



The City of Lee's Summit
Final Agenda
Community and Economic Development Committee

Wednesday, August 10, 2016

3:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

CALL TO ORDER

ROLL CALL

1. APPROVAL OF AGENDA

2. PUBLIC COMMENTS:

3. APPROVAL OF ACTION LETTER

[2016-0445](#) Approval of Action Report for July 20, 2016 CEDC meeting

4. BUSINESS

A. [2016-0427](#) South M-291 and 50 Highway Rezoning, Establishment of Development Overlay Zoning District and Conceptual Master Development Plan

B. [2016-0434](#) Proposed UDO Amendment #57 - Article 13 Signs - adding appliques as permitted wall signs.

C. [TMP-0189](#) AN ORDINANCE AMENDING CHAPTER 21. PLANNING AND DEVELOPMENT OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY CREATING ARTICLE V. MURALS, AND FURTHER ADDING SECTIONS 21-100. MURAL STANDARDS, AND SECTION 21-101. MURAL PERMIT, FOR THE PURPOSE OF ADOPTING CERTAIN REGULATIONS FOR THE DEFINITION AND PLACEMENT OF MURALS AS PUBLIC ART.

5. ROUNDTABLE:

6. ADJOURNMENT

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Packet Information

File #: 2016-0445, **Version:** 1

Approval of Action Report for July 20, 2016 CEDC meeting

Issue/Request:

Approval of Action Report for July 20, 2016 CEDC meeting

Key Issues:

Attached for consideration and approval is the Action Report for the July 20, 2016 CEDC meeting.

Proposed Committee Motion:

I move to approve the Action Report for the July 20, 2016 CEDC meeting.

**CITY OF LEE'S SUMMIT
COMMUNITY AND ECONOMIC DEVELOPMENT
COMMITTEE ACTION REPORT**

Wednesday, July 20, 2016

1. **4:01 P.M.** Chairperson Forte called the meeting to order.

2. Roll Call –

Chairperson Diane Forte	Present	Councilmember Phyllis Edson	Present
Councilmember Chris Moreno	Absent	Councilmember Trish Carlyle	Present
Planning Commissioner Fred DeMoro	Present	Councilmember Diane Seif (alternate)	Present

Assistant City Manager, Mark Dunning; Chief Counsel of Management & Operations, Jackie McCormick Heanue; Chief of Litigation, Trevor L. Stiles; and Director of Planning & Codes Administration, Robert McKay were present.

3. **Approval of the Agenda**

COMMITTEE ACTION: *On motion by Councilmember Carlyle, seconded by Councilmember Seif, the Community and Economic Development Committee voted unanimously by voice vote to approve the agenda as published.*

4. **Public Comments** – None

5. **Business Items**

a. **2016-0395; Approval of Action Report** for the April 18, 2016 meeting.

COMMITTEE ACTION: On motion by Councilmember Carlyle, seconded by Chairperson Forte, the Community and Economic Development Committee voted unanimously by voice vote to approve the April 18, 2016 Action Report as published.

b. **TMP-0164; UDO Amendment #57 – Article 10 Special Uses – Telecommunication Towers/Antennas.**

COMMITTEE ACTION: *On motion by Councilmember Carlyle, seconded by Councilmember Seif, the Community and Economic Development Committee voted unanimously by voice vote to recommend that the UDO Amendment #57 - Telecommunication Towers and Antennas be forwarded to the Planning Commission with the additions of the undergrounding requirement and the 1½ set-back requirement.*

c. **2016-0355; Discussion – UDO Article 12 Parking – Recreational Vehicles and Utility Trailers.**

COMMITTEE ACTION: Presentation made by Robert McKay. Discussion regarding presentation. The Committee requested that Staff bring alternatives for recreational vehicle and utility trailer parking restrictions to a future meeting of the Community and Economic Development Committee. No Vote was taken.

