

1st Reading: November 21, 2016
2nd Reading: November 21, 2016

SPONSOR: GLICK

ORDINANCE NO. 3638

BILL NO. 16-75

AN ORDINANCE REPEALING CHAPTER 485 AND ENACTING A NEW CHAPTER 485 - SIGN REGULATIONS OF THE ZONING CODE OF THE CITY OF FENTON, MISSOURI.

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on November 1, 2016, in compliance with the City Code and Chapter 89 RSMo. relating to proposed amendments to Chapter 485 - Sign Regulations of the Zoning Code of the City of Fenton, Missouri; and

WHEREAS, the Commission has made a recommendation to the Board of Aldermen that said amendments be approved; and

WHEREAS, the Board of Aldermen finds it in the best interest of the City to approve a new Chapter 485 - Sign Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:

Section 1. Chapter 485 - Sign Regulations of the City of Fenton Zoning Code is hereby amended by repealing Chapter 485 in its entirety and enacting a new Chapter 485 substantially in the form of Exhibit A, attached hereto and incorporated herein.

Section 2. If any clause, word, paragraph, section or other part or portion of this Ordinance is held to be invalid, illegal or unconstitutional for any reason, the Board of Aldermen hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

Section 3. This Ordinance shall be in full force and effect after the date of its passage and approval.

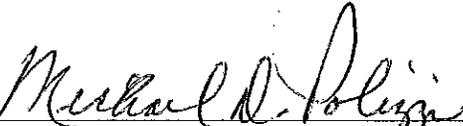
ORD. NO. 3638

ORD. NO. 3638

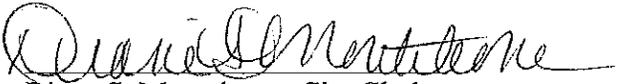
PASSED this 21st day of November, 2016.


MICHAEL D. POLIZZI, MAYOR

APPROVED this 21st day of November, 2016.


MICHAEL D. POLIZZI, MAYOR

ATTEST:


Diane S. Monteleone, City Clerk

Motion to approve. Roll Call vote:

Ayes: Bade, Sobey, Voyles, Maurath, Clauss, Borgard, Patton, Glick

Nays: 0

Absent: 0

ORD. NO. 3638

EXHIBIT A

CHAPTER 485: SIGN REGULATIONS

Section 485.010. Short Title.

This Chapter shall hereafter be known as the "Sign Code," may be cited as such, and may be referred to herein as the "Sign Code" or "this Chapter."

Section 485.020. Purpose, Findings and Scope.

This Sign Code is intended to do the following:

- A. *Purpose.* The provisions of this Chapter shall govern the erection of all Signs and Flags, together with their appurtenant and auxiliary devices, in respect to size, color, location, and structural and fire safety. The City has promoted and preserved its character by systematically adopting and updating its zoning regulations. As a result, the purpose of this Chapter is to allow a Property Owner the ability to make use of its property for free expression without any content based limitations but in a manner designed to avoid the visual clutter that is harmful to traffic and pedestrian safety, property values, business opportunities and community appearances.
- B. *Findings.* The Board hereby finds that:
1. Sign regulations may impact First Amendment rights and that these rights are important constitutional rights that must be protected.
 2. Unregulated signage has direct and secondary effects that are harmful to the safety and general welfare of the City as a whole and to its individual citizens.
 3. These direct and secondary effects result from the visual clutter that occurs as a result of the unregulated installation and lack of maintenance of Signs.
 4. These direct and secondary effects include harm to traffic and pedestrians' safety, depreciation of property values within the City, decreased business opportunities for individual and business residents of the City (resulting in decreased sales, property and other tax revenues that are necessary to provide an adequate level of public service to City residents), community blight and an overall less pleasing community appearance.
 5. Residents are virtually captive audiences of Signs displayed by neighbors; Signs are an intrusion into residential privacy and interfere with the enjoyment of a resident's property because the view from the resident's property may become so marred by the clutter of Signs that the resident cannot successfully avoid observing the Sign clutter.

6. Because of these direct and secondary effects, the City has a compelling interest in regulating Signs within the City.
7. These regulations are content-neutral and place restrictions that directly advance the City's stated interests.
8. To the extent that any provisions of these regulations are content-based, they are intended to further compelling governmental interests.
9. A primary and compelling interest of the City is to allow Property Owners to post Public Interest Signs to protect the safety of others and to allow all persons to comply with legal requirements imposed by law or by order of a court requiring the posting of notices, without being subject to regulation.
10. The scope of these regulations is proportionate to the interests served and narrowly tailored to achieve the desired objective.
11. A direct nexus exists between the desired City's goals and the means chosen in these regulations to achieve its desired goals.

C. *Scope.*

1. *Classifications.* Regulations in the Sign Code are classified by use, and the definitions in Section 485.040 shall govern with regards to the type of use.
2. *Building Code Applicable.* In the absence from this Chapter of specifications governing details of Sign construction, the applicable standards listed in the Building Code shall apply.
3. *Government Signs.* This Chapter recognizes that Government Signs are government speech intended to ensure public safety.

Section 485.030. Computations.

The following principles shall control the computation of Sign Face and Sign Height:

- A. *Computation of Sign Face of Individual Signs.* The area of a Sign Face shall be computed by measuring the area of the smallest circle, square, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the Sign or used to differentiate the Sign from the back drop or Sign Structure against which it is placed, but not including the Sign Structure or wall that is clearly incidental to the display itself.
- B. *Computation of Multi-Face Signs.*

1. A Double-Faced Sign with two Sign Faces shall be considered one (1) Sign. Provided however, to the extent a Double-Faced Temporary Sign has two Sign Faces that are not identical, each Sign Face shall be considered a separate Sign and the area shall be computed by adding together the area of each non-identical Sign Face.
 2. The Sign Area for a Sign with more than two Sign Faces shall be computed by adding together the area of all Sign Faces on the Sign.
- C. *Computation of Height.* The height of a Sign shall be computed as the distance from the base of the Sign Structure at normal grade to the top of the highest attached component of the Sign. Sign height of a Wall Sign shall be computed as the distance from the base of the Sign to the top of the Sign. Normal grade shall be construed to be the lowest of (a) existing grade prior to construction, or (b) the newly established grade, after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the Sign. In cases in which normal grade cannot reasonably be determined, Sign height shall be computed on the assumption that the elevation of the normal grade at the base of the Sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal Structure on the zoned lot, whichever is lower.

