

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager ^{MEM}
SESSION DATE: June 20, 2011
TIME: 4:30 pm
PLACE: Second Floor Conference Room

AGENDA:

- **COMPREHENSIVE ANNUAL FINANCIAL REPORT**
- **SIGN CODE REVIEW**
- **SIGN MANAGEMENT AND 2009 MUTCD**
- **CELL TOWER**
- **RADIO SYSTEM**
- **REVIEW NEWSLETTER (includes miscellaneous topics)**

COMPREHENSIVE ANNUAL FINANCIAL REPORT

The Comprehensive Annual Financial Report (CAFR) is a thorough and detailed presentation of the City's financial condition. It's a report on the City's activities and balances for each fiscal year. The CAFR was established as local government's complete accounting record starting in the mid 1940s through the efforts of the Government Finance Officers Association (GFOA) and became mandatory by Federal requirement on all local governments in 1978. Unlike a budget, a CAFR is complete record of assets, investments and gross income from all sources of the City.

Each of you will be presented with the City's Comprehensive Annual Financial Report (CAFR) for the year ending December 2010. This report provides a 12 month representation of the City's financial activity. To view this document prior to Monday, go to http://www.kirksvillemcity.com/filestorage/72/122/2606/Kirksville_CAFR.2010.pdf

The CAFR is prepared in conformance with generally accepted accounting principles and audited in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The City contracted with a new audit firm, Hochschild, Bloom & Company from Chesterfield, MO. On Monday, Mike Williams, a partner with Hochschild, Bloom & Company will be in attendance to discuss the audit and recommendations from the management letter. Laura Guy will be presenting the Council with the 2010 CAFR to the City.

Once the City Council completes its review on Monday, the resulting CAFR will be presented to the GFOA, which conducts each year a review of applicant local government CAFRs and upon review awards their Certificate of Achievement Award for Excellence in Financial Reporting to those local governments that are in compliance

with their CAFR accounting standards of preparation. The City, through the leadership of the Finance Director has been successfully recognized by GFOA for many years.

Recommendation – The City Council will have an opportunity to receive a report from the auditors and review the various components of the CAFR. If the Council wishes, Mr. Williams could make a brief presentation at the City Council meeting.

SIGN CODE REVIEW

In early 2000, the City Council established an ad hoc committee assigned the task of developing a sign code. After much work, the Committee completed its work and presented an ordinance to the City Council that created a Sign Code. This ordinance was adopted by the City Council in December 2001.

Since its adoption, there have been two additional reviews. The first re-activated the ad hoc committee, who completed an extensive review which resulted in a major overall of the original ordinance and the City Council adopting this revised ordinance in June 2005. Additional changes were made in 2006, as a result of citizen concerns over spotlights in the downtown. As a result spotlights were banned in the downtown area.

For the past five years, the City has been working with the existing ordinance. During that time there have been questions raised regarding the reasons for certain provisions of the ordinance. Most recently, a new business located to Kirksville and intended to place a sign to let passing traffic know the business was in town. The sign code would not allow a sign. In addition to questions regarding the intent and purpose, staff has struggled with the overall structure of the ordinance, not necessarily the content, but how the ordinance was laid out.

Codes and Planning Director, Brad Selby has worked on revisions to the existing sign code. We would like to review the proposed changes with the Council, and pursue the implementation of the changes as quickly as possible.

Recommendation – Review the staff report from Brad Selby and the proposed changes to the sign code.

SIGN MANAGEMENT AND 2009 MUTCD

Since we were discussing signs, it seemed appropriate to give the City Council an update on the Manual on Uniform Traffic Control Devices, or MUTCD. This manual defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. Because they are nationwide standards, it is important to retain as many of the standards as possible, so long as we can afford to do so.

The new standards were issued at the end of 2009. States are required to approve the standards within two years. By January 2012 all agencies, including Kirksville, must establish and implement a sign maintenance program addressing the minimum sign retroreflectivity requirements.

It is our goal to meet the requirements as outlined by the MUTCD standards with the first deadline of December 2011.

In addition to discussing the standards and requirements placed on the City, the City Council may want to discuss the request made on behalf of Truman State University, to consider replacing the existing green and white street signs with purple street signs around campus. Apparently the University of Missouri (yellow and black) has been given the green light to change the street named signs and the city of Canton has allowed street named signs to represent the school (red and black). The colors they are using are not specifically prohibited by the MUTCD.

We have offered a different option that would allow the distinction of the campus boundary and allow us to maintain the standards. Section 2F.03 of the MUTCD specifically states – Except as provided in Sections 2F.12 and 2F.16, (which have to do with toll roads) purple as a background color shall be used only when the information associated with the electronic toll appropriate ETC account is displayed on that portion of the sign. Purple shall not be used as a background color to display a destination, action message, or other legend.

Recommendation – It is recommended that staff give an overview of the requirements of the MUTCD as they relate to the City, and that the City Council discuss if you wish to make any allowances for special colors for city street signs.

CELL TOWER

In 2004, the City's Telecommunications began discussions regarding the construction of cell towers within the city limits of Kirksville. The Commission spent some time reviewing sample ordinances, including one from the City of Blue Springs. The issues that were being discussed by the Commission included:

- Should the location of the towers be restricted?
- Should the heights of towers be restricted?
- Should the towers be located next to a residential structure?
- Should companies be required to consider co-location as opposed to constructing a new tower?
- Should companies be required to provide a bond or actual cash to the City in the event the company abandons the tower?

With the increased use of telecommunication devices, and enhancement in technology, there were also questions of whether or not the services could be provided without the construction of a tower that would minimize the adverse affects on the appearance of adjacent property.

After considering the concerns of the Telecommunications Commission, the City Council was not interested in pursuing additional efforts restricting towers.

At a recent Planning and Zoning Commission meeting, where the Commission considered and approved a Special Use Permit for the construction of a new cell tower off of Jamison Street. The Commission raised the question and asked staff to discuss with the City Council.

Included is the Blue Springs ordinance that was being considered by the City.

Recommendation – Brad Selby will be in attendance at the Study Session to visit with the City Council about cell towers/towers in general and whether or not any restrictions should be considered at all.

RADIO SYSTEM

Last October, the City Council learned about the Federal Communication Commission (FCC) established January 1, 2013 deadline for licensees to migrate to narrowband compliant equipment. The Council was given an update at your March 7 Study Session.

Bids were opened in early July. It is our intention to bring a proposal to the August 2 City Council meeting. However, due to the bids that were submitted, some of the additional upgrades will not be possible.

As a reminder, the budget includes \$60,000 lease payment for this project. In addition to this budget amount, we expect to save about \$14,000 due to the elimination of redundancy with the telephone system.

Recommendation – Randy Behrens will provide an update to the City Council and discuss the recommendations that we are wishing to present to the City Council.

REVIEW NEWSLETTER – July 15, 2011(includes miscellaneous topics)

Attachments

- CAFR Staff Report – Laura Guy
- Sign Code Staff Report – Brad Selby
- Proposed Amendments to Sign Code
- MUTCD Staff Report – John Buckwalter
- Cell Tower Staff Report – Brad Selby
- Cell Tower
- Radio System Upgrade Staff Report – Randy Behrens

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Overview of 2010 Comprehensive Annual Financial Report

STUDY SESSION MEETING DATE: July 18, 2011

CITY DEPARTMENT: Finance

PREPARED BY: Laura Guy, Finance Director

Each year, the City undergoes a comprehensive audit of its financial records, financial statements and internal controls over financial reporting for the prior year. The ultimate goal is to achieve an “unqualified opinion” as a result of the audit, which states that the financial statements are presented fairly in all material aspects and that the statements conform to generally accepted accounting principles. The Comprehensive Annual Financial Report (CAFR) is the end product of the audit and not only represents the financial position of the City but also a dedication of many hours of City staff time. Audit preparation actually starts before year-end with the final product presented for auditor review in April. The audit team is generally on-site prior to year-end and then for a week in April examining City records, workpapers and testing of processes. City staff drafts financial statements under auditor oversight, in addition to the CAFR introduction, management discussion and analysis and statistical section. The auditors compile these financial statements, notes, supplementary information and City-prepared documents into one report, known as the CAFR. The CAFR is sent to the Government Finance Officers Association of the United States and Canada (GFOA) for review and evaluation of City eligibility for a Certificate of Achievement for Excellence in Financial Reporting award. The City has been the recipient of this prestigious award for the past 26 years.

The City solicited bids for auditing services in the fall of 2010. For the year ended December 31, 2010, the City had a change in auditing firms to Hochschild, Bloom & Company LLP of Chesterfield, Missouri. Mike Williams, a partner with Hochschild, Bloom & Company LLP, will be in attendance to review the results of the audit with the City Council, including the presentation of the CAFR, single audit report and the recommendations to management.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Sign Code Review

STUDY SESSION MEETING DATE: July 18, 2011

CITY DEPARTMENT: Codes Department

PREPARED BY: Brad Selby, Codes & Planning Director

The Sign Code was last revised in 2005. It has been difficult for people and city staff to easily determine the types and number of advertising signs that can be installed for a business. This revision of the code is intended to primarily make the code easier to understand.

However, some changes are being introduced with this revision. None of these changes are considered a major change to the sign code. We are attempting to clarify some sections that were difficult to interpret. Some of these areas are:

1. Billboard signs are defined more completely on where they can go, and must meet state statute requirements.
2. Banners would now have a time limit of 90 days.
3. Franchise signs required by some companies are allowed if they exceed the normal sign limits.
4. Changes to the signs permitted along the street frontage for an office complex or local shopping center are included.
5. Yard sale signs are defined and includes some regulation on where signs can go.
6. Sign types are more completely defined.
7. Guidelines for advertising signage in the Downtown Kirksville area are presented and intended to guide and inform owners to retain a historic appearance, and are not a regulation.
8. Contractor signs would be allowed in a yard when a contractor is working on a property. Signs would be no larger than 4 square feet.

These types of changes above, revisions to the definitions, and sections laid out by the zoning district are hoped to improve the readability of this code so citizens and sign companies can more easily determine what is allowed for business signage.

ARTICLE XI. SIGNS

Sec. 6-163. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Abandoned sign. Any sign or portion thereof, (~~see definition this section~~) that does not represent any business in whole or in part, is considered to be an abandoned sign.

Attention attracting device. Any flasher or blinker, with a strobe like effect or other object designed or intended to attract the attention of the public to an establishment, which because it is flashing could create a safety hazard.

Awning or Canopy. A ~~structure~~ **fixture** constructed of various materials which projects from the front or surface of a building. ~~The~~ **An** awning may or may not have a message **or signage** on it. If an awning carries an advertising message or symbol or corporate logo, it ~~shall~~ **may** be **counted as considered a facade Wall or Fascia** sign.

Banner. A strip of cloth or other synthetic material that displays or projects a message for an event or product. Banners are normally meant to be used for intermediate events, or advertisement needs.

