AGENDA
PLANNING AND ZONING COMMISSION
CITY OF TOWN & COUNTRY, MISSOURI

December 16, 2020

CALL TO ORDER
Regular meeting of the Planning and Zoning Commission  7:00 P.M.
Via Zoom Virtual Meeting (No Public Attendance)
PUBLIC: To tune in, please click the “WATCH” banner on
our homepage at www.town-and-country.org at 7:00 PM

ROLL CALL

APPROVAL OF MINUTES November 18, 2020

OLD BUSINESS

1. Zoning Text Amendment - An amendment to the regulation of exterior lighting, Section 405.157, specifically; exemptions (Continued from the November 18, 2020 meeting)

2. Subdivision Text Amendment - An amendment to the regulation of grading and fill, Section 410.200.A.7.a specifically; compaction standards (Continued from the November 18, 2020 meeting)

NEW BUSINESS

OTHER BUSINESS

REPORT FROM BOARD OF ALDERMEN ON ACTION BY THE BOARD

ADJOURN
Given the current public health crisis, various emergency meeting declarations, and in accordance with the provisions of Sec. 610.020, RSMo., this Planning and Zoning Commission meeting was held via Zoom videoconference and streamed live to YouTube. Public comments on agenda items were solicited via email. Real-time public viewing of the meeting was made available via the City’s website at www.town-and-country.org.

REGULAR MEETING

The regular meeting of the Planning & Zoning Commission of the City of Town and Country was held at 7:00 P.M. on Wednesday, November 18, 2020 via Zoom videoconference.

PLEDGE OF ALLEGIANCE

Chairman Cima led the Pledge of Allegiance.

ROLL CALL

The 7:01 P.M. roll call indicated Chairman Cima, Alderman Frautschi, Commissioners Bolazina, McKnight, Meyland-Smith, Munsell, Omell and White to be present via videoconference. Mayor Dalton, Commissioners McKnight and Mueller were absent.

Ryan Spencer, Planner, and City Attorney Ed Sluys were also present via videoconference.

Commissioner McKnight joined the meeting via videoconference at 7:02 P.M.

NEW PLANNING AND ZONING COMMISSION MEMBER

Chairman Cima thanked Andy Kuchan for his years of service on the Planning and Zoning Commission and welcomed back commission member Fred Meyland-Smith.

MINUTES – 10/21/20

Mr. White moved to approve the minutes, seconded by Mr. McKnight.

Chairman Cima called for any corrections or amendments.

Hearing none, the minutes of 10/21/20 were unanimously approved by voice vote.

OLD BUSINESS

1. **Zoning Text Amendment** – An amendment to the regulation of exterior lighting, Section 405.157, specifically; exemptions (Continued from the October 21, 2020 meeting)

Ryan Spencer, Planner, was present on behalf of the request.

Mr. Spencer gave an overview of the revisions made from comments received from the Commission. Modifications included emphasizing placement, lighting direction and shielding of glare of permitted and non-permitted lighting types.

Discussion was held regarding the proposed amendments including lighting for driveways, pedestrian walkways, poles and lumen maximums.
Alderman Frautschi moved to continue the Zoning Text Amendment to the meeting of Wednesday, December 16, 2020 for further discussion. Mr. McKnight seconded the motion and carried unanimously by voice vote.

2. Sign Code Text Amendment – A comprehensive set of amendments to the regulation of signs, Chapter 420 (Continued from the October 21, 2020 meeting)

Ryan Spencer, Planner, was present on behalf of the request.

Mr. Spencer explained that since the last meeting several modifications have been made to the proposed language including stronger criteria for approval of sign variances from the Board of Adjustment, adding digital signs to the prohibited signs section, revised sign graphics and revisions to fluttering signs. He added that the Commission still needs to discuss an appropriate size limitation on letter heights.

The Commission deliberated at length in regards to the proposed prohibition on digital signs and letter heights.

Planning & Public Works Admin entered one email into the record. Said email is attached hereto and made a part of these minutes.

Alderman Frautschi moved to recommend approval of the Sign Code Amendment to the Board of Aldermen, seconded by Dr. Omell.

