

AN ORDINANCE REPEALING SECTIONS OF CHAPTER 30  
AND REPEALING AND ENACTING NEW SECTIONS OF  
CHAPTER 25 OF THE CODE OF ORDINANCES OF THE  
CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING  
DEVELOPMENT REGULATIONS

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU,  
MISSOURI, AS FOLLOWS:

Article 1. Section 30-502 of the Code of Ordinances of the City of Cape Girardeau, Missouri, entitled "Billboards" is hereby repealed in its entirety, and a new Article to Chapter 25 entitled "Article IV. Billboards" is hereby enacted in lieu thereof, in words and figures, to read as follows:

**ARTICLE IV. Billboards**

**Sec. 25-401. Billboards.**

Billboards shall be erected only upon approval of a special use permit, as set out in Chapter 30, Section 30-401. In addition to the requirements of section 30-401, the following regulations apply to the erection of billboards:

- (a) Billboards shall be allowed only in the C2, PD, M1 and M2 zoning districts
- (b) Billboards shall be allowed only on parcels of land bordering the following streets:
  - (1) Interstate 55
  - (2) William Street (Route K) - West of Kingshighway
  - (3) Missouri Route 74 - West of Kingshighway
  - (4) Kingshighway from Boulder Crest Drive south to Interstate 55
- (c) No billboard shall be placed within fourteen hundred (1,400) feet of another billboard. This paragraph shall not apply to billboards which are located on opposite sides of the street to which the billboard is oriented
- (d) No billboard shall be placed within thirty (30) feet of a street right-of-way
- (e) No billboard shall be placed within one hundred (100) feet of a property line of a property which is used for residential purposes
- (f) For purposes of placing billboards, a V-shaped billboard or a back-to-back type of billboard shall

- be considered one (1) billboard. Sign faces of less than one hundred and fifty (150) square feet may be placed between billboard faces at the apex of the "V" or across the rear of the "V," but no such sign shall be oriented toward a street upon which billboards are not allowed. The angle of all sign faces shall be oriented so that they are between seventy five (75) degrees and ninety (90) degrees to the street on which the billboard is permitted.
- (g) No billboard shall be located in such a manner as to obscure an official traffic sign, signal or device, or obstruct a driver's view of approaching or intersection traffic.
  - (h) The maximum area of a billboard sign face shall be three hundred (300) square feet. The maximum length of a billboard sign face shall be thirty (30) feet. The maximum total sign face area of a billboard shall be six hundred (600) square feet.
  - (i) There shall be a minimum clearance of ten (10) feet from grade of the street to which the billboard is oriented to the bottom of a billboard sign face. There shall be a maximum height of thirty (30) feet from grade of the street to which the billboard is oriented to the top of a billboard sign face.
  - (j) Audio speakers are prohibited in association with any billboard.
  - (k) Electronic, video or digital billboard images or any portion thereof shall have a minimum duration of at least eight seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
  - (l) Billboards may be illuminated, subject to the following instructions:
    - (1) No revolving or rotating beam or beacon of light shall be permitted as part of any billboard. Flashing devices shall not be permitted upon a billboard. However, changeable copy signs, such as those used for time and temperature displays, shall be permitted, but shall not be permitted to operate in a flashing or scrolling manner.
    - (2) External lighting, such as flood lights, thin line and gooseneck reflectors, are permitted, provided the light source is directed on the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street.
    - (3) The illumination of any billboard within one

hundred (100) feet of a property line which is used for residential purposes shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts.

- (4) Electronic, video or digital billboard images shall be equipped with automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. The maximum luminance produced by electronic, video or digital billboard images shall not exceed 0.3 foot-candles greater than the ambient light level.
- (m) The following billboards shall not be permitted to remain or to be erected:
  - (1) Billboards which have been erected without a building permit.
  - (2) Billboards that employ any stereopticon or motion picture projection, or any portion of which gives the illumination of motion. This includes any electronic graphic signs or video displays, but does not include signs that contain changeable copy, such as time and temperature.
  - (3) Billboards which are not clean, not in good repair, not structurally sound, or obsolete (billboards shall not be considered obsolete solely because they temporarily do not carry an advertising message).
  - (4) Billboards which appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
  - (5) Billboards which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
  - (6) Billboards which are nonconforming and damaged or destroyed to an extent of more than sixty (60) percent of the replacement cost.
  - (7) Billboards that prevent ingress or egress from any doors, windows, or fire escapes.
  - (8) Billboards that are attached to a standpipe or fire escape.

Article 2. Chapter 30, Article V, Section 30-503, entitled "Sign Usage" of the Code of Ordinances of the City of Cape Girardeau, Missouri, is hereby repealed in its entirety, and a new Article to Chapter 25 entitled "Article V - Signs" is hereby

enacted in lieu thereof, in words and figures, to read as follows:

## **ARTICLE V. Signs**

### **Sec. 25-501. Purpose.**

The purpose of this section is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

### **Sec. 25-502. Definitions.**

The following works and terms shall, for the purposes of this section, have the meanings shown herein.