Billboard or poster panel signs. A freestanding sign structure especially built for the display of characters, letters, or illustrations produced on paper sheets, vinyl, or painting applied directly to the surface or sign structure.

Building code. The current building code adopted by the City of Kirksville.

Canopy. See **Awning**.

Central business district (CBD). An area of the city described as follows: **Beginning at the intersection of Franklin and Patterson streets, then West on Patterson to First street, North on First to Normal street, West on Normal to the old Norfolk and Western Railroad right-of-way, North on the right-of-way to Pierce street, West on Pierce to Osteopathy street, North on Osteopathy to Washington street, East on Washington to the old Norfolk and Western Railroad right-of-way, North on the right-of-way to Missouri street, East on Missouri to Main street, North on Main to Cottonwood street, East on Cottonwood to High street, South on High to Harrison street, East on Harrison to Mulanix street, South on Mulanix to Washington street, East on Washington to Florence street, South on Florence to McPherson street, West on McPherson to Mulanix street, South on Mulanix to Normal**

street, West on Normal to Franklin street, South on Franklin to Patterson street, to the point of beginning. ~~South right-of-way line of Normal Street on the south; west right-of-way line of Osteopathy on the west; east right-of-way of Mullanix Street on the east and the north right-of-way line of Cottonwood Street on the north (see map in this section).~~

Code enforcement officer. The person charged with the administration and enforcement of this ~~chapter~~ **sign code**, or his duly authorized deputy.

Curb line. The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city code official.

Detached sign. Any sign located on the ground or on a structure located on the ground or a pole and not attached to a building. **Often called a Freestanding, Pole, or Pedestal sign.**

***Directly illuminated sign.* Any sign that has a separate lighting source directed upon the face of the sign.**

~~Old Town~~ ***Downtown Kirksville area.*** That area contained within the CBD and further described as follows: The ~~Old Town~~ **Downtown Kirksville area** is ~~an area~~ bounded from the middle of Illinois Street on the north, east to the middle of Marion Street, south to the middle of Jefferson Street, west to **the old Norfolk & Western Railroad right-of-way**, then north to Illinois Street. ~~(See map in this section).~~

Illuminated sign. Any sign that is partially or completely illuminated by use of internal electricity or other lighting source.

***Indirectly illuminated sign.* Any sign that has internal lighting features that direct light through the face(s) of the sign, to illuminate the words or pictures.**

Mansard. A sloping roof which projects from the wall of a building. For purposes of this regulation a mansard having a pitch not exceeding one (1) foot horizontal in three (3) feet vertical shall be deemed a wall. A mansard having a lesser vertical slope shall be deemed as a roof.

Marquee sign. Any sign attached flat against the marquee or permanent sidewalk canopy of a building.

National Electrical Code. The ~~current~~ electrical code that is currently adopted by the City of Kirksville, Missouri as published by the National Fire Protection Association.

Non-illuminated sign. A sign that has no internal or external lighting source to illuminate the sign face.

(3)

Projecting sign. Any sign extending more than one (1) foot from the face of the building to which it is attached or ~~any sign mounted under a canopy or~~ on a wall and having its face approximately at right angles to the face of the building. ~~A time and temperature instrument mounted on the face of a building shall be included in this definition.~~

Roof sign. Any sign erected, constructed and maintained upon or over the roof of a building and using the roof as a principal means of support.

Sandwich board sign. A sign that is so designed to be self-supporting by design. Often times this sign is of the folding type and when collapsed is flat in nature, therefore "sandwiches" together.

Searchlight. An apparatus containing a light source and a reflector for projecting a high-intensity beam or beams of approximately parallel rays of light. A searchlight is considered to be an advertisement or an attention attracting device and is subject to all sign permitting processes.

Sign. Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter contained thereon, which shall include paint on the surface of the building when used for the purposes of advertising. This shall include, but is not limited to pole signs, billboard or poster panels, illuminated signs, marquee signs, roof signs, searchlights, electric signs, wall signs, and projecting signs. Murals shall not be considered signs. Signs normally consists of four (4) types:

(1) **Detached, Freestanding, Pedestal, or Pole sign:** An off-premise sign erected on a freestanding framework supported and affixed by one (1) or more uprights or braces in or upon the ground.

(2) ~~Canopy signs and~~ Projecting signs. A sign affixed to a building or structure not mounted flush with a wall.

(3) Temporary sign. Any sign which may not have any structural support, footing, foundation, pier, pole, grade beam or any other accepted method of frost heave prevention. It may include any sign which is not designated or manufactured to be permanently anchored or affixed to the ground, building or structure, but rather is designed or primarily used as a sign which is moveable from place to place. This shall include, but is not limited to, signs affixed to a trailer or other portable structure, and "A" frame or sandwich signs and yellow-flashing signs. This shall include signs of a material such as cardboard, paper, pressed woods, plastic or metal which is attached to a fence, tree, or temporary structure.

(4) **Wall sign or Fascia sign or Canopy sign.** Any sign attached to and erected parallel to and/or within one (1) foot of the face or wall of a building, including signs painted on the walls of buildings, **or on the vertical flap of an awning or canopy.**

Signboard sign. A type of sign placed under a canopy or awning, advertising the store or business it is in front of. Normally placed at a right angle to the front wall of the store, so that pedestrians can read the store's name.

Sign area. The area of a sign set out in these regulations shall mean the total area of the surface "or face" of the sign. Such signs as projecting, detached and outdoor advertising panels and bulletins may have more than one (1) face, in which case the maximum area allowed herein shall apply to the total face or surface per sign side. The area of the sign, for purposes of these regulations, shall be computed from the dimensions of the entire surface upon which the letters, logo, etc., are placed, except that when individual letters, logos, etc., are mounted individually and directly upon a building wall surface without change in the color or appearance of the wall, the area of the sign shall be deemed to be the rectangle or other geometric form that encompasses the letters, logo, etc. When some question exists as to the area of a sign, the method of computing the same shall be determined by the ~~code administrator~~ **Codes & Planning Director**.

Sign height (how measured). Sign height shall be measured from the average grade level of the land or surface directly beneath the sign that serves the parcel or lot where the sign is located to the highest projection on the sign.

Sec. 6-164. – Where **signs** permitted, **number and types of signs allowed, and sign size.**

(All existing wording of Section 6-164 is deleted and replaced with the following:)

Signs may be permitted in all zoning districts, but each zoning district has varying allowances for types and sizes of signs. The reference to zoning classes is taken from the city zoning ordinance. The categories listed below are defined as:

Where Signs Permitted:	Location or Type of Structure or area use.
Type of Signs Allowed:	The different types of signs allowed in the designated district.
Number of Signs Allowed:	The maximum number signs of each type allowed in defined area.
Sign Size:	The maximum number of square feet allowed for each sign face.
Sign Height:	The maximum height of the sign allowed, as measured from the average grade level of the land directly beneath the sign to the highest point on the sign.
Other:	Other requirements in size, location, type, restrictions, etc.

Advertising signs in the City of Kirksville must advertise only for those lots or buildings on which the sign rests, with the exception of billboard signs and Temporary/Sandwich signs. Signs are allowed based on the Zoning District the signage is being placed in, as follows:

- (1) **Zoning District:**
- R-1 Single-Family Residential**
 - R-2 Two-Family Residential**
 - RP-2 Planned Two-Family Residential**
 - R-2S Two-Family Special Residential**
 - RP-2S Planned Two-Family Special Residential**
 - RP-5 Planned Mobile Home Park**

- a. **Where Permitted:** Permitted Home Occupation
Type Allowed: Detached sign or Wall sign
Number Allowed: 1 per home
Sign Size: 2 square feet
Height: 8 feet
Other: Must be a permanent, non-illuminated sign.

- b. **Where Permitted:** For Sale or For Rent signs for Lots or Buildings
Type Allowed: Detached sign
Number Allowed: 1 per lot
Sign Size: 15 square feet
Height: 8 feet
Other:
 - 1. Can be a permanent **or temporary**, non-illuminated sign.
 - 2. Can use existing sign pedestals and faces to mount For Sale or For Rent information.

- c. **Where Permitted:** Church or other institutional use
Type Allowed: Detached sign or Wall signs
Number Allowed: 1 detached sign and 2 wall signs
Sign Size: 50 square feet each
Height: 8 feet
Other:
 - 1. Must be a permanent sign.
 - 2. Can be illuminated or non-illuminated.
 - 3. Signs must provide only name or location information, public activities, use, or directional information related to the property on which the sign rests.

- d. **Where Permitted:** Buildings under construction
Type Allowed: Detached sign
Number Allowed: 1 per building
Sign Size: 50 square feet
Height: 8 feet
Other:
 - 1. These are temporary signs only and are non-illuminated.
 - 2. Signs may show only names of architects, engineers,

buildings, contractors, and location/company information on the premises of a building being constructed, provided any sign is removed upon completion of the building. These signs require a temporary sign permit.

- 3. A small contractor sign is permitted on the premises of any building being currently worked on by the contractor but must be removed as soon as the work is completed. This type of sign does not require a sign permit, but is limited to a maximum size of 4 square feet.

- (2) **Zoning District:**
- R-3 Multi-family Residential**
 - RP-3 Planned Multi-family Residential**
 - R-3S Multi-family Special Residential**
 - RP-3S Planned Multi-family Special Residential**
 - R-4 General Residential**
 - RP-4 Planned General Residential**
 - R-4S General Special Residential**
 - RP-4S Planned General Special Residential**

a. Signs shall also be permitted as provided for under Section (1) above:

- b. Where Permitted: Multi-Family home with min. 10,000 sq. ft. of land area.
 Type allowed: Detached sign
 Number Allowed: 1 sign for each 10,000 square feet of land area
 Sign Size: 32 square feet
 Height: 8 feet
 Other:
- 1. Any sign must be permanent.
 - 2. The sign can be non-illuminated or indirectly illuminated.
 - 3. Signs shall be limited to location or contact information, public activities, and use and directional information related to the property on which the sign rests.
 - 4. Signs must be located not more than 1 foot in front of any required front or side building setback line as determined by the city codes department.

- (3) **Zoning Districts:**
- O-1P Office Planned**
 - C-1 Local Business**
 - CP-1 Planned Local Business**
 - CBD Central Business District**
 - CBDP Planned Central Business District**

LDCZ Low Density Corridor Zone
MDCZ Medium Density Corridor Zone

- a. Signs shall also be permitted as provided for Sections (1) and (2) above.
- b. For CBD and CDBP zoning districts, these requirements apply only to those parts of the Central Business District which are not included within the Downtown Kirksville area for sign regulations.
- c. All signs can be non-illuminated, indirectly illuminated, or directly illuminated.
- d. Signs may only apply to the property, lot, or project that the sign rests on.
- e. Billboards are not permitted in any of the zones listed above
- f. Sign letters or pictures painted on a buildings wall surface that advertise the business is considered to be a wall sign.
- g.

