

**CITY OF TWIN OAKS
PLANNING AND ZONING COMMISSION MEETING
BOARD CHAMBERS, TWIN OAKS CITY HALL
1381 BIG END ROAD
TUESDAY, JUNE 22, 2021 6:30 P.M.**

Tentative Agenda

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF THE AGENDA
5. APPROVAL OF THE CONSENT AGENDA
 - a. May 25, 2021 Minutes
6. NEW BUSINESS
 - a. Consideration of amendments to Chapter 410 of the City of Twin Oaks Municipal Code pertaining to sign regulations and related text.
7. MISCELLANEOUS
8. ADJOURNMENT

Frank Johnson
City Clerk

POSTED: June 21, 2021, 10:30 a.m.

Please note: Any person requiring physical or verbal accommodations should contact the city office 12 hours prior to meeting at 636-225-7873. Copies of public records for this agenda are available on the City's website or at City Hall for public inspection before and at the time of the meeting.

**MEETING MINUTES OF THE
PLANNING & ZONING COMMISSION
TWIN OAKS, MISSOURI
TUESDAY, MAY 25, 2021**

The Planning and Zoning Meeting was called to order at 6:35 p.m.

Members:	Frank Venturella, Chairman	X	Joe Krewson	
	Roger Loesche	X	Craig Cwiklowski	X
	Jeff Graves	X	Lisa Eisenhauer, Alderman	X
	Ray Slama	X	Shazia Brown	X
	Russ Fortune, Mayor	X		

Also in attendance were: Paul Rost, City Attorney; Frank Johnson, City Clerk.

APPROVAL OF THE AGENDA

Commissioner Graves moved, seconded by Commissioner Slama, to approve the Agenda. Motion passed with the unanimous consent of the Commission.

APPROVAL OF THE CONSENT AGENDA

Mayor Fortune moved to approve the Consent Agenda consisting of the Meeting Minutes from April 27, 2021. Commissioner Graves seconded the motion and on voice vote, the motion was announced passed.

OLD BUSINESS

Consideration of Amendments to Sections 410 of the City of Twin Oaks Municipal Code Pertaining to Sign Regulations and Related Text.

City Attorney Rost began the discussion with an overview of First Amendment issues related to the regulation of signs and how this has been impacted by recent court cases. He stated that the proposed changes are designed to help ensure the city's code adheres to the principal of "content neutrality" and that its regulations are narrowly tailored. He also gave examples of specific issues that cities, both in Missouri and nationally, have encountered in regulating signs and noted that it is a frequent subject of litigation for municipalities.

Commissioner Loesche asked City Attorney Rost about a Missouri state law that carves out specific regulations for real estate signs on residential property and asked how that can comply with the concept of content neutrality. City Attorney Rost responded that it does not, but that no one has challenged the state statute in court. Commissioner Loesche also asked about the regulation of signs by condo associations or homeowner associations. City Attorney Rost responded that these are treated differently as such associations are not considered governmental entities and therefore, there are no First Amendment concerns.

Following this, Chairman Venturella asked the commissioners to review the proposed changes, starting with the Section 410.010 and Section 410.020. Discussion ensued.

Alderman Eisenhower raised an issue with the inclusion of flags that “do not contain commercial messages” in a list of items that do not count as signs, per the code. She stated that it did not seem to match with the proposed definition of flags in Section 410.020 and that it could create confusion about how a flag is considered a sign in some cases and not others. City Attorney Rost stated that this provision could be removed.

The Commission next discussed a provision defining “interior site signs.” City Attorney Rost explained that the intent is to avoid the difficulty of trying to regulate every possible sign or notice that could be posted on the interior of a development, business or establishment. He further stated that the principal concern for the sign regulations is what is visible to the exterior.

The Commission then discussed the various definitions around flashing, fluttering, animated and moving signs. City Attorney Rost stated that they can look for ways to further clarify or condense these terms. He further stated that the Commission needs to consider how these terms are used and what exactly the Commission would like to regulate with them.

The Commission concluded its initial review by discussing the next steps in the process and the plan for upcoming meetings. Chairman Venturella asked the Commissioners to review the proposed changes to the definitions and consider how the terms are used in the later sections of the sign code. He stated that the Commission will review the residential regulations at their next meeting, followed by the commercial regulations.

MISCELLANEOUS

City Clerk Johnson informed the board about several complaints the City has recently received from residents concerning the fence regulations. The current City code does not allow for vinyl fences in residential areas, and these residents would like to see it included as an allowable material. Discussion ensued. No decision on the issue was made by the Commission.

ADJOURNMENT

Commissioner Graves moved, seconded by Alderman Eisenhower, to adjourn the meeting. Upon voice vote, the motion was announced passed. The meeting adjourned at 8:04 p.m.

Frank Venturella, Chairman
Planning & Zoning Commission

Date of Approval

ATTEST:

Frank Johnson, City Clerk

Chapter 410

Sign Regulations

Section 410.010 **Intent And Purpose.**

[R.O. 2016 § 410.010; R.O. 2011 § 410.010; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 334 § 1(I), 5-18-2011]