LEE'S SUMMIT COMMUNITY ECONOMIC DEVELOPMENT COMMITTEE ACTIONS
July 20, 2016

- d. **2016-0389; Presentation & Review of Targeted Planning Areas & Economic Development Initiatives.**

COMMITTEE ACTION: Presentation made by Mark Dunning. Discussion. No Vote.

6. **Roundtable:** The Committee discussed the schedule for future meetings. It was determined that Community and Economic Development Committee meetings will be held 2nd Wednesday of each month at 4 pm.

ADJOURNMENT: *The July 20, 2016 Community and Economic Development Committee meeting was ADJOURNED at 5:29 p.m.*

Packet Information

File #: 2016-0427, Version: 1

South M-291 and 50 Highway Rezoning, Establishment of Development Overlay Zoning District and Conceptual Master Development Plan

Issue/Request:

The City Council charged Planning Staff to prepare a Conceptual Master Development Plan for the area around the new South M-291 and 50 Highway interchange which is to include the 85-acre Westcott property, formerly Exergonix property, along with the Calmar property, the Adesa property and Pine Tree Plaza, located on the north side of 50 Highway. Staff has been working with the Westcott Design Team in preparation of bringing forth a Conceptual Development Plan for the larger area identified in the Administrative Delay Area, a copy of which is attached. The proposal is to provide a City initiated rezoning of all properties to PMIX, Planned Mixed Use, that are not already zoned accordingly. The PMIX zoning paves the way for a variety of uses within one zoning category and provides the opportunity to create a cohesive and integrated master development plan.

The proposed rezoning and Conceptual Plan will be accompanied by an overlay district with general design guidelines. Design Guidelines will be prepared prior to the Planning Commission and City Council public hearings.

Staff will present a powerpoint at the meeting showing the anticipated overlay district, rezoning boundary, conceptual development plan and a list of general design guideline categories to be considered.

Key Issues:

Timing is the critical issue in order for the developer to submit its' application by September 1st. Following is the proposed timeline of events:

8/10/16 - CEDC Review

8/18/16 - Request to City Council to make application by City and Developer per the Administrative Delay

8/19/16 - City initiated rezoning, development overlay district and conceptual master development plan application - City Staff