Where Permitted:	Any stand alone business or commercial establishment
Type allowed:	Wall signs, Projecting signs, Detached signs, Canopy sign
Number Allowed:	Two (2) Wall signs OR one (1) Wall sign and one (1) Canopy sign, <i>plus</i> one (1) projecting sign OR one (1) detached sign.
Sign Size:	Wall signs: Each wall sign shall not exceed 15 percent of the total area of that wall fascia the sign is mounted on, with 100 square feet being the maximum sign size allowed. Projecting sign: 200 square feet Detached sign: 1.0 square foot for each linear foot of lot frontage, with 200 square feet being the maximum. Canopy sign: A Canopy sign is limited to only the vertical flap of the Canopy.
Height:	Wall signs: Shall not extend above the height of the wall on which they are mounted. Projecting sign: Shall not extend above the height of the wall on which it is mounted. Detached sign: 25 feet
Other:	<ol style="list-style-type: none">1. A projecting sign shall not extend more than six (6) feet from the face of the building.2. No sign shall extend over public property other than a projecting sign over the public sidewalk.3. Any detached sign shall be located no less than five (5) feet from any neighboring property line.

4. In the case of a corner lot (when figuring the sign size by the lot frontage), the street side that has the greatest length shall be used for the calculation.
 5. In the case of a corner lot with multiple street frontages, an additional wall sign shall be allowed on each side street frontage.
- h. Where Permitted: Planned local shopping center or office park
- Type allowed: Wall signs, Projecting signs, Detached signs, Canopy sign
- Number Allowed: One (1) Wall sign OR Canopy sign, One (1) Detached sign (mounted on a fixture that advertises the shopping center or office complex), One (1) Projecting sign
- Sign Size: Wall signs: Each wall sign shall not exceed 15 percent of the total area of that wall fascia the sign is mounted on, with 100 square feet being the maximum sign size allowed.
Detached sign: 32 square feet
Projecting sign: 32 square feet
Canopy sign: A canopy sign is limited to only the vertical flap of the Canopy.
- Height: Wall signs: Shall not extend above the height of the wall on which they are mounted.
Detached sign: 25 feet
Projecting sign: Shall not extend above the height of the wall on which it is mounted.
- Other:
1. The Detached sign provided for a local shopping center or office park may have a two hundred (200) square foot main sign at the top which advertises the name of the shopping center or complex.
 2. The individual company advertising signs below the large sign naming the shopping center or complex are limited to thirty-two (32) square feet in size.
 3. No sign shall extend over public property.
 4. Any detached sign shall be located no less than five (5) feet from any neighboring property line.
 5. Businesses in a shopping center or office park that does not have a main sign that advertises the complex on the street frontage are allowed to have a detached sign advertising their business next to the right of way. These signs must be at least forty (40) feet from any other sign advertising businesses in the complex when measured parallel to the street frontage. In this case, maximum sign size allowed is one hundred (100) square feet.

(4) **Zoning Area: Downtown Kirksville -**

The area known as Downtown Kirksville is not a separate stand-alone zoning district. It is generally a part of the CBD, Central Business District, but it may extend into other zoning districts. These sign regulations apply to all sign requirements within the designated area called Downtown Kirksville.

- a. The area defined as Downtown Kirksville is:
That area contained within the CBD and further described as follows: The Downtown Kirksville area is bounded from the middle of Illinois Street on the north, east to the middle of Marion Street, south to the middle of Jefferson Street, west to the old Norfolk & Western Railroad right-of-way, then north to Illinois Street.
- b. Signs shall also be permitted as provided for under Sections (1) and (2) above but not as permitted in Section (3) above.
- c. Billboards are not permitted in the Downtown Kirksville area.
- d. All signs must advertise those lots or buildings on which the sign rests.
Exception: See Temporary/Sandwich Signs, this section.
- e.

Where Permitted:	Any business or commercial establishment
Type Allowed:	Wall sign, Projecting sign, Detached sign, Canopy sign, Signboard sign, Roof sign
Number Allowed:	One (1) Wall sign OR one (1) Canopy sign, plus one (1) Projecting sign OR one (1) Detached/Pole sign, plus one (1) Signboard sign only if installed under a Canopy, plus one (1) Roof sign.
Sign Size:	Wall sign: A Wall sign may not exceed ten (10) percent of the area of the first fifteen (15) vertical feet of wall area. Wall signs shall not exceed two-thirds (2/3) of the building wall length. Projecting sign: A Projecting sign shall be limited in size to no more than one (1) square foot of area for each linear foot of the side of the building to which the sign is attached, but may not exceed thirty-two (32) square feet. Detached/Pole sign: A Detached/Pole sign may not exceed thirty-two (32) square feet. Canopy sign: Limited to the vertical flap of the canopy/awning.

Signboard sign: Maximum size of 14 inches by 48 inches with minimum of 7 feet 6 inches of clearance above the sidewalk surface.

Roof sign: 200 square feet

Height: No Wall sign, Projecting sign, or Detached/Pole sign shall exceed the height of the building.

Roof sign: Roof signs shall not extend more than sixteen (16) feet above the roof line.

- Other:
1. Sign letters or pictures painted on a building or in a sign band or elsewhere on the building is prohibited, unless there is a historical precedent for the building.
 2. Raised letters on a building façade shall not project out more than 3" from the face of the building.
 3. Any sign band height must not exceed 30" on the face of the building.
 4. Painted window signs are encouraged, but may not exceed twenty-five (25) percent of the glass area.
 5. Only in the Downtown Kirksville area, a Projecting sign may not project over public property more than one-half (1/2) the distance from the building to the curb, and may not project into a public alley or parking lot.
 6. The bottom of any Projecting sign shall be a minimum of eight (8) feet above the ground.
 7. Any Detached/Pole sign may not exceed the height of the building, must be located entirely on private property, and may not project over the street line.
 8. Any Detached/Pole sign shall be located no less than five (5) feet from any neighboring property line.
 9. Exterior neon signage and lighting is allowed. Exterior neon signage must be mounted so it is not a safety hazard. Neon signs mounted inside windows must be on first floor windows only, but are not counted as an advertising sign.
 10. For any Canopy or awning equipped with an advertising sign or logo on the vertical flap, this sign is considered to be one of the fascia or Wall signs allowed for the business.
 11. Murals painted on a building are permitted if done for artistic purposes or for expressing a historic or cultural idea. Mural advertising is not permitted.
 12. Roof signs are allowed only on buildings of three (3) or more stories, not counting basements or sub-floors. These signs shall identify only the building or business therein.
 13. In the case of a corner lot, a building may have one (1) additional wall sign.

- f. Banners in the Downtown Kirksville area shall be regulated in the following manner:
 - 1. Banners may be no greater than thirty-two (32) square feet in size.
 - 2. Each business is allowed up to three (3) banners.
 - 3. Any banner displayed in a commercial business zoning district does not require the purchase of a permit.
 - 4. Banners must be attached to the building fascia.
 - 5. Banners may not be displayed from a canopy or awning.
 - 6. Permanent banners or pennants are not allowed on the exterior of a building or site.
 - 7. Banners are not allowed to be displayed longer than ninety (90) days.

- g. Temporary signs
 - 1. Temporary signs in the Downtown Kirksville area are prohibited with the following exceptions:
 - (a) Sandwich board signs. Since temporary signs are not allowed in the Downtown Kirksville area, a Sandwich sign shall be permitted in an adjacent sidewalk area of the business if the sign does not create a safety hazard, is removed at the end of the business day, and there is room for two people to walk down the sidewalk side by side. Sandwich signs require the purchase of a Temporary sign permit, which is ten (\$10) dollars. These permits expire after 90 days. These Sandwich signs may be positioned on other lots in the Downtown Kirksville area, with location or event information, and with permission of the site's owner.

- h. Searchlights
 - 1. Searchlights in the Downtown Kirksville area are prohibited.

- i. When designing and installing signs, business and property owners are asked to consider the historic precedent of the downtown area, and of restoration efforts made by other property owners, and try to complement the individual storefront characteristics of adjoining properties. The following ideas and suggestions are not requirements but owners are encouraged to follow these guidelines to enhance the Downtown Kirksville area and to promote the historic character and appearance of the downtown:
 - 1. Sign size. The size of any sign should be in scale with the building and street. The use of large signs should be avoided. Large signs found in strip shopping centers are designed to be perceived by motorists. The Downtown Kirksville area is intended to be historic and pedestrian friendly. Accordingly, signs should be smaller in size and clearly seen at a pedestrian scale.
 - 2. Sign placement. The placement of signs attached to buildings should be coordinated with those of adjacent buildings. Signs should be placed so they are similar in scale and do not vary significantly up or down from those on adjacent buildings or storefronts.

3. Sign bands. Any sign band should be incorporated into the design of the façade, located above storefront clerestory and below the second story windows. Sign letters and background should be designed in character with the building architecture.
4. Street address. Street address numbers should be prominently displayed at each business entrance and be clearly visible from the street. Street numbers should not be painted on the building except on doors or transoms. Building addresses on the facades of buildings shall be individual cast or cut letters of a material compatible with the building architecture.
5. Sign lighting. Non-illuminated, Directly illuminated, or Indirectly Illuminated signs are all allowed. All direct illumination should be positioned to prevent light from shining directly into the street or onto adjacent properties.
6. Sign supports. Frames and any supports for advertising signage should blend with the building architecture.
7. Sign colors. The color of the flap and letters on canopy or awning signs should be compatible with the colors and materials of the building and its architecture.
8. Color contrast. The color contrast between the letters and background of any sign should make the sign easy to read. Light colored letters over darker backgrounds are the easiest to read. The sign color should complement the color of the building and adjacent signs. Strive to avoid stark color or design contrasts between the sign and any adjacent buildings.
9. Franchise signs. Sign colors that are mandated by franchise company regulations shall be permitted.
10. Multiple businesses. When two (2) or more businesses occupy the same building and share the same entrance, identifying signs should be grouped together in a single panel. The letters and background contained in the panel or directory should be similar.

- (5) **Zoning Districts:**
- C-3 Extensive business**
 - CP-3 Planned extensive business**
 - HDCZ High density corridor zone**
 - M-1 Light industrial**
 - MP-1 Planned light industrial**
 - M-2 Heavy industrial**
 - MP-2 Planned heavy industrial**

- a. Signs shall also be permitted as provided for under Sections (1), (2), and (3) as stated above, not including the Downtown Kirksville area (Section (4)).
- b. Signs may only apply to the property, lot, or project that the sign rests on, with the exception of billboards.