- A. The regulation and control of signs in the City of Twin Oaks is intended to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and non-discriminatory standards and requirements of sign size, location, erection, number and maintenance. These regulations are to allow a property owner the ability to make use of its property for free expression without any content-based limitations but in a manner designed to avoid the visual clutter that is harmful to traffic and pedestrian safety, property values, business opportunities and community appearances. To that end, the Board of Aldermen hereby finds that:
1. Sign regulations may impact First Amendment rights and that these rights are important constitutional rights that must be protected.
 2. Unregulated signage has direct and secondary effects that are harmful to the safety and general welfare of the City as a whole and to its individual citizens.
 3. These direct and secondary effects result from the visual clutter that occurs as a result of the unregulated installation and lack of maintenance of signs.
 4. These direct and secondary effects include harm to traffic and pedestrians' safety, depreciation of property values within the City, decreased business opportunities for individual and business residents of the City (resulting in decreased sales, property and other tax revenues that are necessary to provide an adequate level of public service to City residents), community blight and an overall less-pleasing community appearance.
 5. Residents are virtually captive audiences of signs displayed by neighbors; signs are an intrusion into residential privacy and interfere with the enjoyment of a resident's property because the view from the resident's property may become so marred by the clutter of signs that the resident cannot successfully avoid observing the sign clutter.
 6. Because of these direct and secondary effects, the City has a compelling interest in regulating signs within the City.
 7. These regulations are content-neutral, viewpoint neutral, and place restrictions that directly advance the City's stated interests.
 8. To the extent that any provisions of these regulations are content-based, they are intended to

further compelling governmental interests.

9. A primary and compelling interest of the City is to allow property owners to post public interest signs to protect the safety of others and to allow all persons to comply with legal requirements imposed by law or by order of a court requiring the posting of notices, without being subject to regulation.
10. The scope of these regulations is proportionate to the interests served and narrowly tailored to achieve the desired objective.
11. A direct nexus exists between the desired City's goals and the means chosen in these regulations to achieve its desired goals.

Section 410.015 Scope.

- A. *Classifications.* Regulations in the Sign Code are classified by use, and the definitions in Section **410.020** shall govern with regards to the type of use.
- B. *Building Code Applicable.* In the absence from this Chapter of specifications governing details of sign construction, the standards listed in the applicable Building Code shall apply.
- C. *Government Signs.* This Chapter recognizes that government signs are government speech intended to ensure public safety.
- D. *Substitution.* For any sign authorized in any zoning district, a non-commercial message may be substituted for any allowed commercial message or any other allowed non-commercial message, provided that the sign is legal without consideration of message content. If the sign is one for which no sign permit is required, the message substitution may be made without additional approval. The purpose of this provision is to prevent inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message. This provision does not allow for the substitution of an off-premises commercial message in place of an on-premises commercial message.

Commented [1]: Editor's Note: See Ch. 500, Art. I, Building Code.

Section 410.020 Definitions.

[R.O. 2016 § 410.020; R.O. 2011 § 410.020; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 99-37 § 1, 12-15-1999; Ord. No. 2000-19 § 1, 9-20-2000; Ord. No. 131 §§ 1 — 2, 10-15-2003; Ord. No. 199 § 1, 12-7-2005; Ord. No. 334 § 1(II), 5-18-2011; Ord. No. 374 § 5, 10-3-2012; Ord. No. 375 § I, 10-3-2012; Ord. No. 433 § 1, 7-16-2014]

As used in this Chapter, the following terms shall have these prescribed meanings:

BANNER

A strip of flexible material displaying a slogan, advertisement, or other message, usually suspended between two points and intended for temporary use.

BILLBOARD

- 1. An off-premises sign;
- 2. Any other outdoor advertising structure subject to regulation pursuant to Sections 226.500 through 226.600 and Section 71.288, RSMo., as amended.

BOARD OF ADJUSTMENT

The Board of Adjustment of the City.

~~**BOARD OF ALDERMEN**~~

~~The Board of Aldermen of the City.~~

BUILDING CODES

The duly adopted Building Code of the City as set forth in Section **500.010** of the Municipal Code of the City of Twin Oaks, Missouri.

COLOR

Includes all hues, excluding black and white.

COMMON AREA

That portion of a lot or building not occupied by a single occupant but shared with adjacent occupants.

ERECT

To build, construct, attach, hang, re-hang, place, affix or relocate, including the painting and repainting of permanent window signs.

~~**FLAGFRONTAGE**~~

~~The length of the lot along the street side. The front of a lot bordering more than one (1) street is considered separate for each street.~~

Any fabric, bunting, banner, streamer or pennant containing distinctive colors, patterns, symbols or message which is made of flexible materials and designed to move with the wind.

GOVERNMENT SIGN

A sign that is constructed, placed or maintained by the Federal, State or local government or a sign that is required to be constructed, placed or maintained by the Federal, State or local government either directly or to enforce or protect a property owner's rights.

HEIGHT

Unless otherwise specified in this Chapter, the vertical distance above the ground level of the finished grade measured immediately below the sign and measured to the highest point of the sign.

INSTITUTIONAL USE

A lot in use by any subdivision or condominium association, institution, place of public assembly, or government building.

NON-CONFORMING SIGN

A sign or sign structure that was lawfully constructed or installed prior to the adoption of or amendment to these Sign Regulations and was in compliance with all the provisions of the Sign Regulations then in effect, but which does not presently comply with the Sign Regulations.

PLACE OF PUBLIC ASSEMBLY

A building used for mass assembly of people for social, cultural, educational or religious purposes. Such use may include schools (elementary and high), accessory gymnasiums, community buildings, churches, synagogues and other places of worship.

~~PLANNING AND ZONING COMMISSION~~

~~The Planning and Zoning Commission of the City.~~

PREMISES

That portion of a lot or building occupied by a single occupant, exclusive of common area, if any, shared with adjacent occupants.

PRINCIPAL BUILDING

A building or, where the context so indicates, a group of buildings in or on which is conducted the principal use of the lot on which such building is located.

PRINCIPAL USE

The primary use of land or buildings, as distinguished from an accessory or incidental use.

