

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council  
**FROM:** Mari E. Macomber, City Manager  
**SESSION DATE:** March 4, 2013  
**TIME:** 4:30 p.m.  
**PLACE:** Second Floor Conference Room

**AGENDA:**

- **REVIEW WATER SERVICE ACCOUNTS**
- **REVIEW SIGN CODE ORDINANCE**
- **REVIEW RESULTS OF DESIGN GUIDELINE SURVEY**
- **REVIEW NEWSLETTERS – 2/22 and 3/01**
- **REVIEW COUNCIL AGENDA**

## **REVIEW WATER SERVICE ACCOUNTS**

Schneider Electric is getting ready to begin the meter replacement project and as they do this we want to make sure that there is an understanding of the process. Today, the system includes not only a meter for each utility account, but in many instances there are remote readers that were located somewhere outside of the structure to allow the City to read the meters without having to bother the property owner. These remote readers also eliminated the once a month meter reading responsibility on the property owner or occupant.

Once the Council approved the Performance Contract, there was no need to spend additional money to replace any remotes that went bad, so we began asking the occupants to read the meters so that we could bill them, otherwise we would be providing them an estimated utility bill.

As we begin the process of changing out all of the meters, we expect to find some discrepancies between the actual meter and what we may have billed. This expected discrepancy is due to our expectation that in some cases the remote readers may have slowed down and not registered the actual water usage. Schneider's plan is to take a picture of the actual meter before it is removed so that we have the information on the consumption.

Finance Director Katie Myers provides more information on the remote readers, as well as some statistical information regarding the number of meters that we have been estimating over the last four years. Please note when you review the charts that they are on a 100% scale and that the charts start at 94% instead of at 0.

It has been our position over the last few months and based on ordinance language that any differences between the remote readers and the meters are the responsibility of the occupant. To emphasize this, the City Attorney has crafted some language to be added to the City's ordinance, which will be presented to the City Council on March 18.

"In addition, the owner shall be responsible for all unpaid water and sewer services which have been previously provided to the subject premises. IF any such unpaid water and sewer services were consumed by a previous owner or occupant, then the City will use whatever efforts it deems reasonable, in the sole discretion of the City to collect the amount owed by the previous owner or occupant, and will reimburse any such sums collected to the current owner who pays such previous charges."

**Recommendation:** The City Council should review the information that was provided by the Finance Director and insure understanding of how the meter replacement process may affect some utility customers.

### **REVIEW SIGN CODE ORDINANCE**

The City Council adopted a sign code back in 2001 after considering recommendations from an appointed committee made up of business owners, sign company representative and general citizens. The code was updated again in 2005 after a similar process. In 2011 the Code was updated to clarify the exact limitations on signs allowed, dimensions. It was also changed to allow additional signs along street frontage for office complexes and shopping centers that did not have a main identification sign on the right of way.

As staff continues to work toward enforcement of the sign code, they have found that additional improvements need to be made to the sign code. Brad Selby Codes and Planning Director has outlined the various sections we wish to discuss with the City Council.

**Recommendation:** Please review the staff report from Brad Selby, as well as the existing sign code which is included in this Study Session packet. Ask questions about the changes and discuss Council Direction.

### **REVIEW RESULTS OF DESIGN GUIDELINE SURVEY**

The results are in from the latest survey that was sent out to all property owners within the downtown area. Twenty-eight percent of the surveys were returned with some response. A summary report of the survey results is included for your review and assessment.

Please note that both your Historic Preservation Commission and Planning and Zoning Commissions chose not to move forward with any required design standards for the downtown. The Planning and Zoning Commission, though is waiting to hear whether the City Council wishes the Commission to move forward with a public hearing on the matter.

For those who were not in attendance at the meeting with TSU President Paino. The City Council and President Paino did discuss the importance of the downtown and ways to improve its overall appeal to not only the faculty, staff and students of both ATSU and TSU, but to visitors in general. One thing that was briefly discussed was whether or not there were any financial incentives that could be provided to property owners. If the Council were interested in pursuing this idea, it would require the TIF Commission to determine if they are first interested in allocating some funds for this. It should be noted that the TIF Plan did include façade improvements as an eligible project.

**Recommendation:** Review the information provided in the report from Codes and Planning Director and the survey results. Give direction to staff on whether or not you wish to move forward with required building standards for the downtown or if you would like an incentive program explored with the TIF Commission.

