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**AMENDED AGENDA
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, October 08, 2012
7:00 PM**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

ACCEPTANCE OF AGENDA

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month

6:00 p.m. – 7:00 p.m. – Work Session

7:00 p.m. – Regular Meeting of the City Council

However, the regularly scheduled meeting for Monday, November 12, 2012 will begin at 7:30 p.m. due to an extended joint work session with the Employee Pension Board.

1. CONSENT ORDINANCE READINGS

- a. Bill No. 5396 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A STP - Urban Program Grant Project With The Missouri Highways And Transportation Commission To Enable The City To Construct The Graeser Road Overlay Project. Final Reading**

Summary: Approval of this agreement with MoDOT is required to receive reimbursement for the Graeser Road overlay project.

2. CONSENT AGENDA

- a. Council minutes dated September 24, 2012**

- b. Accept of the donation of equipment totaling \$7,100 from the Creve Coeur Joint Crime Prevention Partnership.**

Summary: The Police department is requesting the acceptance of a Police Patrol Bicycle, an elliptical machine, a treadmill and an upright bicycle purchased by the Creve Coeur Joint Crime Prevention Partnership. The Creve Coeur Police Department has utilized bicycles to assist in patrolling



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neighborhoods, apartment complexes, parks, hospitals and commercial districts. The fitness equipment will assist our police officers in passing a fitness for duty test (required annually). The fitness equipment will generally improve our fitness equipment for use by all employees.

- c. **Bill No. 5396 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A STP - Urban Program Grant Project With The Missouri Highways And Transportation Commission To Enable The City To Construct The Graeser Road Overlay Project. Final Passage**

Summary: Approval of this agreement with MoDOT is required to receive reimbursement for the Graeser Road overlay project.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated October 3, 2012 in the amount of \$291,646.16 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

3. **Bill No. 5395 - An Ordinance Amending Chapter 405, Article VIII Sign Regulations Of The Zoning Ordinance And The Definition Of Terms, Of The Code Of Ordinances Of The City Of Creve Coeur, Missouri. Final Reading and Passage**

Summary: An application by the Director of Community Development, on behalf of the City of Creve Coeur, has been submitted for various amendments to the Article VIII, Sign Regulations, intended to simplify several regulations and definitions, eliminate certain provisions that appear to be inconsistent with the purposes of the Sign Code and address content-related issues. The Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the definitions and sign provisions of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code. Planning and Zoning Commission recommended approval September 17, 2012.

NEW BUSINESS

4. **Resolution No. 1026 - A Resolution Approving The Fiscal Year 2013 Contribution To The Employee Pension Fund In The Amount Of \$1,204,193.**



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Summary: A resolution to approve the FY 2013 contribution to the employee pension fund pursuant to the annual actuarial report.

5. Resolution No. 1027 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Contract Increase With M & H Concrete Contractors, Inc. For The 2012 Concrete Pavement Replacement Project For The Amount Of \$124,906.50.

Summary: City staff has prepared a change order for the 2012 Concrete Pavement Replacement Project to increase the contract to cover the extensive concrete slab replacement needed for several combination streets involved in the project. The change order is within the budgeted amount for the street program, but a budget adjustment may be necessary in spring 2013 once the scope of the Chasselle Lane project is fully determined.

BUSINESS FROM THE MAYOR and CITY COUNCIL

6. Converting City Vehicles To Compressed Natural Gas (CNG)

Summary: The attached staff report discusses the pros and cons of Compressed Natural Gas (CNG) as an alternative fuel for the Public Works fleet.

BUSINESS FROM CITY ADMINISTRATOR

7. Red Light Safety Program Review

Summary: City Attorney and staff will make a presentation as part of a review of the red light safety program. The city's current contract with the service provider, Automated Traffic Solutions (ATS), expires in September of 2013.

Pursuant to Section 610.022 RSMo., the City Council could, at any time during the meeting, vote to close the public meeting and move to closed session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under Section 610.021(1) RSMo. and/or personnel matters under Section 610.021(13) RSMo. And/or employee matters under Section 610.021(3) RSMo. and/or real estate matters under Section 610.021(2) or other matters as permitted by Chapter 610.

