

**AN ORDINANCE APPROVING TEXT AMENDMENTS TO CHAPTER  
410, "SIGN REGULATIONS," OF THE CITY OF TWIN OAKS  
MUNICIPAL CODE**

WHEREAS, pursuant to § 400.550 of the Twin Oaks City Code, the Board of Aldermen may from time to time, on its own motion or on petition of the Planning and Zoning Commission, amend, supplement, change, modify or repeal by ordinance the regulations or districts herein or subsequently established after receiving the Planning and Zoning Commission's recommendation and report; and

WHEREAS, the City desires to make text amendments to the Sign Regulations, Chapter 410, of the Twin Oaks Zoning Code contained in the Municipal Code (hereinafter the "Zoning Code"); and

WHEREAS, on September 28, 2021, the Planning and Zoning Commission recommended that the Board of Aldermen approve of the proposed amendment of the Sign Regulations set forth herein; and

WHEREAS, the Board of Aldermen, after careful and due deliberation and following a duly noticed public hearing held on October 20, 2021 in accordance with § 400.550 and § 89.060 RSMo., has concluded that the adoption of the proposed amended Sign Regulations would be in the interests of health, safety, and welfare of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:**

**Section 1.** The Sign Regulations, Chapter 410 of the Twin Oaks Municipal Code, are hereby amended by repealing Chapter 410 in its entirety and adopting in its place a new Chapter 410 to read as follows:

**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 standards for appearance. 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.

- B. *Rules of Interpretation.* To determine whether a particular object or thing is a sign, one must establish whether, when objectively viewed, using contextual clues, location, design, and structural composition, owner intent, as well as historical experience, custom and practice and without regard to the message contained thereon, the object or thing meets the definition of a sign or falls under the regulations of this code. Nothing herein is intended to regulate content of signs nor to favor or discriminate against any particular viewpoint. No interpretation of this Sign Code should suggest or suppose it to regulate the content of signs or to favor or disfavor any particular viewpoint.

**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 health, safety, and welfare.
- 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.

**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:

**ABANDONED**

Any sign, sign structure, sign supports, pole, sign base or other materials, apparatuses, or devices, related to signage that are: 1) declared abandoned by the owner of such signage or related materials, 2) no longer in active use as evidenced by the fact that the owner/lessee/lessor of the sign is no longer in operation on the premises or lot and said owner/lessee/lessor of such signage or related materials fails to respond within thirty (30)

days to a written notice sent by the City, or 3) as otherwise may be defined by applicable law.

**BANNER**

A strip of flexible material displaying a slogan, advertisement, or other communication, usually suspended between two points and intended as a temporary sign.

**BILLBOARD**

1. Any outdoor advertising structure subject to regulation pursuant to Sections 226.500 through 226.600 and Section 71.288, RSMo., as amended; or,
2. Large format outdoor structure consisting of a large board (including a digital board) intended for viewing by motorists from extended distances that is designed to and capable of displaying the advertisement or other communication of someone other than the structure's owner and who pays the structure's owner to use the board to display their material.

**BOARD OF ADJUSTMENT**

The Board of Adjustment 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.

**COMMERCIAL DISTRICT**

The City's "C" Commercial District, Planned Commercial District("PD-C"), Planned Mixed Use District ("PD-MxD"), or PD-RxM District.

**COMMON AREA**

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

**ELEVATION**

A side (vertical wall) of a building or structure.

**ERECT**

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

**FLAG**

Any fabric, bunting, 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.

### **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, banner, billboard, 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 intended to advertise, identify, display, direct, convey ideas, 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.

These regulations do not apply to:

1. Traffic control and other government speech located within a right-of-way.
2. Decorations that are incidentally and customarily associated with any national holiday or religious holiday, personal day, or with any community festival or similar event.
3. Art works, including, but not limited to, wall murals, not intended by the artist or person commissioning the artist to convey a commercial message, logo, or colors; and/or which contain pictorial representations referring to businesses, merchandise, products, or services of an exclusively historic nature.
4. Customary building colors and lighting.
5. 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.
6. 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.
7. Vehicles with vehicle signs that are licensed, operable, and legally parked in lined parking spaces.

## **SIGN AREA**

The sign facing that is used for display purposes, excluding the minimum frame and supports. The "sign area" of a single-faced sign is the sum of the sign face, including structural trim and reader board/message board. If a sign is attached to a building, applied to a window, or suspended in any manner whereby there is no apparent trim or confining border or is made up of individual characters, the sign area shall be computed by drawing an imaginary straight line around a generally rectangular margin and measuring the area so encompassed by these lines. In computing the sign area on multi-faced signs, only one (1)

side of back-to-back signs 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°). All sign faces that are backlit shall be included in the sign area.

