 districts, five percent (5%) of the total square feet of the length of the primary facade multiplied by the lessor of twenty (20) feet or the height of the primary facade, subject to the maximum size allowed pursuant to subsection d.~~
 - b. Size of sign allowed on secondary facades. For signs located on each side of the building not designated as a primary facade, the sign area shall not exceed five percent (5%) of the total square feet of the ~~length of the secondary facade multiplied by the lessor of twenty (20) feet or the height of the secondary facade~~ **secondary facade area**, subject to the maximum size allowed pursuant to subsection d. Signs on each secondary facade shall be calculated separately.
 - c. Unless set out in an approved master signage plan as outlined in section 3-4.G, the primary facade area and secondary facade area of individual tenant spaces in multi-tenant buildings shall be calculated separately for the purpose of determining the sign area allowed for the individual tenant.
 - d. Maximum size and height.
 - 1) The maximum square footage of total building mounted signage for any single business shall not exceed three hundred (300) square feet.
 - 2) The maximum square footage of any single building mounted sign shall not exceed two hundred (200) square feet.

- 3) The maximum height of a building mounted sign shall not exceed thirty-two (32) feet as measured from the grade below the sign.
 - e. ~~Advertising signs painted on or attached to the inside or outside of windows shall be included in the maximum allowable sign area.~~ **Window signs shall not be included in the maximum allowable building mounted signage area. A maximum of fifty percent (50%) of the total window area of a façade (individual business façade in the case of a multi-tenant building) may be covered in window signage. A sign permit is not required prior to placement of window signage displayed in compliance with this Chapter.**
 - f. Signs on Door. Any business may display a sign that includes only the name of its business on any door, window or facade of a building where they are located so long as the sign is no larger than two (2) square feet.
 - g. Awning and canopy signs. Advertising signs, symbols or emblems may be placed on any part of an awning or canopy which has been constructed in accordance with the Jefferson City Building Code. Only the image or message area on the awning shall be included in the maximum allowable sign area. If an awning, when extended, obliterates the view of a wall sign, the area of the obliterated wall sign need not be included in the maximum allowable sign area.
 - h. Projecting signs. Projecting signs may be erected on any building; however, such signs shall not extend more than one (1) foot into any public right-of-way and must be at least nine (9) feet above the surface adjacent to the building. Projecting signs may extend not more than six and one-half (6½) feet into any front, side or rear yard.
 - i. **Accessory structure signs. Signage may be erected on accessory structures as defined in this Chapter; however, such signs shall not exceed 25 percent of each façade area of the accessory structure or 50 square feet of total signage on the accessory structure, whichever is less.**
2. Freestanding signs. In addition to all other signs permitted on the property, **permanent** freestanding signs may be erected as follows:
 - a. ~~**Number.** No freestanding sign (excluding directional signs) shall be erected or constructed after the effective date of this chapter if after the erection or construction of such sign there will be more than one (1) freestanding sign per frontage along any street or highway adjacent to the premises.~~ **A maximum of one (1) freestanding sign is permitted per property frontage along a street or highway.** Every premises ~~property~~ shall be entitled to at least one (1) **on premise** free standing sign.
 - b. **Sign area.** The sign area of all freestanding signs on a premises ~~property~~ may not exceed the greater of the following:
 - 1) One (1) square foot per two (2) linear feet of street frontage devoted to the use; or
 - 2) One (1) square foot per fifty (50) square feet of gross floor area for the ground level of the main building; or
 - 3) One (1) square foot per two hundred (200) square feet of total land area devoted to the use.
 - c. Height. Freestanding sign height shall be measured from the ground at the base of the sign or from the grade level of the adjacent street or highway centerline, whichever is higher, to the top of the sign structure. The maximum height of a freestanding sign shall not exceed the following:

- 1) In the C-2, M-1, and M-2 districts, maximum sign height shall not exceed thirty-two (32) feet.
 - 2) In the C-1 and C-0 districts, maximum sign height shall not exceed ten (10) feet.
- d. Size. A freestanding sign shall not exceed two hundred (200) square feet.
- e. Illumination. Illuminated freestanding signs adjacent to or across from residential properties shall not cast more than five (5) foot candles of light at the edge of their property line.
- f. **Drive-through uses.** ~~On-premise directional signs. On-premise directional signs shall be permitted and shall be excluded from the maximum allowable sign area. Directional signs may have symbolic or textual advertisement placed upon them; however, the symbolic or textual advertisement shall be included in the maximum allowable sign area for freestanding signs on the premises. A directional sign shall not have greater than five (5) square feet of symbolic or textual advertisement.~~
- 1) **Directional signs. A property that contains a building with a drive-through window shall be permitted one sign on each side of each driveway accessing the property from a public street, to be located within six (6) feet of the side of the driveway, and one additional sign located anywhere on the property. Such signs shall be a maximum of three (3) feet in height, a maximum of ten (10) square feet in sign area and cannot conflict with visual clear zone regulations or interfere with line of sight for vehicles entering or exiting the site.**
 - 2) **Menu Board Sign. A property that contains a building with a drive-through window shall be permitted one sign plus one sign per location where a parked car may communicate through a speaker or window to place an order. Such sign shall be a maximum size of fifty (50) square feet, a maximum height of ten (10) feet from grade, shall be located within 5 feet of a drive thorough lane, and may not be located within front or side setback areas as required by Chapter 35, Zoning.**
3. Variations from signage requirements. The City Council may authorize variations from the standards of Section 3-4.A when reviewing applications for a special exception permit.
- B. Signs for uses authorized in residential districts. On premise signs in the RU, RC, RS-1, RS-2, RS-3, RS-4, RD, RA-1, RA-2, and N-O districts may be erected or constructed after the effective date of this chapter which conform to the provisions of this chapter. (Ord. No. 15009, §1, 9-17-2012)
1. On-premise signs for uses listed as a permitted, conditional, or special exception use in RU, RC, RS-1, RS-2, RS-3, RS-4, RD, RA-1, and RA-2 districts (excluding day care homes, day care services, single family homes, duplex, triplex, group homes, and community residences) shall be allowed as follows:
 - a. One non-illuminated building mounted sign may be displayed with a maximum size of twelve (12) square feet of sign area, except for uses specified in paragraphs b. and c. below.
 - b. Churches and apartment developments consisting of 16 or more units may display one (1) building mounted or freestanding sign with maximum area of twenty-four (24) square feet. The sign shall be non-illuminated.
 - c. Schools (as defined in Chapter 35) may display building mounted or freestanding signs. Maximum area of total signage shall not exceed one (1) square foot of signage for each ten (10) feet of street frontage.

- d. Height. Maximum height of building mounted signage in residential districts shall be 20 feet as measured from the grade below the sign. Maximum height of freestanding signage in residential districts shall be 10 feet as measured from the ground at the base of the sign.
 - e. The City Council may grant additional sign area or freestanding signage when reviewing an application for a special exception permit.
 - f. The Board of Adjustment may grant additional sign area or freestanding signage when reviewing an application for a conditional use permit.
 - g. Uses listed as a permitted use in the residential districts may apply to the Board of Adjustment for additional sign area or freestanding signage; such application shall be processed as a conditional use permit.
 - h. Single family homes, duplexes, triplexes, group homes, and community residences are not permitted signage under section 3-4.B.
- 2. N-O Districts. The maximum allowable sign area in a N-O Zoning District shall be 4 square feet, which shall be attached to the building. Nonresidential uses in the N-O district may apply to the Board of Adjustment for additional sign area or freestanding signage; such application shall be processed as a conditional use permit.
 - 3. Permitted Home Occupations shall be allowed signage as provided in Chapter 35 of the Code of the City of Jefferson. For the purposes of signage, day care homes and day care services shall be considered home occupations.
- C. Signs in PUD zoning districts. The location, size and character of on-premise signs in the PUD District shall be established by the Planning and Zoning Commission and the City Council in the Site Plan review and approval process.
- D. Signs for uses authorized in the C-3 Central Commercial District. On premise signs in the C-3 district shall be allowed as follows:
- 1. There may be erected or constructed after the effective date of this chapter wall signs, projecting signs, post signs, ground signs, awning signs, canopy signs, directional signs, and marquee signs located on the premises of any business which conforms to the provisions of this chapter. The sign area of all signs shall not exceed one and one half square feet of sign area for each one front of frontage on any street or highway adjacent to the premises. Frontage on public alleys and municipal parking lots shall be included in the maximum sign area calculations only when the business establishment has its only public entrance onto the alley or lot. ~~The square footage of on-premise directional signs which contain no symbolic or textual advertisement shall be excluded from the maximum allowable sign area. Advertising signs painted on or attached to the inside or outside of windows shall be included in the maximum allowable sign area.~~ **Window signs shall not be included in the maximum allowable building mounted signage area. A maximum of fifty percent (50%) of the total window area of a façade (individual business façade in the case of a multi-tenant building) may be covered in window signage. A sign permit is not required prior to placement of window signage displayed in compliance with this Chapter.**
 - a. Awning and canopy signs. Advertising signs, symbols or emblems may be placed on any part of an awning or canopy which has been constructed in accordance with the Jefferson City Building Code. Only the image or message area on the awning shall be included in the maximum allowable sign area. If an awning, when extended, obliterates the view of a wall sign, the area of the obliterated wall sign need not be included in the maximum allowable sign area.
 - b. No post sign shall be erected or constructed, after the effective date of this chapter, if