Mr. Meyland-Smith stated he opposed to restricting letter heights to 24 inches and that variances for letter height should be approved through the Board of Aldermen rather than the Board of Adjustment.

Alderman Frautschi moved to amend Section 420.120.B.8.b and 420.130.A.9.d as follows:

(New language bolded and underlined) (Deleted language shows as strikethrough)

Letters shall be no taller than twenty-four (24) thirty-six (36) inches in height on building walls that is visible from Interstate 270, Interstate 64, and Missouri Route 141, otherwise letters shall be no taller than eighteen (18) twenty-four (24) inches in height.

Mr. Meyland-Smith seconded the motion and carried 7-1 by voice vote, with Mr. Bolazina voting nay.

Mr. White moved to add the following language to Section 420.110.E:

8. Vegetation shall be kept trimmed back so as to not obscure the face of the sign at any time.

The motion failed for lack of a second.

In response to Mr. Meyland-Smith’s inquiry about letter height variances, Mr. Sluys stated that the stringent language for variances could be revised or that they could allow letter heights to be permitted as a conditional use.
Mr. White moved to add the following language to Section 420.120.C.3, 420.130.B.2 and 420.140.C.2:

*Any signs containing letters over the maximum permitted height.*

Alderman Meyland-Smith seconded the motion.

The roll call vote on the motion was: AYE, Chairman Cima, Alderman Frautschi, Commissioners McKnight, Meyland-Smith, Munsell, Omell and White; NAY, Commissioner Bolazina; ABSTAIN, none; ABSENT, Mayor Dalton and Commissioner Mueller.

The motion carried 7-1.

The roll call vote on the Sign Code Amendments, as amended, was: AYE, Chairman Cima, Alderman Alderman Frautschi, Commissioners McKnight, Meyland-Smith, Munsell, Omell and White; NAY, Commissioner Bolazina; ABSTAIN, none; ABSENT, Mayor Dalton and Commissioner Mueller.

The motion to recommend approval of the Sign Code Amendments carried 7-1.

Mr. Spencer thanked the Sign Code Sub-Committee members, comprised of Commissioner Bolazina, Chairman Cima and Alderman Frautschi, for their work and research through the process of amending this code section.

**NEW BUSINESS**

3. **Zoning Text Amendment** – An amendment to the process for amendments to the Zoning Code, Section 405.290, specifically; amendments

Ryan Spencer, Planner, was present on behalf of the request.

Mr. Spencer explained that this proposal was brought forward by Commissioner Bolazina to require a minimum of two Planning and Zoning meetings for zoning text amendments.

Mr. Bolazina stated that this is not uncommon in other cities and he feels that the Commission doesn’t always get to properly review items. In response Alderman Frautschi stated that members should not feel rushed if they believe further review is needed on any agenda item and is achievable by requesting a continuance. She added that items such as zoning text amendments require a public hearing and two readings through the Board of Aldermen.

Discussion ensued.

Mr. McKnight moved to recommend approval of the Zoning Text Amendment to the Board of Aldermen, seconded by Mr. Meyland-Smith.

Mr. Meyland-Smith moved to amend Section 405.290.A.2 as follows:

2. …may be waived by the unanimous two-thirds (2/3) consent of all members…
The motion failed for lack of a second.
The roll call vote on the motion to recommend approval of the Zoning Text Amendment was: AYE, Chairman Cima, Commissioners Bolazina, McKnight, Munsell, Omell and White; NAY, Alderman Frautschi and Commissioner Meyland-Smith; ABSTAIN, none; ABSENT, Mayor Dalton and Commissioner Mueller.

The motion to recommend approval of the Zoning Text Amendment carried 6-2.

Dr. Omell moved to recommend to the Board of Aldermen that:

1. There is a public need for the proposed use.
2. The proposed amendment and proposed use are in compliance with the Comprehensive Plan.
3. The property in question is suitable for the uses permitted under the proposed zoning.
4. There are adequate public facilities, such as sewer and water, and other required public services.
5. The public health, safety, and general welfare will not be damaged.
6. The land values of adjoining properties will not be damaged.
7. The adoption of a proposed amendment is in the public interest and is not solely for the interest of the applicant.