Section 485.040. Definitions.

As used in this Chapter, the following words shall mean:

BANNER — A Sign other than a Flag that is made of lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere. This definition includes pennants, ribbons, streamers, spinners, or other similarly moving devices.

BILLBOARD — A Sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the lot where the Sign is located.

BOARD — The City Board of Aldermen.

BUSINESS USE — Use of land or buildings for office (including medical), office park, office/warehouse, financial institution, convention center, hotel or similar uses.

CHANGEABLE COPY PANEL — A device designed so that characters, letters or illustrations can be changed or rearranged instantaneously, either manually or electronically.

COMMERCIAL USE — Any use wherein goods and services are purchased or sold to either the consuming public (retail) or to other businesses (wholesale). Commercial Use includes Business Use and Industrial Use but does not include Public/Semi Public Use.

COMMISSION — The Planning and Zoning Commission of the City.

DIRECTOR — For the purpose of this Chapter, Director shall mean Community Development Director or his/her designee.

ERECT — To build, construct, attach, hang, place, affix or locate.

FAÇADE — An exterior wall of a building below the eaves.

FLAG — A generally rectangular piece of fabric of distinctive design traditionally raised on a flagpole.

FLAGPOLE — A pole mounted to the ground and used for flying a flag.

FRONT — When used in relation to a building, the Façade on which the main entrance to the building is located or which faces the main street adjacent to the building.

GRAFFITI — A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a surface without the permission of the Property Owner.

GROUND FLOOR — That floor of a building which is approximately level with the ground around the building and which contains the building's primary ingress and egress; first floor.

HOLIDAY DISPLAYS — A display for decorative purposes during any nationally recognized holiday period.

ILLUMINATED — A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the Sign.

INDUSTRIAL USE — Use of land or buildings for manufacturing, assembly, fabrication, warehousing, distribution, freight terminal, wholesale sales, and other uses of similar intensity.

MULTI-FAMILY COMPLEX — One (1) or more buildings containing a minimum of three (3) or more independent dwelling units per building.

ORIGINAL ART DISPLAY — A form of non-commercial speech wherein a hand-painted work of visual art is either affixed to or painted directly on the exterior wall of a Structure with the permission of the Property Owner. An Original Art Display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or Changeable Copy Panel.

PREMISES — That portion of a lot or building occupied by one (1) or more occupants, exclusive of common areas shared with adjacent occupants, if any.

PROPERTY OWNER — An individual or entity who has the right to possess, use, and convey the property, Premises, building, Sign or Sign Structure. For the purposes of this Chapter, the tenant of a property or Premises is considered the Property Owner as to the property the tenant holds a right to use exclusive of others (or the sole right to occupy). If there are multiple tenants of a property or Premises, then each tenant shall have the same rights and duties as the Property Owner as to the property or Premises the tenant leases and has the sole right to occupy, and the size of the property or Premises shall be deemed to be the property that the tenant has the sole right to occupy under the lease.

PUBLIC/SEMI-PUBLIC USE — A school, college, place of worship, community center, cultural facility, library, hospital or similar place that serves the public for its educational, cultural and/or recreational benefit.

RESIDENTIAL USE — Any use wherein individuals or families utilize single-family, two-family and Multi-Family Complex for private housing purposes. Residential Use does not include Public/Semi-Public Use.

SIGN — A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the Sign Face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street or sidewalk, shall not be considered a Sign. A Flag shall not be considered a Sign. This definition includes Holiday Displays.

SIGN, CHANGEABLE COPY — A Sign that is made up of or incorporates a Changeable Copy Panel.

SIGN, COMMERCIAL — A Sign intended to promote the economic interests of the Sign's owner or tenant.

SIGN, DOUBLE-FACED — A Sign with two Sign Faces of the same shape designed to be seen from two opposite directions, supported on the same support, and at the same elevation.

SIGN, FACE — The entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or Structure against which it is placed, but not including the Sign Structure or wall that is clearly incidental to the display itself.

SIGN, FLASHING — Any Illuminated Sign on which the artificial light is not maintained stationary or constant in intensity or color at all times when such Sign is in use. For the purpose of this Chapter, any moving Illuminated Sign or Signs that fluctuate in light intensity or use intermittent strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement shall also be considered a Flashing Sign.

SIGN, GOVERNMENT — A Sign that is constructed, placed or maintained by the federal, state or local government or a Sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce or protect a Property Owner's rights.

SIGN, INTEGRAL — A Sign that is embedded, extruded or carved into the material of a building Façade and customarily made of bronze, brushed stainless steel or aluminum, stone or similar material attached to the building Façade.

SIGN, INTERIOR WINDOW/DOOR — A Sign located inside a building on a window or door and exposed to view from a street or sidewalk. An Interior Window/Door Sign may be Temporary or Permanent.

SIGN, MONUMENT — A Sign having the appearance of a solid base of landscape construction materials such as masonry, stucco, stonework, textured wood, tile, anodized metal or textured concrete materials. The base of a Monument Sign shall be architectural in nature, with a concealed means of support, and utilize materials consistent with the design of the building in which it is associated.

SIGN, OFF-PREMISES — Commercial speech in the form of a Permanent Sign that does not relate to a use of the real property on which it is located.