- (a) *Abandoned Sign* - Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining one (1) year after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a special use permit or a variance shall also be considered as an abandoned sign.
- (b) *A-frame sign* - A portable sign where the two (2) sign faces are attached at the top in a hinged fashion to allow the bottom portion of the two (2) faces to spread apart and rest on the ground to support the sign.
- (c) *Architectural Projection* - Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein.
- (d) *Awning sign* - A sign displayed on or attached flat against an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are

- internally illuminated by fluorescent or other light sources.
- (e) *Banner Sign* - A sign utilizing a flexible material on which copy or graphics are displayed.
  - (f) *Billboard* - See Article IV.
  - (g) *Building Elevation* - The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.
  - (h) *Canopy Sign* - A sign affixed to the visible surface(s) of a multisided overhead structure or architectural projection supported by columns but not enclosed by walls.
  - (i) *Copy* - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.
  - (j) *Development Complex Sign* - A freestanding sign identifying a multiple-occupancy development, which is controlled by a single owner or landlord, approved in accordance with Section 25-506(i) of this chapter.
  - (k) *Directional Sign* - Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
  - (l) *Electronic, video, or digital message sign*. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. These signs include, but are not limited to, displays using incandescent lamps, light emitting diodes (LEDs), or liquid crystal displays (LCDs).
  - (m) *Double-faced sign*. A sign with two faces, back to back.
  - (n) *Facade* - See "Building elevation."
  - (o) *Freestanding sign* - A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.
  - (p) *Frontage (Building)* - The length of an exterior building wall or structure of a single premise oriented to the public way or other properties that it faces.
  - (q) *Frontage (Property)* - The length of the property line(s) of any single premise along either a public way or other properties on which it borders.
  - (r) *Garage sale* - Any sale conducted where used or unwanted household items are offered for sale,

usually held in the garage, carport or driveway of the seller's home. Also commonly referred to as "yard sales".

- (s) *Interior sign* - Any sign placed within a building, including in a window. Interior signs are not regulated by this chapter.
- (t) *Menu board* - A freestanding sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification, and which is not regulated by this chapter.
- (u) *Monument sign* - A freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground. Such signs may be two-sided, provided that both sides cannot be seen simultaneously from any point.
- (v) *Off-premises sign* - See "outdoor advertising sign."
- (w) *Off-site directional sign* - A sign structure which provides directional assistance to access non-residential uses conveniently and safely. Such signs shall be limited in area, size, number, height, and placement as identified in Section 25-506(i)(2).
- (x) *On-premises sign* - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
- (y) *Outdoor advertising sign* - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
- (z) *Portable sign* - Any sign not embedded in the ground or permanently affixed to a building or sign structure that is permanently embedded in the ground. Portable signs are considered to be temporary signs.
- (aa) *Projecting sign* - A sign other than a wall sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.
- (bb) *Real estate sign* - A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

- (cc) *Roof line* - The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.
- (dd) *Roof sign* - A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.
- (ee) *Sign* - Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.
- (ff) *Sign area* - The area of the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.
- (gg) *Sign Face* - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports or architectural features of a building or sign structure.
- (hh) *Temporary Sign* - A sign intended to display messages of a transitory or temporary nature.
- (ii) *V-shape sign* - Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding five (5) feet at their closest point.
- (jj) *Wall or fascia sign* - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall.

#### **Sec. 25-503. General Sign Types.**

Sign types and the computation of sign area shall be as depicted in Figures 1 through 2.

