RAYMORE PLANNING AND ZONING COMMISSION AGENDA

Tuesday, March 15, 2016 - 7:00 p.m.

City Hall Executive Conference Room
100 Municipal Circle
Raymore, Missouri 64083

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Personal Appearances - None
5. Consent Agenda
    a. Acceptance of Minutes of December 1, 2015 meeting
6. Old Business - None
7. New Business -
    a. Case #16002 - Request for waiver from a design requirement for a proposed new home to be located at 416 S. Washington Street in the Original Town Neighborhood Overlay District
    b. Presentation of No-Tax Increase Bond Issue Information
    c. Discussion on GMP 2016 Annual Review Process
8. City Council Report
9. Staff Report
10. Public Comment
11. Commission Member Comment
12. Adjournment

Any person requiring special accommodation (i.e. qualified interpreter, large print, hearing assistance) in order to attend this meeting, please notify the City Clerk at (816) 331-0488 no later than forty-eight (48) hours prior to the scheduled commencement of the meeting.

MEETING PROCEDURES

The following rules of conduct apply:

1. Public can only speak during the meeting under the following circumstances:
   a. The citizen has made a formal request to the Community Development Department to make a personal appearance before the Planning Commission; or,
   b. A public hearing has been called by the Chairman and the Chairman has asked if anyone from the public has comments on the application being considered; or
   c. A citizen may speak under Public Comment at the end of the meeting.

2. If you wish to speak to the Planning Commission, please proceed to the podium and state your name and address. Spelling of your last name would be appreciated.

3. Please turn off (or place on silent) any pagers or cellular phones.

4. Please no talking on phones or with another person in the audience during the meeting.

5. Please no public displays, such as clapping, cheering, or comments when another person is speaking.

6. While you may not agree with what an individual is saying to the Planning Commission, please treat everyone with courtesy and respect during the meeting.

Every application before the Planning Commission will be reviewed as follows:

1. Chairman will read the case number from the agenda that is to be considered.

2. Applicant will present their request to the Planning Commission.

3. Staff will provide a staff report.

4. If the application requires a public hearing, Chairman will open the hearing and invite anyone to speak on the request.

5. Chairman will close the public hearing.

6. Planning Commission members can discuss the request amongst themselves, ask questions of the applicant or staff, and may respond to a question asked from the public.

7. Planning Commission members will vote on the request.

THE **PLANNING AND ZONING COMMISSION** OF THE CITY OF RAYMORE, MISSOURI, MET IN REGULAR SESSION **TUESDAY, DECEMBER 1, 2015** IN THE COUNCIL CHAMBERS OF CITY HALL, 100 MUNICIPAL CIRCLE, RAYMORE, MISSOURI WITH THE FOLLOWING COMMISSION MEMBERS PRESENT: CHAIRMAN WILLIAM FAULKNER, KELLY FIZER, DON MEUSCHKE, LEO ANDERSON AND JOHN BERENDZEN. ABSENT WERE CHARLES CRAIN, ERIC BOWIE, JOSEPH SARSFIELD AND MAYOR PETER KERCKHOFF. ALSO PRESENT WERE COMMUNITY DEVELOPMENT DIRECTOR JIM CADORET, ASSISTANT PUBLIC WORKS DIRECTOR ED IEANS AND CITY ATTORNEY JONATHAN ZERR.

1. **Call to Order –** Chairman Faulkner called the meeting to order at 7:00 p.m.

2. **Pledge of Allegiance**

3. **Roll Call –** Roll was taken and Chairman Faulkner declared a quorum present to conduct business.

4. **Personal Appearances –** None

5. **Consent Agenda**
   A. **Acceptance of minutes of November 17, 2015 meeting.**

   Motion by Commissioner Anderson, Second by Commissioner Meuschke to approve Minutes of November 17, 2015 meeting.

   Vote on Motion:

Chairman Faulkner	Aye
Commissioner Anderson	Aye
Commissioner Berendzen	Aye
Commissioner Bowie	Absent
Commissioner Crain	Absent
Commissioner Fizer	Aye
Commissioner Meuschke	Aye
Commissioner Sarsfield	Absent
Mayor Kerckhoff	Absent

   Motion passed unanimously 5-0-0.

6. **Old Business –** None

7. **New Business**

   A. **Case #15019 – Reclassification of Zoning for Lots 4, 5, 8 and 9 in Raymore Municipal Complex, C-2/CCO to PR/CCO - *(public hearing*)**

   Jim Cadoret, Community Development Director for Raymore, provided the staff report. The subject property consists of four lots owned by the City of Raymore and legally described as Raymore Municipal Complex Lots 4, 5, 8 and 9. As the application is a reclassification of zoning a public hearing was scheduled. Mr. Cadoret entered the following exhibits into the record: Notice of the public hearing mailed to adjoining property owners; notice of publication in The Journal; Growth Management Plan; Unified Development Code; application; and the Staff Report presented to the Commission.

   Mr. Cadoret stated the property was initially rezoned to C-2, General Commercial, on July 10, 2000. The CCO "City Center Overlay District" designation was added on June 25, 2001. On September 28, 2009 as part of the City initiated rezoning process the City Hall zoning classification was changed to PR "Parks, Recreation and Public Use".

Mr. Cadoret stated a Good Neighbor meeting was held on November 18, 2015 with 7 affected property owners attending. Neighbors asked about screening, parking and future plans for lots 4 and 5.

Mr. Cadoret stated that the PR "Parks, Recreation and Public Use District" district is intended to accommodate land uses that offer a variety of active and passive recreational opportunities and for governmental and other public buildings.

Mr. Cadoret stated the specific requirements established by the CCO "City Center Overlay District" and the restrictive covenants for the Municipal Complex will apply to the subject properties. Any building proposed for the lot(s) would require approval of a Conditional Use Permit and site plan approval.

Mr. Cadoret stated staff has submitted proposed findings of fact for the Commission to consider and that the staff recommends the Commission accept the proposed findings and forward the request to the City Council with a recommendation of approval.

Chairman Faulkner opened the floor to the public at 7:15 p.m.

No public comments presented.

Chairman Faulkner closed the floor to the public, and closed the public hearing, at 7:15 p.m.

Commissioner Anderson requested to view the conceptual plan of lots 8 and 9 that was shared at the Good Neighbor Meeting.

Mr. Cadoret shared the plan that was presented to City Council at its November 16, 2015 work session and subsequently shared at the Good Neighbor meeting.

Motion by Commissioner Anderson, Second by Commission Fizer to forward Case #15019 – Reclassification of Zoning of Municipal Complex Lots 4, 5, 8 and 9 to to the City Council with a recommendation of approval.

Commissioner Anderson asked if the motion needed to be specific to the request to reclassify the zoning to PR/CCO "Parks, Recreation and Public Use/City Center Overlay District".

City Attorney Jonathan Zerr said the motion should include the specific zoning district change in the motion.

Commissioner Anderson restated his motion was to accept the staff proposed findings of fact and forward Case #15019 - Reclassification of Zoning of Municipal Complex Lots 4, 5, 8 and 9 from C-2/CCO "General Commercial/City Center Overlay District" to PR/CCO "Parks, Recreation and Public Use District/City Center Overlay District" to the City Council with a recommendation of approval. Commissioner Fizer made a second on the motion.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Anderson	Aye
Commissioner Berendzen	Aye
Commissioner Bowie	Absent
Commissioner Crain	Absent
Commissioner Fizer	Aye
Commissioner Meuschke	Aye
Commissioner Sarsfield	Absent
Mayor Kerckhoff	Absent

Motion passed unanimously 5-0-0.

B. Case #15020 - Pedestrian Master Plan - *(public hearing)*

Mr. Cadoret stated that the City of Raymore is participating in the Walk Friendly Communities initiative and one of the requirements is for the City to have an adopted Pedestrian Plan. Mr. Cadoret stated a draft Pedestrian Plan was initially presented at the November 18, 2015 Planning Commission meeting. A Copy of the draft master plan has been available to review on the City website with copies available at City Hall. Since the plan will be a supplement to the Growth Management Plan a public hearing is required to be held..

Mr. Cadoret stated the Pedestrian Plan would be a component of the adopted Growth Management Plan. The Plan is a compendium of the history of the efforts completed by the City to establish a pedestrian system and outlines goals and recommendations for future actions.

Mr. Cadoret stated that changes suggested by the Commission at its November 17, 2015 meeting have been incorporated into the final draft of the plan.

Chairman Faulkner opened the floor to the public at 7:25 p.m.

No public comments presented.

Chairman Faulkner closed the floor to the public, and closed the public hearing, at 7:25 p.m.

Commissioner Fizer asked if the document submitted to the Commission is the final document.

Mr. Cadoret stated yes and indicated the Commission will be able to review the plan as part of its annual review of the Growth Management Plan in April.

Motion by Commissioner Anderson, Second by Commission Meuschke to approve Case #15020 Pedestrian Master Plan.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Anderson	Aye
Commissioner Berendzen	Aye
Commissioner Bowie	Absent
Commissioner Crain	Absent
Commissioner Fizer	Aye
Commissioner Meuschke	Aye
Commissioner Sarsfield	Absent
Mayor Kerckhoff	Absent

Motion passed unanimously 5-0-0.

8. City Council Report

Jonathan Zerr gave the City Council report.

9. Staff Report

A. Planning Pipeline

Jim Cadoret discussed the upcoming meetings. With no action items scheduled for its December 15, 2015 meeting the Commission cancelled the meeting.

Mr. Cadoret advised the Commission of the upcoming American Planning Association conference to be held in Phoenix, Arizona on April 2nd thru April 5th. Mr. Cadoret stated three Commission members expressed interest.

Commissioner Anderson indicated he expressed interest in attending but had to withdraw his name as the conference dates conflict with the April election.

Mr. Cadoret indicated that Vice-Chairman Fizer expressed interest in attending the conference in 2015, with Commissioner Meuschke ultimately attending. She has expressed interest in attending in 2016.

Mr. Cadoret stated that Commissioner Sarsfield has also expressed interest in attending this year.

After discussion the Commission selected Commissioner Fizer to attend the conference in 2016.

10. Public Comment - None

11. Commission Member Comment

Commissioner Meuschke - no comment
Commissioner Berendzen - no comment
Commissioner Anderson - wished everyone a Happy Holiday season
Commissioner Fizer - indicated she attended the Mayor's Christmas Tree Lighting event on Friday and wished everyone a Happy Holiday season
Chairman Faulkner - thanked staff for its work

12. Adjournment
Motion by Commissioner Meuschke, Second by Commissioner Anderson to adjourn the December 1, 2015 Planning and Zoning Commission meeting.