SIGN, ON-PREMISES — Commercial speech in the form of a Permanent Sign that relates to a use of the real property on which it is located.

SIGN, PERMANENT — Any Sign affixed or attached to the ground or a Structure and which cannot be removed without special handling. Any Sign that is not a Temporary Sign is deemed to be a Permanent Sign and shall be governed by the regulations for a Permanent Sign.

SIGN, POLE — Any detached Permanent Sign which is supported by one (1) or more stationary poles extending more than two (2) feet above the mean grade line of the ground at its base, provided that this shall not include a permitted Monument Sign as set forth herein.

SIGN, PUBLIC INTEREST — Any Sign intended to convey a legal right or restriction on a property; a Sign intended to warn the public of a bona fide danger on the property; or a Sign placed by order of a court or by a government official in the normal course of their duties. Public Interest Signs shall include Signs identifying a Structure or an area as a historic Structure or place.

SIGN, SMALL POLE — A Pole Sign of not more than four (4) square feet in area per Sign Face and not more than two (2) feet in height.

SIGN, SMALL WALL — A Wall Sign not exceeding two (2) square feet in size.

SIGN, STRUCTURE — The support, poles, upright bracing or brackets and framework for any Sign that is mounted on or affixed to a building, Structure or the ground. A Sign Structure may

be a single pole and may or may not be an Integral part of the building.

SIGN, TEMPORARY — A non-Permanent Sign constructed of paper, cloth, canvas, plastic sheet, vinyl, cardboard, fiberboard, plywood or other like materials and that by design, installation, materials and/or appearance is intended to be displayed for a limited period of time.

SIGN, VEHICLE — A Sign that uses a vehicle or trailers in such a way as to function primarily as a Sign, including but not limited to vehicles that are not operational and parked to display a Sign. Vehicles and trailers associated with the function of the business on the Premises shall not be considered a Vehicle Sign.

SIGN, WALL — A Sign affixed directly to an exterior wall of a building and confined within the limits of such building. An Integral Sign is considered a Wall Sign for the purposes of this Chapter.

STRUCTURE — That which is built or constructed, an edifice or building of any kind, or any piece of man-made work composed of parts joined together in some definite manner.

SUBDIVISION — A development of land for which there is a duly recorded final plat approved by the City.

Section 485.050. General Regulations.

Notwithstanding anything else in this Chapter or the City Code, the following restrictions shall govern all Signs displayed in the City:

1. *Code Compliance.* Signs may only be displayed in accordance with this Chapter.
2. *Maintained.* All Signs shall be of sound structural quality, be maintained in good repair and condition, have a clean and neat appearance and, as appropriate, abide by all Building, Electrical and other Codes.
3. *Permitted Signs.* The following Signs are permitted in every district as established by the City's Zoning Code:
 - a. Government Signs.
 - b. Traffic control devices on private or public property provided such complies with the Manual on Uniform Traffic Control Devices¹.

¹ *Comment:* The Federal Highway Administration has established uniform standards for Signs that regulate traffic or that are erected and maintained within road rights-of-way or adjacent property. These uniform standards are intended to be used by owners of private property that is open to the public to reduce confusion and limit the risk of accident. While these regulations are content specific, they serve an extraordinarily important public function.

- c. Any Sign necessary for public safety erected by utility companies within their respective easements.
 - d. Holiday Displays provided that said display does not traverse any public right-of-way, or create any traffic problem, congestion or safety hazard.
4. *Location.* No Flag or Sign shall be permitted or displayed:
- a. In the public right-of-way, or other City property, except as expressly provided for by this Chapter or other City ordinance.
 - b. So that its location might obstruct the view of, or be confused with any street markers, traffic Signs or signals or other regulatory devices or warnings or any other Signs erected by any governmental body or agency.
 - c. So that it is located within a sight triangle or interferes with the view reasonably necessary for motorists to proceed safely through streets and intersections, or to enter or exit from public or private streets.
5. *Temporary Signs.* Unless otherwise provided for specific uses, Temporary Signs:
- a. Shall not exceed three (3) feet in height on any property.
 - b. Shall not be placed on any utility pole, street light pole, tree, fence or similar object.
 - c. Shall not exceed the applicable size limits allowed for the use type.
 - d. Shall be secured or mounted as to not allow any motion.
 - e. Shall be securely attached and flush at all points when attached to a Façade.
6. *Permanent Sign Materials.* All Permanent Signs shall be constructed of durable, outdoor and weather-resistant materials and shall not be primarily constructed with impermanent materials such as paper, cloth, canvas, plastic, plastic sheet, vinyl, cardboard, fiberboard, plywood or other like materials.
7. *Wall Signs.* Wall Signs shall be attached firmly to the building, parallel with and adjacent to the wall, in which the Wall Sign is attached.
8. *Original Art Displays.* Original Art Displays are allowed provided that they meet the following requirements:
- a. Located in public and semi-public spaces in any zoning district.

- b. Shall not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed.
 - c. Shall be no more than sixty-four (64) square feet in size, per lot or Premises.
9. *No Permit Required.* The following Signs meeting the requirements of this Chapter shall not require a Sign permit:
- a. Flags.
 - b. Holiday Displays.
 - c. Interior Window/Door Signs.
 - d. Temporary Signs.
 - e. Original Art Displays.

Section 485.060. Residential Uses.

- A. *Residential Uses.* Property Owners may have the following types of Signs for Residential Uses:
- 1. *Temporary Signs.* Temporary Signs are permitted subject to the following standards:
 - a. Three (3) Temporary Signs on the property at any time with a Sign Face no larger than four (4) square feet per Sign.
 - b. One (1) Temporary Sign with a Sign Face no larger than 8.5 inches by 11 inches in one (1) window per dwelling at a time.
 - c. Temporary Signs shall not be Illuminated.
 - 2. *Wall Signs.* Wall Signs are permitted subject to the following standards:
 - a. One (1) Wall Sign located on the Ground Floor of the Front of the building shall be permitted per dwelling unit not to exceed three (3) square feet in area. Where attached dwellings exist on a property, the total square footage of a Wall Sign must not exceed three (3) square feet per dwelling unit.
 - b. Wall Signs shall be flush mounted and shall not project from the surface of the wall on which it is affixed by more than twelve (12) inches at all points.
 - c. Walls Signs shall not be Illuminated.

