

BILL NO.	<b>24-29</b>	FIRST READING	<b>12-17-2024</b>
INTRODUCED BY:	<b>Carlson</b>	SECOND READING	<b>12-17-2024</b>
ORDINANCE NO.	<b>24-29</b>	PASSED	<b>12-17-2024</b>

**AN ORDINANCE CREATING SECTION 426.130 OF THE MUNICIPAL CODE OF THE CITY OF LAKE LOTAWANA TO ALLOW FOR MASTER SIGN PLANS**

**WHEREAS**, the City of Lake Lotawana (“City”) desires to amend the Municipal Code of the City of Lake Lotawana (“Code”); and

**WHEREAS**, the City desires to amend the Code to allow for property and business to apply for Master Sign Plans for signage on their property not currently contemplated or allowed by the Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LAKE LOTAWANA, MISSOURI**, that:

**Section 1.**

Section 426.130 shall be created and read as follows:

426.130

A. Master Sign Plan.

1. Applicability. Master sign plans are intended to review sign plans that do not meet or are not addressed by this Sign Code. Master sign plans may be requested when the proposed sign plan:

- a. Includes a sign type required to be approved by a master sign plan; or
- b. Does not comply with one (1) or more provisions of this Sign Code.

2. Review Criteria. Approval of a master sign plan shall:

- a. Meet the intent of this Sign Code;
- b. Not result in or create a precedent that may result in visual blight, discord, confusion, or clutter that significantly dilutes or obscures the message of other signs or degrades the character, attractiveness, and general welfare of the City as a place to live and conduct business;
- c. Not result in signage that significantly alters the architectural, cultural, historic, or contextual character of the surrounding area due to the size or location of the signage;
- d. Not infringe on public safety or interfere in any way with the safe

operation of all modes of transportation;

e. Not impact the rights of adjacent and nearby property owners, residents, and any other entity with a vested interest;

f. Be based on the time, place, and manner of the proposed signage, not on the content or message of the signage; and

3. Application. The Zoning Administrator shall prescribe forms and submittal requirements for master sign plans as needed to administer this Sign Code. All applications for Master Sign Plans shall include the location, size, and type of signage proposed for the entirety of the property on which the application is for.

4. Process. After a complete application is filed with the Zoning Administrator, the Administrator shall schedule the application to be heard by the Planning and Zoning Commission no later than their first regular meeting that is at least twenty-four (24) days after the application filing date. The Planning and Zoning Commission shall make a final determination to make their recommendation to the Board of Aldermen within forty-five (45) days of said first meeting, after which it shall be deemed denied, unless the applicant consents, in writing, to a longer time period. Upon the Planning and Zoning Commission's recommendation, the Master Sign Plan shall be taken to the Board of Aldermen for a determination at the next Regular Meeting of the Board of Aldermen.

5. Approval. The Planning and Zoning Commission may make one (1) of three (3) final recommendations:

a. Recommend approval as submitted, if application meets the master sign plan review criteria;

b. Recommend approval with the conditions necessary to meet the master sign plan review criteria; or

c. Recommend denial, if the application does not meet the master sign plan review criteria.

6. Binding Effect. After approval of a master sign plan, no permanent sign shall be permitted on the subject property except in conformance with such plan. A master sign plan shall be enforced in the same manner as any other provision of this Sign Code.

7. Expiration. Any master sign plan shall continue in perpetuity, except the master sign plan shall expire when:

a. The master sign plan is no longer applicable to the property due to demolition of the principal structure, or other similar reasons;

- b. A new or amended master sign plan is approved; or
- c. Annulled by Planning and Zoning Commission through the master sign plan process with the criteria that prior to annulment, all existing signs shall conform to this Sign Code.