after the erection or construction of such sign there will be more than one post sign for each one hundred feet of frontage along any street or highway adjacent to the premises provided however, every premises shall be entitled to at least one post sign. No post sign shall exceed thirty-two feet in height as measured from the ground at the base of the sign or from the grade level of the adjacent street or highway centerline, whichever is higher.

- c. Projecting signs. Projecting signs may be erected on any building; however, such signs shall not extend more than one foot into any public right-of-way and must be at least nine feet above the surface adjacent to the building. Projecting signs may extend not more than six and one-half feet into any front, side or rear yard.
2. Additional Signs in C-3 District. In the C-3 district, the City Administrator, or his designee, may grant special permission for one additional sign, not to exceed four square feet, to any property which meets the requirements of this section.
 - a. The sign may be any color but may not be florescent. The sign may be made of Sign Foam or wood, and shall be no less than 3/4 inches thick nor more than 2 inches thick.
 - b. Sign may not obscure architectural details such as transoms or arches.
 - c. Sign must be at least 8 feet above the sidewalk, and not more than 9 feet above the sidewalk, measured at the lowest point of the sign. Sign must not obstruct pedestrian traffic. Sign may not project out more than four (4) feet from the front of the building. The front of the building shall not include any projections from the plane of the building measured from the point where the building meets the sidewalk. The bracket supporting the sign shall be black in color, with a wrought iron finish, made of aluminum, affixed rigidly to the sign on the top and one side so that the sign does not swing, and of a standard design as designated by the City Administrator.
 - d. Sign may not be attached to any metal facade.
 - e. Only one sign shall be permitted for any building.
 - f. The City Administrator may refuse to grant permission for any sign which in his opinion is not consistent with the overall image of the neighborhood or which would be detrimental to the use of the sidewalk.

(Code 1977, § 3-4; Ord. No. 10719, § 1, 9-15-86; Code 1983, § 3-4; Ord. No. 11288, § 1, 8-21-89; Ord. 14153, §1, 2-5-2007)

Section 4. Chapter 3 (Advertising and Signs) Section 5 (Certain Signs Prohibited) is amended as follows:

Sec. 3-5. Certain Signs Prohibited.

- A. **All signs are prohibited unless specifically authorized in this chapter, maintained in accordance with this chapter, and constructed pursuant to all required permits, if such permit is required.**
- B. **The prohibition noted above includes but is not limited to:** ~~After the effective date of this chapter, there shall be erected, constructed or exhibited none of the following:~~
 1. Off-premise signs unless it is in conformity with Chapter 3 Article II of the Code of the City of Jefferson. (Ord. 14237, §3, 8-6-2007)
 2. Flashing signs