## **NEWSLETTER REVIEW – February 22 and March 1**

### **REVIEW COUNCIL AGENDA**

#### Attachments

- Remote Meter Staff Report by Katie Myers, Finance Director
- Sign Code Staff Report by Brad Selby, Codes and Planning Director
- Sign Code Ordinance
- Design Guideline Staff Report by Brad Selby, Codes and Planning Director
- Design Guideline Survey Results

## KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

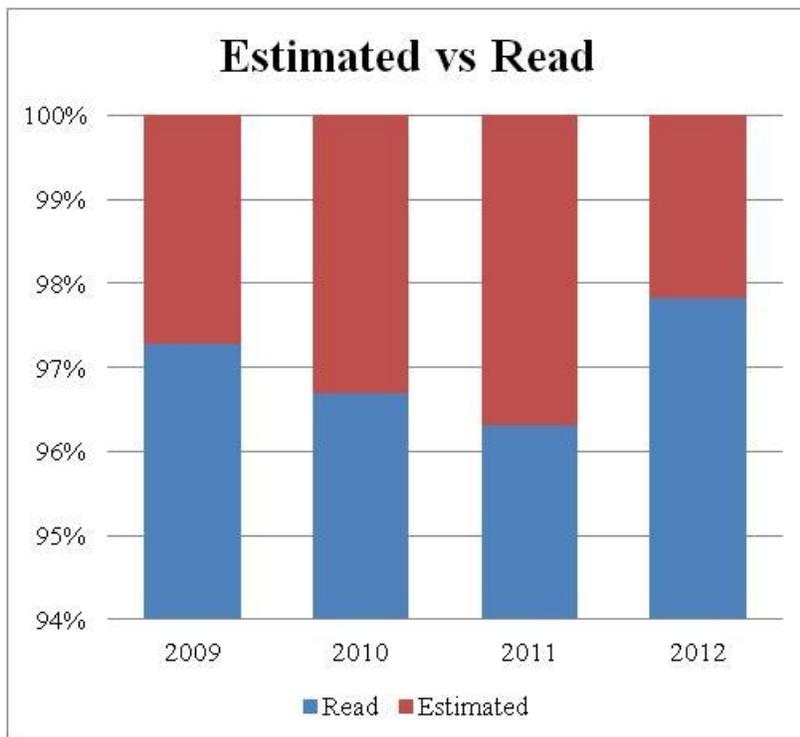
**SUBJECT:** Remote Meter Reader History

**STUDY SESSION MEETING DATE:** February 19, 2013

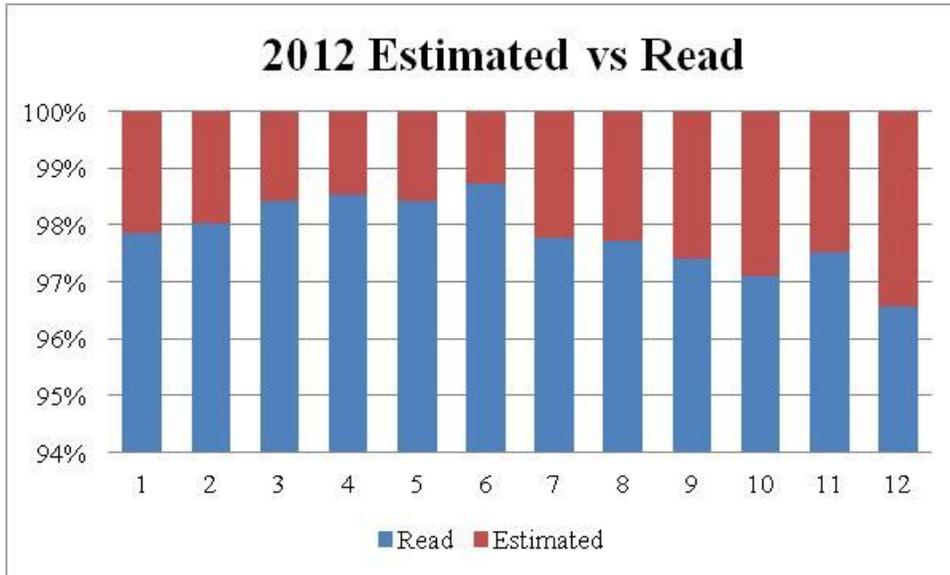
**CITY DEPARTMENT:** Finance

**PREPARED BY:** Katie Myers, Finance Director

The remote reader that is used to remotely read water meters has been in place prior to 1993. The technology was invented in the mid 1970's. The exact time frame of installation is not known by city employees, but based on employee recollection, it would have been in the late 70's. The graph below shows the meters that were read and the meters that were estimated by year starting with 2009. As you can see, the number of estimated reads was increasing since 2009 until 2012.