Posted: _____ posted 10/5/12

Deborah Ryan, MRCC
City Clerk



**MINUTES
CITY OF CREVE COEUR
CITY COUNCIL MEETING
300 N NEW BALLAS ROAD
Monday, September 24, 2012
7:00 PM**

CALL MEETING TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N New Ballas Road on Monday, September 24, 2012.

PLEDGE OF ALLEGIANCE

Boy Scout Troop 11 led the Pledge of Allegiance.

INVOCATION

Mayor Glantz said the invocation and requested a moment of silence in memory of former Council Member Walter Stradel, Jr.

ROLL CALL

Mr. Glantz	Mayor
Mr. Kreuter	Council Member Ward I
Mrs. Kistner	Council Member Ward I
Mr. Wang	Council Member Ward II
Mr. Hoffman	Council Member Ward III
Mrs. D'Alfonso	Council Member Ward III
Mrs. Rhoades	Council Member Ward IV
Mr. Saunders	Council Member Ward IV

* Council Member Nealey absent

PRESENTATION – St. Louis County Library Proposition L - Linda Goldstein, Mayor, City of Clayton

Mayor Linda Goldstein of the City of Clayton read and submitted for the record information regarding Proposition L that will be on the ballot in November for the tax increase for the St. Louis County Library District. (Exhibit A)

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

No one requested to speak.

ACCEPTANCE OF AGENDA

Council Member Kistner moved, seconded by Council Member Hoffman to accept the agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye



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Council Member Wang – Aye
Council Member D’Alfonso – Aye
Council Member Rhoades – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Kistner – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. – 7:00 p.m. – Work Session
7:00 p.m. – Regular Meeting of the City Council

1. CONSENT ORDINANCE READINGS

- a. **Bill No. 5391 - An Ordinance Amending Provisions Of Chapter 385 Of The Creve Coeur Code Of Ordinances Regarding The Displaying Of License Plates. Final Reading**
- b. **Bill No. 5392 - An Ordinance Amending Provisions Of Chapter 600 Of The Code Of Ordinances Of The City Of Creve Coeur Regarding Liquor Control. Final Reading**
- c. **Bill No. 5393 - An Ordinance Establishing Chapter 621 Of The Municipal Code Regarding Scrap Metal Dealers And Making Related Changes To The Code Of Ordinances. Final Reading**
- d. **Bill No. 5394 - An Ordinance Amending Provisions Of Chapter 605 Of The Creve Coeur Code Of Ordinances Regarding License Taxes. Final Reading**

City Clerk read Bill Nos. 5391, 5392, 5393 and 5394 for the final time.

2. CONSENT AGENDA

Council Member Kistner moved, seconded by Council Member Hoffman to approve the consent agenda as presented.

- a. **Council Minutes dated September 10, 2012**
- b. **Bill No. 5391 - An Ordinance Amending Provisions Of Chapter 385 Of The Creve Coeur Code Of Ordinances Regarding The Displaying Of License Plates. Final Passage**



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- c. **Bill No. 5392 - An Ordinance Amending Provisions Of Chapter 600 Of The Code Of Ordinances Of The City Of Creve Coeur Regarding Liquor Control. Final Passage**
- d. **Bill No. 5393 - An Ordinance Establishing Chapter 621 Of The Municipal Code Regarding Scrap Metal Dealers And Making Related Changes To The Code Of Ordinances. Final Passage**
- e. **Bill No. 5394 - An Ordinance Amending Provisions Of Chapter 605 Of The Creve Coeur Code Of Ordinances Regarding License Taxes. Final Passage**

Mayor Glantz called the question to approve the consent agenda as presented, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Rhoades – Aye
Council Member D’Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5391 becomes Ordinance No. 5270, Bill No. 5392 becomes Ordinance No. 5271, Bill No. 5393 becomes Ordinance No. 5272 and Bill No. 5394 becomes Ordinance No. 5273.

BILLS PAYABLE REPORT

For Information Only

Summary: A report of bills payable dated September 18, 2012 in the amount of \$754,382.18 has been provided for Council review. No vote is required.

