

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO ELECTRONIC MESSAGE CENTERS.

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

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

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a virtual public hearing for the consideration of the request on July 27, 2021, and rendered a report to the City Council recommending the code amendment be approved 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 7th, 2021, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

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

SECTION 1. That Sections 14-504-10-A of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

14-504-10-A.Signs Permitted. Only the following signs are permitted in the public right-of-way and on public property:

1. Signs installed by any of the following and directly related to the use of the right-of-way or of public property, including the control and direction of traffic:
 - (a) The City of Independence;
 - (b) Jackson County;
 - (c) State of Missouri;
 - (d) Any public transit company authorized to provide service to or through Independence;
 - (e) Any public utility with a franchise or other agreement with the City of Independence; or
 - (f) Any other government entity or person expressly authorized by state or federal law to install a sign in the right-of-way.
2. Except where otherwise permitted in this subsection, no sign may bear a commercial message other than one related to a utility or transit service, and no such sign may be animated or lighted, unless the commercial message, animation or lighting is expressly required by a valid and applicable state or federal law **or for other governmental purposes**. Any transit company authorized by the City of Independence to provide local only service may display commercial advertising on trash receptacles, benches and shelters associated with its service

3. "Adopt a highway" signs acknowledging voluntary efforts to provide landscaping, litter control, or other maintenance, when the signs are installed pursuant to a written policy of the City of Independence or the State of Missouri.

SECTION 2. That Sections 14-504-14-G of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

14-504-14-G.Changeable Copy. Up to ~~25~~**65** percent of the permitted sign face area of any freestanding sign in C districts may be used for changeable copy, subject to the illumination requirements of this article. For electronic changes of copy, see Section 14-504-14-H.

SECTION 3. That Sections 14-504-14-H of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

14-504-14-H.Electronic Message Centers.

1. No more than one electronic message center sign is allowed per lot or development site.
2. The electronic message center component of a sign may comprise no more than ~~25~~**65** percent of a sign's total sign face area.
3. **Electronic message center signs shall be freestanding and Freestanding electronic message center signs** must be mounted on a base with a width that is at least 75 percent of the width of the sign's face, based on the greatest horizontal dimension of the sign face, **Monument signs with electronic message boards shall have a sign base, consisting of a masonry or concrete substructure with an exterior base consisting of durable masonry materials and include brick, split or scored concrete masonry units, natural or synthetic stone.**
4. The maximum height of the electronic message center component of a freestanding sign is 12 feet.
5. ~~Lamp size may not exceed 54 watts of incandescent lighting for daytime use. An automatic dimmer must be installed to reduce nighttime wattage to a maximum of 30 watts. LEDs (light emitting diodes) and magnetic discs may be used, provided that light intensity is no greater than allowed for incandescent lighting. The use of red LED is prohibited.~~ **For brightness, signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of 0.3 foot candle above ambient light, as measured using a foot candle (lux) meter calibrated within the past 12 months and in conformance with the following process:**
 - 1. Light measurement shall be taken with a meter aimed perpendicular to the sign message face or at the area of the sign emitting the brightest light if that area is not the sign message face, at a preset distance depending on sign size. Distance shall be determined by taking the square root of the product of the sign area and 100. Example using a 12 square foot sign: $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance.**
 - 2. An ambient light measurement shall be taken using a foot candle meter at some point between the period of time between 30 minutes past sunset and 30 minutes before sunrise with the sign turned off to a black screen.**
 - 3. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating sign light measurement shall be taken with the sign turned on to full white copy.**
 - 4. The brightness of a sign conforms with the brightness requirements of this subsection if the difference between the ambient light measurement and the operating sign light measurement is 0.3 foot candle or less.**

- 5. The electronic message center shall include a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the foot-candle requirements of this subsection.**
6. Any display on the electronic message center must ~~remain illuminated and visible for at least eight seconds.~~ **contain a static display only, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. Each static display shall not include any flashing or the varying of light intensity, and the display shall not scroll. The static display shall remain in a fixed position for at least eight seconds.**
7. Messages displayed may flash only when the displayed message is replaced by another message. **An interval change time of 2 seconds or less is required.**
- 8. In the event of a malfunction, and electronic message center sign shall turn to a dark screen. The dark screen shall remain until the malfunction is corrected.**
9. An electronic message center located within 250 feet of a residential district, ~~noncommercial park, public open land, street intersection, community park or nature preserve ("protected areas")~~ may not operate between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
10. Electronic message center signs are prohibited within 100 feet of a ~~"protected area" (as described in the preceding paragraph) if any part of the sign face would be visible from the protected area.~~ **Residential district.**
- 11. Prior to permitting the applicant shall submit a signed letter from the EMC manufacturer stating that the sign in question is equipped with the ability to comply with all applicable regulations of this section.**

SECTION 4. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 5. That correction of any scrivener's errors identified within these articles are hereby authorized by this ordinance.

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.