Figure 1 - General Sign Types

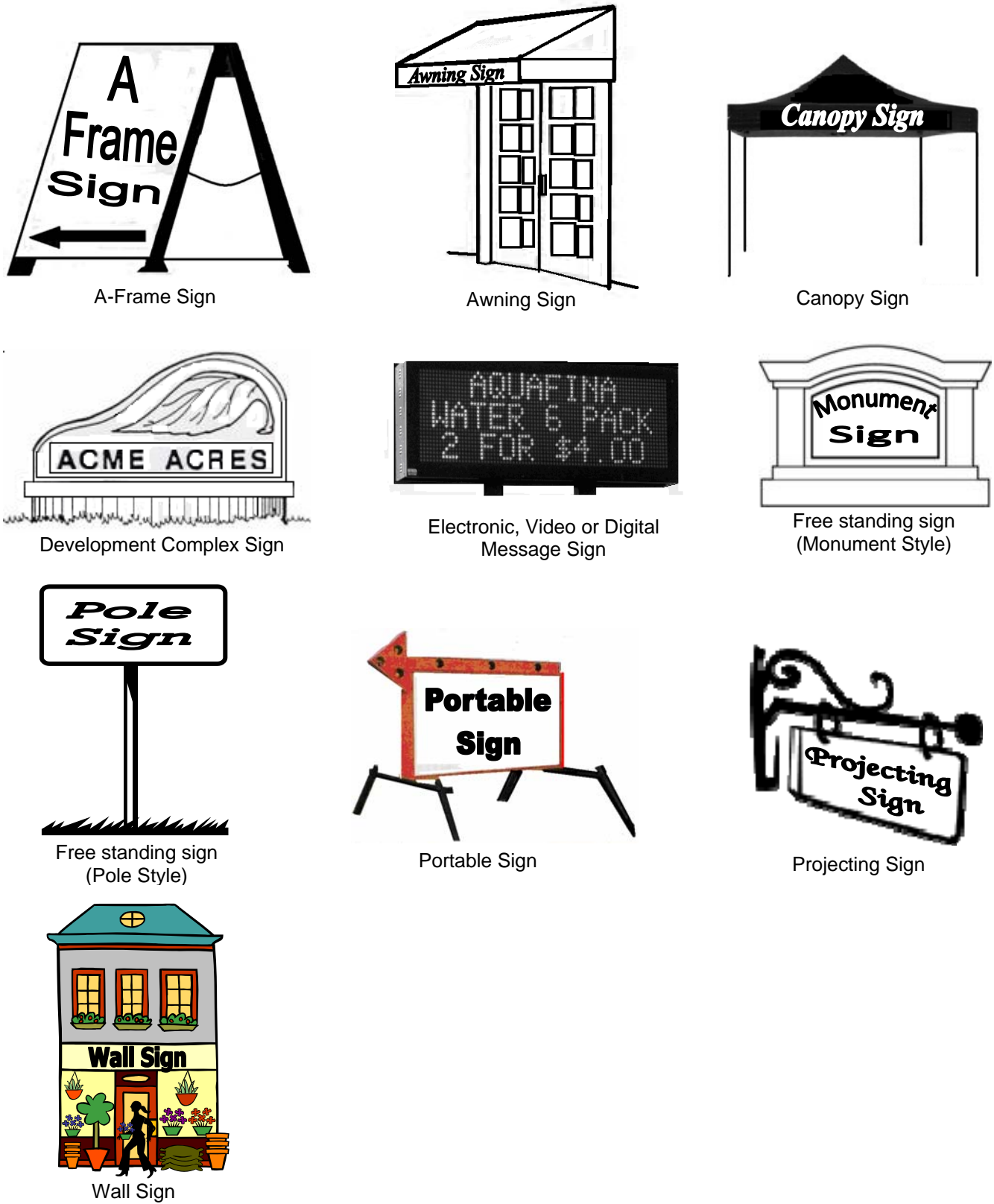
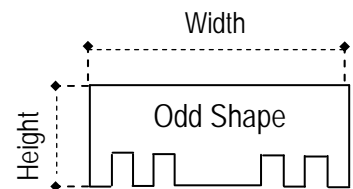
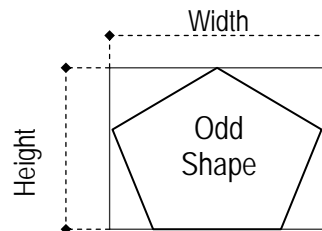
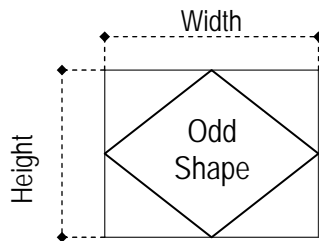
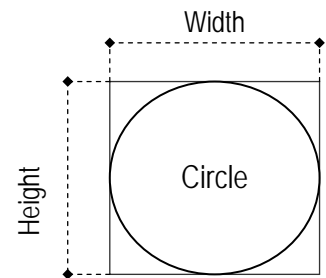
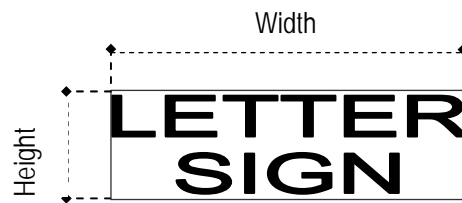
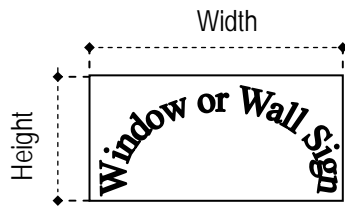
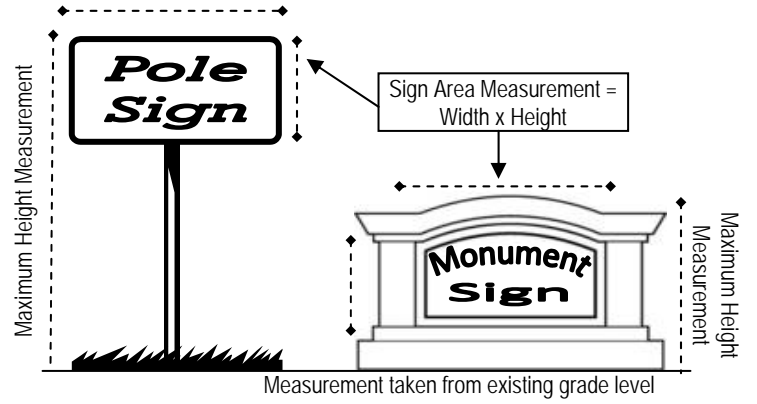


Figure 2 - Height and area computation methodology







**Sec. 25-504. General Provisions.**

- (a) *Conformance of Codes.* Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the International Building Code and of any other ordinance or regulations within this city
- (b) *Signs in rights-of-way.* No sign other than an official traffic sign shall be placed within any public right-of-way, unless specifically authorized by other ordinances or regulations of the city. Signs placed in the right-of-way shall be subject to removal.
- (c) *Projections over public ways.* Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 10 feet from grade level to the bottom of the sign. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the city for such structures.
- (d) *Traffic visibility.* No sign or sign structure shall be erected within thirty (30) feet of the paved portion of the intersection of any street or in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- (e) *On-Premises.* Signs that advertise goods or services not located on the same premise as the sign are not allowed, except as authorized elsewhere in this Article.
- (f) *Computation of frontage.* If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
- (g) *Maintenance, repair and removal.* Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign

- shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any other case within not more than ten (10) days, make such sign conform to the provisions of this ordinance, or shall remove it. If within ten (10) days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
- (h) *Obsolete sign copy.* Any sign copy that no longer advertises or identifies a commercial use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located
  - (i) *Abandoned sign.* Any sign structure that has no message or no sign face for a continuous period of one (1) year or more, or for which has advertisement that no longer applies shall be considered an abandoned sign. The sign shall be removed within thirty (30) days after written notification from the code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.
  - (j) *Placement.* If any sign is found to be in violation of any provision of this Section and the identity of the individual placing the sign at that location cannot be determined, the owner of the business or property that is advertised on the sign shall be held prima facie responsible for such violation.
  - (k) *Nonconforming signs.* Any permanent sign legally existing at the time of the passage of this ordinance that does not conform in location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

- (1) Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
- (2) Any legal nonconforming sign shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds fifty (50) percent of the replacement cost of the sign as determined by the code official.

**Sec. 25-505. Permits Required.**

Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all signs erected or maintained within this city. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

- (a) *Construction documents.* Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the International Building Code.
- (b) *Changes to signs.* No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of moveable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.
- (c) *Permit Fees.* Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this city.