- c. All signs can be non-illuminated, indirectly illuminated, or directly illuminated. Any sign that is directly illuminated must not allow the illumination source to be directly visible from the right-of-way or adjoining property. Attention-attracting devices are not allowed, with the exception of searchlights.
- d. Sign letters or pictures painted on a buildings wall surface used for advertising are considered to be a wall sign.
- e. Where Permitted: Any stand alone business or commercial establishment
 Type Allowed: Wall signs, Projecting signs, Detached signs, Canopy sign, Marquee signs, and Billboard signs (See separate section for regulations on Billboard signs).
 Number Allowed: Two (2) Wall signs OR two (2) Marquee signs OR two (2) Canopy signs OR two (2) Projecting signs, (or any combination of two (2) of the foregoing signs), *plus* one (1) Detached sign.
 Sign Size: Wall and Marquee signs: Each Wall or Marquee sign shall not exceed 20 percent of the total area of that wall fascia the sign is mounted on, with 200 square feet being the maximum sign size allowed for each sign.
 Projecting sign: 200 square feet maximum
 Detached sign: 2.0 square feet for each linear foot of lot frontage, with 200 square feet being the maximum.
 Canopy sign: A Canopy sign is limited to only the vertical flap of the Canopy.
 Height: Wall , Projecting, or Marquee signs: Shall not extend above the average roof level of one (1) story buildings more than ten (10) feet, and shall not extend above the average roof level of a two (2) or more story building.
 Detached sign: Thirty-five (35) feet
 Other: 1. A projecting sign shall not extend more than 6 feet from the face of the building.
 2. No sign shall extend over public property.
 3. Any detached sign shall be located no less than five (5) feet from any neighboring property line.
 4. In the case of a corner lot (when figuring the sign size by the lot frontage), the street side that has the greatest length shall be used for the calculation.
 5. In the case of a corner lot with multiple street frontages, an additional Wall sign or Marquee sign or Projecting sign shall be allowed on each side street frontage.

6. Businesses with franchise requirements to have more than one pedestal sign in front of the business, to meet brand recognition requirements of the franchiser, will be considered on an individual basis by the Codes & Planning Director.

- f. Where Permitted: Planned local shopping center or office park
- Type allowed: Wall signs, Projecting signs, Detached signs, Canopy sign, Marquee signs
- Number Allowed: Two (2) Wall signs OR two (2) Marquee signs OR two (2) Canopy signs OR two (2) Projecting signs, (or any combination of two (2) of the foregoing signs) *plus* one (1) Detached sign (mounted on a fixture that advertises the shopping center or office complex).
- Sign Size: Wall or Marquee signs: Each Wall or Marquee sign shall not exceed 20 percent of the total area of that wall fascia the sign is mounted on, with 100 square feet being the maximum sign size allowed.
 Detached sign: 32 square feet
 Projecting sign: 32 square feet
 Canopy sign: A Canopy sign is limited to only the vertical flap of the Canopy.
- Height: Wall, Projecting, or Marquee signs: Shall not extend above the average roof level of one (1) story buildings more than ten (10) feet, and shall not extend above the average roof level of a two (2) or more story building.
 Detached sign: 35 feet
- Other: 1. The Detached sign provided for a local shopping center or office park may have a 200 square foot main sign at the top which advertises the name of the shopping center or complex.
 2. The individual company advertising signs below the large sign naming the shopping center or complex are limited to 32 square feet in size. The bottom of the lowest mounted individual company sign must be a minimum of ten (10) feet above the ground level.
 3. No sign shall extend over public property.
 4. Any detached sign shall be located no less than five (5) feet from any neighboring property line.
 5. Businesses in a shopping center or office park that does not have a main sign that advertises the complex on the street frontage are allowed to have a detached sign advertising

their business next to the right of way. These signs must be at least 40 feet from any other sign advertising businesses in the complex when measured parallel to the street frontage. In this case, maximum sign size allowed is 100 square feet.

(6) By-pass Billboard signs.

- a. The following specific regulations pertain to any sign located along the Highway 63 by-pass highway:
 1. Maximum size of two hundred eighty-eight (288) square feet per face.
 2. Two (2) back-to-back faces per sign only.
 3. Signs must be set back a minimum of fifteen (15) feet from right-of-way or from the adjoining side property line.
 4. Maximum height of billboards from grade elevation may not exceed thirty-five (35) feet.
 5. The spacing of signs that are more than two hundred (200) square feet per face shall be no closer than seven hundred fifty (750) feet between each sign structure.
 6. The spacing of signs that are less than two hundred (200) square feet per face shall be no closer than two hundred (200) feet to any other sign structure.
 7. Billboard signs may be placed only on land that is zoned as: C-3, CP-3, M-1, MP-1, M-2, MP-2, or HDCZ.
 8. No side-by-side signs shall be permitted.

(7) Other major corridor Billboard signs.

- a. Areas in the city where billboards are allowed:
 1. South Baltimore Street (Hwy 63), from Highway 6 East to the south city limits, where zoning permits.
 2. North Baltimore Street (Hwy 63), from Highway 6 West, North to the city limits, where zoning permits.
 3. Highway 11 East. From Baltimore east to the city limits, where zoning permits.
 4. Highway 6 East. From eastern right-of-way line of South Baltimore Street east to the city limits, where zoning permits.
 5. Highway 6 West. From Baltimore Street west to the city limits, where zoning permits.
- b. Billboard signs may be placed only on the street sections listed above AND on lots that are zoned as: C-3, CP-3, M-1, MP-1, M-2, MP-2, or HDCZ.
- c. Signs must be set back a minimum of fifteen (15) feet from the right-of-way or from the adjoining side property line.
- d. Maximum size of two hundred sixty (260) square feet per sign face.
- e. Two (2) back-to-back faces per sign only.
- f. Maximum height of billboards from grade elevation may not exceed thirty-five (35) feet.

- g. The spacing of signs that are more than two hundred (200) square feet per face shall be no closer than seven hundred fifty (750) feet between each sign structure.
- h. The spacing of signs that are less than two hundred (200) square feet per face shall be no closer than two hundred (200) feet to any other sign structure.
- i. No side-by-side signs shall be permitted.

Sec. 6-165. - Temporary signs, banners, and searchlights.

(1) Temporary signs.

- a. Except where otherwise prohibited; in addition to the allowed advertising signage set forth herein, each business shall be allowed to use a portable sign for their advertising needs. These signs shall be permitted by the ~~code administrator~~ **Codes & Planning Director** after a site plan has been submitted and approved. ~~by the code administrator.~~ The fee for the temporary sign shall be ten dollars (\$10.00). **The temporary sign permit will expire after 90 days.** The temporary sign shall be located on private land and shall not exceed thirty-two (32) square feet in total area. In cases where businesses do not have sufficient land for the placement of a temporary sign, a sandwich sign shall be permitted in the adjacent sidewalk area if the sign does not create a safety hazard and is removed at the end of the business day. **Sandwich signs, except in the Downtown Kirksville area, must rest upon the lot or property for the business or event being advertised.** Temporary signs shall be clean and maintained in a sound state of repair. Temporary signs that are in need of repair shall be removed or repaired as ordered by the ~~code administrator~~ **Codes & Planning Director**.

(2) Banners.

- a. Banners shall be regulated in the following manner.
 - ~~(1)~~ 1. Banners may be no greater than thirty-two (32) square feet in size.
 - 2. Each business is allowed up to three (3) banners.
 - 3. Any banner displayed in a commercial business zoning district does not require the purchase of a permit.
 - 4. Banners must be attached to the building fascia.
 - 5. Banners may not be displayed from a canopy or awning.
 - 6. Permanent banners or pennants are not allowed on the exterior of a building or site.
 - 7. Banners are not allowed to be displayed longer than ninety (90) days.
- b. **Advertising banners are not allowed to be over a public right-of-way.**
- c. In all districts, including ~~Old Town~~ **the Downtown Kirksville area** districts, temporary signs or banners of a public or semi-public nature shall be permitted. Banners of a public or semi-public nature or function shall be permitted to be displayed on private property or in the right-of-way subject to approval of the city.
- ~~(3)~~ d. ~~Banners, signs displayed on vehicles or persons. Banners and signs.~~ **Banners or signs** displayed on vehicles or persons shall not be regulated by this article.

(3) Searchlights.

~~(a)~~ a. ~~Searchlights shall be regulated in the following manner: Searchlights may be permitted in accordance with the following applicable regulations.~~ A permit for the use of a searchlight, or for a searchlight to be used as an attention attracting device may be **permitted and** granted under the following additional regulations:

- ~~(1)~~
1. A searchlight shall be located a minimum distance of fifty (50) feet from a public right-of-way and positioned so as to project all beams at a minimum angle of forty-five (45) degrees from grade level, and roof level.
 2. The maximum light intensity generated by searchlights on any premises may not exceed a total of 1.6 million foot candlepower. No more than four (4) beams of light may be projected from any premises.
 3. All searchlights must be designed and maintained and focused so as to prevent rays of light from being directed at any portion of the rights-of-way or adjoining property, and no light shall be of such intensity or brilliance to cause glare to impair the vision of the driver of any vehicle, or to create greater than 0.5 foot candles at four (4) feet height at the property line.
 4. No searchlight may be operated between the hours of 12:00 a.m. and 7:00 a.m.
 5. No searchlight may be operated on a premise(s) for more than seven (7) consecutive days.
 6. No permit for a searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premises within the six (6) months preceding the date of the permit application.
 7. Searchlights may be used in commercial zones only, **but are specifically prohibited in the Downtown Kirksville area.**

Sec. 6-166. - Additional regulations.

(a) *Permit required.* Sign permit fees will be established by the cost of construction of said sign. **The cost of construction includes the sign, materials, and labor for installation.** Permit fees, except for temporary signs, shall be based on the current fee schedule established for all structures, buildings, and signs in the building code.

(b) *Sign condition and design.* All signs shall be structurally sound, be maintained in good repair, have a clean and neat appearance, and land adjacent shall be kept free from debris, weeds, and trash. All signs shall be designed and installed to withstand not less than eighty (80) pounds per square foot of wind pressure, except where otherwise provided. All signs as permitted above shall be so constructed and installed to meet the requirements of the city's building code.

(c) *Exempted signs.* Signs which are essential and necessary for the safety and welfare of the public, including historical markers on premises officially recognized by city, county, state, or federal units of government, **or for the overall benefit of the public**, and which are not of an advertising or promotional nature shall be exempt from these regulations.

(d) *Prohibited signs.* No attention attracting device, strobe-flashing sign, temporary signs, or other sign that could interfere with traffic safety or constitute a nuisance shall be allowed.

(e) *Government signs.* Government signage, road improvement signs, and emergency informational signs shall not be regulated by this article.

(f) *Seasonal signage.* **Signs advertising** Christmas, Thanksgiving, fall deer and spring turkey firearm hunting season shall be authorized without city permission. However, ~~they~~ **this type of signage** shall be removed within fourteen (14) days after the holiday or event.

(g) *Nonconforming signs:* All existing signs which do not conform to these regulations shall be subject to the following procedures:

1. All existing nonconforming portable signs (including banners and signs on the right-of-way) as defined herein shall be removed not later than ninety (90) days from the effective date of this article.
2. Any nonconforming sign, if it is showing signs of collapse or facial mending, shall be repaired or removed.
3. Signs that are altered in size, height, or structure, shall conform to this article.
4. **Removable letter signs that are mounted on trailers or on a portable base are considered as nonconforming signs.**
5. **Nonconforming signs shall be repaired or modified to comply with the requirements of the City Code, or removed.**

(h) *Abandoned signs.* When a business ceases operation, the on-premise signage shall be removed by the building owner according to the following schedule:

1. ~~A.~~ Sign and/or cabinet—Within thirty (30) days.
2. ~~B.~~ Supporting structure—Within one hundred and eighty (180) days.