Vote on Motion:

Chairman Faulkner	Aye
Commissioner Anderson	Aye
Commissioner Berendzen	Aye
Commissioner Bowie	Absent
Commissioner Crain	Absent
Commissioner Fizer	Aye
Commissioner Meuschke	Aye
Commissioner Sarsfield	Absent
Mayor Kerckhoff	Absent

Motion passed unanimously 5-0-0.

The December 1, 2015 meeting adjourned at 7:38 p.m.

Respectfully submitted,

Jim Cadoret

To:	Planning and Zoning Commission
From:	City Staff
Date:	**March 15, 2016**
Re:	**Case #16002 - Waiver of Design Requirement for new home proposed to be located at 416 S. Washington Street in the Original Town Neighborhood Overlay District**

GENERAL INFORMATION

Applicant/ Property Owner:	True Vision Construction LLC
Requested Action:	Waiver to Original Town Overlay District design requirement that garage doors facing the street shall be set back at least 8 feet from the primary facade.
Property Location:	**416 S. Washington Street**

Aerial Photograph:

Property Photographs:

(View from Washington Street looking west)

(View from Washington Street looking west at proposed driveway entrance area)

Existing Zoning:	"R-1/OT" Single Family Residential/Original Town Overlay District
Existing Surrounding Uses:	**North:** Single-Family Residential **South:** Single-Family Residential **East:** Single-Family Residential **West:** Single-Family Residential
Total Tract Size:	12,000 square feet (.27 acres)
Subdivision Plat:	Raymore Original Town Plat

Growth Management Plan: The Future Land Use Plan Map contained in the Growth Management Plan identifies this property as appropriate for low density residential.

Major Street Plan: The Major Thoroughfare Plan Map contained in the Growth Management Plan has Washington Street and Elm Street classified as a local street.

Advertisement: City Ordinance does not require advertisement for waiver of design requirements in the Original Town District.

Public Hearing: City Ordinance does not require a public hearing for waiver of design requirements in the Original Town District.

PROPOSAL

Outline of Requested Action: The applicant seeks a waiver to a design requirement contained in Section 415.050F2 of the Unified Development Code. Specifically, the request is to waive the requirement that garage doors facing the street shall be set back at least 8 feet from the primary facade of a new home proposed to be constructed at 416 S. Washington Street in the Original Town Neighborhood.

DISTRICT SPECIFIC DESIGN REQUIREMENTS

In order for the applicant to accomplish the aforementioned action the Planning and Zoning Commission must approve a request to waive the requirement. The following code language applies:

Section 415.050 OT, Original Town District

F. District-Specific Design Requirements

2. Garage Orientation

a. Garage doors facing the street shall be set back at least 8

feet from the primary facade.

b. Garage doors shall not comprise more than 50 percent of the front facade.

c. Rear-loading, side-loading, and detached garages shall not be subject to standards of this sub-section.

G. Action on Application

The Planning and Zoning Commission may, upon showing of undue hardship by the applicant, waive one or more of the specific requirements of the design standards of this section. The Commission shall approve the minimum waiver necessary to allow the application to be approved. The applicant for any such waiver shall have the burden of showing that the proposed project with such waiver shall have the minimum negative effect on aesthetics and compatibility within the OT district.

PREVIOUS ACTIONS ON THE PROPERTY

1. The Original Town Overlay District was added as a new Overlay and Special Purpose Zoning District in the Unified Development Code on April 26, 2010.

2. The zoning of the property, and all other properties in the Original Town Plat, was reclassified from “R-1” Single Family Residential District to “R-1/OT” Single Family Residential/Original Town Overlay District on April 26, 2010.

3. On October 29, 2014 the home previously located at 416 S. Washington Street was determined by the Raymore Building Official to be a dangerous building as defined by Raymore City Code Section 510.020. An order for demolition of the home was issued.

4. On March 31, 2015 the Raymore Board of Appeals issued its Judgment and Order, requiring the owner to demolish the structure.

5. On May 26, 2015 ownership of the property was transferred to True Vision Construction LLC, the current owner of the property.

6. On June 16, 2015 a demolition permit was issued and the home was subsequently demolished.

7. On February 22, 2016 an application for a building permit to construct a new home upon the property was submitted for review by the City. Issuance of a permit is on hold pending the outcome of this waiver request.

STAFF COMMENTS

1. **Purpose of OT District:**

   The purpose of the OT, Original Town District is to preserve and enhance the historic character of the Original Town neighborhood. Its intent is to encourage a mix of residential, commercial, and institutional uses while ensuring their compatibility.

2. **Objectives of OT District**

   One of the objectives of the OT District is to encourage compatibility of new construction and structural alterations with the existing scale and character of surrounding properties.

3. **Development Standards:** The development standards applicable to the property are as follows:

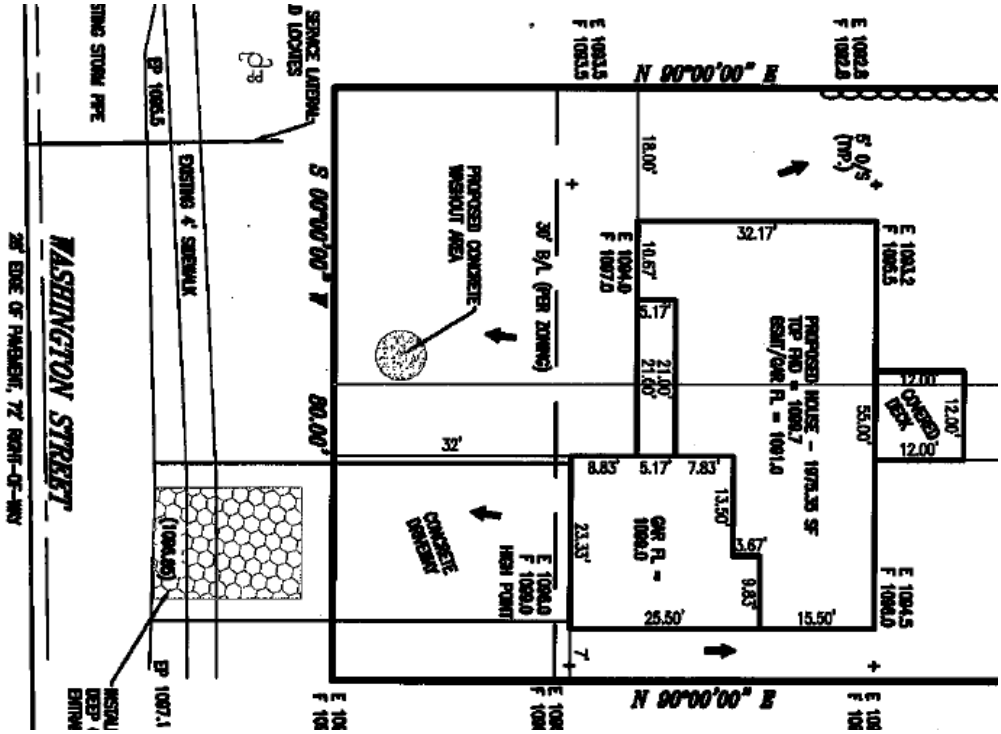
	R-1/OT
Minimum Lot Area	
per lot	8,000 sq.ft.
Minimum Lot Width (ft.)	50
Minimum Lot Depth (ft.)	100
Yards, Minimum (ft.)	
Front	20
rear	30
side	7.5
Maximum Building Height (feet)	35
Maximum Building Coverage (%)	30

4. **Special Use Conditions:** There are no use-specific standards or conditions.

5. The Original Town Neighborhood Plan, adopted by the Planning and Zoning Commission in May of 2009, contained recommendations regarding design guidelines for new construction. These guidelines were utilized to formulate the Original Town Overlay District standards.

6. Since the adoption of the Original Town Overlay District there have been eight building permits issued for new home construction in the neighborhood. One home, located at 307 W. Plum, immediately across Madison Street from Raymore Elementary School, was completed in 2015. This home has a side-entry garage with a driveway off of South Madison Street. The other seven homes, currently under construction at the intersection of Monroe Street and Plum Street, have rear-entry garages with access from an alley. All eight of the homes comply with the garage orientation design requirements.

7. The plot plan for the home indicates the garage would extend 8.83 feet in front of the front facade of the home. The proposed front yard setback is 32.0 feet. The garage would be 7.0 feet from the north property line.



8. There are two homes located on the same side of Washington Street on the same block as the proposed home. The home located at 410 S. Washington Street (immediately north of the proposed home) has a carport attached to the house and a detached garage with access off the alley

The home located at 408 S. Washington Street (southwest corner of Washington Street and Plum Street) does not have a garage.

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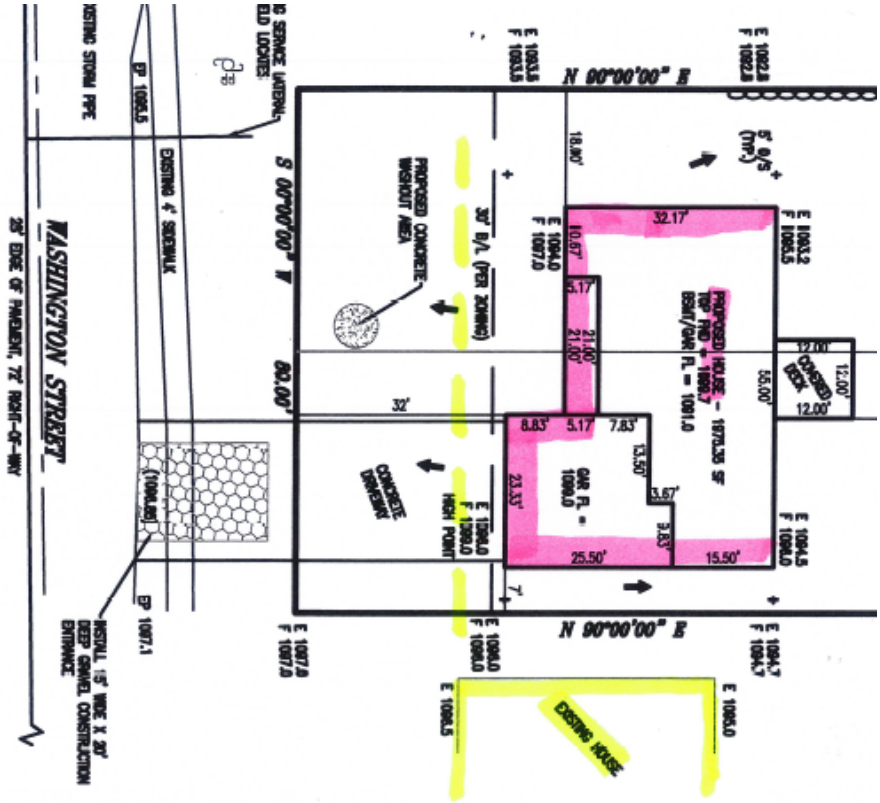
9. There are three homes located on the opposite side of Washington Street from the proposed home. The home located at 411 S. Washington Street (immediately across Washington Street) has a garage behind the home with driveway access off of Elm Street.