**Sec. 25-506. Specific sign requirements.**

- (a) *Wall signs.* Every multi-family residential complex, commercial or manufacturing building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table 1. For shopping centers or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than fifty (50) square feet.

| TABLE 1<br>STANDARDS FOR WALL SIGNS                                  |  |
|--|--|
| LAND USE/ZONING DISTRICT   | MAXIMUM AREA<br>(Square Feet)                                    |
| Multi-family Residential   | 5 (name plate only)  |
| Nonresidential in a Residential Zone<br>Commercial and Manufacturing | 3 per lineal foot of building or tenant space<br>fronting street |

- (b) *Freestanding signs.* In addition to any allowable wall signs, every single-family residential subdivision, multifamily residential complex, commercial or manufacturing building, and every separate nonresidential building in a residential zone shall be permitted to display freestanding signs per street frontage subject to the limiting standards set forth in Table 2.
- (1) For subdivision, mobile home park or apartment identification signs placed on a decorative entry wall approved by the code official, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the driveway or entry drive.
  - (2) Bed and breakfast inns or hostels are allowed one freestanding yard sign not greater than 12 square feet and displaying only the name of the facility.

| TABLE 2<br>STANDARDS FOR FREESTANDING SIGNS  |  |                          |   |
|--|--|--------------------------|---|
| LAND USE/<br>ZONING DISTRICT   | MAXIMUM NUMBER<br>OF SIGNS   | MAXIMUM HEIGHT<br>(feet) | MAXIMUM AREA<br>(square feet)                                   |
| RE, R-1, R-2, R-3, R-4,<br>R-5 & RMH Districts   | 2 per Arterial Street<br>Entrance  | 5                        | 40  |
| NC, Non-residential uses<br>in residential zones, AG,<br>AG-1  | 1 Monument type sign<br>per Street Front –<br>constructed with same<br>building material as main<br>building | 12                       | 1 square foot per 1 LF<br>frontage up to 120<br>square feet     |
| C-1, C-2, CBD, PD,<br>M-1, and M-2 (except in<br>locations identified<br>below)  | 1 per Street Front   | 35                       | 1 square foot per 1 LF<br>frontage – up to 150<br>square feet   |
| C-1, C-2, CBD, PD, M-1<br>and M-2 – located on<br>Kingshighway, Southern<br>Expressway and MO<br>Route 74 (Shawnee<br>Parkway) | 1 per Street Front   | 40                       | 1.5 square feet per 1 LF<br>frontage – up to 150<br>square feet |
| C-1, C-2, PD, M-1 and<br>M-2 – located on<br>Interstate 55   | 1 per Street Front   | 60                       | 2.5 square feet per 1 LF<br>frontage up to 150<br>square feet   |
| A-1 District (Airport)   | As Approved by Airport Manager   |                          |   |

(c) *Canopy and marquee signs.*

- (1) The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied.
- (2) Graphic striping, patterns or color bands on the face of a building, canopy, marquee or architectural projection shall not be included in the computation of sign copy area.

(d) *Awning signs.*

- (1) The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
- (2) Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

- (e) *Projecting signs.*
  - (1) Projecting signs shall be permitted in lieu of freestanding signage on any street frontage. Projecting signs shall be limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be further limited in height and area to three (3) square feet per each one (1) lineal foot of building frontage, except that no such sign shall exceed an area of 150 square feet.
  - (2) No such sign shall extend vertically above the highest point of the building facade upon which it is mounted by more than three (3) feet.
  - (3) Such signs shall not extend over a public sidewalk in excess of fifty (50) percent of the width of the sidewalk.
  - (4) Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of ten (10) feet.
- (f) *Roof signs.*
  - (1) Roof signs shall be permitted in commercial, planned development, and manufacturing districts only.
  - (2) Such signs shall not extend above the roofline.
  - (3) The sign area for roof signs shall be assessed against the maximum permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.
- (g) *Electronic, Video, or Digital Message Signs*
  - (1) The maximum size of the electronic, video, or digital message portion of signs in the CBD, C-1, C-2, PD, M-1 or M-2 zoning districts shall not exceed fifty (50) square feet.
  - (2) The maximum size of the electronic, video, or digital message portion of signs in the NC district or on the premise of any non-residential use in any residential district shall not exceed thirty-two (32) square feet.
  - (3) Electronic, video, or digital message signs in an NC district or on the premise of any non-residential use in any residential district shall be turned off no later than 10 p.m. and not turned on before 7 a.m.
  - (4) Flashing of messages or images is prohibited.
  - (5) Animation, defined as the illusion of motion, is allowed unless the City Manager determines that the animation constitutes a distraction to traffic. Animation, or a sequence of

- animations shall not exceed eight (8) seconds in length, followed by a transition of a minimum of one and one-half (1.5) seconds or a blank (black) slide of 0.5 seconds.
  - (6) Static messages or images shall remain constant for a minimum of one and one-half (1.5) seconds.
  - (7) Scrolling messages are allowed, but shall not exceed eight (8) seconds in length.
  - (8) A minimum of one and one-half (1.5) seconds of transition or a blank slide of a minimum of 0.5 seconds must appear after each eight (8) seconds of any type of animation, messages or images. Transitions may not involve flashing.
  - (9) Movies or videos involving live actors or events are not allowed.
  - (10) Automatic dimming capability that adjusts the brightness of the sign to the ambient light at all times of the day and night is required. The maximum illuminance produced by the sign shall not exceed 0.3 footcandles greater than the ambient light level.
- (h) *A-frame signs.* A-frame signs are allowed in all commercial, planned development, and manufacturing districts, based on the following criteria:
- (1) Such signs are limited to eight (8) square feet per sign face with not more than two (2) sign faces.
  - (2) The overall size of the sign shall not exceed thirty (30) inches in width and forty-eight (48) inches in height.
  - (3) Such signs may not be internally illuminated.
  - (4) Such signs may be placed only on the sidewalk in front of the place of business it advertises and must allow a three-foot wide space on the sidewalk for pedestrians to pass.
  - (5) Such signs shall be removed from the sidewalk and placed inside the business at the close of each business day and/or whenever the business ceases to be open.
  - (6) Such signs shall be secured in a fashion to prevent them from blowing over or falling over.
- (i) *Signs for development complexes.*
- (1) *Master sign plan required.* All landlord or single-owner controlled multiple-occupancy developments on parcels exceeding three (3) acres in size shall submit to the code official a master sign plan prior to issuance



of new sign permits. The master sign plan, as approved by the code official, shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- a. Proposed sign locations.
- b. Materials.
- c. Type of illumination.
- d. Design of freestanding sign structures.
- e. Size.
- f. Quantity.
- g. Uniform standards for non-business signage, including directional and informational signs.
- h. Letter of approval from land owner or agent to be submitted with permit application.
- i. All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