SIGN

1. Any device, fixture, placard, flag or structure that uses any color, form, graphic, illumination, symbol or writing to communicate information of any kind to the public and including any sign structure, sign supports, lighting system and any attachments, ornaments or appurtenances.
2. Any object, device, display, structure, or part thereof, situated or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images.
3. "Signs" do not include:

- a. Traffic control and other government speech located within a right-of-way.
- b. Decorations that are incidentally and customarily associated with any national holiday or religious holiday, or with any community festival or similar event.
- c. ~~Flags which do not contain a commercial message, logo, or colors.~~
- d. Art works, including, but not limited to, wall murals, which do not contain a commercial message, logo, or colors; and/or which contain pictorial representations referring to businesses, merchandise, products, or services of an exclusively historic nature (meaning no longer offered as an active commercial enterprise).
- e. Building colors and lighting which do not contain a commercial message, logo, or colors.
- f. ~~Interior-Internal~~ site signs located on the interior of the grounds of planned use developments which are primarily oriented to persons within the grounds.
- g. Interior building signs located on the interior of a building and not attached to a window, which are primarily oriented to persons within the building.
- h. Window displays of merchandise, pictures, or models of products or services incorporated in a window display, which are not directly attached to an interior or exterior window surface.
- i. Vehicles that are licensed, operable, and parked in legal parking spaces.
- ~~j. Personal signs not larger than one (1) square foot in area.~~

SIGN AREA

The ~~area of a sign~~ facing that is used for display purposes, excluding the minimum frame and supports. In computing the sign area, only one (1) side of back-to-back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees (45°). In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

SIGN FACING OR SURFACE

Any surface of a sign upon, against or through which the advertising message is displayed or illustrated, including structural trim, which displays or upon which is displayed any color, message, name or symbol of any kind for the purpose of advertising, announcing, directing or attracting attention from persons located outside of a building and which can be seen from a single location on an adjacent street, provided that the ends, or thickness, of a sign shall not be counted as a separate sign face unless an advertising message is conveyed thereon.

SIGN STRUCTURE

The sign and all parts associated with its construction.

SIGN SUPPORTS

All structures by which a sign is held up, including, for example, poles, braces, guys and anchors.

SIGN, ANIMATED

A sign which involves motion or rotation of any part by mechanical or artificial means or which displays flashing or intermittent lights.

Commented [PR2]: Compare with "flashing" "moving" "Fluttering"

SIGN, ATTACHED

~~A wall sign or projecting sign attached to a building wall or the generally vertical plane of a mansard type roof.~~

See Wall Sign.

~~**SIGN, BANNER**~~

~~A commercial display on a temporary basis, advertising a product, service or employment opportunity.~~

~~**SIGN,**~~

~~**BILLBOARD**~~

~~A sign which directs the attention to a business, commodity, service or entertainment not necessarily sold or offered:~~

- ~~1. Elsewhere than upon the same plot where such sign is displayed;~~
- ~~2. Not for the principal use of such plot; or~~
- ~~3. Any other outdoor advertising subject to regulation pursuant to Sections 226.500 through 226.600 and Section 71.288, RSMo., as amended.~~

~~**SIGN, CONSTRUCTION**~~

~~A temporary sign used during construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor and/or financing institutions of the project.~~

SIGN, DIRECTIONAL

A sign which is limited to indicating a direction for vehicular or pedestrian traffic or other movement.

See "Internal Site Sign."

SIGN, ELECTRONIC CHANGEABLE MESSAGE (ECM)

A sign whose alphabetic, graphic or symbolic informational content or display, either whole or in part, composed of electrically illuminated or mechanically driven changeable segments, may be changed or altered by means of electrical, electronic or computerized programming.

SIGN, FLAG

~~Any fabric, bunting, banner, streamer or pennant containing distinctive colors, patterns, symbols or message which is made of flexible materials and designed to move with the wind.~~

SIGN, FLASHING

An illuminated sign on which artificial or reflected light is not steady or on which colors change.

SIGN, FLOODLIGHTED

~~A sign made legible in the absence of daylight by devices which reflect or project light upon it.~~

SIGN, FLUTTERING

A sign which flutters or is made of flexible materials which move with the wind or by some other artificial means. ~~Such fluttering signs including, but are not limited to, pennants, banners, balloons, message balloons, whirligigs, streamers and flags other than those of a governmental entity or unit inflatables.~~

SIGN, IDENTIFICATION

~~A sign which has a purpose of identifying the site of any subdivision, institution, religious or governmental building.~~

SIGN, ILLUMINATED

Any sign which is illuminated by light sources mounted on or in the sign or at some other location.

SIGN, INFORMATIONAL/INTERNAL SITE

~~A sign which has a purpose secondary or incidental to the principal use of the lot on which the sign is located such as "no parking," "no trespassing," "loading only," "entrance" and similar and including identification information such as house or building numbers typically used by postal services and public safety officials to locate properties intended to be read by persons accessing the lot and not from off-site. Generally, such sign type has been used to direct traffic, give parking instructions, identify entrances and exits, prohibit trespassing, and warn of dogs.~~

SIGN, MESSAGE BALLOON

A replica of a hot air balloon with a message attached.

SIGN, MONUMENT (OR GROUND)

A sign mounted directly to the ground with no support poles visible. The maximum height is measured from the ground to the top of the sign, including any base construction. The base, however, shall not be calculated as part of the sign area unless there is signage on it.

SIGN, MOVING

A sign, all or any part of which moves or is so designed or constructed as to facilitate movement of all or any portion thereof by means of any mechanical, electric, pneumatic, hydraulic or other natural or artificial force.