The home located at 403 S. Washington Street has an attached garage that is flush with the front of the home.

The home at 401 S. Washington Street (southeast corner of Washington Street and Plum Street) has a side-entry garage with driveway access off of Plum Street.

10. The plot plan for the proposed home (purple highlighter) indicates the home as proposed, with the garage extending closer to Washington Street than the front facade of the home, would be further from Washington Street than the adjacent home to the north (yellow highlighter). The adjacent home is approximately seven feet closer to Washington Street than the proposed home.



11. Staff had several telephone conversations with the property owner prior to submittal of the building permit application. The property owner was diligent in asking questions pertaining to construction of a home upon the property, including building setbacks, combination of two lots to create a larger lot, and whether the home could cross a lot line. Staff thought the property owner was made aware of the design requirements of the neighborhood but clearly there was miscommunication. The property owner has no recollection of being told there were design requirements that must be met.

STAFF RECOMMENDATION

The purpose of the Original Town Overlay District is to preserve and enhance the historic character of the Original Town Neighborhood. During preparation of the

neighborhood plan residents made it clear they wanted new construction to be compatible with the existing homes in the neighborhood. Residents desired to maintain the unique character that exists within the neighborhood.

Staff review of the homes that exist in the 400 block of south Washington Street indicate a mixture of home styles and building setbacks, similar to many of the other blocks within the neighborhood. Staff believes the fact that the home immediately adjacent to the proposed home sits closer to Washington Street than the proposed home is a major factor for the Planning Commission to consider. Even with the garage extending in front of the front facade of the home, no portion of the proposed home would block any sight lines or visibility from the adjacent home. The inclusion of a front porch and one-story design of the home adds to the ability of the home to be compatible with neighboring properties. The home is not out of scale with other homes in the area.

Staff recommends the Planning and Zoning Commission approve the request to waive the garage orientation design requirement for the home proposed to be constructed at 416 S. Washington Street

City of Raymore Unified Development Code

Section 415.050 OT, Original Town District *(Amendment 5 – Ordinance 2010-34 4.26.10)*

A. Purpose and Description

1. The purpose of the OT, Original Town Overlay District is to preserve and enhance the historic character of the Original Town neighborhood. Its intent is to encourage a mix of residential, commercial, and institutional uses while ensuring their compatibility.

B. Objectives

In order to preserve and enhance the historic character of the Original Town neighborhood, the following objectives will be realized:

1. Preserve the neighborhood's housing stock and encourage new housing to be compatible with existing development and reflective of the neighborhood's history.
2. Provide an opportunity for small, locally-owned businesses to grow by allowing home-businesses, live/work uses, and commercial spaces.
3. Encourage compatibility of new construction and structural alterations with the existing scale and character of surrounding properties.
4. Create a unique and identifiable neighborhood with a distinct yet compatible character with the rest of the City.

C. Permitted and Conditional Uses

1. All uses allowed in the underlying zoning district shall be allowed in the OT district as specified in the Use Table in Sections 405.020 and 410.020 with the exceptions listed below. Those uses identified as requiring a conditional use permit shall do so in accordance with the regulations of this code.
2. Live/work uses shall be permitted in commercially zoned property and shall be a conditional use in residentially zoned property in the OT district. Live/work uses shall be permitted in accordance with the following regulations:
   a. Any commercial use permitted in the underlying zoning district is permitted in the live/work unit with the exception of the following uses, which are deemed incompatible:
      (1) uses prohibited in the Original Town Overlay District;
      (2) adult businesses;
      (3) firearms sales or instruction;
      (4) pet stores, kennels, and veterinary clinics;
      (5) liquor sales; and
      (6) amusement and recreation uses.
3. At least one resident in each live/work unit shall maintain a valid occupational license for a business on the premises.

a. Neither the living space nor the working space shall be less than twenty five percent (25%) of the combined floor area of the site.

b. The commercial use may occur in the primary structure or a detached accessory building. The residential use shall not be located in an accessory building.

c. Parking must be provided in accordance with the requirements for the commercial use.

d. The workspace must meet the requirements of the building and fire code for the type of activity/use being undertaken.

e. Signs shall be installed pursuant to the requirements of Chapter 435 and the requirements in this section.

D. Prohibited Uses

In order to promote compatibility between residential and commercial uses in the OT district, the following uses are prohibited:

1. vehicle sales and service uses;
2. drive-thru facilities.

E. Dimensional Standards

1. The following bulk and dimensional standards will apply to all lots in the OT District:

Minimum Lot Area	8,000 sq.ft.
Minimum Lot Width	50 ft
Minimum Lot Depth	100 ft
Minimum Front Yard	20 ft
Minimum Rear Yard	30 ft
Minimum Side Yard	7.5 ft
Maximum Building Height	35 ft
Maximum Building Coverage	30%

2. New development in the OT district must comply with the average front yard provisions of 405.030(B)(2) and 410.030(B)(2).

F. District-Specific Design Requirements *(Amendment 16 – Ordinance 2013-056 8.26.13)*

1. Design Guidelines

Property developed or redeveloped in the Original Town Overlay District should comply with the recommendations found in the Original Town Neighborhood Design Guidelines document.

2. Garage Orientation

a. Garages doors facing the street shall be set back at least 8 feet from the primary façade.

b. Garage doors shall not comprise more than 50 percent of the front façade.

c. Rear-loading, side-loading, and detached garages shall not be subject to standards of this sub-section.

3. Parking

a. On-street parking spaces adjacent to the property may count towards the required number of parking spaces. On-street parking spaces must be in compliance with Chapters 350 through 365 of the Raymore Municipal Code.

b. Shared parking is permitted for non-residential uses in accordance with Section 425.060.

4. Outdoor Storage

Outdoor storage or display of merchandise shall be prohibited on commercially-zoned properties in the OT district.

5. Signs

a. Electronic message center signs are prohibited in the OT district, with the following exception:

(1) A non-residential use on a lot with frontage on a Major Arterial can utilize an electronic message center sign.

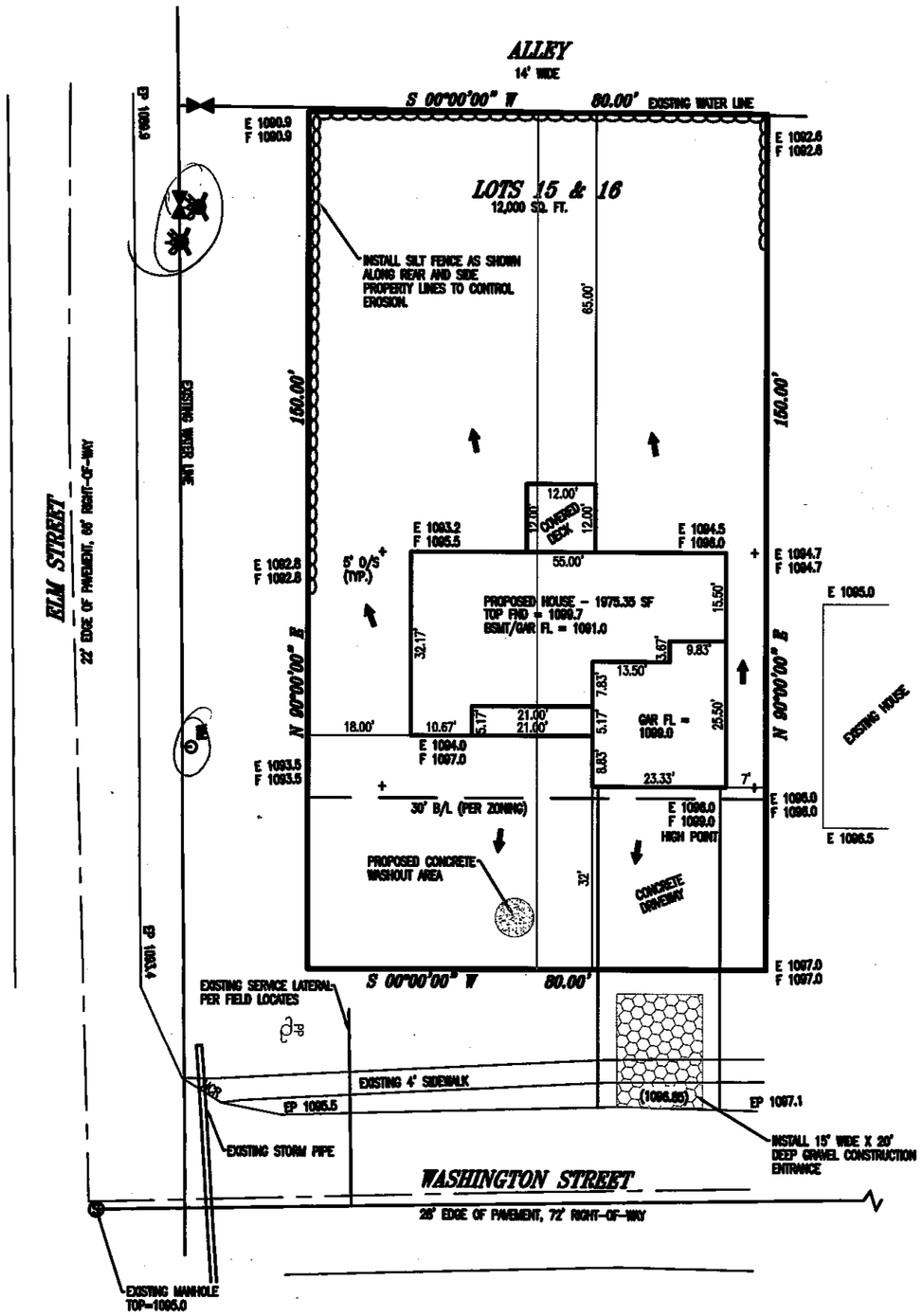
b. The maximum permitted size for a permanent freestanding sign located on a local street shall be 24 square feet in copy area.

6. Lighting

a. Luminaires shall not exceed 20 feet in height.

G. Action on Application

The Planning and Zoning Commission may, upon showing of undue hardship by the applicant, waive one or more of the specific requirements of the design standards of this section. The Commission shall approve the minimum waiver necessary to allow the application to be approved. The applicant for any such waiver shall have the burden of showing that the proposed project with such waiver shall have the minimum negative effect on aesthetics and compatibility within the OT district.