The graph below shows the decrease in estimated reads in the first part of the year due to new meters being replaced with the new Automatic Meter Read (AMR) meters. July through September estimated reads are up due to the level of appointments for student turn ons and the availability of the readers to get more accurate readings. In October 2012, the Schneider Electric contract was approved so the decision was made not to invest any funds into the cost of repairing/replacing remote readers.



For the month of February 2013, we received 34 phone in reads to help with the estimated billing. We had sent out approximately 390 letters with the December and January bills for any account that had an estimated reading and asked that they read their meter so that they would not get an estimated bill. We are hoping to avoid having the customer receive a large catch up bill due to under estimating actual usage.

Schneider Electric is scheduled to start replacing meters the week of March 4, 2013, depending on our Software provider, Springbrook, meeting Schneider Electric's project requirements before starting. This work was originally planned to start the first week of January.

## KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

**SUBJECT:** 2013 Sign Code Revision

**STUDY SESSION MEETING DATE:** March 4, 2013

**CITY DEPARTMENT:** Codes & Planning Department

**PREPARED BY:** Brad Selby

We are continuing to work on the sign code for the city. Some issues that have come up lately are temporary signs, signs that do not advertise the business, but advertise a service or product, and sign materials that are allowed. We need to put more detail into our code, to ensure that we have consistency.

Two other issues we are bringing to the table for council to consider is the proliferation of both video signs and pennants, or “fluttering” signs.. Both of these are considered advertising. Video signs are growing faster than I expected in Kirksville. Our ordinance is more tolerant of these types of signs than most other cities. I would like to get council’s direction on what they would like to see with this type of sign.

The pennants are growing quickly also. These are sometimes known as “wind signs”. They flutter and flap in the breeze and are designed solely to capture a driver’s attention. That is not what we want to see on any street, especially on Baltimore street. We are seeing them all up and down this area. They require a permit, but businesses are not getting one. We will have to increase enforcement.

We are trying to compromise between more specific sign ordinances, and the time it will take to inspect and enforce what is there. People try to ignore sign codes more than about anything else we do. It is hard for the codes department, because we just can’t go by every business every week looking for signs. They are easy to miss if they have a new sign. We have to be able to enforce what we have on the books plus some of these changes.

Discussion points and my recommendations are below:

**What constitutes a sign?:** Advertising signs should be limited to those signs that advertise the name of the business. Any other type of sign that advertises items or products or services sold or offered at the business, we do not *currently* regulate.

**Recommendation:** I would not want to get too far away from this current situation. The question we have now is what to do for the signs that advertise *goods or services* for the business. I would propose that we write in our ordinance that these types of products or services or items can be advertised without limit or permit, as long as they are displayed on a permanent structure at the business. (See also the paragraph on

temp signs.) We may include a more detailed definition of a sign, or for a Permanent Sign or a Temporary Sign, and more detail on what defines a state of disrepair.

**Sign materials:** In looking at other cities, nobody, including us, actually states what materials are allowed on a permanent advertising sign. They all *infer* that the supports and frames, etc., should be of durable materials, but they do not actually say, plastic, metal, glass, etc. I have interpreted that for our codes, too. I talked to Columbia and Maryville on this subject. Columbia does exactly what we do. They only allow metal, plastic, and glass materials for their permanent signs, unless the customer wants to put up a cloth or vinyl material on a backer of some sort, and cover it with a clear lexan or glass, so it has a permanent appearance. They could not have the vinyl material mounted and stretched out exposed, and used as a permanent sign. Maryville makes an exception, that we do also, if the vinyl material is a stick-on being mounted directly to the smooth metal, plastic, or glass surface, then it is OK. Columbia does not even allow a vinyl sign to be used as a temporary sign, strung between two posts, for instance, unless it has a board behind it, and the vinyl sign is attached to the board.