SIGN, OFF-PREMISES

A commercial sign that advertise an activity, business, product or service not conducted on the premises upon which the sign is located

SIGN, PERMANENT

A non-temporary sign firmly attached to the ground, wall or other portion of a building and not designed or intended to be readily removed or relocated. Any sign type that is not a temporary sign is a deemed a permanent sign and shall be governed by the regulations for permanent signs.

SIGN, POLE

Any detached sign located on the same lot or parcel as the use it advertises which is supported by one (1) or more stationary poles longer than two (2) feet above the mean grade line of the ground at its base, provided that this shall not include a permitted ground sign as set forth herein.

SIGN, PORTABLE

A standalone sign structure that is not designed to be readily moved or relocated so as to not be permanently affixed to a building, structure or ground, and that may be readily moved or relocated. This includes signs placed on trucks, trailers or other transportable devices.

SIGN, PROJECTING

A sign attached to a building or other structure and extending in whole or in part more than eighteen (18) inches beyond any wall of the building or structure.

SIGN, ROOF

A sign erected partly or wholly on or over the roof of a building but not including ground signs that rest on or overlap a roof twelve (12) inches or less.

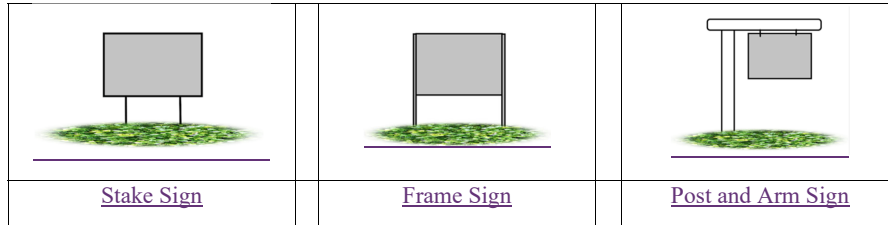
SIGN, SPECIAL DISPLAY

A sign identifying a special event.

SIGN, TEMPORARY

Any sign that is not a Permanent Sign by mounted or affixed and which is constructed of non-durable materials and is designed or intended to be displayed for a period of limited duration. Any temporary sign left in place longer than six (6) months shall be deemed a permanent sign. Types of Temporary Signs are:

- 1. Yard Signs



2. Banners.

SIGN, WALL

A sign erected or attached against the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

SIGN, WINDOW, PERMANENT

A sign that is permanently affixed to either side of the glass of an exterior door or window, or suspended in anyway within eighteen (18) inches of a window allowing advertising to project outward.

SIGN, WINDOW, TEMPORARY

A temporary sign affixed to the inside of an exterior window or glass door.

~~sign, YARD (COMMERCIAL)-~~

~~Any temporary sign that is located on property in the "C" Commercial District.~~

~~SIGN, YARD, (RESIDENTIAL)-~~

~~Any temporary sign that is located in a front yard of a lot located in an "A" Single Family Residence District or a "B" Single Family Attached Residence District.~~

WINDOW

The entire area encompassed by a wall opening [other than door(s)].

WINDOW, WALL

That portion of a commercial building facing a street.

Section 410.030 Signs Permitted In Zone "A" And "B" Residential Districts.

[R.O. 2016 § 410.030; R.O. 2011 § 410.030; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 334 § 1(III), 5-18-2011]

Subject to limitations hereinafter set forth, only the following types of signs shall be permitted in Zone "A" Single-Family Residential Dwelling District and Zone "B" Single-Family Attached Dwelling District in accordance with the regulations hereinafter prescribed. Regulations pertaining to size, height

and number represent maximums allowed.

A. Single-Family Use. Lots with single-family attached or detached uses may display the following signs:

1. Permanent.

- a. Wall Sign. Non-illuminated and not exceeding two hundred eighty-eight (288) square inches and facing the street.
- b. Sign required by law or public safety, not to exceed four (4) square feet.

~~[Image]~~

2. Temporary.

a. Yard Sign (Residential). Maximum ____ () of any combination of the following temporary sign types per lot at any one time:

(1) Stake Sign. Six (6) square feet maximum area and ~~four (4)~~ three (3) feet maximum height.

~~[Image]~~

(2) Frame Sign. Six (6) square feet maximum area and four (4) feet maximum height.

~~[Image]~~

(3) Post ~~And~~ Arm Sign. Nine (9) square feet maximum area and six (6) feet maximum height.

~~[Image]~~

b. Banners not exceeding two (2) feet by ten (10) feet and not exceeding a duration of ten (10) days.

c. Balloons.

3. Flag. Maximum of ____ flags. For regulations of flagpoles, see requirements of §500.150.B.6.

B. ~~Place Of Public Assembly Institutional Use.~~ Lots in institutional use as a place of public assembly may display the following signs:

1. Permanent.

Commented [PR3]: Maximum banner size and duration should be reviewed

Commented [PR4]: Discuss maximum number of flags on residential

- a. Wall Signs. One (1) wall sign is permitted per lot and may be no larger than thirty (30) square feet in area and five (5) feet in height and may only be externally illuminated.
- b. Monument Signs. One (1) monument sign is permitted per lot which meets the following standards:
 - (1) Six (6) feet in height (inclusive of base and supports).
 - (2) (8) feet maximum in length.
 - (3) Twenty-four (24) inches in width.
 - (4) Must have the appearance of a solid base of landscape construction materials such as masonry, stucco, stonework, textured wood, tile, anodized metal or textured concrete materials.
 - (5) Located outside the applicable sight triangle.
- c. Electronic Changeable Message Sign. Monument On lots over 21,780 square feet, a monument sign may incorporate an electronic changeable message board (ECM) subject to the following standards:
 - (1) The sign face (panel) of ECM must not exceed twenty-eight (28) square feet.
 - (2) The ECM shall conform to the illumination standards of Section **410.110(K)**.
 - (3) The monument sign's static graphic or text (non-ECM panel portion of the sign) must not exceed twenty-four (24) inches in height.
 - (4) Illumination of ECM must cease at 10:00 P.M. (static, non-ECM portion of sign may remain lit).