3. *Interior Window/Door Signs.* Interior Window/Door Signs are permitted subject to the following standards:
 - a. One (1) Interior Window/Door Sign is permitted per dwelling unit.
 - b. Such Sign shall not exceed two (2) square feet in area per Sign Face.
 - c. Interior Window/Door Signs shall not be Illuminated.

 4. *Monument Signs for Subdivisions.* Each Residential Subdivision will be permitted one (1) Double-Faced Monument Sign at each public street entrance for such Subdivision, subject to the following standards.
 - a. Monument Signs shall be located on Subdivision common ground or in an easement granted to the trustees of the Subdivision.
 - b. Monument Signs shall not be closer than five (5) feet to any property line or exceed six (6) feet in height or twenty-four (24) square feet in area.
 - c. Monument Signs may be Illuminated in accordance with Section 485.110.

 5. *Multi-Family Complexes.* Each Multi-Family Complex will be allowed one (1) of the following Signs for the clubhouse or leasing office:
 - a. A Monument Sign no more than twenty-four (24) square feet in area per Sign Face, not exceeding six (6) feet in height, and not located closer than five (5) feet to any property line. The Monument Sign may be Illuminated in accordance with Section 485.110.
 - b. A Wall Sign no more than sixteen (16) square feet in area per Sign Face, oriented to the internal road system of the complex, located on the Façade of the Front of the building on the Ground Floor and flush mounted. The Wall Sign shall not be Illuminated.

 6. *On-Premises Signs.* On-Premises Signs are not permitted except for one (1) non-Illuminated Wall Sign or Interior Window/Doors Sign, not exceeding one (1) square foot in size for a home occupation.
- B. *Flags and Flagpoles.* Flags and Flagpoles are permitted subject to the following standards:
1. A Flag shall not exceed fifteen (15) square feet in size.
 2. Each Property Owner shall have no more than three (3) Flags on display at any

given time either located on a Flagpole or mounted to the house.

3. Each Property Owner may have one (1) Flagpole not to exceed twenty (20) feet in height.
4. Such Flagpole shall be ground-mounted and may be located anywhere on the Premises, except within ten (10) feet of any property line.
5. Flags may be Illuminated in accordance with Section 485.110.

Section 485.070. Public/Semi-Public Uses.

A. *Public and Semi-Public Uses.* Property Owners located in districts zoned R-1 through R-6A, PG, PR or PS may have the following types of Signs for Public and Semi-Public Uses:

1. *Temporary Signs.* Temporary Signs are permitted subject to the following standards:
 - a. Three (3) Temporary Signs on the property at any time with a Sign Face no larger than nine (9) square feet per Sign.
 - b. One (1) Temporary Sign with a Sign Face no larger than 8.5 inches by 11 inches in one (1) window.
 - c. Temporary Signs shall not be Illuminated.
2. *Permanent Signs.* A maximum of two (2) Permanent Signs (Wall Signs and/or Monument Signs) are permitted per lot, subject to the following standards:
 - a. *Wall Signs.*
 - i. A Wall Sign may be no larger than thirty (30) square feet in area and five (5) feet in height.
 - ii. A Wall Sign shall not be Illuminated.
 - b. *Monument Signs.*
 - i. No Monument Sign shall exceed six (6) feet in height and the Sign Face shall not exceed twenty (20) square feet in area.
 - ii. A Monument Sign may contain an electric Changeable Copy Panel in accordance with Section 485.110.
 - iii. A Monument Sign shall have a landscaped area extending a minimum

of three (3) feet on all sides of the Monument Sign base.

iv. A Monument Sign may be located anywhere on the Premises except within five (5) feet of any property line.

v. A Monument Sign may be Illuminated in accordance with Section 485.110.

3. *Small Wall Signs.* A maximum of one (1) non-Illuminated Small Wall Sign is permitted per lot or Premises.

4. *Interior Window/Door Signs.* A maximum of one (1) non-Illuminated Interior Window/Door Sign is permitted per lot or Premises.

B. *Flags and Flagpoles.* Flags and Flagpoles are permitted subject to the following standards:

1. A Flag shall not exceed twenty-four (24) square feet in size.

2. Each Property Owner shall have no more than three (3) Flags on display at any given time.

3. Each Property Owner may have one (1) Flagpole not to exceed twenty-five (25) feet in height.

4. Such Flagpole shall be ground-mounted and may be located anywhere on the Premises, except within ten (10) feet of any property line.

5. Flags may be Illuminated in accordance with in Section 485.110.

C. *Other Districts.* Public and Semi-Public Uses located in all other zoning districts other than those set forth in Subsection A above, shall be governed by the Sign requirements of Section 485.080 ("Commercial Uses").

Section 485.080. Commercial Uses.

A. *Commercial Uses.* Property Owners may have the following types of Signs for Commercial Uses:

1. *Temporary Signs.* Temporary Signs are permitted subject to the following standards:

a. No more than three (3) Temporary Signs at any time.

b. The total Sign Face of Temporary Signs at any time shall not exceed thirty-six

(36) square feet.

- c. Such may be illuminated only pursuant to an approved Sign Plan and in accordance with Section 485.110.