Mr. McKnight seconded the motion and carried 7-1 by voice vote, with Alderman Frautschi voting nay.

4. Subdivision Text Amendment – An amendment to the regulation of grading and fill, Section 410.200.A.7.a specifically; compaction standards

Ryan Spencer, Planner, was present on behalf of the request.

Mr. Spencer explained that staff is requesting this amendment due to complaints that some contractors use unsuitable fill materials for grading. He stated the text amendment is running concurrently with the addition of Appendix J to the building code amendments, which was approved unanimously by the Public Works Commission.

Alderman Frautschi moved to recommend approval of the Subdivision Text Amendment to the Board of Aldermen, Dr. Omell seconded the motion.

Mr. Meyland-Smith questioned the feasibility of placing such materials 24 inches apart when dumping loads of fill on a property.

Mr. Bolazina moved to amend Section 410.200.A.7 as follows:

7. …and placed at least twenty-four (24) inches apart...

Mr. White seconded the motion and carried unanimously by voice vote.

Discussion continued regarding the proposed amendment.

Mr. Bolazina moved to table the Subdivision Text Amendment, seconded by Mr. McKnight.
The roll call vote was: AYE, Chairman Cima, Alderman Frautschi, Commissioners Bolazina, McKnight, Meyland-Smith, Munsell, Omell and White; NAY, none, ABSTAIN, none, ABSENT, Mayor Dalton and Commissioner Mueller.

The motion to table carried unanimously.

OTHER

- Election of Officers – Vice Chairman

Alderman Frautschi moved to nominate Dr. Omell for Vice Chairman. The nomination was approved unanimously by voice vote.

REPORT FROM BOARD OF ALDERMEN ON ACTION BY THE BOARD

Alderman Frautschi reported the following items were approved by the Board of Aldermen:

- The Zoning Text Amendment for special district regulations
- The Zoning Text Amendment for the fence regulations
- The Zoning Text Amendment for chickens

ADJOURN

On motion of Dr. Omell, seconded by Mr. McKnight, the Commission unanimously voted to adjourn the meeting at 9:54 P.M.

Dennis Bolazina, Secretary
MEMO

TO: Planning & Zoning Commission

FROM: Ryan Spencer, AICP, City Planner

DATE: December 16, 2020

RE: Agenda Item 1 – Zoning Code Amendment – Exterior Lighting - Continued from the November 18th Planning and Zoning Commission Meeting

SUMMARY – The City adopted comprehensive exterior lighting regulations in 2017 and at that time single-family residences were exempted from the application of any regulations. Following adoption staff and elected officials have received a few complaints about excessive lighting on residential properties, such as excessive security lighting and non-seasonal flashing/laser lights.

REVISIONS FOLLOWING NOVEMBER 18th MEETING - Staff has revised the proposed amendments after receiving feedback from Planning and Zoning commissioners.

Organization: The main effort has been to organize the regulation of single-family exterior lighting around six (6) separate permitted lighting types which are as follows:

1. **Architectural**: Intended for only the street, front elevation of a primary structure. Ground lighting to be shielded and shine on intended vertical surface.

2. **Entrance**: Intended for doorways and garages, no specific limitations as this lighting is dictated by building codes.

3. **Landscape**: Intended for the lighting of plants, statues and flags, a definition has been included. Regulations speak to prevention of glare and shining on intended surface. Also, full shield requirements for lumen output above 800 (equivalent to a 60 watt light bulb).

4. **Pathway**: Intended for sidewalks and driveways. Regulations limit height to maximum of three (3) feet and full shield requirements for lumen output above 800 (equivalent to a 60 watt light bulb).

5. **Patio or Deck**: Intended for the lighting of decks or patios. Lighting may be installed on the primary structure or a conforming, accessory structure as well as poles no higher than nine (9) feet. Also, full shield requirements for lumen output above 800 (equivalent to a 60 watt light bulb). As this lighting is often in the side or rear yard a separate regulation has been added that this lighting be turned off at 10:00 PM or be on a motion detector. The 10:00 PM standard aligns with the City’s noise ordinance.

6. **Security**: Intended for lighting for security purposes, a definition has been included. Full shielding is mandatory as well as a motion detector with a 5 minute limitation.