3. Advertising devices
4. Paper posters applied directly to a wall, pole, fence or building surface
5. Signs painted directly on a wall, fence or building surface
6. Portable or temporary signs other than those specifically permitted herein
7. Signs which imitate or appear to imitate any official traffic sign or device or which appear to regulate or direct the movement of traffic or which interfere with the proper operation of any traffic sign or signal
8. Signs placed on areas of public ownership including street rights-of-way and public sidewalks except that a projecting sign may extend no more than twelve inches from a building over a public sidewalk
9. Any sign on which the illuminating or lighting device is so placed as to reflect or shine directly into the adjacent highways or streets in such a manner as to hamper the vision of a motor vehicle operator thereon
10. Moving signs
11. Roof signs when the roof sign is not contained within the silhouette of the building
12. Wall signs the uppermost part of which is more than thirty-two feet above grade
13. ~~Business, company, or any other non-governmental~~ **Flags displayed on roof-mounted flag poles, unless in conformance with Section 3-7 regarding roof mounted signs in the C-3 zoning district.**
14. **Beacons**
15. **Advertising Flags**
16. **Inflatable devices, except that inflatable devices are permitted in the RS, RD, and RA zoning districts during the period from November 1 to January 31.**

(Code 1977, § 3-5; Ord. No. 10719, § 2, 9-15-86; Code 1983, § 3-5; Ord. No. 11288, § 1, 8-21-89; Ord. No. 12542, § 2, 10-21-96; Ord. No. 14237, §3, 8-6-2007)

Section 5. Chapter 3 (Advertising and Signs) Section 6 (Temporary Signs) is amended as follows:

Sec. 3-6. Temporary signs.

- A. Purpose. This section allows a property owner to place temporary signs on their property during certain time periods and allows the property owner to select whatever message the owner chooses during those periods. This provision complies with both Reed v Town of Gilbert and City of Ladue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36, 1994 U.S. LEXIS 4448, 62 U.S.L.W. 4477 (U.S. 1994) as it allows a property owner the ability to make use of the property for free expression but in a manner designed to reduce clutter and advance aesthetic interests of the community without any content based limitations.**
- B. Standards applicable to all temporary signage.**
 - 1. Temporary signs shall only be placed on a property by the property owner or after authorization by the property owner.**
 - 2. Temporary signs shall not be located upon public right-of-way or street right-of-way.**

3. Temporary signs shall not conflict with visual clear zone regulations outlined in Section 35-55 of the Zoning Code.
4. Temporary signs shall be kept in good repair, free of tears and securely affixed.
5. Temporary signs shall not be lighted.
6. Temporary signs located on the outside of buildings shall be regulated as temporary signs. Temporary signs located upon windows shall be regulated as window signs (window signs are regulated by Section 3-4.A.1.e or 3-4.D.1, as applicable).
7. A sign permit is not required prior to placement of temporary signage that is displayed in compliance with this Chapter.
8. Temporary signs located on a property without authorization of the property owner or otherwise in conflict with this Chapter shall be removed immediately upon notice to the business owner or owner of the sign. If the owner of the offending sign cannot be identified or located, the sign is deemed abandoned and may be removed in accordance with Section 3-13.C.1. Temporary signs located on public right-of-way may be removed immediately in accordance with Section 3-13.C.2.
9. PUD Districts. Temporary signage allowances for property zoned PUD shall be determined based on the underlying zoning district outlined within the PUD Plan or most applicable district based on approved uses as determined by the Director.

C. Temporary Signs are permitted as follows:

1. Commercial and Industrial Districts. In the C-O, C-1, C-2, C-3, M-1 and M-2 districts, temporary signs are permitted as follows:
 - a. Temporary Signs. One (1) temporary sign is permitted for a property plus one additional temporary sign for each business located on the property up to a maximum of five (5) additional signs. Each temporary sign shall have a maximum size of five (5) square feet and may be a yard sign, sandwich board sign or affixed to a building or accessory structure.
 - b. Banners. A property is permitted one (1) freestanding or two (2) building mounted banners with a maximum size of twenty-five (25) square feet each. Banners or temporary signs attached to a freestanding sign structure shall be considered a freestanding banner sign, and when affixed back to back or affixed to each side of a back to back sign structure shall be considered a single banner sign.
 - c. Additional temporary signs during specific time periods. A property is permitted an additional two (2) temporary signs, per property frontage on a public street, of a maximum size of twenty five (25) square feet each for a period of thirty (30) days prior to a Federal, State, or Local election that represents the district in which the property is located. Such temporary signs shall be made of cardboard, plastic, or plywood, and shall not be a banner.
 - d. The temporary signs permitted by this section may be used for purposes of advertising the property for sale, open house, holiday signage, temporary construction sign, election signs, or any other message as outlined in Section 3-6.A.
2. Residential Districts. In the RU, RC, RS-1, RS-2, RS-3, RS-4, RD, RA-1, RA-2, and N-O districts, temporary signs are allowed as follows:
 - a. A maximum of two (2) temporary signs are permitted per property.