- (2) *Amendments.* Any amendments to a master sign plan must be approved by the code official and signed by the owner(s) within the development complex before such amendment will become effective.

(j) *Directional signs.*

- (1) *On-Premises signs.* No more than two (2) on-premises directional signs shall be permitted at each public street entrance onto any property in a commercial, planned development, or manufacturing district. There shall be no limit to the number of directional signs providing directional information interior to a lot. The maximum area for any directional sign visible from adjacent property or rights-of-way shall be six (6) square feet. Not more than twenty-five (25) percent of the area of any directional sign shall be permitted to be devoted to business identification or logo.
- (2) *Off-premises signs.* Signs directing the public to locations of businesses or facilities shall be allowed adjacent to arterial and collector streets as identified on the Major Street Plan, at the intersection with the public streets leading to the business or facility. All off-premises directional signs shall be subject to the following limitations:

- a. The sign area shall not exceed six (6) square feet in area.
- b. The sign shall be placed not less than seven (7) feet above the surface of the ground and shall not exceed ten (10) feet in height above the ground surface.
- c. The sign shall contain the name of the facility, distance, logo and directional arrow only.
- d. A sign must be located completely on private property.
- e. A business or facility must be located within the corporate limits, and shall be allowed no more than two (2) such signs.
- f. No sign may be located within fifty (50) feet of another sign except when mounted on a common post.
- g. Signs which are no longer applicable because of name changes, relocations, going out of business, or other reasons shall be removed immediately.
- h. The square foot area of an off-premises directional sign shall not be counted toward the total allowable signage for the lot on which it is located.

(k) *Temporary signs.*

- (1) *Real estate signs.* Real estate signs shall be permitted in all zoning districts, subject to the following limitations:
  - a. Real estate signs advertising the sale of a single residential lot may be placed on that lot without limitation on the number or size of such signs.
  - b. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one (1) sign per entrance to the subdivision, and each sign shall be no greater than thirty-two (32) square feet in area nor six (6) feet in height. All signs permitted under this section shall be removed within ten (10) days after sale of the last original lot.
  - c. Real estate signs advertising the sale or lease of space within commercial or manufacturing buildings or vacant land shall be no greater than thirty-two (32) square feet in area nor six (6) feet in height, and shall be limited to one sign per street front.

- d. Real estate signs shall be removed not later than 30 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.
  - e. Real estate directional signs directing the public to a property which is for sale shall be allowed, but only on private property with the permission of the property owner.
  - f. In addition to the real estate sign permitted under subsection a. hereinabove, a banner or other type sign may also be posted on the property to advertise an open house for that residential lot. This open house sign may be placed not sooner than forty-eight (48) hours before the open house and must be removed not later than the end of the day on which the open house is held. In no event, however, shall such sign be posted for more than three (3) consecutive days.
- (2) *Development and construction signs.*
- Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following additional limitations:
- a. Such signs on a single residential lot shall be limited to one sign, not greater than three (3) feet in height and ten (10) square feet in area.
  - b. Such signs shall be limited to one sign, at each entrance to the development or on one of the lots to be built upon, and shall be no greater than six (6) feet in height and thirty-two (32) square feet in area.
  - c. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than three (3) feet in height and ten (10) square feet in area.
  - d. Such signs for commercial, planned development, or manufacturing projects shall be limited to one sign per street front, not to exceed ten (10) feet in

height and thirty-two (32) square feet in total area for projects on parcels five (5) acres or less in size, and not to exceed ten (10) feet in height and sixty-four (64) square feet in total area for projects on parcels larger than five (5) acres.

- e. Development and construction signs may not be displayed until after the issuance of building permits by the building official, and must be removed at the expiration of the permit or not later than 30 days following issuance of an occupancy permit, whichever is earlier.
- (3) *Special promotions and events.* In addition to other signs allowed by this code, signs temporarily displayed to advertise special promotions and events shall be permitted subject to the following limitations:
- a. For non-profit organizations, the following signs shall be permitted:
    - (i) On-premises. One (1) on-premises sign, which may be a banner sign, shall be permitted per street front of the non-profit organization sponsoring the event. Such signs shall not contain commercial advertising, be animated or flashing and shall not exceed three (3) feet in height and a total area of thirty (30) square feet. Such signs shall be erected not more than thirty (30) days prior to the event and shall be removed not more than one (1) day after the event.
    - (ii) Off-premises. Off-premises signs promoting a special event for a non-profit organization shall be permitted in all zoning districts. No more than one (1) such sign shall be displayed on any property, not exceeding three (3) feet in height and a total area of ten (10) square feet. Such signs shall not be animated, flashing or contain commercial advertising. Banner signs shall not be permitted. Such signs shall be erected not more than thirty (30) days prior to the event

and shall be removed not more than one (1) day after the event.