9/1/16 - Preliminary Development Plan application - Westcott

9/13/16 - Public Hearing - Planning Commission - City Application - City Staff

9/15/16 - Administrative Delay Extension request

10/6/16 - Public Hearing - City Council - City Application - City Staff

10/25/16 - Public Hearing - Planning Commission - Westcott PDP Application

11/17/16 - Public Hearing - City Council - Westcott PDP Application

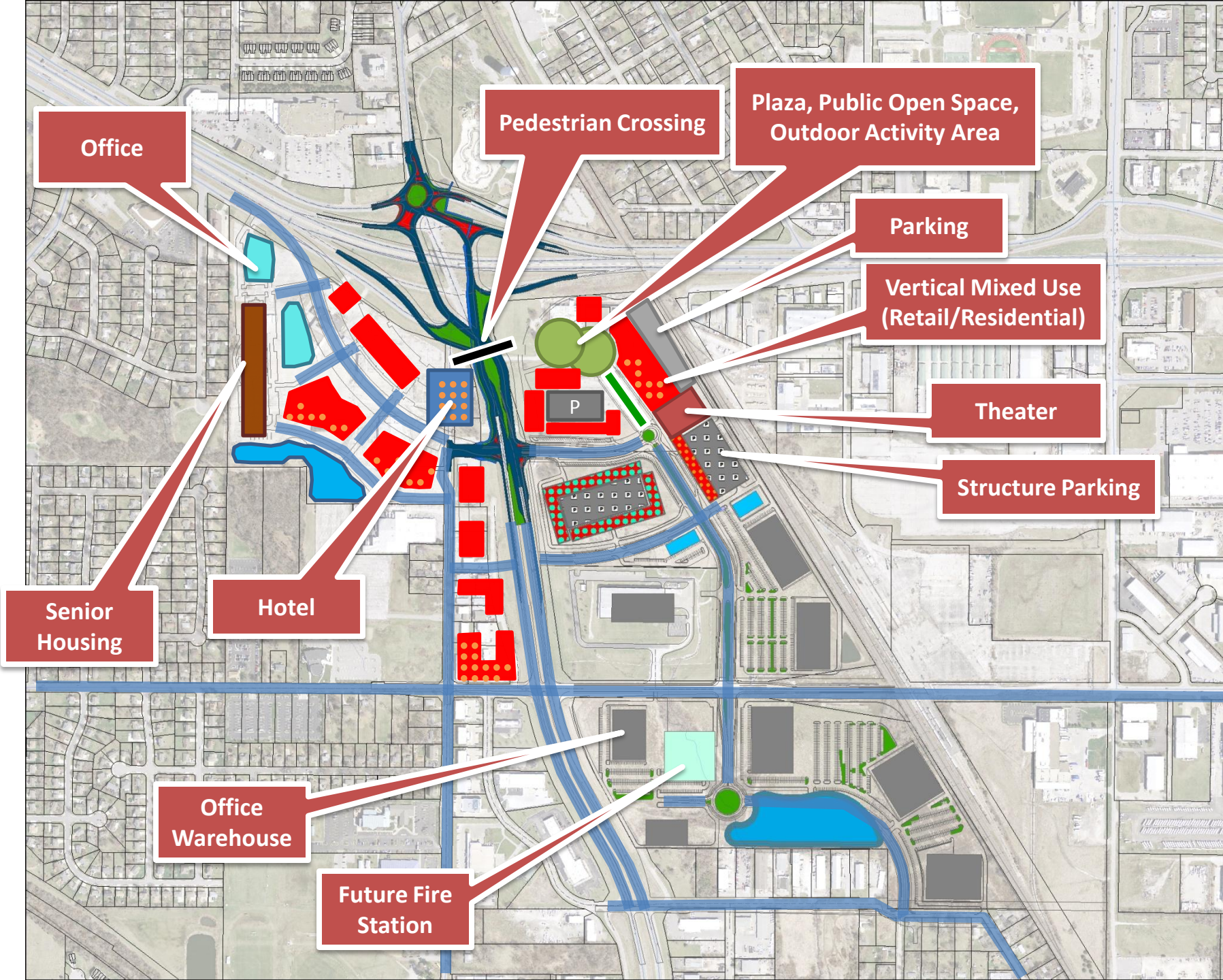
Presenter: Robert McKay, AICP, Director of Planning and Codes Administration

Staff Recommendation:

Staff recommends forwarding this request to the Planning Commission for public hearing.

Proposed Committee Motion:

I recommend forwarding the rezoning, development overlay district and conceptual development plan for the South M-291 and 50 Highway corridor to the Planning Commission for public hearing.



Office

Pedestrian Crossing

Plaza, Public Open Space,
Outdoor Activity Area

Parking

Vertical Mixed Use
(Retail/Residential)

Theater

Structure Parking

Senior
Housing

Hotel

Office
Warehouse

Future Fire
Station

Packet Information

File #: 2016-0434, **Version:** 1

Proposed UDO Amendment #57 - Article 13 Signs - adding appliques as permitted wall signs.

Issue/Request:

Recent requests have been made to utilize appliques attached to walls for commercial signage. The current regulations indicate that painted wall signs are prohibited. However, these appliques can be placed on wall surfaces and add character to the businesses without damaging the walls or even brick surfaces. They are easily removed as well so that maintenance does not become an issue.

Staff has drafted the included proposed amendment to allow for such appliques to be utilized for commercial signage and be regulated by the number, size etc. as any other commercial sign.

Included in this UDO amendment are revisions to Section 13.070 Definitions "Attached Sign" and Table 13-1 Permitted Permanent Signs.