(i) ~~(h)~~ *Removal of abandoned signs:* Any sign that is so old or dilapidated and is structurally deficient shall be considered an abandoned sign and shall be acted on by the city in the same manner as the abandoned signs. All owners or agents will be served with notice by the city to remove the sign.

(j) Signs that are located inside buildings and inside enclosed malls shall not be subject to these regulations.

(k) *Maintenance.* All signs, including their structural supports, anchors, **and** electrical devices shall be kept in good repair and working order. The display surfaces of all signs shall be kept painted or ~~posted~~ **properly finished** at all times.

~~*Nonconforming signs.* Nonconforming signs shall comply with the requirements of the City Code.~~

(D) All signs and billboards placed next to the right of ways of the State of Missouri's primary highway system are required to meet all of the requirements of Missouri State Statutes 226.500 thru 226.600.

Sec. 6-167. - Other signs, general.

(a) **Public office candidates.** Signs, posters, and similar devices used by candidates for public office shall be regulated by applicable codes and ordinances of the city and shall not be within jurisdiction of this section.

(b) **Waiver of fees.** The ~~code administrator~~ **Codes & Planning Director** may waive the permit fee for those signs which are for the sole purpose of promoting an event or effort of a philanthropic, civic, or public service nature.

(c) **Special signs.** Removal of signs which were engraved, carved in stone, or were otherwise a permanent part of a building prior to the adoption of these regulations will not be required. In addition, signs that are a part of the building's design or landscape are not to be regulated per this article.

(d) **Variance.** The City of Kirksville's Board of Adjustment may grant variances in special cases where this regulation creates a unique situation that would pose a direct hardship upon the owner. A variance shall not be granted because of economic reasons as a basis only. The Board of Adjustment shall not grant variance to height and size of a sign. Requests for variance in height and size of signs shall be heard by the city council. The criteria for public hearing in the case of request for variance shall be followed as regulated in Appendix A, Kirksville Zoning Ordinance, Article II, ~~25-18~~(e). **Sec. 25-18 (c).**

(e) **P.U.D. Zoning.** In the case of a P.U.D. (Planned Unit Development) zoning district, which has both commercial and residential areas, the residential areas will be considered R-1 Single-family zoning, and commercial will be considered C-1 Local Business zoning for the purpose of advertising signage. Any deviations from this designation must be approved by the Codes & Planning Director.

(f) **Yard Sale or Moving Sale signs.** Signs that are commonly referred to as Yard Sale, Garage Sale, or Moving Sale signs have the following regulations and restrictions:

1. These types of signs do not require a permit.
2. Signs may be up no longer than four (4) days.
3. Signs must be removed within twenty-four (24) hours after the sale has ended.
4. Signs may not be attached to poles or street signs.
5. Signs are not allowed on the right-of-way of any State Highway, but may be placed on city right-of-way with the adjacent property owners permission.
6. Signs may not be placed where they interfere with traffic or sight distances, such as at street intersections.

[Sec. 6-168.](#) - Violation—Penalties.

Any person convicted of a violation of this section shall be punished as provided in section 1-7 of the Code **of Ordinances of the City of Kirksville.**

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Sign Management and 2009 MUTCD

STUDY SESSION MEETING DATE: July 18, 2011

CITY DEPARTMENT: Public Works

PREPARED BY: John R. Buckwalter, Public Works Director

The Manual of Uniform Traffic Control Devices (MUTCD), published by the US Department of Transportation--Federal Highway Administration, sets the basic standards for traffic signs. The newest version, issued in December 2009 requires all agencies that maintain roadways open to public travel to adopt a sign maintenance program designed to maintain traffic sign retroreflectivity at or above specific levels. The 2009 revisions also included a number of other changes impacting the City including the elimination of many "word" signs in favor of pictures, changes in font, changes in guide signs, and the addition of way finding signage. The most publicized of these changes is the requirement for larger letters on street markers, and the change to upper and lower case letters replacing the current all upper case markers. States were to adopt the new MUTCD within two years.

The 2009 MUTCD set three deadlines related to retroreflectivity:

1. By January 2012 all agencies must establish and implement a sign maintenance program addressing the minimum sign retroreflectivity requirements
2. By January 2015 all agencies must comply with the new retroreflectivity requirements for most of their traffic signs they have installed, including all red or white regulatory signs, yellow warning signs, and green/white guide signs.
3. By January 2018 all agencies must comply with the new retroreflectivity requirements for overhead guide signs and all street name signs.

The MUTCD offers five assessment or management methods to maintain sign retroreflectivity:

1. Visual Nighttime Inspection
2. Measured Sign Retroreflectivity
3. Expected Sign Life
4. Blanket Replacement
5. Control Signs

The City plans to use a combination of expected life and blanket replacement to meet the federal requirements. Our CarteGraph sign management software permits us to track the age and material used for all signs. A sign maintenance and replacement plan will be prepared prior to December 31.

The scope of this requirement is quite large. For example, the City has 872 "STOP" signs. 56 have been replaced with signs meeting the 2015 standard. A new STOP sign costs \$28.65. There are over one thousand regulatory, warning, and guide signs which will eventually have to be upgraded.

We have 1495 street marker signs; only 2 have been replaced with the mixed case signs. The cost of materials alone for replacement of street markers is estimated at \$34,000. Debate on implementation of the MUTCD guidelines for street marker signs continues, with a number of legal challenges yet unresolved. The City is planning to replace street marker signs as they fade or are damaged with new signs meeting the 2018 standard, at a cost of approximately \$22.50 per sign. New signs must have larger letters (6-inch in most cases) and must be made in a font which we do not currently have on our sign cutting system. A new software package costing \$800 will be required to cut the "Clear View" font specified, and will be included in the 2012 budget request.

The Public Works Department currently budgets \$9000 per year for materials for sign replacement. It is anticipated that this budget item will have to be increased in 2012 thru 2015 by at least \$7000 per year. A more accurate figure is being developed for the 2012 budget presentation.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Cell Phone Tower Ordinance & Policy

STUDY SESSION MEETING DATE: June 20, 2011

CITY DEPARTMENT: Codes Department

PREPARED BY: Brad Selby, Codes & Planning Director

In the past several years, cell phones have quadrupled and more in the United States. Comparably, the number of cell phone towers and their antenna equipment has had to increase to keep pace with the companies providing service. Several towers have been added in the past few years in Kirksville. All of these towers are co-locatable, and can be rented by other vendors, but we are still getting requests for new towers, to improve on reception and to reduce dropped calls.

At the last meeting of the Planning and Zoning Commission where a cell tower project was approved for a Special Use Permit, members asked for this issue to be brought up again to city council. They would like council to consider whether a complete Cell Tower Ordinance should be re-considered in order to replace the Special Use Permit process currently used.

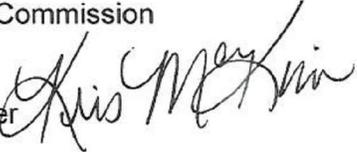
The last major discussion of an ordinance regulating cell towers took place in 2006. Attached is a letter and a sample ordinance that came from Blue Springs, Missouri that was being considered as a model and possible basis for an ordinance for the City of Kirksville.

This is presented for discussion to see if city council is interested in further investigation or for development of a possible ordinance.



CITY OF
KIRKSVILLE

Administration 660.627.1225 • Human Resources 660.627.1458
Economic & Community Development 660.627.1224

TO: Telecommunications Commission
FROM: Kris McKim
Assistant City Manager 
DATE: November 7, 2006
RE: Telecommunication Meeting – November 14, 2006

There will be a Telecommunication Meeting on Tuesday, November 14th, at 5:30pm in the 2nd Floor Conference Room at City Hall. We are reviving an item that many of the long-time members may remember discussing, communication towers. The City has again had a request for a communication tower to be built in the Kirksville city limits. Several years ago this Commission, along with the Planning & Zoning Commission, met to discuss a potential city ordinance regulating the building of communication towers in Kirksville. Since then we have been able to accommodate several of the requests we've had by allowing companies to lease space on the City's water towers. However, there is a limit to the number that can be on a tower, and with our downtown tower we have reached that limit.

When an ordinance was discussed last, you were asked to look at the Blue Springs ordinance as a model, and then to give input based on that ordinance. I have attached the Blue Springs tower ordinance for your review.

I hope to see you at the meeting next week. To ensure that we have a quorum present, please RSVP your attendance to Sarah Halstead at 660-627-1224. Thank you!

**AN ORDINANCE ADOPTING A COMPREHENSIVE REGULATORY PROCESS FOR
THE SITING AND CONSTRUCTION OF TELECOMMUNICATIONS FACILITIES,
ANTENNAS AND TOWERS WITHIN THE CITY OF BLUE SPRINGS, MISSOURI AS
SECTION 403.170 AND AMENDING SECTIONS 405.010, 405.030.B.7,
407.030.H.3(e) - (i) AND 411.020, AND ADDING 405.030.AA**

WHEREAS, changes in telecommunications technology, additional licenses granted by the Federal Communications Commission and the increased demand for telecommunications services, including both voice and data, have lead to a significant increase in the demand for telecommunications antennas and towers within the metropolitan area and several providers have expressed interest in locating facilities within the City; and

WHEREAS, information received from the industry and from other governmental agencies that have studied current technology establishes that telecommunications antennas and towers can be designed and installed in ways that will minimize adverse effects on aesthetics and property values and in some instances obviate the need for a tower; and

WHEREAS, the City wishes to maximize the use of existing structures and/or encourage co-location of telecommunications antennas and towers within the City; and

WHEREAS, the Federal Communications Commission has promulgated rules pertaining to certain telecommunications antennas and towers which impact on the City's ability to control siting of such facilities; and

Section 1: That the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended by adding a Section to be numbered 403.170, which said Section reads as follows:

“403.170 Telecommunications Facility Use Regulations

A. Applicability

The following regulations shall apply to new Telecommunications Facility uses, including Facility Replacement as set forth in 403.170.D.8. It shall not govern any broadcasting facility, one owned and operated by a federally-licensed amateur radio station operator, or one used exclusively for receive-only antennas. The use shall not be regulated or permitted as an essential service public utility, or private utility. The foregoing notwithstanding, all Pre-existing Telecommunications Facilities within the City of Blue Springs, Missouri, at the time of passage of this Section shall be registered with the City's Director of Community Development within sixty (60) days from the effective date hereof together with the height, width and location thereof. The City of Blue Springs shall use its best efforts to notify all persons or entities subject to the registration of the registration requirement, but the failure of the City to notify an individual or entity shall not relieve such individual or entity of the requirement of registration. Failure to register an existing Telecommunications Facility shall raise a presumption that said Telecommunications Facility

was not a legal non-conforming use on the date of passage of this Section. Except as provided in this Section, any current legal use being made of an existing Telecommunications Facility on the effective date of this Section (Herein "Non-conforming structures") shall be allowed to continue, even if in conflict with the terms of this Section. However any Pre-existing Telecommunications Facilities must comply with any FAA or FCC regulation or standard that requires retroactive application within six (6) months of the effective date of such standard or regulation, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply within the specified time period shall constitute grounds for removal of the Facility at the operator's expense. Any Telecommunications Facility site that has received City approval in the form of either a conditional use permit or building permit prior to the effective date of this Section, but has not yet been constructed or located, shall be considered a Non-conforming structure so long as such approval is current and not expired.