UNFINISHED BUSINESS

- 3. **Bill No. 5386 - An Ordinance To Repeal Ordinance Numbers 2206 And 5174, Issue A New Conditional Use Permit For Saint Timothy’s Episcopal Church And Authorizing The Installation Of Three (3) Fire Hydrants On The Property Addressed As 808 N. Mason Road In The “C” Single Family Residential Zoning District. Final Reading and Passage**

City Clerk read Bill No. 5386 for the final time.



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Council Member Wang moved, seconded by Council Member Hoffman to approve Bill No. 5386, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5386 becomes Ordinance No. 5274.

4. Bill No. 5387 - An Ordinance Repealing Ordinance Number 5060 And Approving A New Master Sign Plan For The BJC West County Hospital Campus Located South Of Olive Boulevard And Zoned "PH" Planned Hospital District. Final Reading and Passage

City Clerk read Bill No. 5387 for the final time.

Council Member Rhoades recused herself from the dais as she is an employee of BJC.

Carl Lumley stated this is a reminder that with a Council person stepping down with a conflict the Mayor can vote on this item.

Council Member Hoffman moved, seconded by Council Member D'Alfonso to approve Bill No. 5387 as presented, with the vote upon such motion being as follows, to-wit:

Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kistner – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Mayor Glantz – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5387 becomes Ordinance No. 5275.

5. Bill No. 5388 - An Ordinance Repealing Ordinance Number 3041 And 5095, And Approving A New Master Sign Plan For The Mercy Campus Located At 615 S. New Ballas Road And Zoned "PH" Planned Hospital District. Final Reading and Passage



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City Clerk read Bill No. 5388 for the final time.

Council Member Kistner recused herself from the dais as she is an employee of Mercy.

Carl Lumley stated this is a reminder that with a Council person stepping down with a conflict the Mayor can vote on this item.

Council Member Hoffman moved, seconded by Council Member D'Alfonso to approve Bill No. 5387 as presented, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye
Mayor Glantz – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5388 becomes Ordinance No. 5276.

6. Bill No. 5389 - An Ordinance Repealing Ordinances Number 835, 972 And 5189 And Authorizing The Issuance Of A New Conditional Use Permit For A New And Used Automobile Dealership Located At 11654 Olive Boulevard. Final Reading and Passage

City Clerk read Bill No. 5389 for the final time.

Council Member Hoffman moved, seconded by Council Member D'Alfonso to approve Bill No. 5389.

Carl Lumley stated he would like to call attention to the staff memo dated September 24, 2012 which should be the last item in the council packet regarding this matter that has some suggested additional conditions for the Council to consider.

Paul Langdon stated Council requested information on the right of way and dedication. The use of Hamm Ave is a settled matter based on a previous judgment. Both owners would need an agreement and provide proof to the City of any change. The business hours will be 7 a.m. to 7 p.m. instead of the hours that are currently listed in the ordinance. The Council would need to adopt an amendment to make these changes. If the Council wants Staff to quantify street improvement costs, deferral would be necessary.

Jerry Patterson of Asbury Automotive stated this is the first he has heard of the additional conditions and if these were proposed it would squash the property deal. Asbury Automotive



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has no issues with the right of way but if the City is requesting the street be completed with infrastructure then that would kill the property deal.

Council Member Kistner stated the discussion was whether or not to require the applicant to pay a portion of the future costs and those costs are unknown. She asked whether anything above zero would kill the deal?

Jerry Patterson stated yes. The applicant has run out of all of the variances for the deadlines.

Council Member Rhoades stated to clarify, even if the costs of the improvements were significant and certainly the expectation is that it wouldn't be a small sum, the stipulation still just states a portion of the future cost and does not indicate the expectation that the applicant would be required to fund the entire project. It is a pretty broad potential and the applicant could just be asked to contribute a very modest contribution. Council Member Rhoades stated she would be in favor of deferring this as recommended by staff. Infrastructure is a critical situation for our City and particularly in this area.

Jerry Patterson stated he is not in disagreement but the applicant has given the City the right of way, donating property for the street and that is a cost. The applicant is down to a final deadline on whether we are going to build or not within the next two days. If the Council defers this then the deal will fall through.