Presenter: Robert McKay, AICP, Director of Planning and Codes Administration

Recommendation: Staff recommends referring this item to the Planning Commission for public hearing.

Committee Recommendation: I move to refer proposed UDO Amendment #57 - Article 13: Signs - adding appliques as permitted wall signs to the Planning Commission for public hearing.

Division III: Definitions and Measurement Standards

Section 13.070. Sign Definitions

- A. This article contains numerous graphics, pictures, illustrations, and drawings in order to assist the reader in understanding and applying the sign requirements. However, to the extent that there is any inconsistency between the text of this Article and any graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.
- B. The following words and terms as used in this Article have the meanings stated in this section.
1. **Abandoned Sign.** Any sign remaining in place or not maintained for a period ninety (90) days after it no longer advertises or identifies an ongoing business, product or service available on the establishment premises where the display is located.
 2. **Abandoned Sign Structure.** A sign structure which:
 - a. by reason of neglect, damage or deterioration, requires repair, and
 - b. the owner, or other party responsible for maintaining the sign, fails to undertake and complete the repairs within thirty (30) days after written notice to do so from the City.
 3. **Address.** A sign that displays the official address of the property or building.
 4. **Animated or Moving Sign.** A sign depicting motion, the act of motion, action, light or color changes through environmental, mechanical, or electrical means or through patterned illusionary movement. This definition includes a person or figure, whether costumed or not, located outside a building or use, for the purpose of attracting attention to said business or use. This definition does not include electronic message boards, as defined herein and further regulated in Division VI of this Article.
 5. **Architectural Features.** Decorative materials, embellishments, attachments, or other elements of buildings that do not contain letters, trademarks, moving parts or lights. Examples include columns, cornices, arches, dormers, public and private art, and sculptures attached to the building.
 6. **Architectural Support Structure.** A structure that serves as the base of a sign, or the structural members supporting sign, containing architectural features or designs to provide a decorative finish or covering over the supporting members.
 7. **Attention Attracting Device.** Any flasher, blinker, animation, banner, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.
 8. **Attached Sign.** An "Attached Sign" is a sign that is attached to a building. The term "Attached Sign" includes any Awning Sign, Canopy Sign, Marquee Sign, Over Canopy Sign, Painted Wall Sign, Projecting Sign, Under Canopy Sign, or Wall Sign, defined as follows:

a. Appliqué Sign. A commercial sign made of flexible film material similar to a decal that is applied to a wall surface in a manner that can also be easily removed without damaging the wall surface. Such signs are usually applied by heat and adhere to wall surfaces without the use of any other means.

a.b. Awning Sign. A sign that is painted, stenciled or attached to the surface of an awning. An "awning" means an overhead covering that projects from and is supported by the wall of a building to shield a doorway, walkway, or window from inclement weather or the sun. Awnings are slanted, sloped, or rounded; are often made of non-rigid material such as fabric or flexible plastic, supported by a rigid frame; or can be constructed with rigid materials, such as



Awning Sign

Table 13-1. Permitted Permanent Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	Illumination (Lighting)	Special Conditions
AG RDR RLL R-1 RP-1 RP-2 RP-3 RP-4	Residential subdivision	Freestanding: -Subdivision entrance monument; -Landscape wall sign	2 per subdivision entrance from arterial or collector street	32 sq.ft. sign face area 72 sq.ft. structure area	6 feet	External indirect Halo	
		Freestanding: -Ground -Hanging -Landscape wall sign	1 per street frontage	16 sq.ft.	6 feet	External indirect Halo	75 feet between freestanding signs
	Non-residential use (Churches, Schools, Institutional, or Special Uses)	Wall Attached: -Appliqué	1 per street frontage	5% of building façade	2 foot max. letter height	External indirect Halo	
		Freestanding: -Monument; -Monument with EMB -Landscape wall sign	1 per driveway entrance	32 sq.ft. sign face area 72 sq.ft. structure area	6 feet	External indirect Halo	75 feet between freestanding signs
NFO TNZ	Non-residential use	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	1 attached	6 sq.ft.	2 foot max. letter height	External indirect	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding: -Hanging -Ground -Monument	1 freestanding	8 sq.ft. – hanging 16 sq.ft. – ground and monument	6 feet		75 feet between freestanding signs
PRO	Non-residential/Office	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	1 attached (1 per tenant if multi-tenant)	6 sq.ft.	2 foot max. letter height	External indirect	10 feet clearance for projecting; 8 feet for under canopy