2. *Wall Signs.* Wall Signs are permitted subject to the following standards:

- a. One (1) Wall Sign is allowed per Façade to a maximum of three (3) Façades having a Wall Sign. Where a multi-tenant building exists on the Premises, the exterior wall of the space occupied by the tenant shall be considered to be a separate Façade.
- b. One (1) Wall Sign may not be larger than fifteen percent (15%) of the Façade in which it is attached. However, when more than one (1) Façade is used for Wall Signs, then each Wall Sign shall be not larger than five percent (5%) of each Façade to which the Wall Sign is attached.
- c. Notwithstanding the above, Wall Signs permitted herein shall not have a Sign Face exceeding five-hundred (500) square feet in the "C-1" District or one-hundred and fifty (150) square feet in all other zoning districts.
- d. Wall Signs may be illuminated in accordance with Section 485.110.

3. *Small Wall Signs.* One (1) non-illuminated Small Wall Sign may be installed by each exterior entrance.

4. *Pole Signs and Monument Signs.* Pole Signs and Monument Signs are permitted subject to the following standards:

- a. One (1) Monument Sign or Pole Sign is permitted per lot frontage.
- b. Pole Sign Face shall not exceed one-hundred (100) square feet in area and the Sign Structure shall not exceed twenty (20) feet in height unless frontage is along an Interstate highway wherein the Pole Sign Face may not exceed one-hundred and fifty (150) square feet in area and the Sign Structure shall not exceed (35) thirty-five feet in height. Pole Signs may be located anywhere on the Premises except within five (5) feet of any property line.
- c. No Monument Sign shall exceed seven (7) feet in height and the Sign Face shall not exceed thirty-five (35) square feet in area. A Monument Sign base shall have a landscaped area extending a minimum of three (3) feet on all sides of the Monument Sign base. A Monument Sign may be located anywhere on the Premises except within five (5) feet of any property line. The Monument Sign may contain an electric Changeable Copy Panel in accordance with Section 485.110.

- d. Pole Signs and Monument Signs may be Illuminated in accordance with Section 485.110.
5. *Small Pole Signs.* Small Pole Signs are permitted subject to the following standards:
 - a. A maximum of two (2) Small Pole Signs may be located at the entrance and exit of a lot.
 - b. Each Small Pole Sign shall not exceed four (4) square feet in area per Sign Face.
 - c. Each Small Pole Sign shall not exceed two (2) feet in height.
 - d. Small Pole Signs may be Illuminated in accordance with Section 485.110.
 6. *Interior Window/Door Signs.* Interior Window/Door Signs may be displayed inside an occupant's windows or doors; provided that the aggregate area of all such interior Signs shall not exceed twenty percent (20%) of the window or door area upon which the Window/Door Sign is placed. Interior Window/Door Signs may be Illuminated in accordance with Section 485.110.
- B. *Flags and Flag Poles.* Flags and Flagpoles are permitted subject to the following standards:
1. A Flag shall not exceed sixty (60) square feet in size.
 2. Each Property Owner shall have no more than three (3) Flags on display at any given time.
 3. Each Property Owner may have three (3) Flagpoles not to exceed thirty-five (35) feet in height.
 4. Such Flagpoles shall be ground-mounted and may be located anywhere on the Premises, except within ten (10) feet of any property line.
 5. Flags may be Illuminated in accordance with Section 485.110.

Section 485.085. Unimproved Land.

- A. *Residential Unimproved Land.* A Property Owner may have the following Signs for unimproved land zoned residential, subject to the following standards:
1. *Lots under Three (3) Acres in Area.* The following regulations apply:

- a. Temporary Signs are permitted on a lot subject to the following standards:
 - i. No more than one (1) Temporary Sign along a street frontage at any time.
 - ii. The total Sign Face of Temporary Sign shall not exceed four (4) square feet.
 - iii. May be Illuminated only pursuant to an approved Sign Plan and in accordance with Section 485.110.
 - b. No Off-Premises Signs are permitted.
2. *Lots Three (3) Acres or More in Area.* The following regulations apply:
- a. Temporary Signs are permitted on a lot subject to the following standards:
 - i. No more than one (1) Temporary Sign along a street frontage at any time.
 - ii. The total Sign Face of a Temporary Sign shall not exceed nine (9) square feet.
 - iii. May be Illuminated only pursuant to an approved Sign Plan and in accordance with Section 485.110.
 - b. No Off-Premises Signs are permitted.
- B. *All Other Unimproved Land.* A Property Owner may have the following Signs for unimproved land zoned other than residential, subject to the following standards:
1. Temporary Signs.
 - a. No more than one (1) Temporary Sign at any time for each street frontage.
 - b. The total Sign Face of the Temporary Sign shall not exceed twenty-four (24) square feet.
 - c. May be Illuminated only pursuant to an approved Sign Plan and in accordance with Section 485.110.
 2. No Off-Premises Signs are permitted.

Section 485.090. Billboards

- A. *Standard Billboards.* Property Owners may have Billboards subject to the following standards:

1. *Size.* Each Sign Face shall not exceed six hundred seventy-two (672) square feet, with a maximum height of fourteen (14) feet and a maximum length of forty-eight (48) feet.
2. *Type.* Billboards may be in a back-to-back or in a V-type configuration on a single pole support Sign Structure with not more than one (1) Sign Face per facing.
3. *Height.* The overall height of the Billboard shall not exceed thirty-five (35) feet. No portion of the Billboard, excluding the support pole, shall be lower than twenty (20) feet above the ground at the base of the Sign Face.
4. *Number.* Only one (1) Billboard per lot is allowed.
5. *Location.* Billboards are only allowed within two hundred (200) feet of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is part of the interstate highway system of the State of Missouri and in areas that are zoned other than residential.
 - a. Under no conditions shall a Billboard be allowed within:
 - i. Fifteen hundred (1,500) feet of any lot located within any residential zoning district.
 - ii. Fifteen hundred (1,500) feet of any other Billboard on the same side of the adjacent interstate or primary highway. The distance between Billboards shall be measured along the nearest edge of the highway pavement between points directly opposite the Billboards. All other distance measurement points shall be those which yield the shortest distance between relevant points. If Billboards are angled or V-shaped, the nearest point of the Billboard to the other relevant point is to be used.
 - iii. A distance equal to one-hundred and fifty percent (150%) of the height of the Billboard from any property line or the nearest building.
 - iv. One hundred (100) feet of any On-Premises Sign.
 - v. One thousand (1,000) feet of any park, playground, school, library, hospital, church, historic district, landmark or an area on the National Register of Historic Places.
 - b. No Billboard shall be located in such manner as to obstruct or otherwise interfere with the effectiveness of any official traffic sign, signal or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