2. Temporary/Flags.

- a. ~~Yard~~ Lots over 21,780 square feet -- Temporary signs/flags as permitted in the "C" District.
- b. Lots 21,780 square feet and under -- Temporary signs/flags as permitted in the "A" and "B" Residential Districts.

**Section 410.040 Signs Prohibited In Zone "A" And "B" Residential Districts.
[R.O. 2016 § 410.040; R.O. 2011 § 410.040; Ord. No. 99-32 § 2, 10-20-1999]**

- A. Except as may be otherwise prescribed by ordinance, the following signs shall be prohibited in residential districts:

1. Banners exceeding the allowed size.
2. Billboards.
3. Flashing signs, animated signs or illuminated lights signs or those that appear to move (except seasonal holiday decorations).
4. Moving signs.
5. Roof signs.
6. Signs on public street right-of-way (other than government signs).
7. Signs that are in disrepair or hazardous.
8. Signs having more than two (2) faces or two (2) sides.
9. Projecting signs.
10. Signs directly painted on any wall or any wall of any structure.
11. ~~Signs in excess of one (1) square foot drawing attention to or advertising a home occupation.~~
12. Signs erected at the intersection of streets so as to obstruct free and clear vision, or located within the direct line of vision of any traffic control sign or signal, or signs having red, green or amber illumination which may be confused with or construed as a traffic control device.

Commented [PR5]: What about Fluttering signs?

Section 410.050 Signs Permitted In "C" Commercial Districts.

[R.O. 2016 § 410.050; R.O. 2011 § 410.050; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 99-37 § 1, 12-15-1999; Ord. No. 131 § 3, 10-15-2003; Ord. No. 199 § 2, 12-7-2005; Ord. No. 213 § 1, 4-5-2006; Ord. No. 334 § 1(IV), 5-18-2011; Ord. No. 374 § 5, 10-3-2012; Ord. No. 375 §§ II — III, 10-3-2012; Ord. No. 433 § 2, 7-16-2014]

A. ~~Subject to~~ Unless approved by a Master Common Signage Plan provisions set forth in Subsection (B) of this Section, only the following types of signs meeting the regulations set forth below shall be permitted in a "C" Commercial District. Regulations pertaining to size, height and number shall represent the maximums allowed per lot or premises, as applicable.

Sign Type	Regulations	
1. Permanent signs (permit required)		
a. Directional <u>Internal site</u> sign (ground mounted)	Information:	None
	Maximum size:	Not more than 6 square feet
	Maximum height:	Not more than 3 1/2 feet above finish grade
	Maximum number:	Not more than 1 per entrance or

Sign Type	Regulations	
b. Directional <u>Internal site</u> sign (wall-mounted)	<p>Location:</p> <p>Colors:</p> <p>Special:</p> <p>Projection:</p> <p><u>Projection:</u> None</p> <p>Permit required:</p>	<p>exit lane <u>No restriction.</u></p> <p>Each sign shall be located at least 3 feet inside the lot line</p> <p>Not more than 3</p> <p>Drive-through operations may additionally have one, 12 square foot or more menu/instruction board perfor <u>a</u> drive-through lane, if <u>as</u> approved on a development plan or limited development plan</p> <p><u>None</u></p> <p>Yes</p>
c. Monument sign	<p>Information:</p> <p>Maximum size:</p> <p>Maximum height:</p> <p>Maximum number:</p> <p>Location:</p> <p>Colors:</p> <p>Special:</p> <p>Projection:</p> <p>Permit required:</p>	<p>None</p> <p>Not more than 6 square feet</p> <p>Not more than 10 feet above finish grade</p> <p>Not more than 12 per building side</p> <p>None</p> <p>Not more than 3</p> <p>Drive-through operations may additionally have one 12 square foot <u>a</u> menu/instruction board perfor <u>a</u> drive-through lane, if <u>as</u> approved on a development plan or limited development plan</p> <p>68 inches</p> <p>Yes</p> <p>May include electronic changeable message</p> <p>Not to exceed 50 square feet</p> <p>Sign shall not exceed 5 feet in height</p> <p>Not more than 1 per lot</p> <p>Sign shall be located at least 3 feet inside the lot line</p> <p>Not more than 3; white letters on black background or black letters on white background when illuminated</p> <p>None</p> <p>Yes</p>
d. Wall sign	<p>Information:</p> <p>Maximum size:</p> <p>Maximum height:</p> <p>Maximum number:</p>	<p>None</p> <p>5% of the area of the wall to which attached, but in no instance greater than 150 square feet each</p> <p>Bottom of sign shall be at least 8 feet above the finished grade if travel underneath the sign is intended. The top of the sign shall be no greater than 35 feet above the finish grade</p> <p>Not more than 1 per main entrance</p>

Sign Type	Regulations	
e. Window sign	Location: Colors: Special: Projection: Permit required:	of a principal building or premises Sign shall face a street or be located above main entrance Not more than 3; white letters on black background or black letters on white background when illuminated None Sign shall not extend or project more than 2 feet above the roof line nor more than 18 inches from the wall to which mounted or affixed Yes
2. Temporary signs		
a. Banners	Information: Maximum size: Maximum height: Maximum number: Location: Colors: Special:	None 30 square feet None 1 On business premises Not more than 3 Limited to 1 per 30 consecutive day period per calendar quarter. Mounted within the perimeter of the vertical wall of the business
b. Flag Maximum size:	Projection: Permit required: Information: 4 feet by 6 feet Maximum height: Maximum number: Location: Colors: Special: Projection: Permit required:	None Yes None Not more than 35 feet 3 temporary poles and 3 flags per premises On business premises No restrictions None Not more than 6 feet Yes
eb. Message balloon	Information: Maximum size: Maximum height: Maximum number: Location:	None 23 feet in diameter at the widest point; 7 feet in diameter at the base 10 feet minimum; 50 feet maximum above finish grade Not more than 1 per lot at any time On premises (may be attached to premises roof); sign shall not be