Council Member Kistner stated she sympathizes with the deadlines that the applicant is under but the Council has had only the minimum amount of time to look at this and a single additional meeting cycle is pretty common when there are matters of substantial or complex nature that is before the Council. Urging the Council to hurry to meet the applicant's deadline doesn't necessarily make for the best decision making. Council Member Kistner stated she too is interested in getting some additional information from staff about the potential cost. Knowing the cost has a substantial bearing on the value of the right of way dedication as a site bonus amount.

Jerry Patterson stated there is an old car dealership there and the applicant is willing to build a state of the art dealership there within guidelines on how the City wants to see it built. The applicant will be the only one that will build to the standards of building right up to the street and the applicant is doing everything they can.

Council Member Saunders stated it is important that the Council know the value of the right of way for the site coverage bonus. The applicant has made an impressive effort to create something which is intrinsically not really in keeping with what the City envisioned for the downtown area to try and make it fit. With that being said there could still be improvements to streetscape or other improvements that could be done to help it fit or marry better with the comp and downtown plans. It is unclear to him at the moment of what the actual value is going to be of the City for the right of way.



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Jerry Patterson stated the applicant has been working on this for two months and has been in constant communications with staff and this is the first the applicant has heard of any of these concerns.

Council Member Rhoades stated this information is rather new to the Council also and is another valid reason for a deferral.

Mark Perkins stated these points were brought up at the last Council meeting and discussed and staff did speak with the applicant's engineer the next day about these issues coming up. The report from staff is dated today simply for the fact because it is the Council meeting date and this information has been in the packet available on the City's website since Thursday. Mark Perkins stated for clarification from the images that we seen at the last meeting there is a bit of a discrepancy with regard to the sidewalk width that is shown on the plans. It is going to be a total of a twelve foot wide sidewalk on the plans and six foot on the right of way and six foot on the property owned by the property owner.

Lenny Merz with Consulting Engineers and engineer for the project stated the six foot walk would remain in the right of way and a total of twelve feet dedicated.

Paul Langdon stated this was an issue in front of the Planning Commission; the twelve foot area is what is expected from this project and if the building gets pushed back from the existing right of way in order to make the twelve foot area then so be it as this is the plan that is being approved.

Mark Perkins stated MoDOT will then approve, essentially, a six foot sidewalk and a six foot private walk that will be on the owner's property.

Paul Langdon stated if that ends up being the balance, then yes. MoDOT is looking for the appropriate lanes built to their standards and then a six foot sidewalk whether is it on public land or private land as long as there is an easement for public use if it ends up on private property. In this case it is wider than that and there is public and private sidewalk that operate as one.

Mark Perkins stated it is the City's expectation that there will be a twelve foot wide walking path.

Council Member Hoffman asked if staff could even have the information that the Council is requesting available for the next meeting or at least a ballpark figure.

Paul Langdon stated ballpark.

Jerry Patterson asked who owns Hamm Ave.

Mark Perkins stated it is owned by the Lang family.



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Jerry Patterson stated someone is going to have to purchase the property first before any improvements or infrastructure can be done. Currently it is a private piece of property.

Mark Perkins stated the issue is that this is a long term plan for the City with regard to the downtown plan in trying to begin to create a certain environment. If we wait and don't do it today than when are we going to do it?

Paul Langdon stated the key is in the wording and what the Council was discussing last meeting. Whatever happens to Hamm is unknown. The applicant is not offering to dedicate Hamm which they don't own but offering to dedicate property that they would own. Any valuation we place on the property would have to be on what we know we could control which is the twenty-four feet of the private property on their side. If the City is going to build out Hamm down the road then that is a separate issue.

Mayor Glantz stated what we are struggling with is the site bonus, the sixty-three percent to the seventy percent and how to value that.

Jerry Patterson said if he takes away what the applicant is dedicating to the City, then we are within guidelines. We would have to adjust a little bit of parking but we would be within guidelines.

Carl Lumley stated we don't count dedicated land to the City against the applicant.