Article 13. Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	illumination (Lighting)	Special Conditions
		Freestanding: -Ground -Hanging -Monument	1 freestanding	6 sq.ft. for ground or hanging; 16 sq.ft. for monument	6 feet		75 feet between freestanding signs
PO CP-1	Single tenant building	Attached: -Applique -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	2 attached	5% of building façade for wall, awning or canopy; 6 sq.ft. for projecting , over or under canopy	2 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding: -Ground -Hanging -Monument -Monument with EMB -Landscape wall sign	1 freestanding	16 sq.ft. for ground or hanging; 32 sq.ft. sign face area, 72 sq.ft. structure area for monument	6 feet		75 feet between freestanding signs
PO CP-1	Multi-tenant building or multi-building center	Attached: -Applique -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	2 attached per tenant	5% of building or tenant lease space façade; 6 sq.ft. for projecting, over or under canopy	2 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding -Ground -Hanging -Monument -Monument with EMB -Landscape wall sign	1 freestanding per building	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area; 72 sq.ft. structure area for monument	6 feet		75 feet between freestanding signs
CP-2	Single tenant building	Attached: -Applique -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	3 attached	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy	6 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy

Article 13. Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	illumination (Lighting)	Special Conditions
CP-2	Multi-tenant building	Freestanding -Ground -Hanging -Monument with EMB -Landscape wall sign -Pillar	1 per street frontage; maximum of 2	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area 96 sq.ft. structure area for monument 70 sq.ft. for pillar	6 feet for ground or hanging; 12 feet for monument; 20 feet for pillar	External indirect Halo Internal	75 feet between freestanding signs
		Attached: -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	2 per tenant	10% of building façade for wall, awning or canopy; 6 sq.ft. for projecting, over or under canopy	6 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy
CBD	Uses permitted in CBD	Freestanding -Ground -Hanging -Monument with EMB -Landscape wall sign -Pillar	1 per building per street frontage; maximum of 2 per lot	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area 96 sq.ft. structure area for monument; 70 sq.ft. for pillar	6 feet for ground or hanging; 12 feet for monument; 20 feet for pillar	External indirect Halo; Internal	75 feet between freestanding signs
		Attached: -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	2 attached per tenant	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy	2 foot max. letter height	External indirect Halo	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding: -Ground -Hanging -Monument	1 freestanding	16 sq.ft. for ground or hanging; 32 sq.ft. sign face and structure area for monument	6 feet		75 feet between freestanding signs
		Sandwich board	1 per tenant	12 sq.ft.	6 feet		Only in front of business advertising

Article 13. Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	Illumination (Lighting)	Special Conditions
CS	Uses permitted in CS	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	1 per façade; maximum of 2	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy	6 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding -Ground -Hanging -Monument -Monument with EMB -Landscape wall sign	1 per building	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area and 96 sq.ft. structure area	6 feet		75 feet between freestanding signs
PI	Uses permitted in PI	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	1 per façade, maximum of 2	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy	6 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding -Ground -Hanging -Monument -Monument with EMB -Landscape wall sign	1 per building	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area and 96 sq.ft. structure area	6 feet		75 feet between freestanding signs
PMIX	Residential uses	Subdivision entrance monument; Landscape wall sign	2 per subdivision entrance from arterial or collector street	32 sq.ft. sign area; 72 sq.ft. structure area	6 feet	External indirect Halo	75 feet between freestanding signs
		Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	3 per building, or 2 per tenant	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy	6 foot max. letter height	External indirect Halo Internal	As approved per plan; 10 feet clearance for projecting; 8 feet for under canopy