PER BUILDER CITY HAS APPROVED A 10% ENCROACHMENT INTO THE MINIMUM SIDE YARDS AS REQUIRED BY ZONING

KEY:
U/E = UTILITY EASEMENT
TC = TOP OF CURB
B/L = BUILDING LINE
E = EXISITNG GRADE
F = FINISH GRADE

STATE OF MISSOURI
BRANTON LADWIG
NUMBER
PLS-2006016633
PROFESSIONAL LAND SURVEYOR
2/19/16

NOTES:

1. LEGAL DESCRIPTION OF PROPERTY PROVIDED BY CONTRACTOR. THIS PLOT PLAN DOES NOT CONSTITUTE OR REPRESENT A BOUNDARY SURVEY. THE CONTRACTOR AND/OR OWNER SHALL BE RESPONSIBLE FOR VERIFICATION OF PROPERTY BOUNDARY, PROPERTY CORNERS, DEED DESCRIPTIONS AND LOCATIONS OF PROPOSED HOUSE WITH RESPECT TO PROPERTY LINES.
2. EASEMENTS, BUILDING LINES AND SET-BACKS TAKEN FROM RECORDED PLAT ONLY.
3. CONTRACTOR TO VERIFY LOCATION AND DEPTH OF SANITARY SEWER SERVICE PRIOR TO CONSTRUCTION.
4. CONTRACTOR TO VERIFY ALL DIMENSIONS, ELEVATIONS AND LOCATIONS PRIOR TO CONSTRUCTION
5. CONTRACTOR TO VERIFY CONDITION OF ALL FILL PRIOR TO CONSTRUCTION.
6. GRADES ARE PROPOSED GRADES ONLY. FINAL GRADING AND ELEVATIONS SHALL BE CONTRACTORS RESPONSIBILITY.

COREY MAYNARD — ADDRESS: 416 S. WASHINGTON ST.

PLOT PLAN

LOTS 15 & 16, BLOCK 18
RAYMORE

RAYMORE — MISSOURI

LADWIG and ASSOCIATES, L.L.C.
LAND SURVEYORS

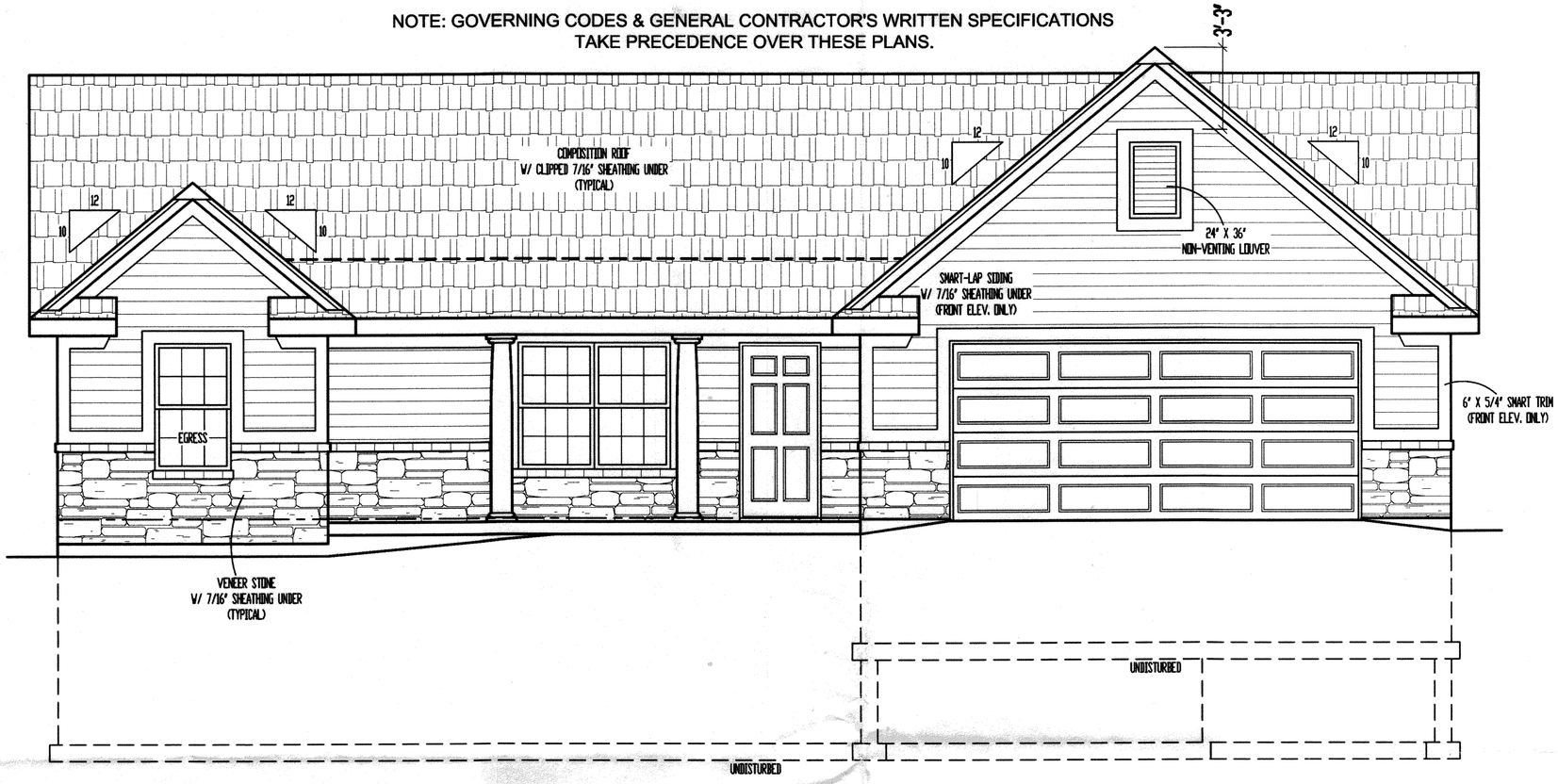
DRAWN BY: BEL	SCALE: 1" = 30'
DATE: 2/19/16	DRAWING NO. RAYMORE-BLK18-LTS15-16

DESIGNED EXCLUSIVELY FOR

TRUE VISION CONSTRUCTION, LLC

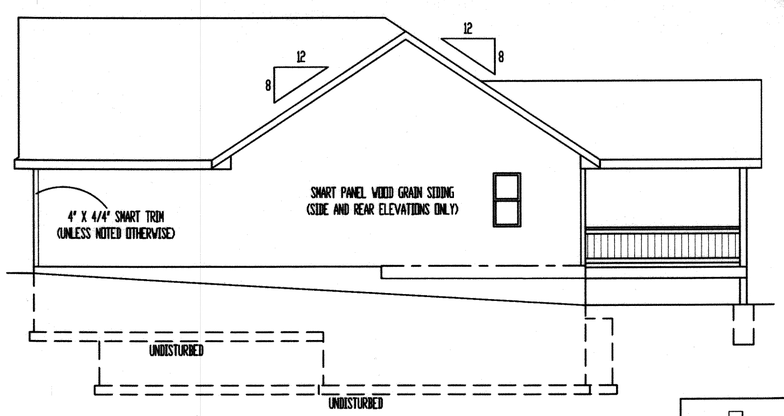
ONE-TIME-BUILD LICENSE AGREEMENT FOR CONSTRUCTION IN RAYMORE, MISSOURI.

NOTE: GOVERNING CODES & GENERAL CONTRACTOR'S WRITTEN SPECIFICATIONS TAKE PRECEDENCE OVER THESE PLANS.



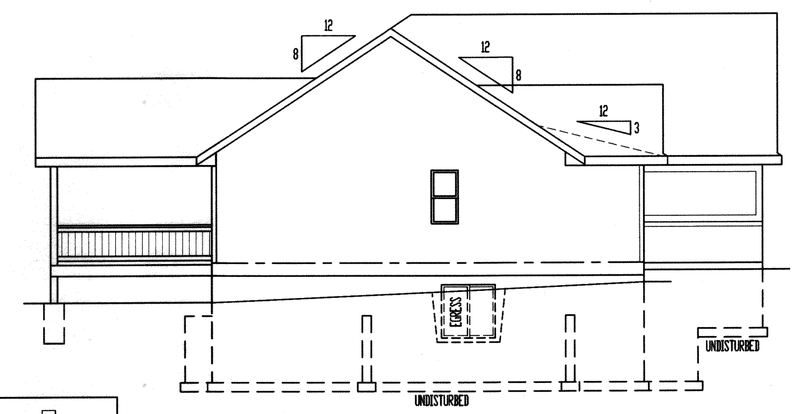
FRONT ELEVATION

1/4" = 1'-0"



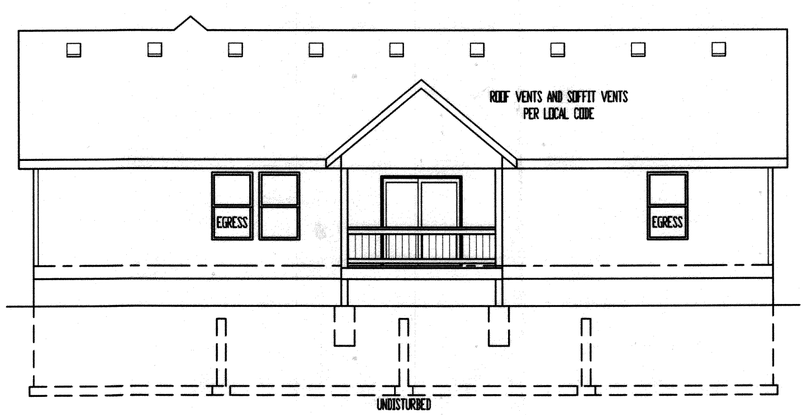
RIGHT ELEVATION

1/8" = 1'-0"



LEFT ELEVATION

1/8" = 1'-0"



REAR ELEVATION

1/8" = 1'-0"

ELEVATIONS:
- SMART-PANEL WOODGRAIN SIDING ON SIDES AND REAR ELEVATIONS
- COMPOSITION ROOF SHINGLES
- LOCATE ROOF AND SOFFIT VENTS PER CODE
- ADJUST FOUNDATION TO GRADE

DECK:
- DECK CONSTRUCTION TO COMPLY WITH MUNICIPALITY'S RESIDENTIAL DECK STANDARDS
- 2" X 10" #2 TTD. @ 16" O.C. FLOOR JOISTS (MAX. SPAN 14'-0")
- 2" X 6" CEDAR DECKING
- 6" X 6" CEDAR/TTD. POSTS
- 2" X 2" CEDAR SPINDLES
- 2" X 6" CEDAR TOP RAIL
- DETERMINE OPTIONAL STAIRS ON SITE

Reviewed for Code Compliance
Department of Building Inspections
City of Raymore, Missouri

Jon Woerner, C.B.O.
Building Official

Date: 2/23/16

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"For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life. For God sent not his Son into the world to condemn the world; but that the world through him might be saved."
John 3:16-17