- c. No Billboard shall be located adjacent to or within one thousand (1,000) feet of an interchange, intersection at grade or safety rest area. Such distances shall be measured from beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
 - d. No Billboard shall be located on a building or non-Sign Structure.
6. *Lighting.* Billboards may be Illuminated and may be an electric Changeable Copy Panel in accordance with Section 485.110.
7. *Other Regulations.* No permit to allow a Billboard to be newly erected shall be issued without a permit issued by the Missouri Highways and Transportation Committee.

Section 485.100. Sign Plan Process.

- A. *Purpose.* A Sign Plan is a creative incentive for a unified visual statement that integrates the design of Signs with the design of a building on which they will be displayed and with the surrounding area.
- B. *When Allowed.* The owner(s) or developer(s) of a tract of land not used for Residential Use, which is the site of or is proposed as the site for a single integrated development consisting of one (1) or more buildings and off-street parking, may submit an application for approval of a Sign Plan to the Community Development Director for Commission for review and recommendation. The application shall be in a form prepared by the Community Development Department.
- C. *Contents of Plan.* The Sign Plan shall contain a visual representation of the lettering, illumination, color, size, height, placement and location of the Signs proposed for display. When possible, this may be done in conjunction with or as a part of the site development plan review. Any person submitting a Sign Plan for consideration shall pay the fee set forth in Title IV Addendum A of the City Code at the time of submission.
- D. *Necessity.* If an applicant is submitting a Sign Plan that seeks signage in size, location or number that is not permitted under the express requirements of the Sign Code, then the applicant shall submit a narrative statement that explains the need for deviation from the applicable Sign regulations. The statement shall describe the unique circumstances of the applicant's site that warrant a deviation from the provisions of the Sign Code. In no instance may any deviation be granted to allow a type of Sign that is expressly prohibited by this Chapter.
- E. *Standards for Approval.* The Commission may recommend approval of and the Board may approve a Sign Plan if the Signs represented in the Sign Plan conform to applicable regulations of this Chapter except for size, location, illumination and number limitations and there is an express legislative finding and determination that:

1. The Sign Plan is consistent with and fulfills the intent, spirit and purposes of this Chapter.
2. The Signs described in the Plan are compatible with the theme, visual quality and overall character of the surrounding area.
3. The approval of the proposed Sign Plan will not be detrimental to the surrounding properties.
4. The Signs described in the plan are appropriately related in size, shape, materials, lettering, color, illumination and character and function of the building or Premises on which they will be displayed.
5. The requested deviation from the applicable Sign regulations in size, location, illumination or number of Signs is warranted due to the unique characteristics or layout of the proposed building(s) or the unique characteristics or topography of the proposed site.

Section 485.110. Illumination Restrictions.

A. *Illumination Standards.* All Illuminated Signs shall be subject to the following standards:

1. External lighting, such as floodlights, thin line and gooseneck reflectors, are permitted, provided the light source is directed upon the Sign Face and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of an adjacent street and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle or otherwise interfere with a driver's operation of a motor vehicle; provided however, that the light source is effectively shielded so as to prevent beams or rays of light from shining on any adjacent street or residential uses.
2. No Sign shall be so Illuminated that it interferes with the effectiveness of or obscures any official traffic sign, device or signal.
3. If a Sign or Flag is externally lighted, the light source shall be completely concealed and not visible to pedestrians, vehicles or persons located on adjacent property.
4. All Signs with internal illumination shall require an electrical permit and meet all requirements of the City's Electrical Code and other applicable Codes.
5. Pole Signs and Monument Signs within one-hundred fifty (150) feet of a

residential dwelling shall only be illuminated by an external light source. All illuminated signs within one-hundred and fifty (150) feet of a residential dwelling shall be extinguished at the time of business closing or 11:00 P.M., whichever is later, provided that this shall not prohibit continuous illumination of flags and monument signs for residential subdivisions and multi-family complexes.

6. No revolving or rotating beam or beacon of light that simulates an emergency light or device shall be permitted as part of any sign. No illumination shall be allowed that converts the sign to a flashing sign except if reasonably necessary to convey public service information.
 7. A sign may only include an electric changeable copy panel when expressly so stated within Sections 485.060-485.090.
 8. Notwithstanding the above lighting requirements, no illuminated sign shall be of such brightness or intensity so as to cause glare, impair the vision of the driver of a motor vehicle or otherwise interfere with a driver's operation of a motor vehicle, obscure or interfere with the effectiveness of an official traffic control device, prevent or interfere with the quiet use or enjoyment of any lot which is used or zoned residential, or otherwise be maintained as a nuisance.
- B. *Electric Changeable Copy Panels.* Electric copy changeable panel signs shall be subject to the general illumination standards of Subsection A of this section and the following additional regulations:
1. *Duration of Message Intervals.* Messages must be displayed for a minimum of fifteen (15) seconds for each item shown or information displayed in the changeable copy sign.
 2. *Transition and Display.* Message changes shall be instantaneous without dissolving, growing, melting, traveling up or down scrolling, fading. Messages shall have a static display and shall not be illuminated so as to be a flashing sign or that in any manner creates the illusion of movement.
 3. *Brightness.* The brightness of a changeable copy sign shall automatically adjust via photocell for use during daylight hours and non-daylight hours. No sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. The maximum permitted brightness for a changeable copy sign during daylight hours is five thousand (5,000) NIT (candela per square meter) and five hundred (500) NIT during non-daylight hours as measured from the sign's face perpendicular to the rays of the source at maximum brightness. The lighting and

other specifications for a proposed Changeable Copy Sign shall be submitted with the application proposing to incorporate a Changeable Copy Sign.