Paul Langdon stated if that were the case then the problem is the conditional use permit speaks to the Comp Plan and that was a big part of this and that is why the applicant offered to do it, to try and create this street network that is part of the Comp Plan.

Robert Kent resident of 13084 Fern Trail Lane stated this is project is not meeting the downtown plan but it is a vast improvement over what is currently there.

David Caldwell resident of 257 Brooktrail Court asked why we want three lanes on Olive Blvd when there are other several thoroughfares that don't have three lanes.

Council Member Kreuter moved, seconded by Council Member D'Alfonso that conditions 11 and 19 and 3 minus the last sentence as recommended in the staff memorandum dated September 24, 2012 be added to amend Bill No. 5389, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye



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Council Member Kistner – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Carl Lumley suggested Council delete condition five of Bill No. 5389 discussing the approval of the seventy percent bonus coverage.

Council Member Hoffman moved, seconded by Council Member Kistner to amend Bill No. 5389 by deleting condition five, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried.

Council Member Hoffman moved, seconded by D'Alfonso to approve Bill No. 5389 as amended, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye
Council Member Kistner – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye

The vote on the motion being 7 ayes and 0 nays, motion carried. Bill No. 5389 becomes Ordinance No. 5277.

**7. Bill No. 5390 - An Ordinance Ordering The Levy And Establishment
Of The Rates Of Annual Taxes For Municipal Purposes In The City Of
Creve Coeur For The Year 2012. Final Reading and Passage**

City Clerk read Bill No. 5390 for the final time.

Dan Smith, Finance Director stated the proposed rate for 2012 is already less than the cap the City would be able to charge. Staff is proposing that the rate be maintained at the same rate as last year. If we lower the both the residential and commercial rate to 7.5 cents it would cost the City about \$53,000, if we went to 7 cents it would cost \$93,000, if we went to 6.5 cents it would cost \$133,000 and if we went to 6 cents it would cost \$173,000. In addition, a request was



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made for the cost if we reduced the recommended tax rate by half, that would cost the City around \$324,800 annually. Staff did some revised computations based the five year projected budget. The overall impact is about \$550,000 per year over five years with a total loss of \$2.7 million by the end of the five year period.

Mark Perkins stated the average savings for the residents using a \$300,000 home would be \$23.94 annually and staff does not know the average commercial property value in Creve Coeur so it was difficult to calculate the average savings for commercial properties.

Carl Lumley stated the change on the motor vehicle tax, with the court ruling that an out of state purchase is not subject to the sales tax. Carl Lumley stated that only cities that have a use tax would get a tax on such transactions. Additionally, the Department of Revenue leapt to the conclusion that all individual transactions have to be exempt as well. Carl Lumley stated AT & T made a filing at the FCC to move in the direction of eliminating all land line service in the country so that there would only be internet voice service and wireless service. Part of their proposal is to eliminate all state and local regulations of the internet voice service which is very vague. Cities need to be concerned that it could eliminate taxes because the current situation is that the Statutes in Missouri requires an internet voice service provider to register with the State and promise to pay the same taxes as if they were the land line. Ameren has applied for a rate increase and the Council has the discretion to not take advantage of utility rate increases flowing through to a tax increase. Our current ordinance indicates that we will take advantage of that but the Council does have the opportunity to look at that if there is a large increase.

Council Member Rhoades stated the prior sales tax increase that the voters passed gives a pretty strong secure revenue source and the City can have confidence in and there will always be variables as well as threats and changes. Council Member Rhoades feels a modest change can be done in a very prudent fashion.

Council Member Saunders stated he supports Council Member Rhoades' suggestion to reduce the tax rate. Council Member Saunders thanked staff for the additional information and for the information regarding the automobile sales tax. It does matter to residents where they pay their taxes and on what and there are many residents that are on fixed incomes that may not purchase new cars but do pay property tax. Council Member Saunders stated he is in support of a reduced tax and is most in favor of reducing taxes for those who are in most need of a tax reduction and he wants to look at a future program for a rebate tax for elder residents in Creve Coeur.

Council Member Wang stated St. Louis County already has that in place.