**Recommendation:** Make our ordinance more specific, by specifying what materials can be used for a permanent sign.

**Temporary signs:** Our temporary signs are allowed for 90 days. Most other cities I have looked at are 30 or 60 day limits. Columbia's sign ordinance says that No person shall be allowed to display a temporary sign or signs on a parcel of land for more than 14 days in a calendar year. That would eliminate a lot of signs. On Mari and I's "tour" of Kirksville, we talked about the beer signs at convenience stores, the flags in front of a business for "We Buy Gold", "Special Sale", etc. I talked to three different cities on these types of signs. Two of them told me that these are technically advertising signs, but they do not enforce them because they don't have enough people or time. The third, Moberly, said they do not regulate these types of signs at all, only the actual business name signs. Temporary signs can use flexible vinyl or cloth materials.

**Recommendation:** I believe there are too many temporary type signs. We should try to reduce the number of these, to make the city look better. If council agrees with this, we should consider the beer/cigarettes/milk/open 24 hours signs to be acceptable and not require a permit, IF THEY ARE mounted or installed on permanent structures, such as the business's pedestal sign, on the building itself, or on an accessory structure (the canopy over gas pumps, etc.). All other signs that are put out on the property ("We Buy Gold, Special Sale, etc."), would require a temporary sign permit. We would require that the lower right corner of the temporary sign have the date written on it for when the permit expires. This would assist us in enforcement. I would recommend 30 days for a temporary sign permit and allow no back to back purchases. At least 30 days time must elapse before issuing a permit for any other temporary sign. This would allow any business to have a temporary sign 6 months out of the year. I believe that should be enough for any business, and should reduce somewhat the number of signs being displayed at any one time.

**Banners:** Banners are currently allowed at any business in the city without obtaining a permit. They are very similar to temporary signs. The main difference is that banners must be attached to the building fascia. Three banners are allowed at any time. They are not allowed longer than 90 days. Banners may not be displayed from a canopy or awning.

**Recommendation:** There is some overlap between a banner and a temporary sign, so we should limit banners to 30 days the same as a temporary sign, and require the expiration date to be written on the lower right corner of the banner, to assist in enforcement.

**Billboard Signs:** Billboard signs should be better defined. Our definition is not a proper definition at all. Currently it is defined as: *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.*

**Recommendation:** A proposed definition of billboard signs should be: *All signs which advertise a product or business not located on the same lot or premises as the sign. The term "billboards" includes, but is not limited to, billboards, poster panels, and freestanding signs on separate parcels. The term "billboards" does not include real estate signs, subdivision, and subdivision real estate signs.*

**Video/Message Signs:** We are one of the few cities that will allow video signs. See the chart on the last page for some cities.

Does council have an opinion on these types of signs? Too many now? Are we OK?

Several cities allow message signs, but we are allowing full video. We do not have any brightness restrictions, either. This has been an issue for us with some complaints from neighbors. A moving message is one thing, but businesses seem to want video capability now. We will have more of these. Should we consider a change, to eliminate the video type? We are going to have a Vegas style strip, I am afraid, if we don't. We would have to continue to allow the current signs, but we could require them to not change the image any sooner than every 30 seconds, or 20 seconds, or 10 seconds, etc. Businesses would still be able to show any view they wished, but there would be less of a distraction to drivers. Some of the cities I looked at have this as an ordinance now, to not allow the sign to change any sooner than every 30 seconds. They also do not allow any fading out, flashing, or quick changes, etc. Our ordinance just says "no strobe-like effects". These signs are designed to distract drivers from driving, in order to read or watch the screen. It is definitely more distracting than a fixed message sign. Do we want to do more for regulation of this type of sign?

**Recommendation:** Pass an ordinance with a brightness regulation in it, or at least a requirement that any sign have an automatic "dim" feature at night. We need the authority to have the brightness turned down if there are complaints. We can come up with a regulation on lumens at X feet, etc., but buying equipment to measure it would probably be prohibitive. We have had success asking owners to turn the intensity of their sign down. We should consider not being able to change the image any sooner

than every 10 seconds. A “moving message” sign would continue to be allowed to scroll a message across the screen if it is words/letters only.