B. Purpose

1. To provide for the appropriate location and development of Telecommunications Facilities and systems to serve the citizens and businesses of the City of Blue Springs;
3. To maximize the use of existing and new support structures so as to minimize the need to construct new or additional facilities;
4. To promote and encourage shared use/co-location of Towers and Antenna Towers as a primary option rather than construction of additional single-use Towers;
6. To facilitate the ability of the providers of Telecommunications Services to provide such services to the community through an efficient and timely application process; and
8. To ensure that the regulation of Telecommunications Towers and structures does not have the effect of prohibiting the provision of personal wireless services, and does not unreasonably discriminate among functionally equivalent providers of such service; and
9. To create a hierarchy that influences both where new Telecommunications Towers and Facilities are located and the types of Antennas that are used and that favors co-location and City owned sites and promotes use of an Antenna with the least amount of adverse visual impact; and

C. Definitions

The following definitions shall be used relating to Section 403.170: The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

"Antenna" means a transmitting and/or receiving device mounted on a tower, building or structure and used in telecommunications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals and other communications signals, including directional antennas such as panel and microwave dish antennas, and omni-directional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth signals. This definition does not include over-the-air reception devices which deliver television broadcast signals, direct broadcast signals, direct broadcast satellite services or multi-channel multi-point distribution services, as defined and regulated by 47 C.F.R. Statute 1.4000, as amended.

"Antenna Dish" ("**Dish Antenna**", "**Satellite Dish**") shall mean an antenna with a concave shape used for the reception and/or transmission of radio signals to and from satellites.

"Antenna Tower" shall mean a structure used to support an Antenna at some height above the ground which may be referred to as a "Tower."

"Backhaul Network" means the lines that connect a telecommunication service provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

"Broadcasting Facility" means any telecommunication tower built primarily for the purpose of broadcasting AM, FM or television signals.

"Cable Micro-cell Network" means a series of multiple low-power transmitters/receivers attached to existing wirelines systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. A cable micro-cell network is assumed to require co-location on existing poles.

"City Owned" means titled in the name of the City of Blue Springs or the Blue Springs Public Building Authority.

"Co-Located Telecommunications Facility" means the placement of a new Telecommunications Facility on an existing Telecommunications Tower, existing building or structure.

"Dish Antenna" - See Antenna Dish

"Essential Service" means those services provided by the City and other governmental entities that directly related to the health and safety of its residents, including fire, police and rescue.

"Existing Tower" means any Telecommunications Tower in existence at the time a Telecommunications Site Plan is submitted.

"FCC" mean the Federal Communications Commission.

"FAA" shall mean the Federal Aviation Administration.

"Fair Market Value" means the price at which a willing seller and a willing buyer will trade.

"Guyed Tower" means a Telecommunications Tower that is supported, in whole or part, by guyed wires and ground anchors.

"Lattice Tower" means a Telecommunications Tower that is constructed to be self-supporting by lattice type supports and without the use of guyed wires or other supports.

"Major Telecommunications Facility Site Plan." See 403.170.G.11.

"Micro-cell Network" means a series of multiple low-power transmitters/receivers of limited range that transmit to an Antenna that is attached to existing wirelines systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. A Micro-cell Network is assumed to require co-location on existing poles.

"Microwave Dish Antenna" means a Telecommunications Tower consisting of a single free standing pole or spire self-supported on a permanent foundation, constructed without guy wire, ground anchors, or other supports.

"Minor Telecommunications Facility Site Plan." See 403.170.F.8.

"Monopole Tower" means a Telecommunications Tower consisting of a single free-standing pole or spire self-supported on a permanent foundation, constructed without guy wire, ground anchors, or other supports.

"Operator" means an individual, partnership, association, joint-stock company, trust, or corporation engaged in control and maintenance of all instrumentalities, facilities and apparatus incidental to wireless telecommunication transmission, including but not limited to, a tower,

antennae, associated buildings, cabinets and equipment. For the purposes of this article, an "operator" may or may not hold a sublease, license or title on or for the lot on which a Tower is sited.

"Owner" means either the owner of the real property on which the Telecommunications Facility, Tower or Antenna is located or the owner of the Telecommunications Facility, Tower or Antenna itself.

"Panel Antenna" means a flat, rectangular antenna or array of antennas designed to concentrate a radio signal in a particular area.

"Personal Wireless Services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

"Pre-existing Facility, Tower or Antennae" means any Facility, Tower or Antenna which has been constructed or for which a building permit has been properly issued prior to the effective date of this Section, including permitted Facilities, Towers, or Antennae that have not yet been constructed so long as such approval is current and not expired.

"Privately Owned" means owned by any entity other than City Owned.

"Public Utility" shall mean any publicly owned, franchised or regulated facility for rendering electrical, gas, communications, transportation, water supply, sewage disposal, drainage, garbage or refuse disposal and fire protection to the general public.

"Satellite Dish" - See Antenna Dish

"Section" means Section 403.170 of the Blue Springs Code of Ordinances and all its sub-parts.

"Telecommunications" or **"Communications"** means the transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent or received, by wire, radio, optical cable, electronic impulses, or other similar means, including, but not limited to, any "telecommunication service," "enhanced service," "information service," or "internet service," as such terms are now, or may be in the future be, defined under federal law. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.

"Telecommunications Facility" means any cables, wires, lines, wave guilds, antennas and any other equipment or facility that is used or

associated with the provision of one or more Telecommunications Services, including, without limitation, radio transmitting towers, Telecommunications Towers, other supporting structures, and associated facilities used to transmit telecommunications signals. The term Telecommunications Facility shall specifically exclude amateur radio transmitting towers and broadcasting facilities. An open video system is not a Telecommunications Facility to the extent that it provides only video services; a cable system is not a Telecommunications Facility to the extent that it provides only cable service.

"Telecommunications Services" means the offering of Telecommunications (for the transmission, between and among points, specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received, by wire, radio, optical cable, electronic impulses, or other similar means), for a fee directly to the public, or to such classes or users as to be effectively available directly to the public, regardless of the facilities used. They include all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of Telecommunications) incidental to the transmissions. Personal wireless telecommunications services shall not be considered as essential services, public utilities or private utilities.

"Telecommunications Stealth Facility" means a state of the art facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure in a manner that make it not readily identifiable as a Telecommunications Facility. An existing or proposed structure may or may not have a secondary function (e.g., bell tower, spire, flag pole, etc.). This term shall be synonymous with "camouflaged facility".

"Telecommunications Tower Height" means the vertical distance measured from the finished grade of the parcel to the highest point of the structure, including the base pad. This measurement does not include antenna, lighting or lightning rods which extend vertically from the highest point of the structure.

"Telecommunications Tower" means any structure and support thereto, designed and constructed primarily for the purpose of supporting one or more antennas intended for transmitting or receiving personal wireless services, telephone, and similar and other telecommunications purposes and services, including lattice, monopole, and guyed Towers. The term includes personal wireless service facilities for the provision of commercial mobile services, unlicensed wireless service facilities (telecommunications services using duly authorized devices which do not require individual licenses), and common carrier wireless exchange access

services. Also referred to as "Tower." The term does not include radio and television transmission towers, amateur radio transmitting towers and broadcast facilities.

"Unlicensed Wireless Service" means the offering of Telecommunications Service using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

"Whip Antenna" means a cylindrical antenna that transmits signals in 360 degrees.

D. General Regulations - Local, State and Federal Requirements.

1. A Telecommunications Facility (also referred to herein as "Facility") owner shall certify to the City that all franchises/licenses required by law for the provision of Telecommunication Services in the City have been obtained and shall file a copy of these with the City. The construction, operation and repair of a Facility shall be in accordance with all applicable local, state and federal requirements. The construction, operation and repair shall be performed in a manner consistent with the applicable industry standards, including the Electronic Industries Association. The Facility must be designed to meet or exceed current standards and regulations of the FAA, and FCC, including emissions standards, and any other agency of the local, state or federal government with the authority to regulate the facility prior to issuance of a building permit by the City. A statement shall be submitted by a licensed engineer certifying compliance with this subsection.

If such applicable federal or State standards and regulations require retroactive application, then the Facility owner shall bring its Facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring it into compliance with such revised standards and regulations shall constitute grounds for removal at the Facility's Owner or Operator's expense.

11. Security Fund.

a. Every provider of Telecommunications Services and Telecommunications Operator shall establish a cash security fund, or irrevocable letter of credit, to secure the payment of removing their Tower or Facility that has been determined to be abandoned, to secure the payment of removing their Tower or Facility that has been determined to be in non-compliance with this Code, and to provide the City a fund from which to deduct fines and penalties for non-compliance with this Code or other applicable laws. The amount to be provided for each Tower shall be twenty-five thousand dollars (\$25,000); the amount for each Antenna array shall be five thousand dollars (\$5,000),

b. In the alternative, said provider or Operator may, in lieu of the cash security fund or irrevocable letter of credit, file and maintain with the City a bond in the amount of twenty-five thousand dollars (\$25,000) for each Tower and the amount of five thousand dollars (\$5,000) for each Antenna array. The Operator and provider and the surety shall be jointly and severally liable under the terms of the bond.

c. Any reduction in the security fund provided, because of deductions of fines, penalties, or removal costs, shall be replenished to the total of the required amount within thirty (30) days after notice from the City of the amount deducted and the deficiency created thereby.

d. Within a reasonable period of time, not to exceed three (3) months after the Tower/or Antenna is removed, any remaining funds on deposit with the City pursuant to this Section, after application and above all expenses provided for herein, shall be refunded to the appropriate provider or Operator who created the security fund.

14. Separation.

All Towers shall be separated by a distance of one mile. A new Tower shall not be permitted in a location within one mile distance of another Tower, unless it is determined by the body or individual making the decision regarding the submission that both Towers are acceptably screened from any adjoining residential uses.

15. Prohibition of antennae mounted on utility poles or light poles. Antennae shall be prohibited on utility poles, telephone poles or light poles. Cable Micro-cell Network and Micro-cell Network transmitters/receivers shall be exempt from this prohibition.