Sign Type	Regulations
<p><u>dc.</u> Window sign</p>	<p>located in any right-of-way or parking areas Colors: Not more than 3 Special: Displayed for not more than 15 days Projection: None Permit required: Yes</p>
<p><u>ed.</u> Yard sign (commercial)</p>	<p>Information: None Location: Each sign shall face a street or be located at a main entrance Special: May be illuminated, if limited to single floodlight: no internal illumination Limited to 1 per 30 consecutive day period per calendar quarter Projection: None</p>
<p><u>3.</u> <u>Flag</u></p>	<p>Information: See requirements of §500.150.B Maximum size: 4 feet by 6 feet Maximum height: Not more than 35 feet Maximum number: 3 poles and 3 flags per premises Location: On business premises Colors: No restrictions Special: None Projection: Not more than 6 feet Permit required: Yes</p>

B. Master Signage Plan.

- As an alternative to the regulation and permitting requirements of Subsection (A) above, the owners or developers of two (2) or more contiguous (disregarding intervening streets or rights-of-way) lots or the owners or developers of a single lot with more than one (1) existing or proposed principal building may submit a master signage plan as part of a development plan process review and approval for such lot or lots as set forth in Section 400.340 of the City Zoning Code. The Board of Aldermen shall have authority to vary the size, height, number, location, projection and color requirements set forth in Subsection (A) above; provided that nothing in this Subsection (B) shall be deemed to authorize any sign prohibited by Sections 410.070 and 410.080 of the sign regulations; and provided, further, that the Board of Aldermen determines:

- a. That the proposed Master Signage Plan will result in a visual impression of unity and quality in terms of size, proportion, materials, lettering or graphic style, lighting, location, color and mix of signage types;
 - b. That the proposed Master Signage Plan is consistent with, supportive of and will enhance the associated development plan in terms of architectural and design quality; and
 - c. That the proposed Master Signage Plan will have no deleterious impact on surrounding existing uses, signage and architectural quality.
2. In addition to the sign types permitted under Subsection (A) above, the Board of Aldermen, in cases of multiuser or multi-tenant developments for which a Master Signage Plan has been submitted and approved as set forth above, shall have the further authority as part of and subject to the development plan process to contemporaneously approve the location of one (1) sign identifying the development or the users or tenants to be located at the development. The size, height, design, colors and materials of such sign shall be as approved by the Board of Aldermen consistent with findings and determinations required for approval of the Master Signage Plan for the development.
3. Any Master Signage Plan previously approved under Subsection (B) above may be amended subject to and in accordance with limited development plan process provisions set forth in Section 400.340(B) of the City Zoning Code.

C. Location and Design. All signs erected in Zone "C" Commercial Districts shall be located and designed so as to create a visual impression of unity in terms of size, material, color, method of construction, etc. Earth tone color (i.e., shades of tan or brown) and similar lettering size and style shall be utilized in keeping with existing quality development within a given shopping center.

Section 410.060 (Reserved)

Section 410.070 Signs Prohibited In ~~Zone~~ "C" Commercial Districts.

[R.O. 2016 § 410.070; R.O. 2011 § 410.070; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 374 § 5, 10-3-2012]

- A. Except as ~~may be otherwise prescribed by ordinance~~ expressly permitted in these Sign Regulations, the following signs shall be prohibited in Commercial Districts:
 - 1. Fluttering ~~devices such as pennants, whirligigs, balloons, inflated devices, etc.~~ signs.
 - 2. Flashing ~~signs, animated signs, or flashing~~ or intermittent lights, strings of light, or those that appear to move (except seasonal holiday decorations).
 - 3. Moving signs.

4. Roof signs.
5. Signs on public ~~street~~ right-of-way (other than government signs).
6. Signs that are in disrepair or hazardous.
- ~~7. Signs that advertise an activity, business, product or service not conducted on the premises upon which the sign is located.~~
- ~~8.~~
7. Signs erected at the intersection of streets so as to obstruct free and clear vision, or located within the direct line of vision of any traffic control sign or signal, signs having red, green or amber illumination which may be confused with or construed as a traffic control device.
- ~~98.~~ Signs directly painted on any wall or any wall of any structure.
- ~~109.~~ Billboards- (Standard Outdoor Advertising Structures) or other off-premises signs.

Section 410.080 **Portable Signs In ~~Zone~~ "C" Commercial Districts.**
[R.O. 2016 § 410.080; R.O. 2011 § 410.080; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 374 § 5, 10-3-2012]

- A. Portable signs may not be placed upon any lot, building or structure or any portion thereof in any commercial district in the City of Twin Oaks, Missouri, except that signs which are less than twenty-four (24) inches in horizontal or vertical distance and are permanently painted on motor vehicles shall not be prohibited.
- B. Signs in excess of twenty-four (24) inches measured either horizontally or vertically permanently attached or adhered in any manner to any motor vehicle or construction trailer may not be displayed in any commercial district in the City of Twin Oaks except under the following conditions:
 1. During the course of travel upon any roadway;
 2. While the device to which it is attached or by which it is being moved is stopped or parked for the purpose of loading or unloading persons or materials, but only for so long as is reasonably required to achieve such loading or unloading;
 3. During construction, reconstruction or remodeling of any property or premises for which a building permit has been lawfully issued construction equipment, storage trailers, offices and other mobile devices displaying signs may be located on or adjacent to the property on which the work is being performed, provided:
 - a. Such equipment is located in an area designated by the Code Enforcement Officer after

consideration of traffic patterns and line-of-sight requirements for nearby traffic; and

- b. Such equipment may be so located only during and within thirty (30) days before the actual construction work reflected on the building permit relating to the premises.