Please see Exhibit A for specific amendment language.
COMMISSION ACTION – The Commission is to review the proposed zoning code amendment and make a recommendation to the Board of Aldermen. Findings shall be made by the Commission on each of the following matters based on the evidence presented to it.

1. The public need for the proposed use.
2. The extent to which the proposed amendment and proposed use are in compliance with and/or deviate from the adopted Comprehensive Plan.
3. The suitability of the property in question for the uses permitted under the proposed zoning.
4. The adequacy of public facilities, such as sewer and water, and other required public services.
5. The public health, safety, and general welfare will not be damaged.
6. The land values of adjoining properties will not be damaged.
Section 405.157 Exterior Lighting.

A. Purpose. The purpose of this Section is to set standards for exterior lighting in the City of Town and Country in order to promote safety, security and to protect against potential nuisances.

B. Definitions. As used in this Section, the following terms shall have the following meanings unless otherwise defined by context:

**FIXTURE**
The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole assembly, a lamp holder, a ballast, a reflector or mirror and/or a refractor or lens.

**FOOTCANDLE**
A unit of illuminance on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

**FULLY SHIELDED**
Outdoor light fixtures shielded or constructed so that no light rays are emitted above the horizontal plane.

**LAMP**
The component of luminaire that produces the actual light, commonly known as the "bulb" or "light bulb."

**LANDSCAPE LIGHTING**
Landscape lighting means lighting of trees, shrubs, or other plant material, as well as water features, sculptural objects and flags.

**LUMEN**
A unit of luminous flux. One (1) footcandle equals one (1) lumen per square foot.

**LUMINAIRE**
A complete lighting system and includes a lamp or lamps and a fixture.

**MAJOR SHOPPING CENTER**
A shopping center containing a floor area of at least four hundred thousand (400,000) square feet on a site of at least sixty-five (65) acres and providing shared off-street parking for commercial establishment and restaurants on the site.

**NUISANCE LIGHTING**
Lighting which changes in intensity such as blinking or flashing lights, glares, and casts light in excess of one (1) footcandle onto adjacent property or a public street.

**PARKING LOT**
A paved area open to the sky for the parking of motor vehicles.
SECURITY LIGHTING
Lighting intended to illuminate a property or grounds for the purpose of visual security.

STREET
All surfaces used for vehicular traffic, including public or private right-of-ways which afford the principal means of access by vehicles to abutting properties, and excluding parking lot entrance drives and circulating drives in non-residential developments and private driveways in residential developments. The word "street" shall be construed to include major streets, minor streets, local streets, roads, avenues, boulevards, alleys, lanes, viaducts and all other public ways in the City.

C. Existing Lighting. When fifty percent (50%) or more of existing outdoor light fixtures are being replaced or modified within a two-year time period, then all lighting shall be made to conform to the provisions of this Section.

D. Single-Family Residential Uses and their Accessory Structures

1. General Requirements. All lighting shall comply with the following standards.

   a. Luminaire Orientation. In no instance shall an exterior luminaire be oriented so that the luminaire is directed to an adjacent property located within a residential zoning district, and emit light that exceeds the intensity limitations.

   b. Intensity of Illumination. In no instance shall the amount of illumination attributable to exterior lighting of a single-family use and their accessory structures, as measured at the property line, exceed 0.50 foot-candles. Lighting for the purpose of illuminating a driveway entrance or building entrance shall be exempt from this provision.

   c. Mounting Height. No luminaire shall be installed on a pole, building, other structure, or plant at a height above fifteen (15) feet from the ground adjacent to the luminaire. Luminaires located on the primary structure, fully shielded, and directed towards the front elevation of the structure (eave lights) shall be exempt from this provision.

   d. Compliance Required. All luminaires legally existing prior to the adoption date of this Section, shall be considered as legal non-conforming uses.