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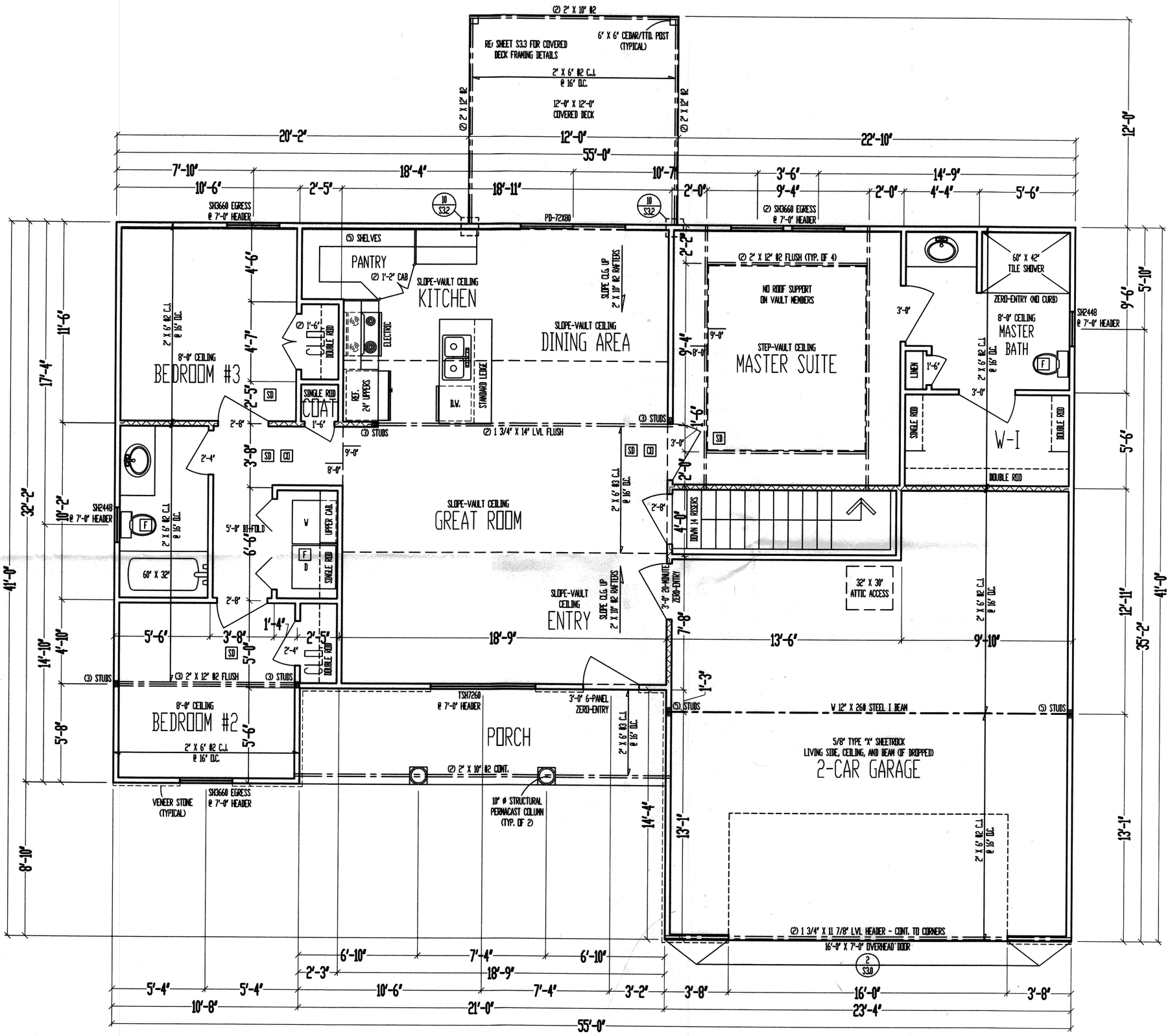
STATE OF MISSOURI
DENNIS HEIER
NUMBER PE-2010001172
PROFESSIONAL ENGINEER

2-12-2016

PLAN TITLE:
DTR15-16 MONTEILS
RAYMORE, MO

SHEET TITLE: ELEVATIONS

SHEET: 1 OF 4
DATE: 02112016



8'-0" CEILING

MAIN LEVEL

SCALE: 1/4" = 1'-0"

MAIN LEVEL: 1261 SQ. FT.

GARAGE: 547 SQ. FT.

FRAMING NOTES:

1. HOME IS SHEATHED W/ 7/16" O.S.B. APA PANELS W/ 8d COMMON NAILS @ 6" O.C. AT EDGES & @ 12" O.C. IN THE FIELD. SMART PANEL, OR EQUAL, INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
2. \ \ \ \ \ \ \ \ \ \ \ \ = G.B. 1/2" MIN. GYPSUM BOARD OVER STUDS SPACED 24" MAX FASTENED W/ NO. 6 - 1 1/4" TYPE W OR S DRYWALL SCREWS @ 7" O.C. EDGES & FIELD. (MIN. 8'-0" SECTIONS ONE SIDE OF WALL (OR) MIN. 4'-0" SECTION FOR BOTH SIDES)
3. /\/\/\/\/\/\/\/\/\/\/\ = LOAD BEARING INTERIOR WALL.
4. (2) 2" X 10" #2 HEADER AT ALL EXTERIOR AND LOAD BEARING WALLS, UNLESS NOTED OTHERWISE.
5. LOV TIES @ 4'-0" O.C. (TYPICAL)
6. RUN STUDS THE FULL HEIGHT OF RAISED PLATE WALLS.
7. BLOCK JOISTS ABOVE BEAMS, CANTILEVERS AND LOAD BEARING WALLS WITH JOIST MATERIAL (NOT REQUIRED WITH I-JOISTS).
8. PROVIDE MULTIPLE STUDS FOR SOLID BEARING BELOW ALL BEAMS.
9. ALL DESIGNATED 2" X 6" WALLS SHALL HAVE DOUBLE KING STUDS AT DOOR AND WINDOW OPENINGS.
10. ALL UNSQUARE WALLS SHALL BE 45°, UNLESS NOTED OTHERWISE.
11. ALL WALLS TO BE FRAMED W/ MIN. STUD GRADE 2" X 4"S @ 16" O.C., UNLESS NOTED OTHERWISE.
12. EXTERIOR WALL BOTTOM PLATES SHALL BE NAILED TO FRAMING BELOW WITH 16d COMMON NAILS @ 8" O.C. MAX. (WHERE APPLICABLE)

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'And this is the condemnation, that light is come into the world, and men loved darkness rather than light, because their deeds were evil.'
John 3:19

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2-12-2016

PLAN TITLE:
DTR15-16 MONTEILS
RAYMORE, MO

SHEET TITLE: MAIN LEVEL PLAN

SHEET: 3 OF 4
DATE: 02112016

Community Development Monthly Report

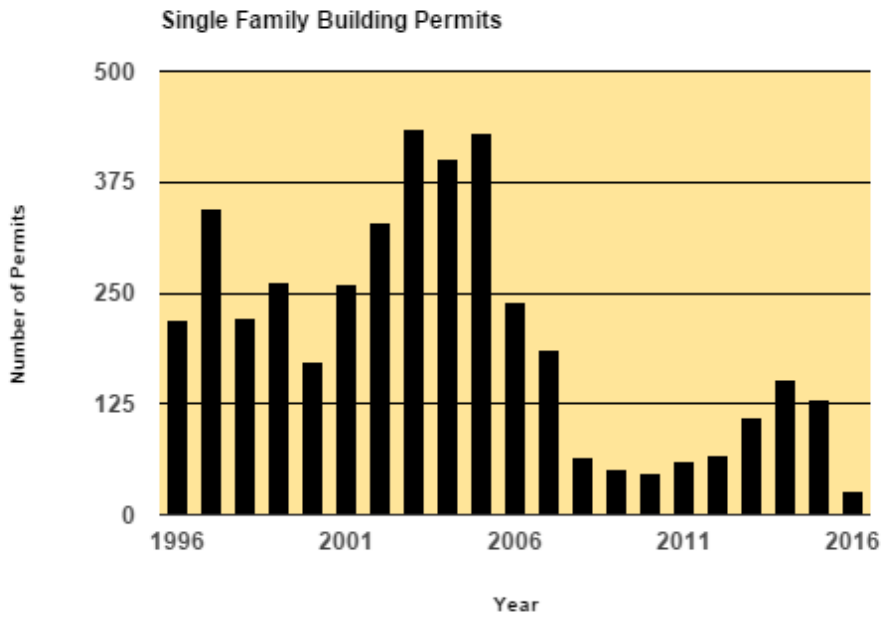
FEBRUARY 2016

Building Permit Activity

Type of Permit	Feb 2016	2016 YTD	2015 YTD	2015 Total
Detached Single-Family Residential	18	24	8	139
Attached Single-Family Residential	0	2	0	6
Multi-Family Residential	0	0	0	0
Miscellaneous Residential (deck; roof)	22	47	39	363
Commercial - New, Additions, Alterations	2	2	2	23
Sign Permits	4	9	3	52
Inspections	**Feb 2016**	**2016 YTD**	**2015 YTD**	**2015 Total**
Total # of Inspections	501	953	737	4,919
Valuation	**Feb 2016**	**2016 YTD**	**2015 YTD**	**2015 Total**
Total Residential Permit Valuation	$3,772,500	$5,811,600	$1,817,600	$34,819,700
Total Commercial Permit Valuation	$13,100	$13,100	$383,000	$3,660,400

Additional Building Activity:

- Construction work continues for Ridgeway Villas at The Legends.
- Tenant finish construction plans were submitted for Big Biscuit to locate in the Raymore Galleria Shopping Center in the UMB retail building
- Tenant finish work continues for Big Daddy Donut's to locate in Willowind Shopping Center
- Tenant finish permit issued for Mexican Viego restaurant to occupy the former Thirsty Ernie's space in Willowind Shopping Center
- Building construction plans submitted by Mazuma Credit Union for interior renovations to their building



Code Enforcement Activity

Code Activity	Feb 2016	2016 YTD	2015 YTD	2015 Total
Code Enforcement Cases Opened	23	30	7	229
Notices Mailed				
-Tall Grass/Weeds	0	0	0	166
- Inoperable Vehicles	15	18	0	12
- Junk/Trash/Debris in Yard	2	2	4	24
- Object placed in right-of-way	0	0	0	2
- Parking of vehicles in front yard	1	1	1	1
- Exterior home maintenance	2	2	1	5
- Other (trash at curb early; signs; etc)	3	7	1	19
Properties mowed by City Contractor	0	0	0	59
Abatement of violations (silt fence repaired; trees removed; stagnant pools emptied; debris removed)	0	0	0	0
Signs in right-of-way removed	6	24	40	190

Development Activity

Current Projects

- Working with developer on proposed plan for Dean property at southeast corner of Dean Avenue and 58 Highway. Financial incentive proposal currently being considered by City Council.
- Assisting City staff on development of plans for the Municipal Circle meeting space building and for the proposed activity center at Recreation Park.
- Assisting resident in Edgewater at Creekmoor regarding an easement vacation and variance application to allow for construction of a new home

	As of Feb 29, 2016	As of Feb 28, 2015	As Feb 28, 2014
Homes currently under construction	202	155	76
Total number of Undeveloped Lots Available (site ready for issuance of a permit for a new home)	745	860	948
Total number of dwelling units in City	7,806	7,592	7,507

Actions of Boards, Commission, and City Council

City Council

February 8, 2016

- Approved a one-year extension to the expiration date of the preliminary plat for Raymore Galleria North subdivision

February 22, 2016

- Approved a one-year extension to the expiration date of the preliminary plan for Alexander Creek subdivision
- Approved on 1st reading the Highway 58 & Dean Avenue Tax Increment Financing Plan and Community Improvement District
- Approved on 1st reading the purchase of property located at 201 S. Adams Street from the First Baptist Church. Purchase of the property will allow for the expansion of land area where T.B. Hanna Station and the farmer's market are located.