Section 410.090 Maintenance And Safety.

[R.O. 2016 § 410.090; R.O. 2011 § 410.090; Ord. No. 99-32 § 2, 10-20-1999]

- A. All signs shall be maintained in good repair so as to prevent rust, peeling, flaking or fading. Broken panels, missing letters, flaking or peeling paint, delamination of wood, malfunctioning lights, and other visual damage to a sign shall be repaired within forty-five (45) days of the occurrence or within thirty (30) days of notification by notification from the City Clerk either by personal service, United States Postal Service or posting such notice upon the premises or the sign. Temporary yard signs in disrepair must be removed.
- B. Any permanent sign and its supporting frame, which advertises a business no longer conducted or a product no longer sold on the premises or lot, shall be removed by the owner, agent or person having beneficial use of the premises or lot upon which the sign is erected within thirty (30) days after the business or product is no longer present.
- C. Any sign which is structurally unsafe or hazardous or endangers a building or premises, pedestrian or vehicular traffic (including but not limited to being hazardous by reason of obstruction of walkways or fire access or exit lanes, by restricting site distances or being located in such close proximity to travel lanes or parking areas that it may be struck by maneuvering vehicles) shall be relocated, removed or otherwise protected within fifteen (15) days of notification that such danger or nuisance exists by notification from the City Clerk either by personal service, United States Postal Service or posting such notice upon the premises or the sign.

Section 410.100 Non-Conforming Signs.

[R.O. 2016 § 410.100; R.O. 2011 § 410.100; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 213 § 2, 4-5-2006; Ord. No. 334 § 1(V), 5-18-2011; Ord. No. 374 § 5, 10-3-2012]

- A. ~~Any nonconforming sign existing on the effective date of this Chapter or the effective date of any amendment hereto shall be exempt from the provisions of this Chapter, according to the following:~~
 - ~~1. Existing permanent signs in residential districts shall not be affected by these regulations except that should said signs be removed, replaced or substantially altered, they shall be brought into conformity with this Chapter.~~
 - ~~2. Permanent Signs In Commercial Districts.~~
 - ~~a. Any permanent sign in commercial districts if it is substantially altered, reconstructed, replaced, or relocated. A change in copy is not an alteration or replacement for which legal permits have~~

~~been issued which are larger than allowed, or which do not conform to color requirements, or are of a type not allowed or improperly located as required by these regulations, shall be brought into compliance no later than December 31, 2012. purposes of this subsection.~~

~~b. The provisions of Subsection (A)(2)(a) above notwithstanding, pole signs possessing permits but no longer authorized by these regulations shall be allowed to remain in place until a change in the ownership or business holding the permits or until they are damaged or altered by more than forty percent (40%), whichever shall first occur.~~

~~3. Any permanent sign in commercial districts which do not conform to the color requirements shall be allowed to remain until such time as they are removed, replaced, damaged or altered by more than forty percent (40%) but in no case no later than December 31, 2012.~~

~~4. Any permanent window signs in commercial districts for which permits were not issued must be brought into compliance no later than December 31, 2012.~~

B. Maintenance. Nonconforming signs must be maintained in good condition. Maintenance required by this Subsection shall include replacing or repairing of worn or damaged parts of a sign or sign structure to return it to its original state, and is not a change or modification prohibited by Subsection A.

C. Removal. Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign is required when:

1. A nonconforming sign, nonconforming sign structure, or the building to which a nonconforming sign is attached, is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event, and the cost of reconstruction of the sign, sign structure, or building to its condition immediately prior to event exceeds 50 percent of the value of the sign, sign structure, or building prior to its destruction or damage; or
2. The condition of the nonconforming sign or nonconforming sign structure has deteriorated and the cost of restoration of the sign to its condition immediately prior to such deterioration exceeds 50 percent of the value of the sign or sign structure prior to its deterioration; or
3. The use of the nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of 180 consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection; or
4. There is a change in tenant or change in ownership of the premises on which the nonconforming sign is located; or

Section 410.110 Design, Illumination And Limitation Of Space Area.

[R.O. 2016 § 410.110; R.O. 2011 § 410.110; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 131 § 4, 10-

15-2003; Ord. No. 291 § 1, 4-15-2009; Ord. No. 374 § 5, 10-3-2012; Ord. No. 433 § 3, 7-16-2014]

