

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING TITLE IV OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD BY DELETING SECTION 415.440(D)(4), IN ITS ENTIRETY, AND ENACTING, IN LIEU THEREOF, A NEW SECTION 415.440(D)(4) FOR THE REGULATION OF TEMPORARY BANNERS WITHIN THE CITY.

WHEREAS, the Economic Development Committee of the City Council has held a number of business forums over the course of 2023, heard from business owners on a range of subjects relating to the City and its environment for them; and

WHEREAS, one (1) of the subjects that was identified was the use of temporary banners to promote special events, sales, and other information about the business community, which is also applicable to institutional uses as well; and

WHEREAS, the City has always had regulations relative to temporary signage, given the need for these types of representations in certain instances, but also the problems such can cause if overused; and

WHEREAS, the City's current, corresponding land use regulations in this regard were intended to limit the applications over any given year, while also limit the lengths of display of them reduced to address deterioration, aesthetics, and safety; and

WHEREAS, in some limited instances, these regulations did not provide the needed flexibility for users, while creating an enforcement issue for the City in this regard; and

WHEREAS, in these instances, the Economic Development Committee sought action to address or improve the situation, issue, and need; and

WHEREAS, the Economic Development Committee made a recommendation in this regard, which allowed for greater latitude for such, but maintained many of the key parameters associated with the current regulations; and

WHEREAS, with this recommendation, the matter was provided to the City Administrator and Department of Planning for it to be posted for public hearing and further action thereafter; and

WHEREAS, a public hearing was held at the Planning and Zoning Commission, where comments were solicited from each of their members and any interested party; and

WHEREAS, after this public hearing process, the Department of Planning prepared its recommendation and presented it to the Planning and Zoning Commission for consideration, leading to a favorable action upon it; and

WHEREAS, the Planning and Zoning Commission completed its review on the matter and forwarded to the City Council its Letter of Recommendation for a public hearing that was held on July 10, 2023, where comments were again accepted on the changes to the Zoning Ordinance for these types of temporary signage; and

WHEREAS, with the completion of the public hearing, the City Council noted its support for the proposed changes to the Zoning Ordinance, given the need to improve the business environment, along with assisting the wide range of institutional uses located herein, while making the process more meaningful and beneficial to all parties; and

WHEREAS, the City Council has authorized the preparation of necessary legislation to achieve these changes and this action is taken under its authority by State Statute and a local code as a means to protect and preserve the public's health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. The City Council hereby approves the modifications to Chapter 415.440 Temporary Sign Regulations of the City of Wildwood Zoning Ordinance, which are consistent with the endorsement of the Planning and Zoning Commission contained in its Letter of Recommendation dated August 7, 2023, which are indicated below by the following annotated addition:

Section 415.440 Temporary Signs

- D. (4.) In the "NU" Non-Urban Residence District and all "C" Commercial Districts, temporary banners (a sign made of flexible materials and supported along two (2) sides, at two (2) or more corners by fixed, rigid supports, such as poles or rods) for special events may be authorized by a permit granted by the Director of Planning.

The use of any temporary banners shall meet the following criteria:

- a. The location of the banner shall be limited to the property where the institutional use, business, or similar entity is situated and subject to location approval by the Director of Planning. However, no temporary banner shall be placed within public rights-of-way areas or other publicly held lands; and
- b. The property has direct frontage on a City-defined arterial roadway; and
- c. The number of banners allowed on any property shall be limited to one (1) in total; and
- d. Each banner displayed on a property shall be displayed for no more than thirty (30) days within any given calendar year; and

- e. ~~No temporary banner may be in place for more than five (5) consecutive days over the allowable thirty-day period of time on the same property; no temporary banners may be displayed at the same property more than six (6) instances per calendar year; an interval of no less than seven (7) days must be provided between the placements of authorized temporary banners on the same property; and no temporary banner shall be allowed to deteriorate, separate from its supports, or otherwise be determined to be a public safety hazard or nuisance; and~~
- e. No temporary banner may be in place for more than **fifteen (15)** consecutive days within the allowable **sixty (60)** day period of total time upon the same property; no temporary banners may be displayed at the same property more than **four (4)** instances per calendar year; an interval of no less than **thirty (30)** days must be provided between the placements of authorized temporary banners on the same property; and no temporary banner shall be allowed to deteriorate, separate from its supports, or otherwise be determined to be a public safety hazard or nuisance; and
- f. No banner shall exceed thirty-two (32) square feet in overall size, nor a total of six (6) feet in height; and
- g. The banner's placement shall be approved by the Department of Planning on a plot plan submitted in conjunction with the required zoning authorization form of the City, on which the applicant shall provide specific time frames relating to its installation and date of removal. Failure of the applicant to obtain the required authorizations, adherence to stipulated timelines, and/or maintenance of said temporary banners constitutes cause for their immediate removal and the issuance of a summons, without the benefit of any warning period of time to be provided.

Section Two. Chapter 415, amended hereby, along with the City of Wildwood Zoning Map, are all adopted pursuant to the authority granted to the City Council by the Constitution of the State of Missouri through the Charter of the City of Wildwood granting the City all such powers that the General Assembly of the State of Missouri has authority to confer upon any City, including such authority relating to the regulation of housing, construction, sanitary sewers, grading and rights-of-way acceptance and management, among its other police powers, independently of any authority separately granted by state statute. Additionally, the provisions of Chapter 415, or portions thereof, are further adopted pursuant to the authority granted by Chapter 89 of the Missouri Revised Statutes relating to zoning and subdivision regulations, Missouri Revised Statutes Section 82.190 relating to control of streets and public places, and all such other powers as are granted to regulate the public health, welfare, and safety.

Section Three. The portions of this Ordinance and attachments hereto shall be severable. In the event that any portion 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 and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid 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. Nothing herein shall limit the enforceability of any amended provision for violations or activities occurring prior to its amendment.

Section Four. All other conditions of these sections of the Zoning Ordinance remain unchanged and in full force. This ordinance shall be in full force and effect both from and after its passage and approval.


This Bill was passed and approved this 14th day of September, 2023, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two (2) times prior to its passage.



Presiding Officer

ATTEST:


City Clerk



James R. Bowlin, Mayor

ATTEST:


City Clerk