**SIGN FACE**

Any surface of a sign, including structural trim, designed as the area on which to display or which displays a communication, and which can be seen from a single location on an adjacent street.

**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.

**SIGN, ATTACHED**

See Sign. Wall.

**SIGN, DIRECTIONAL**

See "Sign, Internal Site."

**SIGN, ELECTRONIC CHANGEABLE DISPLAY (ECD)**

A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

**SIGN, FLASHING**

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

**SIGN, ILLUMINATED**

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

**SIGN, INTERNAL SITE**

A sign primarily oriented to persons accessing the lot and not persons off-site. Customarily, such sign type has been used to direct traffic, give parking instructions, identify entrances

and exits, prohibit trespassing, and warn of dogs.

**SIGN, INFLATABLE**

A temporary ground mounted sign that is manufactured of plastic, cloth, canvas, or other light fabric, inflated with air, and held upright, typically by mechanical means such as a portable blower motor that provides a constant flow of air into the device.

**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. Moving signs include, but are not limited to, whirligigs, streamers, pennants pinwheels, and similar objects.

**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 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 sign that is not permanently affixed to a building, structure, or ground and that may be readily moved or relocated. This includes signs with wheels or secondarily (attached by means other than a vehicle sign) attached to any vehicle, trailer, or other transportable devices. Examples of signs in this category include, but are not limited to, portable reader boards/message boards, sandwich boards, portable black signs, portable arrow signs, portable changeable fluorescent letters signs and mobile billboards.

**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.



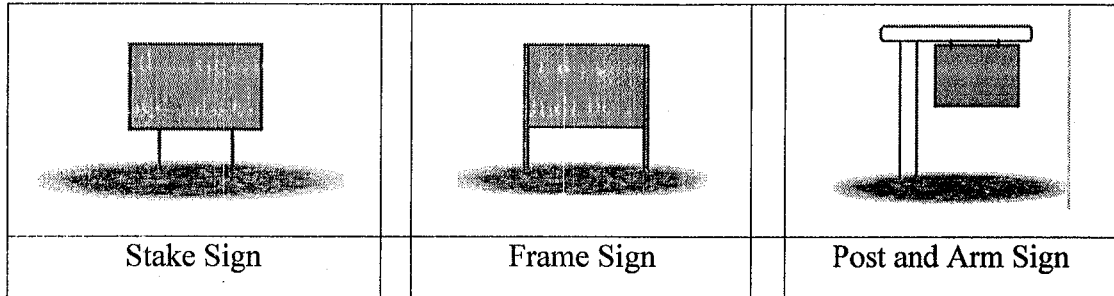
**SIGN, ROOF**

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, TEMPORARY**

Any sign that is not a Permanent Sign 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.
- 3. Inflatables and balloons.
- 4. Temporary Window Signs

**SIGN, VEHICLE**

A sign painted directly on or semi-permanently adhered (e.g., sticker, magnet, or other similar material) to all or part of an automobile, van, truck, other motorized vehicle, or trailer.

**SIGN, WALL**

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

**SIGN, WINDOW, PERMANENT**

A permanent sign affixed to either side of the glass of an exterior door or window or suspended in any way within eighteen (18) inches of the window or door allowing advertising to project outward.

**SIGN, WINDOW, TEMPORARY**

A temporary sign affixed to either side of the glass of an exterior door or window or

suspended in any way within eighteen (18) inches of the window or door allowing advertising to project outward.

## **WINDOW**

The entire area encompassed by a glass wall opening.

### **Section 410.030 Signs Permitted In "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:
  1. Permanent signs.
    - a. Wall Sign. One non-illuminated and not exceeding two hundred eighty-eight (288) square inches and facing the street.
    - b. Sign allowed by law or public safety, not to exceed four (4) square feet (address, etc.).
  2. Temporary signs.
    - a. Yard Sign. Maximum of four (4) of any combination of the following temporary yard sign types per lot at any one time
      - (1) Stake Sign. Six (6) square feet maximum area and three (3) feet maximum height.
      - (2) Frame Sign. Six (6) square feet maximum area and four (4) feet maximum height.
      - (3) Post and Arm Sign. Nine (9) square feet maximum area and six (6) feet maximum height.
    - b. One (1) banner not exceeding two (2) feet by ten (10) feet and not exceeding a duration of ten (10) days.