### **Miscellaneous:**

1. Sedalia’s sign code prohibits “fluttering” signs that flop in the wind. I think we should also consider eliminating this type of sign as it is designed only to attract driver’s attention. Or, we could make signs of this type be no closer than 25 feet to a right of way, so they would be less of a distraction. We would not plan to prohibit signs of this type that are related to the sale of real estate.
2. The air powered “sign man” signs that imitate a person, that stands up and falls, and then repeats is also a distraction to drivers. A recommendation for this type of sign would be to eliminate it altogether, or at the least, to require it to also be at least 25 feet away from the right of way line.
3. Nonconforming signs in the existing code, paragraph 4, states, “Removable letter signs that are mounted on trailers or on a portable base are considered as nonconforming signs.” Consider adding, “Attaching or embedding these signs to the ground so that they are no longer movable, is still considered as nonconforming.”
4. Add the definition of a portable sign to the Kirksville sign code: “A sign which is not designed or manufactured to be permanently anchored or affixed to the ground, building or other structure, but rather is designed or primarily used as a temporary sign which is movable from place to place.” A section of our existing Temporary sign code should be amended to remove the word “portable”.
5. Vehicle signs: Add to the list of prohibited signs: “Vehicle signs – for purposes of this section, a vehicle parked containing a commercial message or image and parked on the street beside any business and not regularly and customarily used in the business, other than for advertising, or parked during business hours.”
6. Legal Nonconforming Outdoor Advertising Signs – Provisions should be added to our code that a currently legal billboard sign that is nonconforming (not currently in a location that allows billboards, but that is *grandfathered*), cannot be expanded, have lighting added, height increased, etc. If it deteriorates to more than 50% of its replacement cost, it may not be reconstructed and must be removed. Also it could not be moved without losing its grandfathering rights. Also, if not advertising a current business for 60? days or more, the sign must be removed, if it is nonconforming.

Sign Ordinances in Other Select Cities for Comparison Purposes

City	Video	Temporary	Portable	Fluttering
Moberly	No flashing No animated	14 days only. 30 days annually	same as temp signs	
Columbia	Not allowed. Time & Temp ok	14 days per calendar year	Not allowed	No "wind" signs
KC	No animated	Not mentioned so this type not allowed	Not allowed	Not allowed (pennants, etc.)
Maryville	OK, but can't change less than 4 seconds. "O" downtown.			
Sedalia		30 days only, 4 times/year	OK 15 days every 60. Grand opening 30 days	Not allowed. US & MO flags are OK.

ARTICLE XI. - SIGNS  [21]

Sec. 6-163. - Definitions.

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

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

Sec. 6-166. - Additional regulations.

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

Sec. 6-168. - Violation—Penalties.

Secs. 6-169—6-193. - Reserved.

**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, 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 fixture constructed of various materials which projects from the front or surface of a building. 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 may be counted as a 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.

*Code enforcement officer.* The person charged with the administration and enforcement of this 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.

*Downtown Kirksville area.* 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.

*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.

*Moving message or video sign.* A sign that involves wording moving electronically across the face of a sign, or may have a video image on the face of the sign. These types of signs may not use strobe-like effects.

*National Electrical Code.* The 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.

*Projecting sign.* Any sign extending more than one (1) foot from the face of the building to which it is attached or on a wall and having its face approximately at right angles to the face of the building.

*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) 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 codes and 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.

*(Ord. No. 11970, § 1, 8-1-2011)*

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

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: One (1) per home  
 Sign size: Two (2) square feet  
 Height: Eight (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: One (1) per lot  
 Sign size: Fifteen (15) square feet  
 Height: Eight (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: One (1) detached sign and two (2) wall signs  
 Sign size: Fifty (50) square feet each  
 Height: Eight (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: One (1) per building
- Sign size: Fifty (50) square feet
- Height: Eight (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 four (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 subsection (1) above:
- b. Where permitted: Multi-family home with min. ten thousand (10,000) sq. ft. of land area.
 

Type allowed: Detached sign

Number allowed: One (1) sign for each ten thousand (10,000) square feet of land area

Sign size: Thirty-two (32) square feet

Height: Eight (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 one (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 subsections (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, moving message sign.

Number allowed: Two (2) wall signs OR one (1) wall sign and one (1) canopy sign, plus one (1) projecting sign OR one (1) detached sign.

Sign size: Wall signs: Each wall sign shall not exceed fifteen (15) percent of the total area of that wall fascia the sign is mounted on, with one hundred (100) square feet being the maximum sign size allowed.

Projecting sign: Two hundred (200) square feet.

Detached sign: 1.0 square foot for each linear foot of lot frontage, with two hundred (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: Twenty-five (25) feet.

Other:

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.
6. A moving message sign would be counted as either a wall sign, projecting sign, or detached, sign, depending on where it is located.