Upcoming Meetings – March & April

March 1, 2016 Planning and Zoning Commission

- Meeting cancelled

March 14, 2016 City Council

- 2nd reading - Highway 58 & Dean Tax Increment Finance Plan
- 2nd reading - Highway 58 & Dean Community Improvement District
- 2nd reading - purchase of 201 S. Adams Street
- Request for a 1-year extension to the expiration date of the North Cass Plaza subdivision preliminary plat
- 1st reading - MARC aerial photography cost sharing agreement

March 15, 2016 Planning and Zoning Commission

- Presentation of information on the April bond issue
- 2016 GMP annual review discussion

March 28, 2016 City Council

- 2nd reading - MARC aerial photography cost sharing agreement

April 5, 2016 Planning and Zoning Commission

- Meeting cancelled - election day

April 11, 2016 City Council

- No items currently scheduled

April 19, 2016 Planning and Zoning Commission

- GMP annual review

April 25, 2016 City Council

- No items currently scheduled

Department Activities

- Special Assessments were filed with the County Collector on 23 undeveloped lots that the City installed sidewalk upon in 2014.

- Director Jim Cadoret participated in the Reimagine Raymore Community Conversations.

- GIS Coordinator Heather Eisenbarth has been working with the Mid-America Regional Council to undertake a regional aerial photography project in the spring of 2016. This project provides aerial photography of the Raymore area at a significantly reduced price. Aerial photography provides assistance to the Raymore community in may ways, including identifying areas were new construction has occurred and helping plan for new projects.

- Staff assisted the developer of the Alexander Creek Subdivision and the developer of the Raymore Galleria North shopping center to secure a one-year extension to the expiration date of the approved preliminary plat. These extensions allow the developer to continue working on plans for future expansion of each project.

- Staff continued its work on preparation of an application for Raymore to achieve Bronze level recognition as a Community for all Ages. A community meeting is scheduled for Thursday, March 24, 2016 at 6:30 p.m. in the Council Chambers at City Hall. Information about the initiative will be presented along with opportunity for community input into next steps for the community.

- Staff participated in a conference call with representatives of the Solar Powering America by Recognizing Communities (SPARC) program sponsored by the U.S. Department of Energy. Raymore is one of a few select communities in the country participating in the "early adopters" campaign to achieve national recognition as a solar ready community.

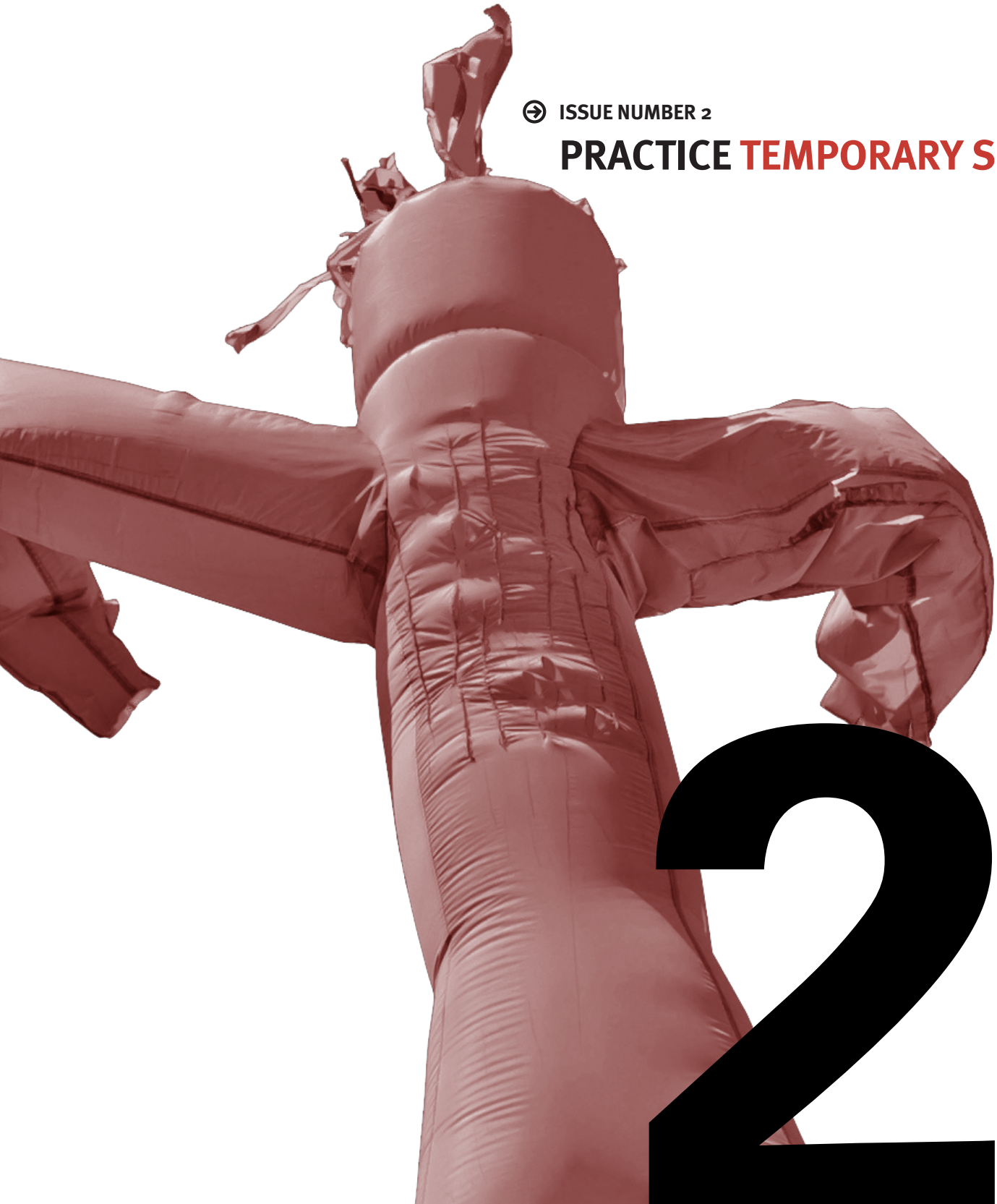
GIS Activities

- Submitted TIGER files through the reinstituted Census BAS program
- Updated database features, databases and stored connections providing timely access to spatial information
- Provided various maps in support of staff/admin business processes
- Provided assistance with interactive web mapping to public
- Added connections to HSIP public domain data, noticed GIS users
- Redevelopment/testing of street sign inventory/management app. Developing app for intersection mapping.
- Provided information and data to public agencies (Marc & Cass County, MO)
- Responded to requests from public; addressing, zoning information, plats, GMP, etc

- Provided data to utility and professional contacts
- Developed surface drainage application using LIDAR and Spatial Analyst

ZONING **PRACTICE** FEBRUARY **2016**

AMERICAN PLANNING ASSOCIATION



ISSUE NUMBER 2

PRACTICE TEMPORARY SIGNS

2

Temporary Sign Regulations in a Post-*Reed* America

By Wendy E. Moeller, AICP, and Alan Weinstein

Any community planner who has had the responsibility of administering and enforcing a zoning code has likely had to deal with the often complex issue of temporary signs—those signs that seemingly pop up overnight and proliferate if unchecked.

These same planners may understand the need for the signage to advertise local events, business activities, elections, and the like, but they are also charged with regulating the temporary signs to prevent their excessive use, often to preserve community character.

According to a recent survey of local governments, more than 80 percent of respondents stated that staff enforcement of their temporary sign regulations was one of their community's biggest issues, and almost a third responded that content neutrality—the regulation of signs without consideration of the content of the sign message—was an ongoing issue (Moeller 2015). A more in-depth review of the responses showed that even those communities that did not feel content neutrality was an issue had some level of content regulation in their existing sign regulations, most often the regulation of real estate or election signs. This is particularly noteworthy, given that the regulation of a sign's content was the subject of the U.S. Supreme Court's June 2015 ruling in *Reed v. Town of Gilbert, Arizona*, a case with a number of ramifications for sign regulations across the country.

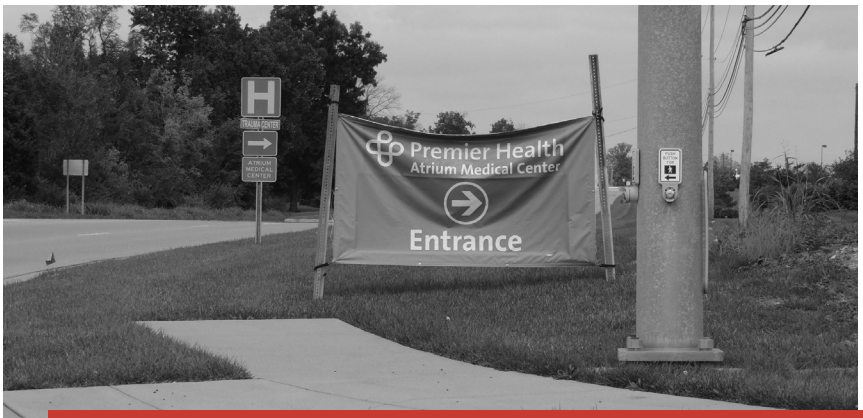
This article summarizes the ruling in *Reed* and introduces how it impacts a core aspect of temporary sign regulations, which is how we define signs. This is followed by the best practices communities can utilize to help regulate temporary signs in a post-*Reed* America.

REED V. TOWN OF GILBERT, ARIZONA

The U.S. Supreme Court's decision in *Reed v. Town of Gilbert* on June 18, 2015, is, undoubtedly, the most definitive and far-reaching statement that the Court has ever made regarding the day-to-day regulation of signs. While the sign code provisions challenged in *Reed* involved only the regulation of temporary noncommercial signs, the Court's 6–3 majority decision, written by Justice Clarence Thomas, likely applies to the regulation of permanent signs as well as temporary signs, business signs as well as residential signs, and possibly, on-site versus off-site signs.