- c. Balloons.
- 3. Flag. Maximum of two (2) flags. For regulations of ground-mounted flagpoles, see requirements of §500.150.B.6.
- B. Institutional Use. Lots in institutional use may display the following signs:
  - 1. Permanent.
    - 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 Display Sign. On lots over 21,780 square feet, a monument sign may incorporate an electronic changeable display board (ECD) subject to the following standards:
      - (1) The sign face (panel) of ECD must not exceed twenty-eight (28) square feet.
      - (2) The ECD shall conform to the illumination standards of Section **410.110(E)**.
      - (3) The monument sign's non-ECD panel portion of the sign must not exceed twenty-four (24) inches in height.
  - 2. Temporary Signs/Flags.
    - a. Lots over 21,780 square feet -- Temporary signs/flags as permitted in the

Commercial Districts.

- 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 shall be prohibited in residential districts:
  1. Banners exceeding the allowed size.
  2. Billboards.
  3. Flashing lights or those that appear to move (except seasonal holiday decorations).
  4. Moving signs, animated signs, or illuminated 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 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.

**Section 410.050 Signs Permitted In 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. Unless approved by a Master Common Signage Plan provisions set forth in Subsection (B) of this Section, the following types of signs meeting the regulations set forth below shall be

permitted in a Commercial District for non-residential uses<sup>1</sup>. Regulations pertaining to size, height and number shall represent the maximums allowed per lot or premises, as applicable. Signs that are unlisted are not permitted (unless approved by a Master Common Signage Plan provisions set forth in Subsection (B) of this Section).

Sign Type		Regulations
1. Permanent signs (permit required)		
a. Internal site sign (ground mounted; non-Planned Development)	Information:	None
	Maximum size:	Not more than 6 square feet
	Maximum height:	Not more than 3 1/2 feet above finish grade
	Maximum number:	No restriction.
	Location:	Each sign shall be located at least 3 feet inside the lot line
	Colors:	See Subsection C
	Special:	Drive-through operations may additionally have one or more menu/instruction board for a drive-through lane, as approved on a development plan or limited development plan
	Projection:	None
	Permit required:	Yes
b. Internal site sign (wall-mounted; non-Planned Development)	Information:	None
	Maximum size:	Not more than 6 square feet
	Maximum height:	Not more than 10 feet above finish grade
	Maximum number:	Not more than 2 per building side
	Location:	None
	Colors:	See Subsection C
	Special:	Drive-through operations may additionally have a menu/instruction board for a drive-through lane, as approved on a development plan or limited development plan
	Projection:	8 inches
	Permit required:	Yes
c. Monument sign	Information:	May include electronic changeable display
	Maximum size:	Not to exceed 50 square feet
	Maximum height:	Sign shall not exceed 5 feet in height
	Maximum number:	Not more than 1 per lot

<sup>1</sup> Residential uses in the "PDMxD" District such as apartment buildings shall be governed by a Master Common Signage Plan approved pursuant to Subsection (B) of this Section.

Sign Type	Regulations	
d. Wall sign	Location: Colors: Projection: Permit required:	Sign shall be located at least 3 feet inside the lot line See Subsection C None Yes
	Information: Maximum size:  Maximum height:	None 5% of the area of the wall to which attached, but in no instance greater than 150 square feet each 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
	Maximum number:  Location:  Colors: Special: Projection:	Not more than 1 per main entrance of a principal building or premises Sign shall face a street or be located at a main entrance See Subsection C 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
	Permit required:	Yes
e. Window sign	Information: Location:  Special:	None Each sign shall face a street or be located at a main entrance Coverage, whether illuminated and/or non-illuminated, temporary and/or permanent, may not exceed in the aggregate fifty percent (50%) of the total area of all windows on any elevation; No electric signs shall be affixed to a door
	Projection: Permit required:	None Yes
2. Temporary signs		
a. Banners	Information: Maximum size: Maximum height: Maximum number: Location: Colors: Special:	None 30 square feet Below building roof level 1 On premises See Subsection C Limited to 1 per 30 consecutive

Sign Type	Regulations
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	Projection: Permit required:	day period per calendar quarter. Fastened within the perimeter of the vertical wall of the business None Yes
b. Inflatable Sign	Information: Maximum size: Maximum height: Maximum number:  Location:  Colors: Special:  Projection: Permit required:	None 1500 cubic feet 15 feet Not more than 1 per lot at any time; Limited to 1 per 15 consecutive day period per calendar quarter On premises (may be attached to premises roof); sign shall not be located in any right-of-way, sidewalks, drive aisles, or parking spaces See Subsection C Displayed for not more than 15 days None Yes
c. Window sign	Information: Location:  Special:  Projection:	None Each sign shall face a street or be located at a main entrance May be illuminated, if limited to single floodlight; no internal illumination; Limited to 1 per 30 consecutive day period per calendar quarter; Coverage, whether temporary and/or permanent, may not exceed in the aggregate fifty percent (50%) of the total area of all windows on any elevation; None
d. Yard sign	Information: Maximum size: Maximum height:  Maximum number: Location:  Colors: Special:  Projection: Permit required:	None 24 square feet Not more than 7 feet above finish grade Not more than 2 per lot Minimum 10 feet behind a curb line No restrictions Limited to 1 per 30 consecutive day period per calendar quarter None Yes