- b. For commercial events or promotions, signs shall be permitted only in commercial, planned development, and manufacturing zoning districts, with the following restrictions:
  - (i) Not more than one (1) such sign shall be displayed on any property, not exceeding five (5) feet in height and a total area of thirty-two (32) square feet.
  - (ii) Electronic, video, or digital message signs shall be allowed if they meet the standards set out in Section 25-506 Specific Sign Requirements paragraphs (g) (5) through (11).
  - (iii) One banner sign is permitted if it is securely attached to an exterior wall or support structure of the business the sign pertains to, is in good repair and well maintained; and does not block public access.
  - (iv) Such signs may be displayed for not more than thirty (30) consecutive days in any three-month period, and not more than sixty (60) days in any calendar year. The signs shall be erected not more than five (5) days prior to the event, and shall be removed not more than one (1) day after the event. No animated or flashing signs shall be permitted.
  - (v) If signs are located on vehicles or trailers, such signs shall be displayed for not more than seven (7) consecutive days at any one time and not more than thirty (30) days in a calendar year.
- (4) Garage sale signs.
  - a. On-premises signs advertising a garage sale conducted on the premises shall be allowed, but only beginning the day before the sale and being removed by the end of the day of the sale.
  - b. Off-premises directional signs shall be allowed to direct the public to a garage

sale, but only on private property with the permission of the property owner. All such signs shall include the address and date of the garage sale being advertised, and are subject to the same time restrictions as on-premises garage sale signs.

- (5) *Portable signs.* Portable signs shall be permitted only in the commercial, planned development, and manufacturing districts, as designated in this code, subject to the following limitations:
  - a. No more than one such sign may be displayed on any property, and shall not exceed a height of five (5) feet and a total area of thirty-two (32) square feet.
  - b. Such signs shall be displayed not more than thirty (30) days in any calendar year.
  - c. Any electrical portable signs shall comply with the ICC Electrical Code, as adopted in this city.
  - d. No portable sign shall be displayed prior to obtaining a sign permit.
  - e. No animated or flashing signs will be permitted.
- (1) *Exempt signs.* The following signs shall be exempt from the provisions of this Chapter.
  - (1) Official notices authorized by a court, public governmental body or public safety official.
  - (2) Directional, warning or information signs authorized by federal, state or municipal governments.
  - (3) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
  - (4) The flag of a government or noncommercial institution, such as a school.
  - (5) Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed six (6) square feet in area.
- (m) *Prohibited Signs.* Signs that are not specifically authorized are expressly prohibited. The

following devices and locations shall be specifically prohibited:

- (1) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- (2) Except as approved by the code official for special events, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, public tree or any other public facility located within the public right-of-way.
- (3) Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or emergency vehicle warnings from a distance.
- (4) Except as authorized in Section 25-506(k)(3) b, any sign attached to, or placed on, a vehicle or trailer parked on public or private property unless the following conditions are met:
  - a. The primary purpose of such a vehicle or trailer is not the display of signs;
  - b. The signs are magnetic, decals or painted upon the vehicle or equipment and do not break the silhouette of the vehicle; and
  - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily functions of the business to which such signs relate.
  - d. Vehicles and trailers used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
  - e. Banner signs, except as otherwise specifically authorized in this Code.

Article 3. Chapter 30, Article V, Section 30-504, entitled "Fences" of the Code of Ordinances of the City of Cape Girardeau, Missouri, is hereby repealed in its entirety, and a new Article to Chapter 25 entitled "Article VI - Fences" is hereby enacted in lieu

thereof, in words and figures, to read as follows:

## **ARTICLE VI. Fences**

### **Sec. 25-601. Applicability.**

The requirements of this section shall apply to the construction, installation, extension and replacement of all fences more than thirty-six (36) inches in height.

### **Sec. 25-602. Permitting Process.**

A fence permit shall be obtained prior to beginning construction, extension or replacement of all applicable fences. If more than thirty (30) percent of an existing fence is being replaced, a permit must be obtained. To obtain a permit for a fence, a completed application form and site plan must be submitted to the City Manager. The following regulations apply to the installation of any fence requiring a permit.

### **Sec. 25-603. General Standards**

- (a) Fences may be constructed up to, but not on, the property line and must be entirely on the property of the property owner constructing the fence. The property owner is responsible for locating property lines.
- (b) Fences cannot be constructed within thirty (30) feet of the intersection of two (2) streets, as measured from the right-of-way/property line.
- (c) Fences shall not be constructed within any utility easement, except as authorized by the City Manager after the property owner signs a waiver accepting the responsibility for building a fence within a utility easement.
- (d) All fences must be constructed in a workmanlike manner and maintained in their original upright condition.
- (e) Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.
- (f) Fences shall have adequate footings, foundations, or post depth and size.

### **Sec. 25-604. Location, type and height.**

| Residential uses      |                         |  |
|-----------------------|-------------------------|--|
| • Rear and side yards | Maximum of six (6) feet |  |



|                               |                             |   |
|-------------------------------|-----------------------------|---|
| • Front yards                 | Maximum of three (3) feet   | 50% of the surface must be open                   |
| Commercial uses               |                             |   |
| • Rear and side yards         | Maximum of eight (8) feet   | May include barbed wire on top                    |
| • Front yards                 | Maximum of three (3) feet   |   |
| Swimming pools                | Minimum of four (4) feet    | In accordance with Section 13-37 of the City Code |
| Tennis Courts/Athletic Fields | Maximum of twelve (12) feet | Must be open wire mesh fences                     |
| Playgrounds/schools           | Maximum of eight (8) feet   |   |

**Sec. 25-605. Prohibited fences.**

- (a) No fence shall be constructed solely of a single wire or of two (2) wires between posts or supports.
- (b) No fence shall be constructed in whole or in part of barbed wire, except for agricultural uses, and except for top wire or wires on a security fence at least six (6) feet in height.
- (c) No fence shall be constructed in whole or in part of cloth, canvas or other like material.
- (d) No fence shall be used for advertising purposes.
- (e) No fence shall have connected to it any type of electrical current, except in the AG or AG-1 Districts.