Robert Kent resident of 13084 Fern Trails Lane read and presented a statement for the record. (Exhibit B)



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Council Member Rhoades stated there is an upcoming worksession scheduled to discuss what we will be doing with the reserves but the property tax has to be voted on now due to the October 1 deadline. Staff is very prudent with City finances and a minor reduction is a prudent way to approach this issue. The reduction isn't trivial and is more of a good will towards the residents of Creve Coeur.

Council Member Hoffman stated he is in favor of decreasing to this modest amount but still concerned about the \$9 million deficit that is in the Pension which will be addressed within the next few months.

Mark Perkins stated we were going to have a discussion specifically for the Pension Fund but certainly in the coming months about the fund balance as well.

Council Member Rhoades moved, seconded by Council Member Hoffman to amend Bill No. 5390 and reduce the proposed tax rates to .070 for residential and .075 for both commercial and agricultural, with the vote upon such motion being as follows, to-wit:

Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Nay
Council Member Kistner – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye

The vote on the motion being 6 ayes and 1 nay, motion carried.

Stan Edelstein resident of 12321 Woodline Drive stated there are a lot of folks here that think the City is cash rich but there is a requirement for four months of cash reserves be retained. There are no plans for the current funds at the present time. There are serious considerations for retiring the Millennium Debt, a serious concern for the huge deficit that will be reflected on the City's balance sheet in the Pension Fund which is about \$9 million.

David Caldwell resident of 257 Brooktrail Court stated the City does have a requirement of a four month reserve but that requirement is only \$6 million. The City currently has more than double that in reserves. The City has received the most recent actuarial report and the unfunded liability when down from \$9 million to approximately \$8 million. Amortization of the unfunded liability is about \$800,000 a year. Hopefully we should be able to amortize that more quickly. Mr. Caldwell stated he feels that there should be a greater reduction this year and the rest next year and there is no danger in having this reduction.

Mark Perkins stated that staff is trying to avoid, looking long range, being in a position where we have to use our existing fund balance to fund operations. Those deficit amounts fund very



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quickly. The City has an AAA bond rating and we are not going to keep that rating if we have the bare minimum fund balance. Staff has not allocated a large amount of those funds for a variety of reasons. Staff wanted to get the general fund in order before we could get to a point to think about allocating the additional funds. We are at a point now where we have stability in our long range general fund. Staff doesn't want to feel that we are in a rush to spend on capital projects but rather approach them in a thoughtful manner.

Council Member Rhoades moved, seconded by Council Member Saunders to approve Bill No. 5390 as amended, with the vote upon such motion being as follows, to-wit:

Council Member Kistner – Aye
Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Nay

The vote on the motion being 6 ayes and 1 nay, motion carried.

Council Member Kistner moved, seconded by Council Member Saunders to move up Item 13 for immediate discussion.

Council unanimously agreed.

* - Council Member Kistner left the Council Chambers at 9:00 p.m.

13. Creve Coeur Arts Commission Requests Approval for Silver Screen Series Film Festival

Dan Tierney Chair of the Arts Commission stated he is here with Arts Commission Member Judy Pass and Executive Director of Maturity in Its Muse Lynn Hamilton and requesting approval of a program called "The Silver Screen Series" which will begin next summer as well as the list of prospective contributors to the event.

Council Member D'Alfonso asked what types of films will be shown.

Lynn Hamilton stated it will be a combination of film types including documentaries and other entertainment type films.

Council Member Saunders stated as the Council Liaison the Arts Commission is a wonderful group to work with and they have a lot of great ideas.

Mark Perkins stated the financial assistance that is being requested from the City is \$2,750. The Arts Commission plans on selling tickets to these events to raise \$2,000 and planning on



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underwriters covering another \$2,750 and hopefully they will sell all or more of the tickets. This would be a City event and checks will be written by the City.