The rules that Justice Thomas announced in *Reed* could not be more straightforward. A sign regulation that "on its face" considers the message on a sign to determine how it will be regulated is content-based. Justice Thomas emphasized that if a sign regulation is content based "on its face" it does not matter that the government did not intend to restrict speech or to favor some category of speech for benign reasons. He wrote: "In other words, an innocuous justification cannot transform a facially content-based law into one that is content-neutral." Further, a sign regulation that is facially content neutral is also a content-based regulation if it is justified by—or that has a purpose related to—the message on a sign. For example, a code provision that allows more lawn signs between mid-August and mid-November would be facially content neutral but might be challenged as being justified by or have a purpose related to allowing "election campaign" messages.

Whether content-based "on its face" or content neutral but justified in relation to content, Justice Thomas specified that the regulation is presumed to be unconstitutional and will be invalidated unless the government can prove that the regulation is narrowly tailored to serve a compelling governmental interest. This is known as the "strict scrutiny" test and few, if any, regulations survive strict scrutiny. This may be particularly true in regard to sign regulations, given that a number of federal courts have previously ruled that aesthetics and traffic safety, the "normal" governmental



Wendy E. Moeller

Temporary signs are an important tool for businesses and residential uses alike, so it is important to have reasonable rules for temporary signs in your land-use regulations.

Wendy E. Moeller

Temporary signs with noncommercial speech tend to be more of a presence during election times. Rules for these signs can vary greatly by individual state rules and case law.

Wendy E. Moeller

Prior to *Reed*, it was common to see standards for development or construction signs, but this can be an example of a content-based regulation if the sign is defined as relating to a development or construction project.

interests supporting sign regulations, are not "compelling interests."

Justice Thomas's opinion calls into question almost every sign code in this country: Few, if any, codes have no content-based provisions under the rules announced in *Reed*. For example, almost all codes contain content-based exemptions from permit requirements for house nameplates, real estate signs, political or election signs, garage sale signs, "holiday displays," etc. Almost all codes also categorize temporary signs by content, and then regulate them differently. For example, a real estate sign can be bigger and remain longer than a garage sale sign. Or the code allows the display of more election signs than "ideological" or "personal" signs, but the election signs must be removed by a certain number of days after the election, while the personal or ideological signs can remain indefinitely.

Many sign codes also have content-based provisions for permanent signs. Because the *Reed* rules consider "speaker-based" provisions to be content based, differing treatment of signs for "educational uses" versus "institutional uses" versus "religious institutions" could be subject to strict scrutiny. The strict scrutiny test could also apply for differing treatment of signs for "gas stations" versus "banks" versus "movie theaters."

Reed does not, however, cast doubt on the content-neutral "time, place, or manner" regulations that are the mainstay of almost all sign codes, provided they are not justified by—and do not have a purpose related to—the message on the sign. Justice Thomas acknowledged that point, noting that the code at issue in *Reed* "regulates many aspects of signs that have nothing to do with a sign's message: size, building materials, lighting, moving parts and portability." Justice Alito's concurring opinion, joined by Justices Kennedy and Sotomayor, went further.

Justice Thomas's opinion calls into question almost every sign code in this country: Few, if any, codes have no content-based provisions under the rules announced in *Reed*.

While disclaiming he was providing "anything like a comprehensive list," Justice Alito noted "some rules that would not be content based." These included rules regulating the size and location of signs, including distinguishing between building and freestanding signs; "distinguishing between lighted and unlighted signs"; "distinguishing between signs with fixed messages and electronic signs with messages that change"; distinguishing "between the placement of signs on private and public property" and "between the placement of signs on commercial and residential property"; and rules "restricting the total number of signs allowed per mile of roadway."

But Justice Alito also approved of two rules that seem at odds with Justice Thomas's "on its face" language. Alito claimed that rules "distinguishing between on-premises and off-premises signs" and rules "imposing time restrictions on signs advertising a one-time event" would be content neutral. But rules regarding "signs advertising a one-time event" clearly are facially content based, as Justice Kagan noted in her opinion concurring in the judgment, and the same claim could be made regarding the on-site/off-site distinction. Further, neither Justice Thomas nor Justice Alito discussed how courts should treat codes that distinguish between commercial and noncommercial signs, a point raised by Justice Breyer in his concurring opinion.

In fact, the lower federal courts are already dealing with claims that codes that differentiate between commercial and noncommercial signs or that regulate on-site and off-site signs differently are content based and

subject to strict scrutiny. To date, only one federal district court has accepted the claim that the on-site/off-site distinction is content based under *Reed*, with several other courts rejecting that claim. No decision to date has extended the *Reed* decision to include the regulatory distinction between signs bearing commercial versus noncommercial messages.

Keep in mind, however, that even content-neutral "time, place, or manner" sign regulations are subject to intermediate judicial scrutiny rather than the deferential "rational basis" scrutiny applied to regulations that do not implicate constitutional rights such as freedom of expression or religion. Intermediate scrutiny requires that a government demonstrate that a sign regulation is narrowly tailored to serve a substantial government interest and leaves "ample alternative avenues of communication." Because intermediate scrutiny requires only a "substantial," rather than a "compelling," government interest, courts are more likely to find that aesthetics and traffic safety meet that standard. That said, courts have struck down a number of content-neutral sign code provisions because the regulations were not "narrowly tailored" to achieve their claimed aesthetic or safety goals.

REGULATORY BEST PRACTICES

There are a number of comprehensive sign regulations that have been crafted over the years that can serve as a good starting point when considering an update to your own sign regulations. In this post-*Reed* time, many communities are rethinking their approach to signs, and over the course of the next year, we are likely to see new models that better respond to the direction of the Supreme Court. The problem with temporary signs is they are a small, but integral, part of overall sign regulations. This, along with the fact that there are variable state rules related to certain temporary signs (e.g., election signs), makes it difficult to create a model temporary sign code that can stand on its own and be seamlessly added to a community's sign regulation. However, there are a number of general best practices for the regulation of temporary signs in light of *Reed*.

Distinguish Between Temporary Sign and Temporary Message

Few sign regulations make a clear distinction between a temporary message and a temporary sign. A temporary sign is where the entire sign structure is either fully portable or

Wendy E. Moeller

Communities can still regulate the types of signs allowed (e.g., A-frame signs or blade signs), setbacks, size, and other structure type requirements.

In this post-*Reed* time, many communities are rethinking their approach to signs, and over the course of the next year, we are likely to see new models that better respond to the direction of the Supreme Court.

is not intended to be permanently installed. A temporary message is where the sign structure itself is permanent but the message may be temporary. The most common types of temporary messages we see in communities are electronic message centers and manual reader boards. In such cases, the sign should be regulated as a permanent structure but the community might control how often the message may change. While these examples seem straightforward, the line between the two can be a bit blurred. An example of this situation is when business owners or communities hang banners or other signs on light poles or similar structures. To address this issue, the community should consider the supporting structure and whether it is designed in a manner to accommodate the message, even though it may be changed out through the year. A community's banner signs attached to light poles are an excellent example where the light poles are designed with permanent fixtures on which the banners are hung. In these instances, the community should regulate the light pole, and any related fixtures that support the message, as a permanent structure with allowable temporary messages, rather than regulating it as temporary sign.

Think of the Bigger Picture

Reed may have related to an issue with a temporary sign, but the ruling has implications for all sign regulations. Generally speaking, it is impractical to completely separate out all the rules that apply to temporary signs as a distinct set of regulations. Consequently, when you consider overhauling how you regulate temporary signs, it is important to step back and take a comprehensive look at the overall sign code. First, given the implications of *Reed*, communities should take a look at all of their sign regulations to see where they may be regulating content, and consider if they are making a large number of exemptions to accommodate various types of signs. Second, one of the major driving forces of your sign regulations should be the purpose statement that sets clear direction for how and why a community regulates signs. This purpose statement needs to apply to all the different sign types, not just to temporary signs. Furthermore, your community might consider that if one of the purposes of the sign regulations is to promote businesses but limit temporary signs, then perhaps a better approach is to consider allowing more temporary messages on a permanent sign. Finally, evaluating your sign regulations as a whole will help you identify where you might have conflicts, such as allowing for larger temporary signs over permanent signs or making various exceptions based on content or permanency.

Consider the Sign's Location

There is a long list of temporary sign types,

GLOSSARY

The following is a sampling of some of the most common content-neutral temporary sign types.

A-Frame Signs (aka Sandwich Board Signs or Sidewalk Signs)
A freestanding sign ordinarily in the shape of an "A" or some variation thereof, which is readily moveable and not permanently attached to the ground or any structure. See also the definition of *T-frame signs*.

Air-Activated Graphics
A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Balloon Signs (aka Inflatable Devices)
A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated graphics.

Banner Signs
A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

Blade Sign (aka Feather Signs, Teardrop Signs, and Flag Signs)
A temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, nonrigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

Freestanding/Yard Signs
Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Pennants
A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

People Signs (aka Human Mascots, Sign Spinners, and Human Signs)
A person, live or simulated, in the public right-of-way who is attired or decorated with insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign. [Note: There is significant debate about whether a people sign is really a sign or whether they can be regulated by zoning, especially in light of *Reed*. Many communities still regulate these signs, but this requires special consideration.]

Portable Message Center Signs
A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.

Snipe Signs (aka Bandit Signs)
A temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

T-Frame Signs
A freestanding sign ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable and not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Vehicle Signs
Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary sign.

and each community has its own preferences for what types of signs it wants to allow. When determining what sign types to allow in your community, be sure to consider the character of the area or zoning district where you are allowing the signs. In downtown and pedestrian-focused areas, banners and sidewalk signs are far more prevalent; larger temporary signs, such as yard signs, blade signs, and banners, are more common along high-traffic areas and in more suburban or rural areas. When it comes to historic districts or other unique areas, it is not that uncommon to see a complete prohibition of temporary signs other than those that might be posted in a window or a banner attached to a building. With an increasing focus on regulating the character of land use, such as in form-based codes, there is more opportunity to write sign regulations specific to the form of development.

Specify Temporary Sign Allowances

It is not realistic or advisable to recommend that a community simply allow "X" amount of sign area and let a property owner determine how much of that area should be utilized for permanent or temporary signs. It may look like the easiest of solutions, but it ends up being an administrative nightmare for staff. Every time the owner increases or decreases the amount of temporary signs, there is a possibility of creating nonconforming sign issues or, more likely, eliminates all possibility of temporary signs if the owner spends the allowance completely on permanent signs. The latter issue becomes a problem when there is a legitimate need for a temporary sign in a situation where, for example, the property is for sale. Most communities do not want to take an ex-

treme approach of even appearing to prohibit all temporary signs, which they would have to do in the case of a business owner using their full sign allocation for permanent signs. A more reasonable solution is to establish a certain sign area allowance for permanent signs and a separate allowance for temporary signs. The community can then specify what types and numbers of signs are allowed, based on structure type and not content, along with any specific regulations for the individual sign types.