E. Siting Alternatives Hierarchy

Development of a Facility use shall be in accordance with the following siting alternatives hierarchy. The order of ranking, from highest to lowest, shall be 1a, 1b, 2a, 2b, 3a, 3b. Where a lower ranked alternative is proposed (e.g., 2b), the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible or available.

1. Co-Location on Existing Telecommunications Tower
 - a. On city-owned site
 - b. On privately-owned site
2. Co-Location on Existing Building/Other Structure
 - a. On city-owned site
 - b. On privately-owned site
3. Development of New Telecommunications Tower
 - a. On city-owned site
 - b. On privately-owned site

F. Co-Location Regulations. The following are required for co-location of Facilities, Towers or Antennae:

1. Use Regulations.
 - a. Co-location is permitted in any zoning district
2. Height:
 - a. Tower (see Section 403.170.G.3)
 - b. Building/Other Structure. The minimum height of the building/structure before installation of the Telecommunications Facility shall be 50 feet. The

maximum height of the Telecommunications Facility or Antenna installed on an existing building or structure other than a Tower shall not exceed 25 feet above the building/structure.

3. Antenna Type. To minimize adverse visual impacts, the Antenna used shall be in accordance with the following alternatives hierarchy. The order of ranking, from highest to lowest, shall be a, b, c, d. Where a lower ranked alternative is proposed (e.g., c), the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible.
 - a. Stealth
 - b. Panel
 - c. Whip
 - d. Dish
4. Modification. Modifications to the structure to accommodate Co-location subject, however, to Section 403.170.D.8.
5. Future Co-Location. Wherever feasible, the Facility owner shall provide for future co-location on the Facility by other service providers and for public purposes or demonstrate by substantial evidence that it is not feasible. The owner of a Tower shall not charge providers seeking to co-locate in excess of the Fair Market Value for the space, as determined at the time of the request for co-location. In the event of a dispute, the parties shall select an independent appraiser to determine Fair Market Value. If the parties cannot agree on the selection of an appraiser, the City shall select one. All appraisals shall be performed at the expense of the parties.
6. Lease. The City may require, as a condition of entering into a lease agreement with the City, the dedication of space on the facility for public health and safety purposes, as well as property improvement on the leased space. Any dedications and improvements shall be negotiated prior to the execution of the lease.
7. Equipment Structure.
 - a. Ground Installed

The equipment structure shall not contain more than 450 square feet of gross floor area or be more than 10 feet in height (excluding any platform structure). The equipment shall meet the minimum setbacks required for a principal building in the underlying zoning district.

b. Roof Installed

The equipment structure shall not contain more than 450 square feet of gross floor area or be more than 10 feet in height (excluding any platform structure), subject to compliance with the regulations of all building codes adopted by the City.

8. Telecommunications Facility Site Plan. A Minor Telecommunications Facility Site Plan that meets the requirements of Section 403.170.H.3 shall be submitted with an application for Co-location, except that for a Micro-cell Network or Cable Micro-cell Network a Minor Telecommunications Facility Site Plan shall not be required for each individual low-power transmitters/receivers, but one is required for each Facility that transmits to, or receives from, the individual low-power transmitters/receivers.

G. New Telecommunications Facility, Telecommunications Tower, and Antenna Regulations that are not co-located. The following are required for new Facilities, Towers or Antennae:

1. Use Regulations (where allowed subject to the requirements of Section 403.170).
- a. Permitted Use (Subject to requirements of Section 403.170.)
1. City Owned property
 2. HI - Heavy Industrial District

A Telecommunications Tower may also be incorporated into new development of a permitted use as an accessory use, provided the permitted principal use is a telecommunications-related use and the applicant demonstrates that the Telecommunications Tower is a necessary and inseparable part of the operations of the use. In such cases, the Telecommunications Tower and any associated equipment structure shall comply with Section 403.170.G and all other applicable code provisions.

- b. Conditional Use (Obtained pursuant to Section 403.060:Conditional Use Permits)

1. GB - General Business District
2. RC - Regional Commercial District
3. SO - Service/Office District
4. CB - Central Business District
5. LI - Light Industrial District

c. Accessory Use. A new Telecommunications Tower that is, or will be, accessory to a principal use shall be located only in the side or rear of the property. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise stated. Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed in zoning districts.

2. Minimum Setbacks: 110% of the Tower height. The City Council may, on appeal, reduce the minimum setback along a public right of way to 50% of the Tower height if the applicant demonstrates that the Facility incorporates stealth design. Setback requirements shall be measured from the base of the Tower to the perimeter of the property (property line) on which it is located, except that, in addition, ground anchors of all guyed Telecommunications Towers, if permitted, shall be located on the same parcel as the Tower and shall meet the setbacks of the applicable zoning district. The equipment or associated structure shall meet the minimum setbacks required for a principal building in the underlying zoning district.

3. Maximum Telecommunications Tower Height:

- a. Single Antenna Array or a single user: 90 feet
- b. Two Antenna Arrays or for two (2) users: 120 feet
- c. Three or More Antenna Arrays of for three (3) or more user: 150 feet

Any Antenna, lighting, lightning rod, lighting beacon or other Facility shall not extend more than 10 feet above the height of the Telecommunications Tower.

4. Minimum Separation. Any new Telecommunications Tower shall be separated from any other Telecommunications Tower by a minimum distance of one mile, unless it is determined by the body or individual making the decision regarding the submission that both Towers are acceptably screened from any adjoining

residential uses. Separation distance shall be measured by a straight line between the bases of the Telecommunications Towers.

5. Separation from Existing Residential Uses. A Telecommunications Facility, Tower, or Antenna shall be located a distance of at least four (4) times its height from any then existing single-family use or two-family use that is not on the same lot as the Facility, Tower or Antenna measured from the base of the Telecommunications Facility, Tower, or Antenna to the closest property line of the existing single-family or two-family use.
6. Antenna Type. To minimize adverse visual impacts, the Antenna used shall be in accordance with the following alternatives hierarchy. The order of ranking, from highest to lowest, shall be a, b, c, d. Where a lower ranked alternative is proposed (e.g.,c), the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible.
 - a. Stealth
 - b. Panel
 - c. Whip
 - d. Dish
7. Future Co-Location. Wherever technically feasible, the Facility owner shall provide for future co-location on the Facility by other service providers and for public purposes or demonstrate by substantial evidence that it is not feasible. At a minimum, a Monopole Tower must be built to have the capacity to accommodate two Antenna arrays. At a minimum, a Self-support, Lattice or Guyed Tower must be built to have the capacity to accommodate three Antenna arrays. The Owner of a Tower shall not charge providers seeking to co-locate in excess of the Fair Market Value for the space, as determined at the time of the request for co-location. In the event of a dispute, the parties shall select an independent appraiser to determine Fair Market Value. If the parties cannot agree on the selection of an appraiser, the City shall select one. All appraisals shall be performed at the expense of the parties.
8. Lease. The City may require, as a condition of entering into a lease agreement with the City, the dedication of space on the facility for public health and safety purposes, as well as property improvement on the leased space. Any dedications and

improvements shall be negotiated prior to the execution of the lease.

9. **Equipment Structure.** The equipment structure shall not contain more than 450 square feet of gross floor area or be more than 10 feet in height (excluding any platform structure). The equipment shall meet the minimum setbacks required for a principal building in the underlying zoning district.
10. **Temporary Facility.** As part of a proposal to develop a new Telecommunication Tower or Facility, the Owner may construct a temporary Antenna support facility. The temporary facility shall be located on the same site as the new Tower, shall be subject to the provisions of Section 403.170.D and shall not continue in use for more than 30 consecutive days. A temporary facility needed to allow for modification and/or repairs to an Tower necessary to aid in post-disaster relief efforts are exempt from the 30 day limitation.
11. **Site Plan.** A Major Telecommunications Facility Site Plan that meets the requirements of Section 403.170.H.4 shall be submitted with an application for a new Telecommunications Facility, Telecommunications Tower or Telecommunications Antenna that are not co-located, except that for a Micro-cell Network or Cable Micro-cell Network a Major Telecommunications Facility Site Plan shall not be required for each individual low-power transmitters/receiver.

H. Telecommunications Facility Site Plan Submission and Review Requirements

1. All applicants for Telecommunications Facility Site Plan approval shall request and participate in a pre-application conference with the City. Such a request will be submitted with a non-refundable fee of one hundred dollars (\$100.00) to reimburse the City for the cost incurred by the conference.
2. The City shall act on any Telecommunications Facility Site Plan application (submission) within a reasonable period of time after the request is filed with the City taking into account the nature and scope of such request. However, if the City does not accept the application (submission) as provided as complete and accurate, or if the City deems it necessary to make reasonable request for additional information, the time in which an application (submission) is processed shall be tolled pending receipt of the requested information and evaluation thereof. All applications that are reviewed administratively shall be completed within forty-five

(45) days of a complete and accurate application. If Planning Commission review is required, the matter shall be heard by the Planning Commission within forty-five (45) days and shall be acted upon within seventy (70) days thereof. These time requirements notwithstanding, Conditional Use review shall proceed according to its schedule set out in this Code.

3. Minor Telecommunications Facility Site Plan. A Minor Telecommunications Facility Site Plan submission shall contain all of the information required as part of an application for site plan and design review under the U.D.C., include a Minor Telecommunications Facility Site Plan submission fee of two hundred fifty dollars (\$250.00), and be subject to the following:

a. Information required.

1. A scaled site plan clearly indicating the location, type and height of the proposed Telecommunications Facility, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other local governments), comprehensive plan future land use designation of the site and all properties within the applicable separation distances set forth in Section 403.170.D.14, adjacent roadways, proposed means of access, setbacks from property lines set forth in Section 403.170.G.2, elevation drawings of the proposed Telecommunications Facility, topography, parking, and other information deemed by the Community Development Director to be necessary to assess compliance with this chapter.
2. The setback distance between the proposed Telecommunications Facility and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
3. A description of compliance with all applicable federal, state or local laws including all provisions within this zoning ordinance.
4. Identification of the entities providing the backhaul network for the Telecommunications Facility described in the application and other Telecommunications Facilities owned or operated

by the applicant in the city and one mile outside the City limits.