Council Member Hoffman moved, seconded by Council Member D'Alfonso to allow the City to fund \$2,750 for the Arts Commission event as requested, with the vote upon such motion being as follows, to-wit:

Council Member Saunders – Aye
Council Member Hoffman – Aye
Council Member Rhoades – Aye
Council Member D'Alfonso – Aye
Council Member Wang – Aye
Council Member Kreuter – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

Council Member Hoffman moved, seconded by Council Member Wang to allow the Arts Commission to solicit funding as requested by the list provided in the packet, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

NEW BUSINESS

8. Bill No. 5395 - An Ordinance Amending Chapter 405, Article VIII Sign Regulations Of The Zoning Ordinance And The Definition Of Terms, Of The Code Of Ordinances Of The City Of Creve Coeur, Missouri. First Reading

City Clerk read Bill No. 5395 for the first time.

Paul Langdon, Community Development Director made a presentation regarding this application. (Exhibit C)

David Caldwell resident of 257 Brook Trail Court stated he followed this application through the Planning and Zoning Commission and he understands that limiting content does not prohibit the City from standing strong against changeable signs or electronic signs. David Caldwell stated he has a concern with the substitutability clause as to the real estate signs and feels that Mr.



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Langdon has done all that he can from the standpoint of the ordinance but wonders if there isn't an opportunity as to the real estate industry to voluntarily engage in some self regulations so these signs don't get substituted with other information.

Robert Kent resident of 13084 Fern Trails suggested placing a sunset on the changeable copy billboards and regular billboards.

Paul Langdon stated the City can buyout a billboard but it is extremely expensive and in this case staff has done everything to make sure that this remains the only billboard in the City.

Council Member Rhoades thanked staff for working on this amendment.

9. Bill No. 5396 - An Ordinance Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A STP - Urban Program Grant Project With The Missouri Highways And Transportation Commission To Enable The City To Construct The Graeser Road Overlay Project. First Reading

City Clerk read Bill No. 5396 for the first time.

10. Resolution No. 1025 - A Resolution Of The City Council Of The City Of Creve Coeur, Missouri Authorizing The Execution Of A Contract With Gerstner Electric, Inc., For The Olive Boulevard Lighting Project For The Amount Of \$366,866.00.

City Clerk read Resolution No. 1025.

Council Member Hoffman moved, seconded by Council Member Rhoades to approve Resolution No. 1025, with the vote upon such motion being as follows, to-wit:

Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye
Council Member Rhoades – Aye
Council Member Hoffman – Aye
Council Member Saunders – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

BUSINESS FROM THE MAYOR and CITY COUNCIL

11. Coffee with the Mayor

Mayor Glantz reminded everyone that the next "Coffee with the Mayor" will be held on Thursday, October 4, 2012 from 7:30 a.m. to 8:30 a.m. in the Government Center.

12. Missouri Municipal League Conference



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Mayor Glantz stated it was a good conference with some very dynamic speakers and a lot of the content was relevant to the issues in the City of Creve Coeur as well as good opportunities to share ideas with our contemporaries throughout the State and he was thankful for the opportunity to attend. Mark Perkins agreed that the conference was beneficial.

BUSINESS FROM CITY ADMINISTRATOR

13. Creve Coeur Arts Commission Requests Approval for Silver Screen Series Film Festival

Moved up on the agenda before Item 8 and discussed.

14. Health Insurance Costs

* - Council Member Hoffman left the Council Chambers at 9:56 p.m.

Jaysen Christensen stated staff has met with the employee benefits committee and discussed some alternatives. The City's health insurance program has a \$1,500 deductible for the individual and \$3,000 for the family and of that the City reimburses up to \$1,100 of the \$1,500 and up to \$2,200 of the \$3,000 with the employee paying the first \$400 or \$800 out of pocket. Some of the concern about that is that there is a potential that cost could go up. The aggregate cost for the past few years has been about \$40,000. Eliminating this is something the committee thought employees would not feel good about. The Committee is also looking at general health care costs and ways that we could control the larger costs. One of the ways the City has been able to maintain costs is by joining the SLAIT pool which keeps the rates down. The City has begun a wellness program this year for employees and that is going to have some benefits to the City by keeping claims down in future years. In recent years, the City has lowered the amount that the City pays towards the premium. It used to pay 86% for employees and 84% for dependents and we have lowered that to 85% and 80%. In relation to other cities, Creve Coeur still pays slightly higher on the dependent portion.