Article 4. There is hereby enacted a new Article to Chapter 25 entitled "Article VII - Retaining Walls", in words and figures, to read as follows:

## **ARTICLE VII. Retaining Walls.**

### **Sec. 25-701. Applicability.**

The requirements of this section shall apply to the construction, installation, extension and replacement of all retaining walls of more than four (4) feet in height, as measured from the final grade at the lower-side of the wall to the top of the wall.

### **Sec. 25-702. Exemptions.**

Retaining walls that meet the following requirements shall be exempt from the requirements of this section:

- (a) Retaining walls less than four (4) feet in height.
- (b) Retaining walls designed as part of a structure.
- (c) Retaining walls shown on approved improvement plans.
- (d) Retaining walls designed as part of a public capital improvement project.

### **Sec. 25-703. Permitting Process.**

A retaining wall permit shall be obtained prior to beginning any construction, extension or replacement of all applicable retaining walls. To obtain a retaining wall permit, a completed application form and site plan must be submitted to the City Manager. The site plan shall include the following information:

- (a) Location of all property lines
- (b) Location of all existing and proposed structures
- (c) Location of existing retaining walls on or adjacent to the property that are to remain in place, if applicable.
- (d) Portions of existing retaining walls that will be replaced, if applicable.
- (e) Location of new retaining wall.
- (f) Location of utilities and utility easements; drainage easements and drainageways.
- (g) Construction details to include, but not limited to, dimensions, cross-sections and footing design.
- (h) Elevations above and below the retaining wall.
- (i) The height of the proposed retaining wall and the material to be used.
- (j) Engineer's certification, if required.
- (k) Any additional information that may be requested by City staff after initial review.

Once all of the required information is submitted, it shall be reviewed for compliance. If the application is approved, the applicant shall pay the permit fee and the retaining wall permit will be issued. All retaining

walls shall be installed in compliance with the retaining wall regulations and with the information shown on the approved site plan and retaining wall permit application form. The applicant shall contact the Division of Inspection Services to request a final inspection upon completion of the retaining wall. If the inspector determines that the retaining wall was constructed in accordance with the requirements contained in this section and the approved retaining wall permit, a Certificate of Compliance will be issued forthwith. If the retaining wall does not pass the inspection, the inspector shall prepare an inspection report detailing the deficiencies within five (5) business days.

**Sec. 25-704. Engineer Certification Required.**

An engineer's design, certification and construction observation shall be required in the instances listed below. All engineering services shall be performed under the supervision of a Professional Engineer registered in the State of Missouri.

- (a) Any retaining wall over four (4) feet in height where 1.5 times the height of the wall is either (1) greater than or equal to the building setback of an adjacent lot, or (2) such calculated distance would encroach upon any structure.
- (b) Any retaining wall over four (4) feet in height located adjacent to a public right-of-way.

**Sec. 25-705. Location of retaining walls.**

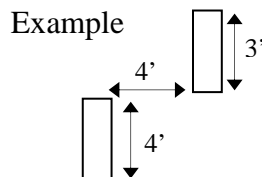
The location of all retaining walls shall conform to the following standards.

- (a) Private property. All retaining walls shall be located on private property and shall be built with the consent of the property owners. The retaining wall installer and/or property owner shall be responsible to correctly locate property boundaries.
- (b) Sight triangle. Retaining walls over thirty (30) inches tall constructed near street intersections shall not be located within twenty-five (25) feet of the intersection, as measured from the property/right-of-way line, in order to provide a reasonable degree of traffic visibility.
- (c) Easements. Retaining walls shall not restrict access to utilities. Retaining walls shall not impede the normal flow of storm water and shall not cross an open drainage channel. Approval of retaining walls proposed in a utility or drainage easement shall be subject to the discretion of the City Manager. Retaining walls shall not be

constructed over a public or private access easement.

**Sec. 25-706. Terraced Retaining Walls.**

If walls are terraced, the upper wall shall be located no closer to the lower wall than 1.0 times the height of the tallest wall.



Article 5. There is hereby enacted a new Article to Chapter 25 entitled "Article VIII - Landscaping-Bufferyards), in words and figures, to read as follows:

**ARTICLE VIII. Landscaping-Bufferyards.**

**Sec. 25-801. Purpose.**

The intent of this section is to:

- (a) Establish healthy environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retention and treatment, erosion control, and noise, glare and heat abatement.
- (b) Provide visual buffering from a street, to buffer potentially incompatible land uses, and to generally enhance the quality of appearance of a development site, and the City as a whole.
- (c) Encourage the preservation of existing trees and vegetation.

**Sec. 25-802. Applicability.**

The landscaping and bufferyard requirements of this section shall apply to those districts containing such requirements, as specified in Chapter 30, Zoning Regulations.

**Section 25-803. General Landscaping Requirements.**

- (a) Unless otherwise specified in Chapter 30, Zoning Regulations, a minimum of fifteen percent (15%) of the total land area of any tract, parcel or lot

- shall be landscaped. Landscaping shall be reasonably distributed throughout the site. No utility easement may be used for the required landscaping areas, unless approved in writing by the appropriate official of each affected utility.
- (b) No new buildings or additions to existing buildings shall be permitted unless additional landscaping is provided on the tract, parcel or lot in an area equal to at least fifteen (15) percent of the land area occupied by the new building or addition, unless otherwise specified in Chapter 30, Zoning Regulations.