- b. Additional temporary signs during specific time periods. An additional two (2) temporary signs are permitted per property for a period of thirty (30) days prior to a Federal, State, or Local election that represents the district in which the property is located.**
- c. The maximum size of each temporary sign in residential districts shall be five (5) square feet. The temporary signs may be yard signs, signs affixed to a building, or signs placed on the inside of a window. The signs may be used for purposes of advertising the property for sale, open house, holiday signage, temporary construction sign, election signs, or any other message as outlined in Section 3-6.A.**
- d. Temporary signage allowances for specific uses. In addition to the temporary signage permitted by Section 3-6.C.2, the following uses (when located in a residential district) are permitted one (1) freestanding or two (2) building mounted banners or temporary signs with a maximum size of 25 square feet each. Banners or temporary signs attached to a freestanding sign structure shall be considered a freestanding banner sign, and when affixed back to back or affixed to each side of a back to back sign structure shall be considered a single sign.**
 - 1. Apartment developments consisting of 16 or more units.**
 - 2. Churches**
 - 3. Schools**
 - 4. Cemeteries**
 - 5. Government owned or operated buildings**

Temporary signs are allowed as follows:

- ~~A. Temporary signs advertising the sale, lease, or future use of the property on which such sign is located may be maintained provided they are removed within thirty days after the sale, lease, useful occupations or the consummation of the disposition sought. The maximum size of such signs shall be as follows:

 - ~~1. In rural and residential districts such temporary signs shall not exceed eight square feet.~~
 - ~~2. In commercial districts such temporary signs shall not exceed sixty-four square feet.~~
 - ~~3. In manufacturing or industrial districts such signs shall not exceed one hundred twenty-eight square feet.~~~~
- ~~B. Temporary business signs on the site of parking lots or service stations, either portable or temporarily attached to a building, pole or other structure, provided that no business establishment may have more than one such temporary sign exhibited on its premises at any time and no such sign shall exceed twelve square feet in size.~~
- ~~C. Temporary political signs may be erected prior to the election to which they pertain but only after certification of the ballot and shall be removed within seven days after the election. The owner of the property on which political signs are located shall be responsible for removal of the signs. The maximum size of such signs shall be as follows:

 - ~~1. In rural, residential and Planned Unit Development zoning districts such temporary political signs shall not exceed five square feet.~~
 - ~~2. In commercial districts such temporary signs shall not exceed sixty-four square feet.~~
 - ~~3. In manufacturing or industrial districts such signs shall not exceed one hundred twenty-eight~~~~

square feet.

~~D. Temporary Event Signs. Other provisions of this chapter not withstanding, temporary event signs may be erected in connection with a specific event under the following conditions:~~

- ~~1. The sign must be erected by an association which has been organized for at least two years and with at least twenty five dues paying members.~~
- ~~2. The sign may only be erected for a maximum of three days, with at least four days between each placement.~~
- ~~3. The sign may only advertise the event, and may not advertise any specific business, individual, or organization.~~
- ~~4. Temporary event signs may not be placed more than four blocks from the perimeter of the event site~~
- ~~5. Temporary event signs may not be larger than eighteen inches by 24 inches (18" x 24")~~
- ~~6. Temporary event signs may not be placed without the consent of the property owner~~
- ~~7. No less than one week prior to placing the temporary event sign, a permit must be obtained from the Director of Planning and Protective Services or his designee. Before issuing the permit the Assistant Director of Planning and Protective Services shall verify that the sign(s) comply with this section and that the applicant meets the eligibility requirements. A fee of \$20.00 dollars shall be charged for the permit for the first placement of the sign(s) during any calendar year and an additional \$5.00 for each subsequent placement in the calendar year.~~
- ~~8. Event signs which otherwise comply with the provisions of this section may be placed in City tree wells, on such reasonable conditions as the City may require provided that the underlying or adjacent property owner also consents to such placement. Placement on other public right of-way shall not be allowed.~~

Section 6. Chapter 3 (Advertising and Signs) is amended by relocating the language in Chapter 3 section 6.E to new section 3-43 (Temporary Event Banners Over Streets) with amendments as follows:

~~E. Section 3-43 Temporary Event Banners Over Streets, other than on utility poles.~~

Other provisions of this chapter not withstanding, temporary event banners may be erected in connection with a specific event across public streets subject to the following conditions:

1. Banner may not be attached to a light or utility pole.
2. Permission must be obtained from the property owners on either side of the street where the banner crosses the street.
3. Erection of the banner shall be subject to obtaining permission of the Director of ~~Planning and Protective Services~~ **Public Works** or his or her designee who may impose conditions as to height, materials, and manner of construction.
4. Banner may be up for a period of no more than four days and may not be put backup for three days.
5. The temporary event banner must be erected by an association which has been organized for at least two years and with at least twenty-five dues paying members.
6. The temporary event banner may only advertise the event, and may not advertise any specific

business, individual, or organization.

7. The temporary event banner must not interfere with traffic if it is to be maintained at times when traffic is passing under it.
8. No less than one week prior to placing the temporary event banner, a permit must be obtained from Director of ~~Planning and Protective Services~~ **Public Works** or his or her designee. Before issuing the permit the ~~Assistant Director of Planning and Protective Services~~ **Director of Public Works** shall verify that the banner complies with this section and that the applicant meets the eligibility requirements. A fee of \$20.00 dollars shall be charged for the permit for the first placement of each banner during any calendar year and an additional \$5.00 for each subsequent placement in the calendar year.

Section 7. Chapter 3 (Advertising and Signs) is amended by relocating the language in Chapter 3 section 43 to new section 3-44 (Exceptions) with amendments as follows:

Section 3-43 44. Exceptions.

The banners listed in this article are not subject to the definitions of banners or advertising devices in Section 3-2, ~~Section 3-5, or Section 3-22(A)~~ of the Code of the City of Jefferson.

(Ord. 13429, §1, 8-19-2002)

Section 8. The Title of Chapter 3 (Advertising and Signs) Article IV (Banners on Utility Poles) is amended as follows:

ARTICLE IV. BANNERS ON UTILITY POLES OR OVER STREETS

Section 9. Chapter 3 (Advertising and Signs) Section 7 (Flags) is amended as follows:

Sec. 3-7. Flags.

A. Standards applicable to all flags.

- 1. Roof mounted flags or flagpoles are not permitted, except in the C-3 Central Commercial district as outlined in Section 3-7.B.4.d. Building mounted flags shall not protrude above the eave of a building.**
- 2. Permit Requirements.**
 - a. A sign permit shall be required prior to placement of a flag in a Commercial or Industrial district.**
 - b. A sign permit is not required prior to placement of a flag in a Residential district.**
 - c. A building permit is required prior to erection of a flagpole, in accordance with Chapter 8, Buildings and Building Regulations, and Chapter 35, Zoning, of the City Code. Flagpoles shall be set back from property lines in accordance with applicable setback regulations for accessory structures outlined in Chapter 35, Zoning.**
- 3. PUD District. Permitted flags for property zoned PUD shall be determined based on**

the underlying zoning district outlined within the PUD Plan or most applicable district based on approved uses as determined by the Director.

B. Commercial and Industrial districts. Flags are permitted in the C-O, C-1, C-2, C-3, M-1 and M-2 districts as follows:

- 1. A property in a commercial or industrial district may display a maximum of three (3) flags.**
- 2. Flags in commercial districts shall be either affixed to a permanent ground mounted flagpole or affixed to a primary structure. Flags shall not be affixed to sign structures or other accessory structures.**
- 3. Building mounted flags. Flags affixed to a primary structure shall be either attached flush with the side of the structure or attached to a pole mounted on the side of the structure with the pole height not to exceed five (5) feet greater than the height of the flag. The area of a building mounted flag shall be included in the permitted sign area of the building. Building mounted flags shall not protrude above the eave of a building.**
- 4. Flags displayed in commercial districts shall meet the following standards.**
 - a. Flagpole height. The height of a flagpole shall be as follows: Minimum height of twenty (20) feet. Maximum height of 75 feet.**
 - b. Flagpole location. In accordance with setback regulations for accessory structures as outlined in Chapter 35, Zoning.**
 - c. Flag size. Flag sizes, represented as height of flag from grade beneath the flag and measure of dimensions of flag size represented as vertical measurement of flag x horizontal measurement of flag, as flag is displayed, shall be as follows:**