5. Certification. For all co-located Facilities, a sworn, notarized statement from a licensed engineer that certifies that the structure can support the additional load due to the co-location of Facilities and compliance with the antennae type hierarchy of this Section.
 - b. Review and Approval. A Minor Telecommunications Facility Site Plan shall be administratively reviewed by the Director of Community Development and may be administratively approved by said Director. The City may commission a review by a licensed professional consultant, of the City's choice, with appropriate technical experience to review the Plan and all supporting documentation. The cost of this review shall be borne by the applicant through a cost recovery process of the City and no review will commence until a cost recovery arrangement is finalized wherein the applicant agrees in writing to pay all the reasonable costs associated with said review and has advanced an amount equal to one-half of the amount estimated by the proposed reviewer for the cost of the review. The City and the Director reserve the right to require City Planning Commission approval. No building permit shall be issued to begin construction of any part of the co-located Facility, Tower or Antenna until the Minor Telecommunications Facility Site Plan is approved and any required Conditional Use Permit is granted.
4. Major Telecommunications Facility Site Plan. A Major Telecommunications Facility Site Plan submission shall contain all of the items required for a Minor Telecommunications Facility Site Plan (including information required for a final site plan under the U.D.C.), include a Major Telecommunications Facility Site Plan submission fee of five hundred dollars (\$500.00), and provide the following additional information:
 - a. Inventory of Towers.
 1. Each applicant shall submit an inventory of its, and those companies proposing to co-locate on the proposed Telecommunications Facility, Tower, or Antenna (if any), Existing Towers, Antennae, and approved Telecommunications Facilities within the

City, or within one (1) mile of the building thereof. No new Tower shall be permitted or Major Telecommunications Facility Site Plan approved unless the applicant demonstrates to the satisfaction of the City by substantial evidence that no existing Facility (whether or not owned by the applicant) can accommodate, as is or through modification, the proposed Facility. Substantial evidence to demonstrate that no existing Facility is suitable shall consist of any of the following:

- (a) An affidavit demonstrating that the applicant made diligent efforts to install or co-locate on Existing Towers and other existing structures within the Geographic Search Area, as determined by a qualified radio frequency engineer, and within a one mile radius of the proposed Tower site.
- (b) An affidavit demonstrating that Existing Towers and structures located within the Geographic Search Area, as determined by a qualified radio frequency engineer, and within a one mile radius of the proposed Tower site do not have the capacity to provide reasonable technical service consistent with the applicant's technical system, including, but not limited to, applicable FCC requirements.
- (c) Written technical evidence from a qualified radio frequency engineer that Existing Towers and structures within the Geographic Search Area are not of sufficient height to meet the applicable FCC requirements.
- (d) Written technical evidence from a qualified structural engineer that Existing Towers and structures within the Geographic Search Area do not have sufficient structural strength to support the proposed Facility.
- (e) A written statement from a qualified radio frequency engineer submitting technical evidence substantiating his opinion that the

Existing Towers and structures within the Geographic Search Area are incompatible due to electromagnetic/radio frequency interference or interference with public safety communications or the usual and customary transmission or reception of radio, television, or other communications service enjoyed by surrounding properties and that antenna on the existing tower or structure cannot be relocated on the existing structure to accommodate additional users.

- (f) An affidavit that the fees, costs, or contractual provisions required by the Owner to share an Existing Tower or structure within the Geographic Search Area, or to adapt an Existing Tower or structure within the Geographic Search Area for sharing, are unreasonable. Costs exceeding new Tower development are presumed to be unreasonable.
 - (g) The applicant demonstrates that there are other limiting factors that render Existing Towers and structures within the Geographic Search Area and within a one-mile radius of the proposed Tower site unsuitable.
 - (h) The applicant demonstrates that State of the Art technology used in the wireless telecommunications business and within the scope of the applicant's FCC license is unsuitable for the site involved.
 - (i) The applicant demonstrates that there are other limiting factors that render Existing Towers and structures within the Geographic Search Area and within a one-mile radius of the proposed Tower site unsuitable.
2. The City reserves the right to share inventory information with other applicants seeking to site their Telecommunications Facilities; however, in doing so, the City shall neither be responsible for

the accuracy of the information nor will it infer that any sites are available or suitable.

b. Engineering Report.

All proposals for a new Tower shall submit a written report certified by a licensed professional engineer who specializes in Radio Frequency engineering or Telecommunications Facilities. This report shall include:

1. The Geographic Search Area;
2. Site development plan;
3. A projection of wind-load capacity for the proposed Facility. No Tower shall be permitted to exceed its wind loading capacity as provided for by the applicable City building code;
4. A statement that the proposed Tower and the proposed Telecommunications Facilities, including reception and transmission functions, will not interfere with the visual and customary transmission or reception of radio, television or similar services as well as other wireless services enjoyed by surrounding properties;
5. A statement of compliance with all applicable building codes, associated regulations and safety standards;
6. The power density of the Facility and how it meets or exceeds the FCC's regulations on the environmental effects of radio frequency emission;
7. Evidence of compliance with Siting Alternative Hierarchy requirements and all other requirements of this Section.
8. Any additional information deemed warranted by the City to assess compliance with applicable regulations
9. The separation distance from other Telecommunications Facilities described in the inventory of existing sites submitted pursuant to Section 403.170.H.a.1 shall be shown on an updated

site plan or map. The applicant shall also identify the type of construction of the existing Telecommunications Facilities and the operator of the Tower(s), if known.

10. A notarized statement of the applicant's engineer that the Telecommunications Facility will accommodate the co-location of additional antennae for future users.
11. A description of the feasible alternative location(s) of the proposed Tower or Antenna within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed Tower or Antenna is erected.

c. Additional Requirements.

1. A landscape plan which meets the requirements of the U.D.C. and this Section.
2. Method of providing security enclosure and finished color and the method of providing stealth design and illumination.
3. A copy of the warranty deed and any lease or leases for the property on which the Telecommunications Facility, Tower or Antenna is to be located.

d. Review and Approval. A Major Site Plan shall be reviewed by the Director of Community Development and approved by the City Planning Commission. The City may commission a review by a licensed professional consultant, of the City's choice, with appropriate technical experience to review the Plan and all supporting documentation. The cost of this review shall be borne by the applicant through a cost recovery process of the City and no review will commence until a cost recovery arrangement is finalized wherein the applicant agrees in writing to pay all the reasonable costs associated with said review and has advanced an amount equal to one-half of the amount estimated by the proposed reviewer for the cost of the review. No building permit shall be issued to begin construction of any part of a new Facility, Tower or Antenna until the Major Telecommunications Facility Site Plan is approved and any required Conditional Use Permit

is granted, unless a Special Exemption use has been approved pursuant to Section 403.170.I.

I. Special Exemption Provisions

For circumstances where a prospective Facility Owner or Operator or a Telecommunications Services provider is able to demonstrate, based upon clear and convincing, substantial verifiable technical evidence, that it is unable to locate a Telecommunications Facility, Tower or Antenna, which is necessary under its service requirements, under the terms of the existing provisions of this Section on any available sites (including opportunities for co-location), and that, pursuant to federal law, it has a right to locate a Facility, Tower or Antenna in a location not permitted under the provisions of this Section or in accordance with the terms of this Section, the following will apply.

1. Application Requirements, Review and Approval

a. A Major Telecommunications Facility Site Plan that meets the requirements of Section 403.170.H.4 shall be submitted. As part of the Plan submission, the application shall clearly indicate the specific reasons why a Special Exemption is justified and provide documentation to support the justification.

b. Upon receipt of a complete Major Telecommunications Facility Site Plan, the City shall commission a review by a licensed professional consultant, of the City's choice, with appropriate technical experience to review the Plan and all supporting documentation. The cost of this review shall be borne by the applicant through a cost recovery process of the City and no review will commence until a cost recovery arrangement is finalized wherein the applicant agrees in writing to pay all the reasonable costs associated with said review and has advanced an amount equal to one-half of the amount estimated by the proposed reviewer for the cost of the review.

c. If the new Facility, Tower or Antenna is not a permitted or conditional use, as defined in Section 403.170.G.1, then Special Exemption approval shall be required.

- d. The review of any application for a Special Exemption use under this section shall require approval of the Special Exemption by the City Council, after a public hearing, following a public hearing and recommendation by the Planning Commission. Notice of the public hearing shall be as is required for changes of Zoning.
 - e. In granting a Special Exemption approval, the City Council may impose conditions to the extent the City Council concludes such conditions are necessary to minimize any adverse effect of the proposed Telecommunications Facility, Tower or Antenna.
 - f. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 - g. An applicant for Special Exemption use shall submit the information described in this section and Section 403.170.H. This information shall be accompanied by a non-refundable fee of one thousand dollars (\$1,000.00) to cover the administrative costs of the review. Any costs or expenses incurred by the City that exceed one thousand dollars (\$1,000.00) shall be reimbursed by the applicant or property Owner upon the applicant's receipt of an invoice from the City setting forth the expenses that exceeded one thousand dollars (\$1,000.00). Any pre-application conference fee shall accompany the information as provided in Section 403.170.H.1. The application shall be signed in the presence of a notary public and the notary shall affix his or her seal to the application.
 - h. Within forty-five (45) days of receipt of the review pursuant to Section 403.170.I.1.b, the matter shall be brought before the City Council for a public hearing. It shall be the burden of the applicant to make all showings by clear and convincing evidence and provide all evidence required for the granting of a Special Exemption.
2. Factors considered in granting Special Exemption approval for Telecommunications Facilities. The City Council shall consider the following factors in determining whether to approve a Special Exemption:
- a. Height of the proposed Tower/Antenna.

- b. Proximity of the Tower/Antenna to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the Tower/Antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing Towers, buildings and other structures, in order to avoid the siting of new Towers or structures, as discussed in Section 403.170.H.4.a.1 of this Section.
3. The applicant shall comply with all requirements of this Code for a new Telecommunications Facility, Telecommunications Tower or Telecommunications Antenna which are technically and financially feasible as are reasonably determined by the City Council.
4. No building permit shall be issued to begin construction of any part of a Facility, Tower or Antenna that does not comply with all the applicable terms of Section 403.170 and all its sub-parts unless a Special Exemption use is approved.

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Update to Emergency Communications Narrow Band Upgrade

STUDY SESSION MEETING DATE: July 18, 2011

CITY DEPARTMENT: Fire Department

PREPARED BY: Randy Behrens

At the March 7, 2011 Council Study Session Staff reviewed bid specifications for a Radio System Narrow Band Upgrade. Staff posted the bid on May 9, 2011, with an opening day of June 14th, then extended the opening date to July 5, 2011. The bid specifications were emailed or mailed to 18 vendors requesting bid packets. There were 5 bids opened and read on July 5, 2011.

The bid specifications asked for radio system narrow band compliance which would bring Police/Fire/Public Works into compliance with the Federal Mandate of December 31, 2012. The bids consisted narrow band compliance and 4 "options". The first part of the bid, and Option A, which includes narrow band mobile radios that need to be purchased ranging from \$205,314 to \$727,279. Option B addressed P25 Trunking capability with bids ranging from \$23,194 to \$633,806 with two vendors offering multiple solutions. Option C addressed all radios capable of working in trunking mode which included radio upgrades to current radios and replacing radios that were not able to be trunked with prices ranging from \$266,540 to \$404,031. Option D focused on service contracts and system monitoring ranging in price from \$3,000 to 56,330.

Staff is still reading through all of the bids submitted making sure that the bids meet what was requested. Reading through the bids, they all included additional options that Staff did not request but still need to be compared and considered to make sure that their system meets the City's needs. Staff is compiling questions to ask the bidders so to have a better understanding of what they bid and how their solution will benefit the City and the Federal Mandate requirements.

Staff anticipates providing a Vendor for recommendation to City Council in August.