- h. Where permitted: Planned local shopping center or office park  
Type allowed: Wall signs, projecting signs, detached signs, canopy sign, moving message 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 fifteen (15) percent of the total area of that wall fascia the sign is mounted on, with one hundred (100) square feet being the maximum sign size allowed.  
Detached sign: Thirty-two (32) square feet  
Projecting sign: Thirty-two (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: Twenty-five (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.

6. A moving message sign would be counted as either a wall sign, projecting sign, or detached, sign, depending on where it is located.

(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 subsections (1) and (2) above but not as permitted in subsection (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 fourteen (14) inches by forty-eight (48) inches with minimum of seven (7) feet six (6) inches of clearance above the sidewalk surface.

Roof sign: Two hundred (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 three (3) inches from the face of the building.

3. Any sign band height must not exceed thirty (30) inches 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 ( $\frac{1}{2}$ ) 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 (1) 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 (2) people to walk down the sidewalk side by side. Sandwich signs require the purchase of a temporary sign permit, which is ten dollars (\$10.00). These permits expire after ninety (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 subsections (1), (2), and (3) as stated above, not including the Downtown Kirksville area (subsection (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, moving message sign, 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 twenty (20) percent of the total area of that wall fascia the sign is mounted on, with two hundred (200) square feet being the maximum sign size allowed for each sign.

Projecting sign: Two hundred (200) square feet maximum

Detached sign: 2.0 square feet for each linear foot of lot frontage, with two hundred (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 six (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 (1) 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 and planning director.

- f. Where permitted: Planned local shopping center or office park  
 Type allowed: Wall signs, projecting signs, detached signs, canopy sign, marquee signs, moving message sign  
 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 twenty (20) percent of the total area of that wall fascia the sign is mounted on, with one hundred (100) square feet being the maximum sign size allowed.  
 Detached sign: Thirty-two (32) square feet  
 Projecting sign: Thirty-two (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: Thirty-five (35) feet  
 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. 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 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.

6. A moving message sign would be counted as either a wall sign, projecting sign, or detached sign, depending on where it is located.

(6) Highway billboard signs.

a. The following specific regulations pertain to any sign located along the Highway 63 or Highway 6 highways within the city limits of the City of Kirksville:

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 shall be no closer than fourteen hundred (1,400) feet between each sign structure on the same side of the road.

6. Signs may not be stacked one above another.

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.

9. Signs cannot maintain flashing, intermittent, or moving lights or imitate or resemble an official traffic sign.
  10. To obtain a billboard sign permit from the City of Kirksville for location along the Highway 63 or Highway 6 right-of-ways, the applicant must first bring a copy or proof of an approved sign permit from the Missouri Department of Transportation.
- (7) Major corridor billboard signs.
- a. Areas in the city where billboards are allowed:
    1. South Baltimore Street, from Shepherd Avenue to the south city limits, where zoning permits.
    2. North Baltimore Street, from where Highway 6 goes west from Baltimore Street, North to the city limits, where zoning permits.
    3. Illinois Street, from Baltimore Street east to the city limits, where zoning permits.
    4. Shepherd Avenue from Baltimore Street east to the city limits, where zoning permits.
    5. Highway 6 from Baltimore Street west to the city limits, where zoning permits.
    6. Any location along Highway 63, 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, for locations that are NOT along Highway 63 or Highway 6.
  - 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 on the same side of the road, for locations that are NOT along Highway 63 or Highway 6.
  - 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 on the same side of the road, for locations that are NOT along Highway 63 or Highway 6.
  - i. No side-by-side signs shall be permitted.

*(Ord. No. 11970, § 1, 8-1-2011; Ord. No. 11979, § 1, 11-21-2011)*

**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 codes and planning director after a site plan has been submitted and approved. The fee for the temporary sign shall be ten dollars (\$10.00). The temporary sign permit will expire after ninety (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 codes and planning director.
  
- (2) *Banners.*
  - a. Banners 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.
  - b. Advertising banners are not allowed to be over a public right-of-way.
  - c. In all districts, including the Downtown Kirksville area, 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.
  - d. Banners or signs displayed on vehicles or persons shall not be regulated by this article.
  
- (3) *Searchlights.*
  - a. 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. 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.

(Ord. No. 11970, § 1, 8-1-2011)

**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, 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) Sign and/or cabinet—Within thirty (30) days.
  - (2) Supporting structure—Within one hundred and eighty (180) days.
- (i) *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, electrical devices shall be kept in good repair and working order. The display surfaces of all signs shall be kept painted or properly finished at all times.
- (l) All signs and billboards placed next to the rights-of-way 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.