FLAG HEIGHT MINIMUM FLAG SIZE MAXIMUM FLAG SIZE

<u>30' or less</u>	<u>3' x 5'</u>	<u>6' x 10'</u>
<u>40'</u>	<u>4' x 6'</u>	<u>8' x 12'</u>
<u>50'</u>	<u>6' x 10'</u>	<u>10' x 15'</u>
<u>60'</u>	<u>10' x 15'</u>	<u>15' x 25'</u>
<u>75' or higher</u>	<u>12' x 18'</u>	<u>20' x 30'</u>

- d. Roof mounted flags and flagpoles are permitted in the C-3 Central Commercial district as follows:**
 - i. A building with a minimum height of three (3) stories, not including floors below grade, is permitted one roof mounted flag. Buildings less than three (3) stories in height are not permitted roof mounted flags.**
 - ii. Flag height shall not exceed a height of one hundred forty (140) feet as measured from the ground elevation at the intersection of High Street and Madison Street.**

C. Residential districts. Flags are permitted in the RU, RC, RS-1, RS-2, RS-3, RS-4, RD, RA-1, RA-2, and N-O districts as follows:

- 1. A property is permitted to display a maximum of two (2) flags.**
- 2. Flags in residential districts shall be either affixed to a permanent ground mounted flagpole or affixed to a primary structure.**

3. Flags displayed in residential districts shall meet the following standards.

- a. Flagpole Height. The maximum height of a flagpole in a residential district shall be 25 feet.**
- b. Flagpole Location. Flagpoles shall be located in accordance with setback regulations for accessory structures as outlined in Chapter 35, Zoning.**
- c. Size of flag. The maximum dimensions of a flag in a residential district shall be 4'x6'.**

~~In any district there may be displayed any city, county, state, national, United Nations, military or governmental flag and organizational flags, and in commercial and industrial districts not more than two other official business or organizational flags may be displayed.~~

~~A. In the C 3 Central Commercial District no flagpole shall exceed a height of one hundred forty feet measured from the High and Madison Street elevation. In all other districts no flagpole shall exceed a height of seventy five feet above ground level.~~

~~B. Flag size shall be limited as follows:~~

<u>FLAGPOLE HEIGHT</u>	<u>MAXIMUM FLAG SIZE</u>
30'	6' x 10'
40'	8' x 12'
50'	10' x 15'
60'	15' x 25'
75' or higher	20' x 30'

~~C. The area of a flag flown on a pole mounted on top of a building in the C 3 District shall not exceed five percent of that building's largest facade which fronts on the street, or the area listed in subsection B., whichever is larger.~~

~~D. The design and construction of flagpoles shall comply with all applicable codes. No flagpole shall be erected or installed without first obtaining a building permit.~~

~~E. The United States flag and the Missouri state flag shall be excluded from the maximum allowable sign area; however, business, company, institutional and any other non governmental flags shall be included in the total allowable signage of a premises.~~

~~(Code 1977, § 3-7; Code 1983, § 3-7; Ord. No. 11288, § 1; 8-21-89)~~

Section 10. Chapter 3 (Advertising and Signs) Section 10 (Permits) is amended as follows:

Sec. 3-10. Permits.

A. Permit Required. After the effective date of this chapter, any person, firm or corporation shall obtain a **sign** permit before erecting, ~~or~~ constructing, **replacing or modifying** any permanent sign. The Electrical Inspector shall inspect all exterior and interior electrical signs that use 110 volts or more for compliance with the Jefferson City Electrical Code. The permits shall be obtained from the Department of Planning and Protective Services after the payment of the fee(s). Fees shall be as set forth in Appendix Y.

B. Exceptions.

1. Changing of tenant panels within an existing legally permitted sign shall not require a permit. Removal and/or replacement of any portion of a sign structure other than the

- individual tenant panel shall require a permit.
2. Window Signage. A sign permit is not required prior to placement of window signage displayed in compliance with this Chapter.
 3. Temporary Signage. A sign permit is not required prior to placement of temporary signage that is displayed in compliance with this Chapter.