2. Permitted Lighting Types

   a. Architectural Lighting. The lighting of the primary structure for architectural, aesthetic, or decorative purposes is subject to the following restrictions:

      i. Lighting of the structure shall only be permitted on the street, front elevation of the primary single-family structure.

      ii. Luminaires located on the ground shall be fully shielded and emitted light shall be fully contained on the vertical surface of the elevation being illuminated.
b. Entrance Lighting. Luminaires placed at pedestrian and vehicular entrances of a primary structure and/or conforming accessory structures.

c. Landscape Lighting.
   i. Shall be directed in manner as to prevent glare when viewed from an adjacent property.
   ii. Emitted light shall be substantially confined to the object intending to be illuminated.
   iii. Luminaires with an output greater than 800 lumens shall be fully shielded.

d. Pathway Lighting. Luminaires placed along pedestrian pathways and vehicular pathways and driveways are subject to the following restrictions:
   i. Luminaires shall be a maximum of three (3) feet high.
   ii. Luminaires with an output greater than 800 lumens shall be fully shielded.

e. Patio or Deck Lighting. Luminaires placed adjacent to patios and decks for the purpose of lighting a patio or deck are subject to the following restrictions.
   i. Luminaires may be mounted on the primary or conforming accessory structure adjacent to the patio or deck or on poles that shall not exceed nine (9) feet in height.
   ii. Luminaires with an output greater than 800 lumens shall be fully shielded.
   iii. All lighting to the side or rear of a primary structure shall be turned off at 10:00 P.M., except for lights with motion detectors which shall have a 5 minute limit.

f. Security Lighting
   i. Shall be fully shielded and directed in such a manner as to prevent glare when viewed from an adjacent property.
   ii. Security lights shall be on a motion detector and have an “on” duration of no longer than 5 minutes. Motion sensor activated lighting shall not be triggered by any movement or activity located off the property on which the light is located.

3. Permits

   a. The installation of lighting for a single family use and their accessory structures shall not require the submission of a lighting plan.

D. Outdoor Athletic Facility. High-intensity or special purpose lighting of outdoor athletic facilities shall require a conditional use permit as governed by Article VI, Conditional Uses. Conditions related to the following may be imposed by the Board of Aldermen:

1. Hours of operation.
2. Pole height.
3. Illumination levels at the property line.
4. Minimum setback distance from the property line.
E. Lighting Plans. Two (2) copies of the lighting plan shall be submitted to the City. If the lighting plan is submitted with other improvements plans, it shall be on a separate sheet. It shall be drawn on a sheet not to exceed twenty-four (24) inches by thirty-six (36) inches.

1. Plan Review. All lighting plans shall be reviewed and approved by the Director or his or her designee.

2. Fee. There shall be a fee of one hundred dollars ($100.00) payable when a lighting plan is submitted to the City of Town and Country. This fee shall be waived when a lighting plan is submitted in conjunction with a request for a building or land subdivision permit.

3. Required Information. The following shall be submitted as part of the lighting plan:
   a. Manufacturer's catalog of the light sources and the light standards with specifications data.
   b. Photometric curves indicating both vertical and horizontal candlepower distribution.
   c. A plan of a portion of roadway on ten-foot grids between a minimum of two (2) light sources with calculated initial footcandle levels at the center of each ten-foot grid. Calculations for intersections, circular turnarounds and parking areas shall be submitted if requested.

F. General Standards. Exterior lighting shall be designed, installed and operated so as to perform its desired and approved function but without nuisance.

1. Illumination Levels.
   a. Footcandle. Exterior lighting shall conform to the following schedule:

<table>
<thead>
<tr>
<th>Footcandles at Grade Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum initial level at property lines adjacent to Commercial or other Non-Residential Districts</td>
</tr>
<tr>
<td>Maximum initial level at property lines adjacent to Residential or Park Districts</td>
</tr>
<tr>
<td>Maximum initial level 5 feet from base of Light Standard</td>
</tr>
<tr>
<td>Maximum initial level - under canopies</td>
</tr>
</tbody>
</table>