(Ord. No. 11970, § 1, 8-1-2011)

**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 codes and 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,

**Section 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 and 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.

(Ord. No. 11970, § 1, 8-1-2011)

**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:** Downtown Design & Review Ordinance

**STUDY SESSION MEETING DATE:** March 4, 2013

**CITY DEPARTMENT:** Codes & Planning Department

**PREPARED BY:** Brad Selby

In December of last year, the City of Kirksville sent a survey out to all of the downtown property owners, to receive their feedback and opinions on a proposed Downtown Design & Review Ordinance that would regulate the appearance of buildings for any *new* construction in the designated downtown area. This survey was approved by both the Kirksville Historic Preservation Commission (KHPC) and the Planning and Zoning Commission (P&Z).

This was all a culmination of efforts reaching back to 1999 on what to do to help keep the downtown Kirksville area attractive and improve its ability to bring more customers and business into the area. Two downtown surveys and the DREAM committee all recommended that design guidelines were needed in the downtown area to ensure that architecture and buildings would complement each other, so that all would be able to contribute to the attractiveness of the downtown.

Some property owners did not want to follow those suggestions. A survey prior to this one sent out by the Kirksville Downtown Improvement Committee only returned a handful of surveys that did not provide much direction. The KHPC and the P&Z and the City all felt that another survey with more detailed questions would provide enough feedback that a decision could be made on whether to move forward or not. 134 surveys were sent out and 38 were returned or 28%. This percentage of returned surveys was disappointing, but if a decent majority of respondents had been in favor of an ordinance, I believe the KHPC and P&Z could have made a decision to approve an ordinance in some form. However, the results on the main question - *Are you in favor of some type of regulation or enforcement ordinance for the construction of new buildings only, to help ensure that new construction complements the architecture and appearance of existing buildings?* – was evenly split with 19 yes and 19 no votes.

The KHPC at their February meeting tabled a decision and deferred to the Planning and Zoning Commission. The P&Z at their February meeting passed a motion for city staff to present to the City Council the results of the survey and to note the lack of support for an ordinance. They voted to drop the effort to proceed with an ordinance, unless directed by City Council to hold a public hearing and attempt to go forward. This motion was approved by the P&Z with 8 members voting yes and 1 abstention.

## DOWNTOWN SURVEY SUMMARY

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134 → TOTAL NUMBER OF SURVEYS SENT TO PROPERTY OWNERS

38 → TOTAL NUMBER OF SURVEYS RETURNED (UP-TO-DATE) 1-24-2013

### ***28% OF SURVEYS RETURNED***

1. As a Downtown Property Owner, do you want new construction in the downtown area to be sympathetic to the existing early 1900's architecture? By sympathetic, we mean "construction that complements the existing architectural styles".

50% Yes **19/38**

34% No **13/38**

Comment: Don't want to force it. Doesn't concern the City. Codes, not guidelines. Only if the business owner wants to. I am for banning certain construction, but not for strict guidelines on materials and colors.

2. Do you believe that the value of your downtown buildings is enhanced because of their location and the architecture of the area?

39% Yes **15/38**

50% No **19/38**

Comment: Location enhances value, architecture does not. More to the questions than a yes or no answer. Value is degraded due to low traffic and limited parking.

3. If an open lot suddenly appeared next to your downtown property location, and the owner wanted to construct a metal "pole-barn" type building to be used as a business of some type, would you:

11% be in favor? **4/38**

50% be opposed? **19/38**

32% None of my business. **12/38**

Comment: Already have metal buildings in this area. Established codes should clearly stop construction inconsistent with a quality downtown. A business in this type of building is better than an empty lot. I would not want to keep a new business from opening. The KHPC and the P&Z can not predict business success or failure so they should have no say.

4. If the metal "pole-barn" type building was built next to your property, would it:

50% lower your property value? **19/38**

8% raise your property value? **3/38**

39% not change your property value. **15/38**

Comment: None of my business. The property value would actually be more dependent on the type of business. Property value is set by the County Assessor. My business location is more important than the neighborhood. This survey is a joke.

5. As a Downtown Property Owner, would you be in favor of an ordinance that would regulate and control the appearance and remodeling of all exterior building features for **existing buildings**, as well as new construction?