Section 11. Chapter 3 (Advertising and Signs) is amended by relocating the language in Chapter 3 section 22 to new section 3-13 (Enforcement, Violations and Penalty) with amendments as follows:

~~Sec. 3-22. Enforcement, Violations and Penalty.~~

Sec. 3-13. Enforcement, Violations and Penalty.

- A. Enforcement by the Building Official. In case any sign or advertising device or structure is erected, constructed, reconstructed, altered, converted, or maintained in violation of this chapter or other regulations made under the authority conferred hereby, the Building Official shall institute proper action or proceedings:
 1. Prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use;
 2. Restrain, correct or abate such violation; or,
 3. Prevent any such illegal act, conduct or use.
- B. Appeal of Decisions of the Building Official.
 1. Where it is alleged there is an error in any order, requirement, decision or determination made by the Building Official, any aggrieved person may appeal the order, requirement, decision, or determination to the City Administrator or his designee. The order of the building official shall be stayed during the appeal to the City Administrator.
 2. Any person aggrieved by the decision of the City Administrator or his designee may appeal the order, requirement, decision, or determination to the Board of Adjustment in accordance with the provisions of Sec. 35-80 of the Jefferson City Code of Laws. During the pendency of any appeal to the Board of Adjustment, any sign or advertising device or structure permanently affixed shall be covered so as not to display any message. If the sign or advertising device or structure may be removed without damage, it shall be removed during the pendency of the appeal.
- C. City's right to remove illegal sign, procedures to be followed.
 1. Notwithstanding the requirements of section A above, if the Building Official shall find that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, is abandoned or maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the permittee or property owner thereof. If the permittee or property owner fails to remove or alter the sign or advertising structure so as to comply with the standards herein set forth within a reasonable time specified in such notice, such sign or other advertising structure may be removed or altered to comply by the Building Official; any expense incidental to such removal or alteration shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property.
 2. Any sign located in the right of way which has not received permission from the City Council for location in the right of way shall be immediately removed and may be

destroyed as an abandoned sign.

- 3.** The Building Official may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily without notice. Such signs or other advertising structures are hereby declared to be a public nuisance. When any sign is removed summarily without notice, the owner or lessee thereof shall have the right to a post-seizure administrative hearing to determine whether there was probable cause to remove the sign.
- D. Penalties. The owner or general agent of a building or premises where a violation of any provision of this chapter has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or general agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be deemed guilty of a code violation for each and every day that said violation continues after due notice as provided hereinafter. Before issuance of a summons to Municipal Court it shall be the duty of the Building Official to afford the offending party notice of the specific complaint by United States Certified Mail or by personal service, giving said person at least three days' notice of his or her violation(s) or anticipated violation(s) and order the correction of the violation.
- E. Nothing contained herein shall prevent the city from taking such other lawful actions as may be necessary to prevent or remedy any violation.

(Ord. No. 14790, §1, 5-16-2011; Ord. No. 14790, §1, 5-16-2011)

Section 12. Chapter 3 (Advertising and Signs) is amended by the deletion of Section 3-21 (Rules and Regulations) subsection B as follows:

~~B. Penalties. The owner or general agent of a building or premises where a violation of any provision of this chapter has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or general agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each and every day that said violation continues after due notice as provided herein, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each and every day that such violation shall continue. Any person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten days after such service or shall continue to violate any provision of the regulations made under authority of this chapter in the respect named in such order, shall also be subject to a civil penalty of Two Hundred Fifty Dollars (\$250.00).~~

~~Nothing contained herein shall prevent the city from taking such other lawful actions as may be necessary to prevent or remedy any violation.~~

Section 13. Chapter 3 (Advertising and Signs) is amended by the addition of a new section 3-45 (Ownership):

Section 3-45. Ownership.

The City of Jefferson shall be the owners of any banners placed pursuant to this article but the City Administrator shall be authorized to gift the banners back to the donor upon their removal.

Scrivener's Note, update reserved sections as follows: Secs. ~~3-46~~ – 3-99. Reserved.

Section 14. Chapter 3 (Advertising and Signs) is amended with the replacement of the term "Building Official" with the term "Director" in all instances.

~~Building Official~~ **Director**

Section 15. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Passed: _____

Approved: _____

Presiding Officer

Carrie Tergin, Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Counselor

Scrivener's Note: Inserted text shown as **thus**. Deleted text shown as ~~thus~~.