

BILL NO. 20-031

ORDINANCE NO. 19117

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO OFF-PREMISE ADVERTISING.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, a public hearing, having been held by the Planning Commission on April 14, 2020, and by the City Council on May 18, 2020, it is the desire of the City Council to adopt this amendment to the Unified Development Ordinance; and,

WHEREAS, this proposed amendment revise Sections 14-406;

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

SECTION 1. That Section 14-406 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-406-01 APPLICABILITY

Off-Premise advertising is permitted in the C-2, C-3, and ~~M-1~~ I-1 districts, subject to the requirements of this section. Off-premise signs that exceed 32 square feet in area require special use permit approval. For off-premise signs of 32 square feet or less, see Section 14-504-15.

(History: Ordinance No. 17832)

14-406-02 LOCATION

Billboards may only be located on platted parcels and not the right-of-way. Billboards are allowed only Private property only adjacent to streets on the City's Thoroughfare Plan designated as a 'Divided Highway', 'Highway', and 'Arterial-Major' except the following: but excluding the Little Blue Parkway, Valley View Parkway and Jackson Drive.

14-406-03 SETBACKS

14-406-03-A. GENERALLY - Each billboard shall have minimum setbacks of (a) at least 90 25 feet from its nearest edge to the right of way and all property lines, and (b) at least 90 feet ~~from all property lines and~~ from all roofed structures, from all points of the billboard.

14-406-03-B. FROM HIGHWAY INTERCHANGES AND BRIDGES - No billboard shall be located adjacent to or within 1,000 500 feet of any interchange, intersection at grade, ~~or bridge approach~~. Said 1,000 500 feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way or if there is no pavement widening, then from the midpoint of the intersection. and from the beginning of the bridge deck.

14-406-03-C. FROM RESIDENTIAL PROPERTY AND PUBLIC AREAS - No billboard shall be located within ~~1,000~~ **500** feet of land ~~zoned~~ **utilized** for residential use or ~~utilized~~ for public activity purposes such as schools, parks, playgrounds, hospitals, and churches.

14-406-04 LIGHTING

14-406-04-A. GENERALLY - External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street, highway or adjoining properties.

14-406-04-B. MAXIMUM LEVELS - The maximum average lighting intensity level for such billboard shall be 20 foot candles at the light source.

14-406-04-C. PROHIBITED - No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any billboard. No flashing, intermittent, or moving light or lights shall be permitted. No billboard shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal. Nor shall the illumination be directed toward any residential area. The lights shall not be of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.

14-406-05 DIGITAL BILLBOARDS

In addition to those regulations established for general billboards in this section, the following regulations shall also apply to digital electronic billboards.

14-406-05-A. DISPLAY - Digital billboards may utilize the multiple advertisement display format that allows the digital sign face to change, immediately, from one scene or advertisement to another. Each scene or advertisement shall be displayed for a minimum of eight seconds before changing to another so as not to simulate a moving display.

14-406-05-B. INTENSITY - Digital billboard intensity of illumination shall be established by the Director at the time of installation and may be adjusted periodically at the Director's request so as not to interfere with the enjoyment of adjacent uses or impair the vision of the driver of a motor vehicle on any portion of the street or highway. The Director's decision may be appealed to the City Council with such documentation necessary to support such appeal.

14-406-06 MAXIMUM SIGN AREA

Billboards adjacent to a 'Divided Highway' shall not exceed 750 square feet in area. Billboards adjacent to 'Highway' and 'Arterial-Major' streets shall not exceed 350 square feet in area. Billboards shall have a maximum length of 60 feet, and a width of 30 feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members. The maximum size limitations shall apply to each side of a billboard structure, and billboards may be placed back to back, double faced, or in V-type construction with not more than two displays to each facing, but sign structure shall be considered as one billboard

14-406-07 SPACING REQUIREMENTS

14-406-07-A. MINIMUM DISTANCE - All billboards hereafter erected shall not be less than 1,200 feet on the same side of the roadway from any other billboard where such sign is adjacent to a divided highway or highway, and provided that an off-premise advertising sign adjacent to an arterial street shall not be less than 500 feet from any other existing billboard sign.

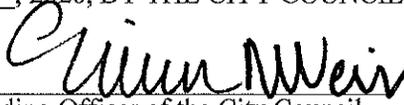
14-406-07-B. MEASUREMENT METHOD - The measurement in this section shall be minimum distances between billboard structures measured along the nearest edge of the pavement between points directly opposite the billboard along each side of the highway and shall apply only to billboard structures located on the same side of the street or highway involved.

14-406-08 HEIGHT

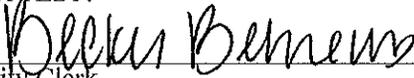
The maximum height of each billboard shall be approved as part of the Special Use Permit. Each billboard shall have a maximum height, measured from the ground to the bottom of sign face of such billboard, of 35 feet. In addition, the applicant for permit shall present documentation to the reasonable satisfaction of the Director of Community Development that the applicant has secured the legally enforceable right to prevent the erection of structures within the setback zones. No City building permit shall be issued for construction of any building within the setback/clearance zone for any billboard.

SECTION 2. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.”

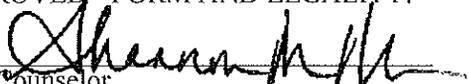
PASSED THIS 18th DAY OF May, 2020, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.


Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:


City Clerk

APPROVED - FORM AND LEGALITY:


City Counselor

REVIEWED BY:


City Manager

NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.