- A. All signs erected in Zone "C" Commercial Districts shall be located and designed so as to create a visual impression of unity in terms of size, material, color, method of construction, etc. Earth tone color (i.e., shades of tan or brown) and similar lettering size and style shall be utilized in keeping with existing quality development within a given shopping center.
- B. No sign shall be erected or maintained so that its position, shape, wording, device or color might interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or warning device.
- C. All illuminated signs in all commercial districts for an individual business that advertise or promote goods or services shall be turned off during the hours that a business is closed. Emergency exit signs, security lighting and the principal business identification sign may remain lit as needed or desired.
- D. No sign shall make use of any profane language or other words offensive to persons of reasonable sensitivity.
- E. Permanent signs in residential areas shall be restricted to three (3) colors [black, white and one (1) other color]. Wood stains of earth-tone types shall not be considered as colors.
- F. All signs shall be constructed and erected in accordance with the building codes for the City of Twin Oaks.
- G. Window Signs. Where permitted, the following regulations apply to window signs:
 - 1. A window sign may not, in the aggregate, exceed fifty percent (50%) of the total area of all windows within the wall in which the window sign is proposed to be located.
 - 2. If illuminated, a window sign shall not exceed twenty-five percent (25%) of the total area of all windows within the wall in which the window sign is proposed to be located.
 - 3. Combined, illuminated and non-illuminated window signs shall not exceed fifty percent (50%) of the total area of all windows within the wall in which the window sign is proposed to be located.
 - 4. A window sign shall not include any sign that indicates a business as "open" and/or such business hours of operation except that such sign may not exceed an additional five percent (5%) of the total area of all windows within the wall in which the proposed sign is to be located.
- H. All sign illumination shall be oriented to prevent undue glare onto adjacent streets or residential properties. The illumination of any sign located within fifty (50) feet of a residential zone lot line

shall be diffused or indirect and designed so as not to reflect direct rays of light onto adjacent residential districts. Illumination of all signs shall be so arranged that there will be no direct rays of light reflected into any public way. No business sign may be erected within fifty (50) feet of any residential district without prior written approval of the Board of Aldermen.

- I. All electrical illumination devices shall be designed to be weather resistant and shatterproof.
- J. All sign faces that are backlit shall be considered to be a portion of the sign for purposes of computing the allowable sign area.
- K. Electronic Changeable Message Displays. Monument signs with ECMs shall be subject to the following additional regulations:
 - 1. Duration Of Message Intervals. Messages must be displayed for a minimum of fifteen (15) seconds for each item shown or information displayed.
 - 2. Transition And Display. Message changes shall be instantaneous without dissolving, growing, melting, traveling up or down, scrolling or fading. Messages shall have a static display and shall not be illuminated so as to be a flashing sign, animated sign or that in any manner creates the illusion of movement.
 - 3. Brightness. The brightness of an ECM shall automatically adjust via photocell for use during daylight hours and non-daylight hours. No sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. The maximum permitted brightness for an ECM during daylight hours is five thousand (5,000) NIT (candela per square meter) and five hundred (500) NIT during non-daylight hours as measured from the sign's face perpendicular to the rays of the source at maximum brightness. The lighting and other specifications for a proposed ECM shall be submitted with the application proposing to incorporate an ECM.
 - 4. Story Advertising. An ECM sign shall not display consecutive messages facing the same traveled way, which constitute a substantially similar theme or story and is a continuation of any immediately preceding message, thereby creating a storyboarding effect when viewed by persons operating a motor vehicle. Nothing contained in this Subsection shall prohibit the display of identical consecutive messages.
 - 5. Malfunction And Non-Compliance. All ECM signs shall be designed and equipped to freeze the device in one (1) position if a malfunction occurs. The ECM signs shall be equipped with a means to promptly discontinue the display if it malfunctions, and the sign owner shall immediately stop the dynamic display when notified by the City that it is not complying with standards of this Code.
 - 6. Conversion. Conversion of an existing monument sign to an ECM is authorized only where

ECMs are permitted by this Chapter and the current sign complies with existing Code requirements.

Section 410.120 Permits Required.

[R.O. 2016 § 410.120; R.O. 2011 § 410.120; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 131 § 5, 10-15-2003; Ord. No. 334 § 1(VI), 5-18-2011]

A. *Permit Required.* Unless otherwise provided in these regulations, it shall be unlawful for any person, partnership, corporation, agent or employee thereof to erect, repair, paint, replace, alter, relocate or otherwise change, other than normal maintenance, within the City of Twin Oaks any sign as defined in this Chapter without first obtaining approval and a permit from the City of Twin Oaks and making payment of Clerk. No sign permit is needed for items not meeting the fee as set forth by the Board of Aldermen from time to time definition of a sign.

B. *Application.* Before any permit is granted for the erection of a sign, outdoor display or structure, an application for sign permit including four (4) sets of final plans and specifications shall be filed with the City of Twin Oaks Clerk showing the location of the proposed sign and the dimensions, materials and required details of construction, including calculated dimensions approved by an engineer registered in the State of Missouri if required by the City Clerk in the interest of public safety. The permit application must be accompanied by the payment of the permit fee established by the City.

C. *Permit Expiration.* If the work authorized under a permit is not completed within six (6) months after such permit was authorized, it shall become null and void.

Section 410.130 (Reserved)

Section 410.140 Amendments.

[R.O. 2016 § 410.135; R.O. 2011 § 410.135; Ord. No. 131 § 6, 10-15-2003]

Amendments to the Sign Code shall be in accordance with Section 400.550 of this Title IV.

Section 410.150 Appeals.

[R.O. 2016 § 410.138; R.O. 2011 § 410.138; Ord. No. 131 § 6, 10-15-2003]

The Board of Adjustment shall have the power and duty to hear and decide appeals as set forth in Article XVII of Chapter 400 of the Zoning Code.

Section 410.160 Severability.

[R.O. 2016 § 410.140; R.O. 2011 § 410.140; Ord. No. 99-32 § 2, 10-20-1999]

If any Section, sentence, clause or phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Chapter.

Section 410.170 Violations And Penalties.

[R.O. 2016 § 410.150; R.O. 2011 § 410.150; Ord. No. 74 § 1, 2-20-2002]

In addition to or in lieu of those other remedies available to the City pursuant to Chapter 89, RSMo., in common law and in equity, any person found to have violated the provisions of this Chapter shall be guilty of an ordinance violation and subject to the ~~general penalty~~ provisions of Section ~~100.220~~400.510.