

AMENDED

COUNCIL BILL NO. 2001-384

ORDINANCE NO 2001-114

AN ORDINANCE amending Chapter 6 of the Code of Ordinances of the City of Joplin being Ordinance Number 99-218 passed by the City Council of the City of Joplin on the 20<sup>th</sup> Day of December, 1999 by deleting paragraph (a)(2)b. establishing standards for Poster Panels and Billboards of Section 6-39. Signs in Business areas, and adopting a new Section 6-42 Billboards and Off-premises signs, establish an effective date, containing a severability clause, and containing an emergency clause.

WHEREAS, the Council of the City of Joplin, Missouri, has considered the concerns of the public regarding the frequency and size of billboards begin constructed in the City of Joplin; and

WHEREAS, the City Council deems it to be in the public interest and necessity to provide regulations for the construction of billboards in the City of Joplin to protect the health, safety and general welfare of the community and to promote the visual enhancement of the community by regulating the impact of billboards and off-premise signs; and

WHEREAS, the Council of the City of Joplin, Missouri having recognizes that such signs derive their profitability from the use of the public investment embodied in public roads; and

WHEREAS, the public will benefit by certain additional considerations that arise in their regulation by protecting property values, the character and quality of neighborhoods, highway safety; and an improved visual sense of the community; and

WHEREAS, having referred the subject matter of this Council Bill to the Planning and Zoning Commission of the City of Joplin, Missouri, and, after due notice, and public hearings on the same, having received the favorable recommendation thereof,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the definition of “*Poster panel and billboard*” as appears in Section 6-33 of Article II in Chapter 6 of the Code of Ordinances of the City of Joplin as also appears in Ordinance Number 99-218 passed by the Council of the City of Joplin on the 20<sup>th</sup> Day of December 1999, be repealed and a new definition adopted as follows:

“*Billboard and Poster Panel (including poster and panel types)* means a nonaccessory sign or sign structure upon which advertising may be posted, painted, or affixed, and which is designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.”

Section 2. That Chapter 6 of the Code of Ordinances be amended by deleting Section 6-39(2)b as the same appears in Ordinance Number 99-218, and adopting a new Section 6-42 Billboards as below:

**“Sec. 6-42. Billboards and off-premises signs.**

- (a) Billboards and Off-premises signs shall be permitted and conform the standards as follows:
  - (1) Billboards and off-premises signs shall be permitted in zoning categories C-3, M-1 and M-2, including the Planned District overlay zones, as defined in the Zoning Code, for each category only.
  - (2) No billboard or off-premises sign may be erected any nearer than 1,500 feet to another billboard or off-premises sign. The measurements in this subsection shall be the minimum distances between sign faces measured from a point immediately adjacent to the middle of the sign standard and the nearest edge of the pavement between points directly opposite the signs along the street, whether on the same side of the street or on opposite sides of the same street. Billboards or off-premises signs that are located in areas where this method of measurement is not practical shall maintain a distance of 1,500 feet measured from the nearest edge of the sign to the nearest edge of the proposed sign.
  - (3) No billboard or off-premises sign shall be erected any nearer than 300 feet to any zoning district R-1 through R-4, as defined in the Zoning Code of the City of Joplin. Such distance shall be measured from the nearest point on the proposed sign to the nearest point on the zoning district boundary.
  - (4) No billboard or off-premises sign shall be erected closer than three hundred (300) feet from any church, school or public park.

- (5) The front yard setback of any billboard or off-premises sign shall conform to the setback requirements of the appropriate zoning district C-3, M-1 or M-2, such distance shall be measured from the nearest point of the sign to the nearest property or street line (not back of curb), and shall set no closer to the side yard line than ten (10) feet, measured from the nearest edge of the sign to the property line.
- (6) No billboard or off-premises sign shall set any closer to an on-premise sign than forty-five (45) feet to be measured from the nearest edge of the sign to the nearest edge of the adjacent sign. Measurements may be made by drawing a line being a radius from the nearest edge of one sign to the nearest edge of the other sign.
- (7) The maximum height of any billboard or off-premises sign shall be 45 forty-five (45) feet above the adjacent street grade. The minimum distance from the ground level at the base of the sign to the bottom of the sign border or apron shall be ten (10) feet.
- (8) The maximum effective area for any billboard or off-premises sign shall be 400 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 15% of the maximum sign area allowed.
  - i. The maximum effective area for any billboard or off-premises sign erected and maintained within the municipal boundaries of the City of Joplin along the right-of-way of Interstate Highway 44 and in compliance with all other provisions of this ordinance shall be no larger than 672 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 15% of the maximum sign area allowed. No billboard or off-premises sign shall be placed further than 100 feet from the edge of the highway right-of-way and the nearest edge of the sign.
- (9) Billboards and off-premises signs shall have only two (2) sign surface areas if the surface areas are oriented in opposite directions
- (10) No billboard or off-premises sign shall be allowed to be affixed to the surface of any building or on the roof of any building in the City of Joplin. This restriction applies to billboards or off-premises signs that are painted on any surface of any structure within the city except where permitted herein and affixed to a free-standing structure.
- (11) No billboard or off-premises sign shall be allowed any closer than ten (10) feet of any other structure or building on the lot on which it is placed. Measurement will be from the nearest point of the sign to the nearest point of the adjacent structure or building.

- (12) No billboard or off-premises sign shall allowed to project over any building or other structure.
  - (13) No billboard or off-premises sign shall be allowed any closer than seventeen (17) feet of any power line. Such distance to be measured from a line extended from the nearest edge of the sign to the nearest portion of the power line in a radius no smaller than seventeen (17) feet.
  - (14) External lighting of billboards or off-premises signs, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed toward any residential structure or into any portion of the main traveled way and the lights are not of such intensity so as to interfere with the residential use of property or to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.
- (b) Nonconforming Billboards and Off-Premises Signs. Notwithstanding the provisions of Section 6-41 billboards and off-premises signs which existed as of the effective date of this ordinance and was then in full compliance with the then applicable regulations or for which a permit was issued by the City of Joplin prior to such date may continue to exist as a legal, nonconforming sign subject to the following conditions:
- (1) No legal, nonconforming billboard or off-premises sign shall be enlarged or otherwise structurally altered so as to increase the nonconforming nature of the sign. Changing a sign face shall not be considered a structural alteration.
  - (2) Normal maintenance of legal nonconforming billboards and off-premises signs, including making necessary repairs or incidental alterations which do not extend or increase the nonconforming nature of the sign shall be allowed.
  - (3) No billboard or off-premises sign shall be expanded.
  - (4) No billboard or off-premises sign shall be reestablished after damage or destruction if the estimated cost of reconstruction exceeds 75 percent of the appraised replacement costs at the time such damage occurred.
- (c) *Abandoned or discontinued.* Abandonment or discontinuance occurs whenever:
- (1) The billboard or off-premises sign, for a continuous period of eight (8)

months or longer, is maintained without an advertising or not-for-profit message. The following signs are signs maintained without an advertising message: a sign with a message which is partially obliterated so as not to identify a particular service or product, a sign which is blank or painted out, or a sign with a message consisting solely of the name of the sign owner on any part of the sign.”

Section 3. That the provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Council of the City of Joplin would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

Section 4. That this Ordinance, dealing with the health, safety, and welfare of the City of Joplin, is an emergency within the meaning of Section 2.12(1) of the Home Rule Charter of the City of Joplin, Missouri, and as such, shall be in full force and effect immediately from and after its adoption and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 6th day  
of August\_, by a 8-0-1 vote.

Darieux K. Adams, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Chuck D. Brown, City Attorney