**Sec. 25-804. Parking Lot Landscaping Requirements.**

- (a) All parking lots located within twenty (20) feet of a street right-of-way shall have a ten (10) foot wide street landscaping strip on private property separating parking areas from abutting street rights-of-way containing no less than four (4) of the categories of planting materials listed below. The street landscaping strip shall contain at least one tree per fifty (50) linear feet of street frontage. Such trees may be clustered or arranged within the area and need not be placed at even intervals. The street landscaping strip may contain driveways. In the Central Business District (CBD), this street landscaping strip shall be designed and constructed to create an edge along street rights-of-way that minimize the disruption of the urban environment created by the wide expanse of parking lots and vehicular use areas and shall be consistent with any adopted streetscape plans adopted for the area.
- (b) A minimum of fifteen percent (15%) of all parking lots must consist of landscaped area. The landscaped areas shall be reasonably distributed throughout the parking lot. Any interior landscaped areas shall be recessed areas which help control and treat stormwater runoff, unless otherwise allowed by the City Manager.
- (c) If the parking requirements for a land use exceed one hundred and fifty (150) parking spaces, parking areas of no more than one hundred and fifty (150) spaces shall be separated by a landscaped area which is at least ten (10) feet in width. The ten (10) foot wide landscaped area shall contain at least four (4) of the categories of planting materials listed below. In addition, trees shall be planted within the ten (10) foot wide landscaped area at the rate of a minimum of one tree for each fifty (50) linear feet. Appropriately placed connections between parking areas are permitted.

- The following uses are exempt from the requirements of this section: motor vehicle or trailer sales and service; and farm machinery sales and service.
- (d) Landscaping shall not be allowed to obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard or condition dangerous to the public safety. Landscaping in these areas shall be a maximum of eighteen (18) inches tall.
  - (e) Landscaping shall be maintained in good condition and replaced within one (1) season where necessary to ensure the continuation of appropriate landscaped material.
  - (f) The landscape plantings shall be considered as an element of a project in the same manner as paved parking, building construction and materials, storm water drainage, and other elements and shall be included in the required site plan. All plant materials shall be installed prior to issuance of Certificates of Occupancy. A Temporary Certificate of Occupancy (TCO) may be issued prior to installation of plant materials provided that a written assurance and a financial guarantee is furnished to the City Manager to insure the installation of required materials within six (6) months of the issuance of the TCO. The financial guarantee shall be equal to two times the cost of the materials, as estimated by the owner's landscape architect, architect, land planner or nurseryman, and the guarantee may be in the form of a letter of credit, bond or cash.
  - (g) Property owners are encouraged to incorporate stormwater management features into required landscaping areas. If landscaped areas are used to fulfill required stormwater management requirements, owners shall annually certify to the City that the stormwater management practices are being maintained and performing properly. Stormwater management requirements are specified in Chapter 23 of this Code.

#### **Sec. 25-805. Bufferyards.**

Bufferyards shall be a minimum of twenty (20) feet wide and may be included within required yard setback areas. No utility easement may be included in the bufferyard area, unless approved in writing by the appropriate official of each affected utility. Plantings shall achieve an eighty percent (80%) opacity within four (4) years. Three types of bufferyards are required, depending on the use of the property being developed and the use or zoning district of the adjacent property:

Type A, B, and C. Type A is required for multi-family residential uses or mobile home parks, either of which are located adjacent to single family residential districts or uses. Type B is required for commercial uses, which are adjacent to any residential use or district. Type C is required for manufacturing/industrial uses, either of which are located adjacent to any commercial or residential use or district. Barriers are also required for the Type C bufferyard.

Type A bufferyard - plantings required per 100 linear feet:

- 2 small deciduous or ornamental trees
- 1 medium and large deciduous shade tree
- 2 conifer or upright evergreen trees
- 10 shrubs

Grasses, ground cover plants, flowers or forbs as desired  
Natural buffer area, where existing vegetation is equal to or greater than required plantings as approved by the City Manager.

Type B bufferyard - plantings required per 100 linear feet:

- 3 small deciduous or ornamental trees
- 2 medium or large deciduous shade trees
- 2 conifers or upright evergreen trees
- 16 shrubs

Grasses, ground cover plants, flowers or forbs as desired  
Natural buffer area, where existing vegetation is equal to or greater than required plantings as approved by the City Manager.

Type C bufferyard - plantings required per 100 linear feet:

- 3 small deciduous or ornamental trees
- 3 medium or large deciduous trees
- 4 conifers or upright evergreen trees
- 20 shrubs

Grasses, ground cover plants, flowers or forbs as desired  
Natural buffer area, where existing vegetation is equal to or greater than required plantings as approved by the City Manager

Solid barrier: six (6) foot tall solid wood fence; or six (6) foot tall solid masonry/brick wall; or six (6) foot tall solid evergreen hedge

#### **Sec. 25-806. Planting Materials**

The categories of planting materials, and the minimum planting sizes for planting materials, where applicable, shall be as follows:

- (a) Medium and large deciduous shade trees: two (2) inch caliper, as measured six (6) inches above the

- ground, as specified by the American Association of Nurserymen or Shaw Nature Reserve.
- (b) Small deciduous or ornamental trees: four (4) feet in height as specified by the American Association of Nurserymen or the GrowNative Native Planting Information, with the exception of true dwarf species.
  - (c) Conifers: six (6) feet in height.
  - (d) Missouri native grasses/sedges: as specified by the GrowNative Native Planting Information.
  - (e) Upright evergreen trees: four (4) feet in height as specified by the American Association of Nurserymen or the GrowNative Native Planting Information, with the exception of true dwarf species.
  - (f) Deciduous shrubs: minimum two (2) gallon size.
  - (g) Evergreen shrubs: minimum two (2) gallon size.
  - (h) Ground cover plants (crowns, plugs, containers): In a number as appropriate by species to provide at least fifty (50) percent surface coverage after two (2) growing seasons.
  - (i) Grass seeding or sod: as appropriate to provide complete coverage within the first growing season.
  - (j) Perennial flowers or native Missouri forbs, as specified by the GrowNative Native Planting Information.

**Article IX, X, XI. Reserved.**

Article 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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 hereof.

Article 7. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

Article 8. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Harry E. Rediger, Mayor

ATTEST:

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Gayle L. Conrad, City Clerk