As far as an allowance for temporary signs goes, this is going to vary based on the individual vision and goals of the community. Some communities may want to be very permissive in the amount of signs but hold strict to the types of signs allowed, while others might restrict the amount of sign area permitted but allow for the signs to be posted for longer periods of time. One approach to consider is allowing a limited amount of temporary commercial signage that could be allowed year round but strictly control the permissible types of signs (e.g., banners and yard signs). This allowance will accommodate signs used for real estate, garage sales, and other commercial activities that may be necessary for longer stretches of time or that are often exempted because of their prevalence. Keep in mind, the allowances and types of signs may vary based on the zoning district or neighborhood. This provision could then be supplemented by allowing for some additional temporary signage for a specified number of days and a set number of occurrences per year. This supplemental signage might provide for other types of temporary signage (e.g., balloon signs, portable signs, additional yard signs, etc.), but the time limits will keep them from becoming permanent signs. In all instances, the community should provide basic requirements for each type of sign, including setbacks, maximum heights, maximum numbers, and separation distances.

Consider Allowing Off-Premise Temporary Signs

Many localities prohibit all off-premise signs. These prohibitions are typically related to a desire to prohibit or at least limit billboard signs. The problem with such prohibitions is that temporary signs often contain off-premise content, such as the advertisement of community events or even certain directional signs. It should be clear at this point that regulating a sign by its content (e.g., real estate signs, directional signs, etc.) is problematic because of *Reed*, but, as noted in the discussion above, there is still a question of whether the ruling also prevents communities from making the distinction between on-premise and off-premise signs.

Consequently, communities are starting to consider whether it is worth the risk to make such a distinction. In order to be as content neutral as possible, some localities are focusing more on the type and size of sign to control where and how a billboard-style sign might be allowed. Ultimately, a community should consider how people are using temporary signs and determine whether it is appropriate or not to make an on- versus off-premise distinction, especially related to temporary signs. As with any regulation, there is a balancing act of the risk of being challenged versus the benefit of the requirement.

Wendy E. Moeller

While it is necessary to avoid regulating the content of a sign, it is still possible to control temporary signs by the type of structure, such as this portable message center.

Leave Room for Interpretation

If someone proposes a new type of sign that your regulations may not clearly address, incorporate some language that allows staff to determine if the new sign type is similar in nature to a sign you do regulate, and treat the new sign in the same manner. An example of this is treating a temporary adhesive wall sign in the same manner as a banner that can be attached to a facade. If that doesn't address the sign, the community might have to consider a text amendment to incorporate the new sign type specifically.

ADMINISTRATIVE BEST PRACTICES

The administration of sign regulations is quite often the bane of a planner's existence. A lot of the frustration is often focused on temporary signs and whether to require a permit, establish deadlines, and then enforce those deadlines and any sign-specific regulations. As mentioned earlier, administration and enforcement continues to be a major issue for the vast majority of communities surveyed as part of the research into these best practices. To combat these issues, communities are beginning to take a multipronged approach that focuses on the use of technology, ease of enforcement, and public outreach.

Take Advantage of Technology

Communities can use readily available software to help aid permitting and enforcement of temporary sign regulations, especially deadlines for sign removal. For smaller communities, this might mean using online or free calendar applications that will alert staff to when they need to inspect to determine if a sign has been removed. For larger communities, there are numerous permitting software packages that accommodate online permitting applications that require little to no administrative time. These same packages can also alert staff to specific issues, such as deadlines or application requests that exceed signage allowances for a particular site.

Wendy E. Moeller

Seasonal businesses rely heavily on temporary signage that may be in place for extended periods of time.

Enforce Fairly and Consistently

Given that few localities have staff focused exclusively on proactively identifying code violations, most zoning enforcement is complaint driven. To counter this issue, communities should always consider what their enforcement capabilities are when writing any zoning requirement, especially as it relates to signs. Consider whether there are other staff members, outside the planning and zoning department, who could be trained and authorized to assist in enforcement, if necessary. Finally, make sure that your regulations can be fairly and consistently enforced. This can reduce the potential for conflict associated with selective enforcement, and it also tends to lead to better compliance because temporary sign users become increasingly aware of the implications of overstepping the requirements.

Educate Residents and Business Owners

Communities are finding success with administration and enforcement by proactively reaching out to businesses and residents with educational brochures or workshops related to sign regulations to ensure a clear understanding of expectations and requirements. Not all business owners are aware that communities have temporary sign regulations and can risk losing money by investing in the wrong type of sign. Proactive outreach activities allow the communities to educate those owners and possibly save them time.

CONCLUSIONS

Temporary signs have long been a difficult aspect of zoning regulations. Communities want to reasonably control them, but the administrative and enforcement aspects of these ever-changing structures can pose problems, especially when the content comes into play. The *Reed* case provided a response to one element of sign regulations but still leaves some questions. At the same time, the case has also provided communities a very good reason for reevaluating how and why they regulate signs and what changes need to be made to focus on the structure rather than the content.

This article is based in part on the Signage Foundation, Inc. report Best Practices in Regulating Temporary Signs.

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ARE YOUR SIGN REGULATIONS CONTENT NEUTRAL?

2

Planning fundamentals for public officials and engaged citizens

QUICKNOTES

This PAS QuickNotes was prepared by David Morley, AICP, senior research associate at APA and APA's PAS coordinator.

Planning to Support Small Businesses

Traditionally, economic development practice has focused disproportionately on attracting and retaining large employers. In some communities the potential rewards associated with business attraction make the investment worthwhile. In many others, though, focusing on supporting small businesses is a better bet than competing against neighboring or peer communities for the "big fish." The following sections explain the economic importance of small businesses, describe the three basic stages of small business development, and highlight three broad strategies for supporting small businesses through local planning efforts.

Timothy/Creative Commons 2.0 (flickr.com/photo/15572047@N00/5784742738)

Downtown Greenville, South Carolina, exemplifies a well-designed, amenity-rich environment for growth-oriented Stage Two businesses.

Background

According to Youreconomy.org, the percentage of workers in the U.S. employed by businesses with less than 100 employees increased from 56 to 62 percent between 1995 and 2013. This means the average business is getting smaller. While much of this trend has been driven by corporate downsizing, there is a distinct silver lining for most cities and counties: small business growth.

Homegrown businesses can have catalytic effects beyond those of traditional large employers. Luring big businesses is often a zero-sum game. The "winning" community gains jobs, but the employer's former home loses the same number. Meanwhile, local entrepreneurs create new jobs, and those jobs lead to increased local spending and wealth creation. Small businesses are more nimble than large employers. They can respond to market or technology changes more quickly, and if they fail, they have a much smaller proportionate effect on the local economy. Finally, homegrown businesses that make it big are more likely to invest in their communities through civic participation and philanthropic support than large employers that chose their location after shopping for tax incentives.

Virtually all communities have opportunities to nurture local entrepreneurs. Because it's hard to predict which specific businesses will succeed or fail, it makes sense to approach small business development like gardening. The goal is to create a supportive environment for starting and growing businesses without overestimating local control over individual business success or failure.

When considering strategies to support small business growth, it can be helpful to think about small businesses in three distinct phases: Sole Proprietorships, Stage One Businesses, and Stage Two Businesses. Successful small businesses may remain small, or they may progress through these stages of growth on their way to becoming major employers. In the Sole Proprietorship stage, there is no distinction between the business and the owner. In Stage One, the business has between two and nine employees. Finally, there is Stage Two, where the business has between 10 and 99 employees. While the businesses within a particular stage can vary dramatically in terms of the goods or services they provide, they often have similar business development needs.

Make Space

All businesses need space to operate. For Sole Proprietorships this often means a home office or a live-work space. For Stage One businesses this might mean a small office or storefront, or it could mean a shared office space or production facility. Meanwhile, most Stage Two businesses require traditional office suites or production facilities.

Making space for small businesses starts with identifying appropriate locations for different types of small business activities in the local comprehensive plan. Then it's important to make sure antiquated zoning is not stifling start-ups and small business growth. This may require updating regulations for home-based

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Making Great Communities Happen

businesses and other types of live-work spaces, or adding new definitions and use permissions for mobile retail, flex space, small-scale manufacturing facilities, shared offices, and business incubators.

Some cities and counties may also invest in publicly owned incubator spaces, community kitchens, or open workshops for industrial designers and craftspeople (i.e., maker spaces). These facilities can be helpful in nurturing specific small business sectors and helping promising Sole Proprietorships and Stage One businesses make the leap to the next stage of development.

Invest in Place

Talented entrepreneurs and workers are attracted to communities with a strong sense of local identity and a high quality of life. Sole Proprietors often need access to coffee shops or parks for informal meetings. Many Stage One business owners are looking for transit-accessible neighborhood business districts that help them meet, share ideas, and build relationships with customers and competitors alike. Meanwhile, most Stage Two businesses want high-status or high-visibility locations in areas where related businesses cluster. Often these are locally or regionally significant business districts with distinct architecture and well-designed streets and public spaces.

Investing in place starts with identifying a vision for each business district in the local comprehensive plan and supplementary subarea plans as necessary. Then it's important to align the local capital improvements program with these visions. Strategic investments in infrastructure and the public realm can improve quality of life by making it convenient and attractive for small business owners and workers to walk, bike, or take public transportation work and by improving access to parks and other public open spaces. Similarly, investments in streetscape improvements, public art, and special events can help reinforce local character and foster a sense of community.

Lend a Helping Hand

Most small businesses need technical or financial assistance in order to grow. Sole Proprietorships often need help navigating licensing and permitting processes. Growth-oriented Stage One business owners may need training and help in identifying capital investors. Similarly, Stage Two businesses may need specialized market research, peer-to-peer learning opportunities, and information about potential funding in order to expand.

Lending a helping hand starts with identifying target sectors for assistance in the local comprehensive plan. Then it's important to design economic development programs that address correctable market failures. Not all small businesses can or will succeed. The goal is to grow an entire sector without investing too heavily in any one specific business, and not to prop up marginal businesses with little growth potential. As a result, local incentives should only be offered for a limited time; perpetual need for a specific incentive is a sign that the market isn't ripe.

Summary

Rather than simply competing with peer or neighboring communities for large employers, it often makes more sense to redirect economic development efforts toward fostering and nurturing homegrown small businesses. While local governments have relatively little influence over the markets for most specific goods and services, they can play important roles in creating a supportive environment for small business growth. For example, planners, local officials, and others engaged in the local planning system can make space for small businesses to grow, invest in capital projects and special events that improve quality of life, and provide technical or financial assistance to targeted sectors.

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FURTHER READING

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