16% Yes, for existing and new construction **6/38**

34% No, just for new construction only **13/38**

47% No, not for anything **18/38**

Comment: I don't want my building regulated even though I know I should be aware of the historic appearance. It's my building, it's my business, and I pay the taxes. It may be difficult to maintain a building, but it is in the best interest of most business to do so. Business is hard enough without more unneeded regulation. I am in favor of excluding certain types of construction, but opposed to strict guidelines for remodeling.

6. As a Downtown Property Owner, are you in favor of some type of regulation or enforcement ordinance for the construction of **new buildings only**, to help ensure that new construction complements the architecture and appearance of existing buildings? (A draft of a proposed ordinance for new buildings is enclosed in your packet.)

50% Yes **19/38**

50% No **19/38**

Comment: I am in favor but the proposed ordinance is too strict. Modern style buildings like Bank Midwest, Bank of Kirksville, or Downtown Cinema 8 could not have been built with this ordinance. Who are these people that want to be the Rulers of my property? Some guidelines and regulations for new construction would be helpful.

7. If your answer to #6 above is yes, would you be willing to come to a public hearing before the Planning and Zoning Commission to show your support for this type of ordinance?

42% Yes **16/38**

18% No **7/38**

18% No, but I would appear and voice my opposition to it. **7/38**

Comment: Don't do any good, been there before. I would appear and voice my opinion. KHPC, stay out of this. You can't save anything unless it's with someone else's money.

8. The City of Kirksville's goal for this project is to improve and enhance the downtown area as a destination for shoppers. It is also to protect the investments of property owners who renovate their downtown buildings, from those who might build structures that severely conflict with downtown architecture and appearances. Do you think the City is:

8% not doing enough to support the downtown area with efforts like the above? **3/38**

37% doing too much with guidelines? Should not get into this at all. **14/38**

42% doing things about right. **16/38**

Comment: If you don't like it downtown, don't build or buy there. Keep up with the direction you are now going. We should ensure that a new ordinance does not use the word guidelines. Do not be distracted by a minority voice; we need to do more downtown and control the quality along Franklin. Anyone who has remodeled the exterior has improved the look of their building with or without guidelines.

9. The map shown in the enclosed packet of information shows the area of "Downtown Kirksville". Generally, this is 2 blocks in any direction from the square, which we feel is the

traditional downtown area, and a “tail” that goes down Franklin Street to Normal Street, between Elson and Marion Streets. Some people feel that this “tail” on the downtown area should be included with the proposed area because it is seen as the “gateway” to the downtown. Do you agree?

42% Yes **16/38**

45% No **17/38**

Comment: This has been developed already. The proposed downtown area should be expanded. It makes sense to remove the tail and provide a clean break between the two areas. This tail should go down Jefferson St. instead; The University will take care of Franklin. I feel that Franklin and Jefferson should be maintained mindful of first impressions of visitors; rental properties too.

10. If an ordinance to regulate only new construction goes forward to the city council for approval, the entity that would approve any new construction and appearance for a new building would be the members of the KHPC. At one time, a 2-person committee of the KHPC would have done this. Now, it is proposed that the whole KHPC membership would approve/disapprove any applications for construction. Do you agree that it should be a quorum of the 7 member commission making these decisions in a public meeting, if a city ordinance is passed?

66% Yes **25/38**

18% No **7/38**

Comment: Let the Code Department handle this. The KHPC is not supposed to run my business. A quorum of the KHPC is a good resolution. Let the KHPC determine the approach. Definitely more than just 2 people should make this type of decision.

11. What other information would you like the KHPC or the P&Z to know about your opinion on this subject?

Please stay out of the construction business. My building is inside the downtown and outside the TIF District. The proposed ordinance is overdue. Please let this thing die. For promoting the downtown area, we need more landscaping and the awnings need to stay. You need to ask builders and contractors why they don't do much building in Kirksville. Thank you for asking for our property owner's feelings and opinions. The downtown is one key to our communities success. We need to do what we can to support it and retain it's viability. Pass this ordinance now before the character of Kirksville becomes prefab housing surrounding an aging downtown. Passing of the ordinance would only stifle business and not let them grow. Only certain people run this town; too many apartment buildings going up; not enough business downtown; no business around the square. Don't worry about downtown, just worry about getting new business in Kirksville. Whatever the city can do to make doing business and staying in business less burdensome would be welcomed; Would the city be able to apply for any grants for downtown improvements that could be evenly distributed to existing businesses to make exterior, aesthetic improvements to their store fronts?