Sign Type	Regulations
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3. Flag	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
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**B. Master Signage Plan.**

1. 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 or use 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 modify the requirements in Section A related to and determine the appropriateness of the size, height, number, location, projection, aesthetic consistency, and color of the proposed signs; provided that nothing in this Subsection (B) shall be deemed to authorize any sign prohibited by Section 410.070 of the sign regulations; and provided, further, that the Board of Aldermen determines:
  - a. That all facets of 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, property values, 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 this Subsection (B) 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.
4. Any signage, including temporary signage, that is not expressly regulated by an approved Master Signage Plan shall be governed by the general sign regulations of Section 410.050.A.

C. *Location and Design.* All signs erected in 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 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 expressly permitted in these Sign Regulations, the following shall be prohibited in Commercial Districts:
1. Flashing or intermittent lights, strings of light (except white lights), or those that appear to move (except seasonal holiday decorations).
  2. Moving signs, animated signs, or flashing signs.
  3. Roof signs (except for temporary Inflatable Signs).
  4. Temporary or permanent signs on public right-of-way (other than government signs).
  5. Signs that are in disrepair or hazardous.
  6. 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.
  7. Signs directly painted on any wall or any wall of any structure.

8. Billboards.

9. Portable Signs (except as approved by a Special Event Permit pursuant to Section 400.620).

Section 410.080 **Reserved.**

Section 410.090 **Maintenance And Safety.**

**[R.C. 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 of the sign. Temporary yard signs in disrepair must be removed by the property owner on which they are located.
- B. Any abandoned permanent sign, its supporting frame, structure, and related materials, 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 such signage is abandoned.
- 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 (or less in the case of an emergency) 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.**

- A. *Alteration.* A nonconforming sign shall be brought into conformity with this Chapter if it is substantially altered, reconstructed, replaced, or relocated. A change in copy is not an alteration or replacement for purposes of this subsection.
- B. *Maintenance.* Nonconforming signs must be maintained in good condition. Maintenance required by this Code 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.

**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. 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.
- B. All permanent signs shall be constructed and erected in accordance with the applicable building codes for the City of Twin Oaks.
- C. 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.
- D. All electrical illumination devices shall be designed to be weather resistant and shatterproof.
- E. *Electronic Changeable Displays ("ECDs")*. Monument signs with ECDs 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. *Static Display and Transition.* ECDs shall have a static display and shall not display video, have a display that would be considered a flashing or animated sign, or in any manner create the illusion of movement. ECD message transitions shall be instantaneous.
3. *Brightness.* From sunset to sunrise, the difference between the off and solid-message measurements using the ECD measurement criteria (below) shall not exceed 0.3 footcandles. The ECD shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. The illuminance of an ECD shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the ECD off, and again with the ECD displaying a white image for a full color-capable ECD, or a solid message for a single-color ECD. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the ECD as set forth in the table below.

Area of Sign (Sq. ft.)	Measurement Distance (ft.)
10	32
20	45
30	55
35	59
40	63
45	67
50	71

The lighting and other specifications for a proposed ECD shall be submitted with the application for an ECD.

4. *Malfunction and Non-Compliance.* All ECD signs shall be designed and equipped to freeze the device in one (1) position if a malfunction occurs. The ECD 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.
5. *Conversion.* Conversion of an existing monument sign to an ECD is authorized only where ECDs 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 any sign as defined in this Chapter without first obtaining zoning approval and a sign permit from the City Clerk. No sign permit is needed for items not meeting the definition of a sign.
- B. *Application.* Before any permit is granted for the erection of a sign, an application for sign permit including four (4) sets of final plans and specifications shall be filed with the City Clerk showing the location of the proposed sign and the dimensions of the sign area and supporting structure, materials and required details of construction. 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 hear and decide appeals from any final decisions of the City Clerk or designee under this Chapter 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 provisions of Section 400.510.

**Section 2.** The recitals contained in the *Whereas* clauses are expressly incorporated in and made a part of this Ordinance.

**Section 3.** This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 20<sup>th</sup> DAY OF OCTOBER 2021.



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Russ Fortune, Mayor

Attest:



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Frank Johnson, City Clerk/Administrator