Article 13. Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	Illumination (Lighting)	Special Conditions
		Freestanding -Ground -Hanging -Monument -Monument with EMB -Landscape wall sign	1 per building	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area and 96 sq.ft. structure area	12 feet		75 feet between freestanding signs

Article 13. Signs

2. Non-commercial speech.
- B. Signs in the Right-of-Way Prohibited. No sign shall be erected in, located in, extend into or over, a public right-of-way, except where specifically allowed by this Article.
- C. Interference with Safety Provisions. No sign shall interfere with the free ingress or egress of any fire escape, exit, standpipe, or window, or obstruct any required ventilator or door stairway.
- D. Sight Triangle. No sign shall be located within a sight triangle, as defined herein.
- E. Conformance to Building Codes.
 1. Signs shall be designed to conform to all structural and wind-load resistive standards of the Building Code (Chapter 7 of the City Code).
 2. All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.
 3. All electrical service to a sign shall comply with the Electrical Code (Chapter 7 of the City Code).
 4. Clearance from all electrical power lines shall conform to the requirements of the Electrical Code (Chapter 7 of the City Code).
- F. Attachments to Freestanding Signs. No guys, braces, attachments, banners, flags, inflatable display or other similar devices shall be attached to any freestanding sign
- G. Sign Maintenance. All signs, together with all their supports, braces, guys, and anchors, shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance an safe condition. All signs shall be maintained in accordance with all City ordinances, including ordinances concerning nuisances and vegetation.

Section 13.200. Attached Signs

- A. Applicability. Attached signs shall conform to the standards in Table 13-1.

B. Appliqué Signs

1. See wall signs H.1
2. Appliqué signs shall be maintained in good repair and removed at the time the advertised business is no longer associated with the sign

B.C. Awning signs

1. May either be attached to or incorporated into the material of the awning.
2. When the maximum sign area is a percentage of building facade, the calculation shall be based on the width of the awning times the height of the building.

G.D. Canopy Signs

1. On attached canopies, if the sign area is a percentage of building façade, the calculation shall be based upon the width of the canopy times the height of the building.
2. On freestanding canopies, the sign area shall be calculated as a percentage of the canopy fascia to which the sign is attached.
3. On freestanding canopies, canopy signs shall not extend above or below the top or bottom of the canopy fascia.

D.E. Over Canopy Signs

1. Are permitted on canopies attached to a building.

Packet Information

File #: TMP-0189, **Version:** 1

AN ORDINANCE AMENDING CHAPTER 21. PLANNING AND DEVELOPMENT OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY CREATING ARTICLE V. MURALS, AND FURTHER ADDING SECTIONS 21-100. MURAL STANDARDS, AND SECTION 21-101. MURAL PERMIT, FOR THE PURPOSE OF ADOPTING CERTAIN REGULATIONS FOR THE DEFINITION AND PLACEMENT OF MURALS AS PUBLIC ART.

Issue/Request:

Murals have been removed from UDO Article 13 Signs and are now being proposed as public art. An Ordinance was previously considered by the City Council but was referred back to CEDC for further discussion. Questions arose as to whether or not they should be allowed to be painted on brick surfaces which Staff has voiced objection do primarily to brick damage upon removal of the paint. There is another form of mural application that can be placed directly on brick without damaging the brick on removal. The material is a thin applique that is applied and removed with heat. The appliques have been incorporated into the Proposed Ordinance.