4. *Story Advertising.* Electric Copy Changeable Signs shall not display consecutive messages facing the same traveled way, which constitute a substantially similar theme or story and is a continuation of any immediately preceding message, thereby creating a storyboarding effect when viewed by persons operating a motor vehicle. Nothing contained in this paragraph shall prohibit the display of identical consecutive messages.
5. *Malfunction and Non-compliance.* Electric Copy Changeable Signs shall be designed and equipped to freeze the device in one (1) position if a malfunction occurs. The Electric Copy Changeable Signs shall be equipped with a means to promptly discontinue the display if it malfunctions, and the Sign owner shall immediately stop the dynamic display when notified by the City that it is not complying with standards of this Code.
6. *Conversion.* Conversions of an existing Sign to an electric Copy Changeable Panel is authorized when the Sign is permitted to be a Changeable Copy Panel by this Chapter and the Sign complies with current Code requirements.

Section 485.120. Prohibited Signs.

- A. *Applicable Permits.* Signs are prohibited unless constructed pursuant to a valid building permit and electrical permit when required under the City Code and authorized under this Chapter.
- B. *Prohibitions.* The following Signs are prohibited which:
 1. Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street Sign or signal.
 2. Contain or consist of Banners.
 3. Are Flashing Signs, except for Holiday Displays as permitted pursuant to this Chapter.
 4. Are Graffiti.
 5. Are a Vehicle Sign located within one hundred and fifty (150) feet of a public right-of-way.

Section 485.130. Permits.

- A. *Permits Required.* Except as otherwise provided for by this Chapter or other City ordinance, it shall be unlawful for any person or entity to Erect, alter, replace, relocate, convert or change any Sign without first obtaining Sign approval via a Sign permit, and paying any applicable permit fee; provided that a permit is not required for ordinary maintenance and repair of a permitted Sign.
- B. *Application Required.* Applications for a Sign permit shall be made upon forms provided by the Director.
- C. *Application Process.* Applications for a Sign permit shall be processed through the following procedures:
 - 1. Every applicant, before being granted a permit hereunder, shall pay to the City a minimum fee set forth in Title IV Addendum A of the City Code.
 - 2. The Director shall review a Sign permit within a reasonable period of time and either approve it, reject it, or notify the applicant that the application is incomplete with a specific list of deficiencies in the application, or may submit the application to the Commission if the application is complete and the applicant is seeking a variance or Sign Plan from this Chapter.
 - 3. If approved, the applicant shall apply to the St. Louis County if a building permit or an electric permit is required.
 - 4. If the work authorized under a Sign permit has not been completed within six (6) months after the date of approval, the permit shall become null and void.
 - 5. The applicant shall notify the Director within fourteen (14) days of the Sign erection. The Director shall within a reasonable period of time thereafter file appropriate documentation of the permitted Sign.

Section 485.140. Nonconformity and Modification

- A. *Amortization.* For the purpose of amortization, non-conforming Signs may be continued from the effective date of this Chapter for a period not to exceed ten (10) years unless under a previous regulation the Signs were to be amortized and in that case the amortization period shall be as previously required or ten (10) years, whichever is less.
- B. *Changes and Modifications.* A non-conforming Sign shall be brought into conformity with this Chapter if it is substantially altered or reconstructed or replaced or relocated. An alteration or reconstruction shall be considered substantial when such alteration or reconstruction affects fifty percent (50%) or greater of the non-conforming Sign and/or

support Structure or when the value of such alteration or reconstruction is greater than fifty percent (50%) of the value of the Sign and support Structure prior to the alteration or reconstruction. Any non-conforming Sign that is damaged through no fault of the owner may, upon issuance of a permit, be reconstructed to its original condition without bringing the Sign into compliance with this Chapter; provided such change and reconstruction shall not modify any existing amortization period.

Section 485.150. Variances.

The owner of a property used for a Residential Use aggrieved by a denial of a sign permit application for that property by the Director may present to the Board of Adjustment a petition, duly verified, requesting a variance from the section of the Sign Code upon which such denial was based. The petition shall be presented to the Board of Adjustment within thirty (30) days after the filing of the decision of the Director and shall be in compliance with all requirements of Section 410.030.

The Board of Adjustment may grant a variance from the requirements of this Chapter for Residential Uses with regard to the size, color, location, illumination of, and number of Signs based upon unique architectural treatments, special project conditions, or specific hardship; provided that in no instance may any deviation be granted to allow a type of Sign that is expressly prohibited by this Chapter. In acting upon a request for variance, the Board of Adjustment shall consider the following criteria:

1. *Purpose and Intent of Code.* Is granting of the variance in compliance with the general purpose and intent of the Sign Code, zoning regulations, and Comprehensive Plan?
2. *Impacts on Adjacent Property.* Will granting of the variance adversely affect neighboring Property Owners or residents?
3. *Safety.* Will granting of the variance adversely affect safety?
4. *Visual Clutter.* Will granting of the variance significantly clutter the visual landscape of the area?
5. *Site Constraints.* In some situations, topography, landscaping, existing buildings or unusual building designs may substantially block or impair the visibility of the applicant's existing or proposed Signs from multiple directions. While visibility of a Sign is not to be guaranteed from all directions, does the site provide reasonable visibility of a business's Sign?
6. *Compatibility.* Is the Sign compatible and does the Sign integrate aesthetically with the daytime/nighttime color, lighting, and architecture of the area as a whole?