2. Equipment.
   a. Light Source. The following standards shall apply to all exterior lighting:
      (1) Parking lot lighting shall be fully shielded.
      (2) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or fully shielded.
      (3) Wall-mounted lights shall be fully-shielded and only direct light downward.
      (4) Architectural, landscape, and decorative lighting shall shine directly onto the intended surface.
b. Height. Mounting of lighting fixtures shall not exceed a height, measured from the bottom of the base at grade to the top of the fixture, greater than the following:

i. Major Shopping Center Parking Lot: 30 feet
ii. All other Parking Lots: 20 feet
   16 feet (within 50 feet of residential or park district property line)
iii. Outdoor Athletic Facility Per a Conditional Use Permit

c. Location. Light standards shall not be located within three (3) feet of the street pavement or twenty (20) feet of a residential or park district property line.

d. Lighting Controls. Exterior lighting shall be equipped with lighting controls that extinguish all outdoor lighting when sufficient daylight is available. Automatic controls shall not be required for tunnels, parking garages, garage entrances and similar conditions.

3. Time Of Operation.

a. Security Lighting. Exterior lighting for security purpose may be on from dusk to dawn.

b. Non-Security Lighting. Non-security lighting, other than that used for special and infrequent occasions, shall not be on past approved hours of operation, if any, or 10:00 P.M., whichever is later.


a. Responsibility. Any property owner installing a lighting system shall be responsible for maintaining such system or must provide an alternate method such as a maintenance agreement or a trust indenture which sets forth the agency responsible for maintaining the lighting systems.

b. Approval. Approval of any lighting plan is subject to the City of Town and Country approving the maintenance plan.

G. Prohibitions. The following types of exterior lighting are prohibited within the City of Town and Country.

1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
2. Searchlights. The operation of searchlights, such as xenon and carbon-arc, for advertising purposes is prohibited.
3. Flickering or flashing lights, except for decorative seasonal lighting purposes.
4. Message Lighting. The use of lighting, when not part of an approved sign, to convey a message or logo is prohibited.

H. Exemptions.

1. Lighting required by the FAA for air traffic control and warning purposes.
2. Lighting for public monuments, statuary, flags and landmark sites.
3. Lighting in the public or private right-of-way installed by a governmental agency for traffic control.
4. Street lighting, approved by the applicable government authority.
5. Lighting installed by a governmental agency for the health, safety and welfare of the public.
6. Electronic or back-lit signage (all signage is subject to Municipal Code Chapter 420, Sign Regulations, Section 420.110, Illumination).
7. Temporary lighting as part of an approved temporary use permit.
8. Temporary lighting for emergency repair.
10. Lighting for single-family residential uses and their accessory structures
MEMO

TO: Planning & Zoning Commission

FROM: Ryan Spencer, AICP, City Planner

DATE: December 16, 2020

RE: Agenda Item 2 – Subdivision Code Amendment – Section 410.200.A.7.a specifically; compaction standards

SUMMARY – For the consideration of the Planning and Zoning Commission is a subdivision text amendment. The intention of this amendment is to revise Section 410.200.A.7.a so that it is consistent with a concurrent amendment to the International Building Code, addition of Appendix J- section J107.4 Fill Material, under consideration by the Public Works Commission on November 16, 2020. The purpose of this amendment is to enforce stricter fill/compaction standards during construction.

COMMISSION ACTION – The Commission is to review the proposed subdivision code amendment and make a recommendation to the Board of Aldermen.

Following discussion during the November 18th Planning and Zoning Meeting regarding the requirement that fill material be placed twenty-four (24) inches apart, Staff consulted with two independent engineering firms who both confirmed the regulation would result in cleaner fill. Additionally, with the proposed adoption of Appendix J of the International Building Code grading permit applications will require inclusion of a geotechnical report prepared by a registered design professional.
Section 410.200.A.7

1. Compaction standards.

a. Material incorporated or remaining in fills Fill material shall not contain organic, combustible, frozen or other deleterious materials or decaying matter. Large rocks, concrete, and brick Rock of similar irreducible material with a maximum dimension of twenty-four (24) twelve (12) inches may only be used in fills if covered by a layer of two (2) feet of suitable materials and placed at least twenty-four (24) inches apart at a location approved by the Director.

b. Fill around utilities and under the area to be paved for streets shall be compacted crushed stone to the full depth and width of the utility trench. Earth fill around utilities within easements shall be compacted to a density of eighty-five percent (85%).

c. For compaction standards relating to the street right-of-way refer to Section 410.200(2) of this Chapter.