There was also a question of Mural Permit Approval. Staff had suggested that the applications be provided to Downtown Lee's Summit Main Street and the Arts Council for comment. However, given the Council discussion regarding the approvals, Staff has amended the Proposed Ordinance to allow for comment from Downtown Lee's Summit Main Street only on mural applications specifically affecting downtown, and City Staff will continue to approve those outside of the downtown area.

One other amendment included in the Proposed Ordinance requires the mural provider/installer to provide confirmation that the wall surface will not be damaged by the mural placement. Originally the requirement was a written evaluation by a licensed professional which was too onerous.

Appeal of the Director's decision remains at the City Council level for disposition.

Presenter: Robert McKay, AICP, Director of Planning and Codes Administration

Recommendation: Staff recommends sending this proposed ordinance to City Council for consideration.

Committee Recommendation: I MOVE TO RECOMMEND THAT AN ORDINANCE AMENDING CHAPTER 21. PLANNING AND DEVELOPMENT OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY CREATING ARTICLE V. MURALS, AND FURTHER ADDING SECTIONS 21-100. MURAL STANDARDS, AND SECTION 21-101. MURAL PERMIT, FOR THE PURPOSE OF ADOPTING CERTAIN REGULATIONS FOR THE DEFINITION AND PLACEMENT OF MURALS AS PUBLIC ART BE SENT TO THE FULL CITY COUNCIL FOR CONSIDERATION.

BILL NO. 16-

AN ORDINANCE AMENDING CHAPTER 21. PLANNING AND DEVELOPMENT OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, BY CREATING ARTICLE V. MURALS, AND FURTHER ADDING SECTIONS 21-100. MURAL STANDARDS, AND SECTION 21-101. MURAL PERMIT, FOR THE PURPOSE OF ADOPTING CERTAIN REGULATIONS FOR THE DEFINITION AND PLACEMENT OF MURALS AS PUBLIC ART.

WHEREAS, the City of Lee's Summit desires to establish mural regulations for commercial districts within the city, and

WHEREAS, such regulations are intended to provide for the manner in which murals may be placed, maintained and permitted.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Chapter 21. Planning and Development, of the Code of Ordinances for the City of Lee's Summit, Missouri, is hereby amended by adding the following Article:

ARTICLE V. MURALS

Sec. 21-100 Mural Standards.

A. Definition:

Mural. A hand produced or machined graphic applied or affixed to the exterior of a building wall through the application of paint, canvas, tile, metal panels, applied sheet graphic or other medium generally so that the wall becomes the background surface or platform for the graphic, generally for the purpose of decoration or artistic expression, including but not limited to, painting, fresco or mosaic.

B. Mural Placement

1. Murals shall be allowed in all commercial districts of the City
2. Murals shall not be permitted on the primary façade. A primary façade is defined, for purposes of this section, as the building elevation that faces the adjacent street right-of-way and is the primary customer entrance. Buildings located on a block corner with the primary customer entrance located diagonally at the building corner to both intersecting streets shall be considered to have two primary façades.
3. Murals shall not be allowed on backs of buildings, backing to residential districts.
4. Murals shall not be allowed in non-commercial districts of the City.