Section 485.160. Enforcement and Removal of Signs.

- A. *Vacated Premise – Abandoned Sign.* If a building or Premises is vacated, any Sign or Sign Structure located thereon other than Flags, Government Signs, Integrated Sign, and Temporary Signs shall be deemed abandoned and if the Property Owner fails to cover or remove all Signs or Sign Structures in accordance with this Subsection, such shall constitute a nuisance and/or code violation.
1. *Interior Window/Door Signs and Wall Signs.* The Property Owner shall remove all Interior Window/Door Signs, which are permanent, and all Wall Signs and restore the building Façade, windows or doors to their normal appearance within thirty (30) days of the building or Premises being vacated.
 2. *Pole Signs and Monument Signs.*
 - a. The Property Owner shall arrange for an opaque surface to cover Sign Faces related to a vacated building or Premises located on any type of Pole Sign or Monument Sign within thirty (30) days of the building or Premises being vacated.
 - b. The Property Owner shall remove all Sign Faces, lighting fixtures and Sign Structures related to the vacated building or Premises and return the footing area to the natural grade within six (6) months of the building or Premises be vacated.
 3. *Scope.* For the purposes of this Section, the Property Owner shall include both the tenant of a Sign or Sign Structure and the property owner, if different.
- B. *Unsafe Signs.* Any Sign or Sign Structure deemed by the City to be a danger to the public under any applicable ordinance or other statute or otherwise due to its condition shall constitute a nuisance
- C. *Notice of Nuisance.* The City shall cause written notice to be served upon the owner of an abandoned Sign or Sign Structure or the owner of an unsafe Sign or Sign Structure if the owner cannot be located, to the property management agent of the Premises on which such Sign or Structure is located. Such notice shall state, at a minimum:
1. The violations found.
 2. That the Sign or Sign Structure is deemed to be a public nuisance pursuant to this Chapter.
 3. What actions will remedy the public nuisance.
 4. That the nuisance shall be abated within thirty (30) days from the date of such notice or other reasonable time as determined by the Director, but not less than ten (10) days.

5. That upon failure to abate the condition causing the nuisance within the prescribed time period, the City may enforce the general penalty provisions of the Code provided in Section 100.060 or other remedy provided by applicable law.

D. *Notice Process.* Notice shall be effected by:

1. Attaching a copy of same to the nuisance.
2. Posting a copy of same at the property on which the nuisance is situated.
3. Mailing, by certified mail or certificate of mailing, a copy of the notice to the owner of the Sign at their last known address(es) or if the owner cannot be located, to the property management agent of the Premises on which the Sign is located and to the occupant of the property at the property address.

E. *Penalty.* Any Property Owner that fails to remedy the nuisance, shall be subject to the general penalty provisions of the Code provided in Section 100.060.

F. *Sign Removal.* Notwithstanding any provision in this Code, the City may immediately remove without notice (at the owner's expense when appropriate) any Sign or Sign Structure that is:

1. An immediate peril to persons or property.
2. On the public right-of-way or City property without City authorization.

Where a Sign or Sign Structure has been removed by the City pursuant to this Subsection, the City shall mail a statement of the cost of removal of said Sign or Signs to the last known address of the owner of record or person in charge of such property. If such costs are not paid within thirty (30) days from the mailing of such notice, the Director may certify the charges for repair or removal to the City Clerk as a special assessment represented by a special tax bill. The special tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall be a first (1st) lien against the property until paid and shall be prima facie evidence of the recitals thereof and of its validity. No mere clerical error or informality in such lien or in the proceedings leading to its issuance shall be a defense thereto. The certified costs associated with the removal, termination or abatement of such nuisance shall include all expenses incurred by the City in the removal of the nuisance including, but not limited to, the actual cost of inspecting the land or lot, the actual cost of service of notice as provided herein, the actual cost of abatement, attorneys' fees pursuant to Section 100.065, and the actual cost of issuing and recording the tax bill. Such tax bill shall bear interest at the rate of six percent (6%) per annum if not paid within thirty (30) days after issuance.

G. *Void Permit.* Any Sign or Sign Structure removed by the City pursuant to this Section 485.160, or removed pursuant to a court order, will automatically void the Sign permit, if

any, associated with such Sign or Sign Structure for violation of this Chapter.

- H. *Non-Issuance of Permits.* The Director shall not issue any further Sign permits to persons refusing to pay costs assessed under this Section 485.160 or Section 100.060, nor to agents or representatives of such persons.
- I. *Violation of Ordinance.* Notwithstanding any provision in this Code, the City may proceed, without providing notice, to issue a citation to an owner of a Sign or Sign Structure for any Sign or Sign Structure believed to be in violation of this Chapter. An owner of a Sign or Sign Structure found to be in violation of any provision in this Chapter shall be subject to the general penalty provision of this Code provided in Section 100.060.
- J. *Equitable Relief.* In addition to any other remedies or penalties established for violations of this Chapter, the Director or City Prosecutor may, on behalf of the City and after approval by the Board, apply to a court of competent jurisdiction for such legal or equitable relief as may be necessary to enforce compliance with this Chapter. In such action the court may grant such legal or equitable relief, including, but not limited to, mandatory or prohibitory injunctive relief, as the facts may warrant. Upon the successful prosecution of any such action, the City may be awarded by the court reasonable attorney fees as allowed by law.

Section 485.170. Validity and Severability Clause.

- A. *Chapter Severability.* If any court of competent jurisdiction shall declare any part of this Chapter to be invalid, it is the intent of the City that such ruling shall not affect any other provisions of this Chapter not specifically included in said ruling.
- B. *Application Severability.* If any court of competent jurisdiction shall declare invalid the application of any provision of this Chapter to a particular land, parcel, lot, district, use, building or Structure, it is the intent of the City that such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or Structure not specifically included in said ruling.

