

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO SIGN REGULATIONS VARIANCES, PERMITS, APPEALS, REVIEW & APPROVAL.

WHEREAS, the Unified Development Ordinance provides for the approval of text amendments by the city following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of this amendment on July 27, 2021, and rendered a report to the City Council recommending approval by a vote of 6-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on September 7, 2021, and rendered a decision to approve the text amendment; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the proposed amendment is consistent with the review criteria in Section 14-701-01; and,

WHEREAS, this proposed amendment modifies Sections 14-504-14-C and 14-708-02.

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

SECTION 1. That Section 14-504-14-C of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-504-14-C. Unified Sign Plan. A unified sign plan is required for all multi-tenant shopping centers with a gross floor area of more than 70,000 square feet ~~and must accompany the final site plan application~~. The unified sign program must describe and illustrate a consistent pattern in the location, style, and color of all signs including those for in-line stores and outbuildings, such as pad site buildings. **Unified Sign Plans shall be approved in accordance with Sec. 14-708-02-G.**”

SECTION 2. That Section 14-708-02 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

“14-708-02 Sign permits

14-708-02-A. Authority to File. Applications for sign permits may be filed only by the subject landowner or the subject landowner's authorized agent.

14-708-02-B. Applicability. A sign permit is required in accordance with this section for the erection of any sign other than those exempted from permit requirements by Section 14-504-04.

14-708-02-C. Application Submittal. A complete application for a sign permit ~~or master sign plan~~ must be submitted to the Community Development Director as set forth in Section

14-700. All sign permit applications must provide information regarding the location, materials, size, color, and illumination. ~~Master sign plan applications will be required as part of a final site plan.~~

14-708-02-D. Review and Action by the Community Development Director. The Community Development Director must review each sign permit application for compliance with this development ordinance and act to approve, approve with conditions, or deny the permit.

14-708-02-E. Maintenance and Repair. Cleaning, painting, repainting and other normal maintenance and repair of a sign do not require a sign permit unless a structural or size change is made. Maintenance does not include replacement of a sign face.

~~14-708-02-F. Appeals. Appeals of sign permits or master sign plans denied by the Community Development Director must be made to the Planning Commission in accordance with Article 7. The Planning Commission may approve a master sign plan with elements that exceed the permitted height, area and/or number of signs specified in this development ordinance if it finds that:~~

- ~~1. The development site contains unique or unusual physical conditions such as topography, proportion, size or relation to a public street that would limit or restrict normal sign visibility;~~
- ~~2. The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest or other distinguishing features that represent clear variation from conventional development; or~~
- ~~3. The proposed signage incorporates special design features such as logos, emblems, murals or statuary that are integrated with building architecture.~~

14-708-02-F. Planning Commission Review and Approval, when required. Planning Commission review and approval shall be required for any sign(s) for which a sign permit cannot be granted by the Community Development Director without further authorization. These Special Sign Permit applications shall be considered by the Planning Commission.

- 1. A Special Sign Permit application is not required for any sign(s) that can be approved by the Community Development Director.**
- 2. A Special Sign Permit application is not required when approval of a sign modification is granted by the City Council as part of a Preliminary Development Plan.**
- 3. The Planning Commission shall not grant approval for a prohibited sign, as identified in Article 14-504.**
- 4. When required, a Special Sign Permit application shall be submitted in accordance with the general application requirements in Article 14-700, including the fee(s), as established by the latest Schedule of Fees, adopted by City Council.**
- 5. If a Special Sign Permit application is approved by the Planning Commission, the applicant shall apply for a sign permit for each sign so approved, which shall be issued by the Director upon satisfaction of the sign permit requirements.**

14-708-02-G. Unified Sign Plans. When a Unified Sign Plan is required by Sec. 14-504-14-C a Special Sign Permit application is required. Special Sign Permit applications shall be considered by the Planning Commission in the manner described below.

14-708-02-H. Planning Commission Consideration. The Planning Commission may consider Special Sign Permit applications for permitted permanent signs in Article 14-504 which exceed the maximum number of signs permitted, maximum sign area, or maximum height. They may also consider applications for signs that do not meet setback requirements or for types of signs otherwise not be allowed if they are not prohibited by Article 14-504. Recommendations to and decisions of the Planning Commission on Special Sign Permit applications must be based on consideration of the following:

1. **The purpose and intent of the article,**
2. **Use of the facility,**
3. **Size of the site**
4. **Height of the building,**
5. **Number, size, and height of signs on the surround properties,**
6. **Number, size, and height of signs previously approved for similar uses within the community,**
7. **Surrounding zoning and land uses,**
8. **Topography of the site, and**
9. **Any other factor relating to:**
 - a. **The physical character of the sign, excluding content except for obscenity,**
 - b. **Its physical relationship to the principal building and site, and**
 - c. **Any unique visibility considerations.**

14-708-02-I. Expiration of Planning Commission Approval. Planning Commission approval expires in the event the applicant/property owner fails to file a sign permit application within one (1) year of said approval. Planning Commission approval will also expire upon expiration of a sign permit.

14-708-02-J. Appeals of Planning Commission Decision.

1. **Special Sign Permit applications submitted to the Planning Commission must be approved, approved with conditions, or denied. Should the Planning Commission either deny or approve an application with conditions unsuitable to the applicant, the applicant may appeal the application to the City Council requesting that it consider and take final action on the permit application.**

2. **The City Council must consider and take final action on a sign permit application on an appeal from an action of the Planning Commission. The City Council must act on a resolution after reviewing the record of the proceedings from the Planning Commission, and may approve, approve with conditions, deny, or remand such application to the Planning Commission for further consideration. No additional public testimony before the City Council will be accepted.**

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 4. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 5. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.”

PASSED THIS _____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

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

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

Acting City Counselor

REVIEWED BY:

City Manager

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