C. Prohibited Mural Types

1. Murals or other representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

2. Murals that project from the wall surface, except for the minimum necessary protrusion to mount the mural to the wall or structure.
 3. Murals which contain material that when taken as a whole (i) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (ii) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (iii) a reasonable person would find the material lacks serious literary, artistic, political or scientific value.
 4. Murals that are directed to incite or produce imminent lawless action and are likely to incite or produce such action.
 5. Murals that convey threats of violence that are directed at a person or group of persons that have the intent of placing the target at risk of bodily harm.
 6. Murals where the intended audience is commercial or actual or potential consumers, and where the content of the message is commercial in character.
- D. Surface Preparation. Sand and high pressure water blasting are not permitted as a cleaning process for either surface preparation or for mural maintenance purposes in any historic district or any building eligible for inclusion on the State or National Register of Historic Buildings. Treatments that cause damage to historic materials shall not be used.
- E. Maintenance
1. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the Director and incorporated into the Mural Permit. A mural exhibit shall be deemed to be in a state of disrepair when 25% or more of the display surface area contains peeling or flaking paint, or is otherwise not preserved in the manner in which it was originally created.
 2. The display surface shall be kept clean and neatly painted and free from corrosion.
 3. Any mural that is not maintained according to the maintenance schedule incorporated into the Mural Permit or that falls into a state of disrepair may be ordered removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material by the Director, or his/her designee, all in the manner provided for in the mural permit.
- F. Design Standards
1. Explanatory wording relative to the graphic may be incorporated into the mural. Artist signatures shall be allowed and limited to maximum of two square feet in size.
 2. The proposed mural will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic; and
 3. The location and scale of the mural should be in keeping with and enhance the building or structure on which it is located; and
 4. The proposed mural is well integrated with the building's façade and other elements of the property and enhances the architecture or aesthetics of a building or wall; and
 5. The proposed mural, by its design, construction, and location, will not have a substantial adverse effect on abutting property or the permitted use thereof; and
 6. The proposed mural is not detrimental to the public health, safety, or welfare; and

7. The mural will not have a detrimental effect on the structural integrity of the wall on which it is applied/affixed; and
8. The maintenance schedule is reasonable for the mural and the building on which it is applied/affixed.
9. The mural shall not be painted directly onto brick, but may be attached by using an alternate medium (i.e. canvas, tile, metal panels, or similar materials with an approved attachment method) or may be otherwise applied by methods that will not damage the wall surface including brick. New materials such as applied sheet graphics and appliques that can be removed readily from brick may be utilized. Other new materials can be utilized provided they are found to be non detrimental to the surface on which applied.

Sec. 21-101. – Mural Permit.

- A. No mural shall be installed unless written permission is first obtained by the owner of the building upon which the mural is to be placed, or the building owner's agent, and a Mural permit is obtained from the Director of Planning and Codes Administration, or his/her designee.
- B. Application Requirements: Each permit application shall contain, but not be limited to, the following information:
 1. Site plan showing the lot and building dimensions and indicating the proposed location of the mural.
 2. Pictures of the building elevations.
 3. A scale drawing and color photo of the building elevation showing the proposed size and placement of the mural.
 4. A colored drawing of the proposed mural.
 5. A description of the proposed maintenance schedule that includes the time frame for the life of the mural and method for removal, if applicable.
 6. Written confirmation by the mural provider/installer that no damage or negative impact will occur to the wall surface that the mural is to be applied or affixed to.
 7. Written permission from the owner of the building to which the mural is intended to be applied, if applicant is not the building owner.
 8. An acknowledgement that the mural must be removed or covered if so ordered by the Director for failure to maintain or for reaching a state of dilapidation, as described in subsection E(3) above.
- C. Mural Permit Approval

Applications for a mural permit in the downtown area shall be distributed to Downtown Main Street for comment regarding consistency between the Application and the requirements herein. All other mural permit applications will be reviewed and approved by City Planning

staff. No mural permit shall be approved unless the Director, or his/her designee, shall find that these requirements have been fulfilled.

D. Appeals.

Appeals of the Director's decision to approve or not approve a Mural application may be made in writing to the City Clerk within 10 days of the Director's decision. Said appeal shall be placed on an upcoming City Council meeting for consideration and disposition.

SECTION 2. That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances for the City of Lee's Summit, Missouri.

SECTION 3. That all ordinances or parts of ordinances in direct conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

SECTION 4. That this ordinance shall be in full force and effect immediately upon its passage, adoption, and approval.

PASSED by the City Council of the City of Lee's Summit, Missouri this _____ day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED by the Mayor of said City this _____ day of _____, 2016

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED AS TO FORM:

City Attorney Brian Head