## B. Appeals.

1. Appeal For Minor Sign Adjustment. Applicants may seek approval from the Zoning Administrator to allow for minor adjustments from this Sign Code on a form supplied by the department for this purpose in response to unanticipated sign location issues or unusual physical site conditions, which may cause the need for some minor adjustments to be made to the allowable sign area, height, setback, or spacing.

a. Allowed Minor Adjustments. The Zoning Administrator may authorize minor adjustments to the Sign Code that allow one (1) of the following:

(1) Allow for sign heights to be increased up to a maximum of two (2) feet in height; or

(2) Allow the maximum sign area or dimensions of an individual sign to be increased up to a maximum of ten percent (10%) of the area or dimension otherwise provided; or

(3) Allow the sign to encroach into a required property line setback up to a maximum of twenty percent (20%) of the required setback if such encroachment will not create a threat to public health or safety; or

(4) Allow the sign to be located closer to another sign by reducing a required minimum spacing between signs by up to twenty percent (20%).

b. Application. The Zoning Administrator shall prescribe forms and submittal requirements for appeals for minor sign adjustment as needed to administer this Sign Code.

c. Process. After a complete application is filed with the Zoning Administrator, the Zoning Administrator shall make a final determination within forty-five (45) days. Any application not processed within forty-five (45) days shall be deemed denied, unless the applicant consents, in writing, to a longer time period.

d. Approval. The Zoning Administrator may make one (1) of three (3) final determinations:

(1) Approval as submitted, if the request is an allowed minor

adjustment and in the opinion of the Administrator, is warranted due to unusual physical site conditions or unanticipated sign location issues; or

(2) Approval with the conditions necessary to ensure the request is an allowed minor adjustment and in the opinion of the Administrator, is warranted due to unusual physical site conditions or unanticipated sign location issues; or

(3) Denial, if the application is not an allowed minor adjustment or in the opinion of the Administrator, is not warranted due to unusual physical site conditions or unanticipated sign location issues.

2. Appeal Of Administrative Decision. Any final determination, including an application that has been deemed denied by reason of the passage of time, made by the Administrator may be appealed to the Planning and Zoning Commission for recommendation of approval by any person aggrieved by the determination.

a. Application. A written notice of appeal must be filed with the Zoning Administrator within ten (10) days of the administrative determination.

b. Process. After a written notice of appeal is filed with the Zoning Administrator, the Zoning Administrator shall schedule the appeal to be heard by the Planning and Zoning Commission no later than their first regular meeting that is at least twenty-four (24) days after the application filing date. The Planning and Zoning Commission shall make a final determination within forty-five (45) days of said first meeting, after which it shall be deemed denied, unless the applicant consents, in writing, to a longer time period.

c. Approval. The Planning and Zoning Commission shall recommend to approve, approve with modifications, or deny the original application based on the criteria established by this Sign Code.

3. Appeal of Planning and Zoning Commission Decision. Any final determination, including an application or appeal that has been deemed denied by reason of passage of time, made by the Planning and Zoning Commission may be appealed to the Board of Aldermen by the applicant, any owner of land directly affected by the action or proposed action, any person that the Board of Aldermen determines to be actually or potentially aggrieved by the determination, the Zoning Administrator, or any person otherwise given the right of appeal by law.

a. Application. A written notice of appeal must be filed with the Zoning Administrator within ten (10) days of the Planning and Zoning Commission determination.

b. Process. After a written notice of appeal is filed with the Zoning Administrator, the Administrator shall schedule the appeal to be heard by the

Board of Aldermen. The Board of Aldermen shall make a final determination within sixty (60) days of the date that the appeal was filed, after which it shall be deemed denied, unless the applicant consents, in writing, to a longer time period. The hearing shall be made on the record. The applicant shall have full right to be represented by counsel at the hearing and may produce witnesses and evidence on their behalf.

c. Approval. The Board of Aldermen shall approve, approve with modifications, or deny the original application based on the criteria established by this Sign Code.

4. Appeal Of Board of Aldermen Decision. Any final determination of the Board of Aldermen may be appealed to the Circuit Court.

**Section 2.** The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 3.** This Ordinance shall be governed by and construed in accordance with the applicable laws of the State of Missouri.

**Section 4.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5.** This Ordinance shall take effect and be in force from and after its passage.

**PASSED AND ADOPTED** by the Board of Aldermen of the City of Lake Lotawana, Missouri, this 17<sup>th</sup> day of December, 2024.

The aye and nay votes recorded as follows:

Neighbors -	Aye	Sanders Hall -	Aye
Antey -	Aye	Ogilvie -	Aye
Carlson -	Aye	Rase -	Aye

APPROVED this 17<sup>th</sup> day of December, 2024

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MAYOR, Tracy Rasmussen

ATTEST:

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CITY CLERK, Lauran Kurtz