* - Council Member Rhoades left the Council Chambers at 10:00 p.m.

* - Council Member Hoffman returned to Council Chambers at 10:03 p.m.

Council Member Hoffman moved, seconded by Council Member Kreuter to adjourn at 10:04 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Hoffman – Aye
Council Member Saunders – Aye
Council Member Kreuter – Aye
Council Member Wang – Aye
Council Member D'Alfonso – Aye

The vote on the motion being 5 ayes and 0 nays, motion carried.



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Submitted by:

Deborah Ryan
City Clerk

Barry Glantz
Mayor

Glenn A. Eidman
Chief of Police



BUSINESS 314-432-8000
FAX 314-432-5691
EMERGENCY 911

CREVE COEUR POLICE DEPARTMENT
300 N. New Ballas Rd.
Creve Coeur, MO 63141-7501

October 4, 2012

Dear Crime Prevention Partners,

I am requesting your support and approval of several purchases that I feel are necessary to continue with our level of service as well as being of benefit to the police department and the community:

- 1) The Police department would like to purchase an additional patrol bicycle currently we have two patrol bicycles. Recently the PD sent two female police officers through the police bicycle course in an effort to expand the number of riders and increase the use of our bicycle patrol. Upon completion of the course, the instructor informed us that we would need to purchase a smaller frame bicycle because of the size (smaller in stature) and safety concerns for our two officers that recently completed the course. This was not a planned budgeted expense for this fiscal year. We would like to see our officers utilizing our bicycles in the higher crime areas and be visible to the general public as well. These patrols could be implemented in several areas of the city. In order to accomplish this task, I am requesting the funding of a new smaller frame bicycle. The Creve Coeur Police Department has utilized bicycles to assist in patrolling neighborhoods, apartment complexes, parks, hospitals and commercial districts. The bicycle patrol is a popular community relations tool. The cost of the bicycle is approximately \$1,100.00 dollars.
- 2) The Police department has recently implemented a program which requires each police officer to pass a fitness for duty test annually. The program requires the essential job functions of each officer to be tested annually through an obstacle course. The equipment is used daily by all employees of the department and is essential for maintaining physical fitness. This equipment has been supplied throughout the years by donations from Creve Coeur Day's Committee, and other private donors. I feel that this purchase would benefit the police department and continue to enhance the fitness of all involved. The cost of this purchase would be approximately \$6000.00, which would allow the Police Department to purchase an elliptical machine, a treadmill, and an exercise bicycle. This purchase of this equipment would greatly enhance our facility and give our employees more opportunities to exercise.

The City budget continues to be a challenge every year, leaving little room for items that are important to the Police department. If approved, both items would be of benefit to the Police department and the community. Thank you for your time and I appreciate your consideration for this request.

Respectfully,

A handwritten signature in black ink that reads "Glenn Eidman".

Glenn Eidman
Chief of Police



CREVE COEUR POLICE DEPARTMENT INTEROFFICE MEMO

DATE: October 4, 2012

TO: Mark Perkins, City Administrator

FROM: Glenn Eidman, Chief of Police

SUBJECT: Acceptance of Purchases from the Creve Coeur Joint Crime Prevention Partnership

Mr. Perkins,

The PD is requesting permission to accept the donation of a Police Patrol Bicycle, an elliptical machine, a treadmill and an upright bicycle purchased by the Creve Coeur Joint Crime Prevention Partnership. The Police department recently sent two female police officers to a bicycle patrol school. Upon completion of the school, the instructor recommended we purchase a smaller framed bicycle. Additionally, I have requested a purchase of exercise equipment to enhance our fitness center for our Police Officers.

The Creve Coeur Joint Crime Prevention Partnership was created for the purpose of the continued establishment, development and implementation of educational and safety-related programs for the entire community. The Partnership is geared toward enhanced relationships between public and private law enforcement with an emphasis on business and government working together for the betterment of the community by the sharing of resources. The governing body of the Partnership consists of the Chief of Police, The CEO of designate representative, Monsanto Company, the CEO or designate representative, Mercy Medical Center, and the CEO of designate representative of Barnes-Jewish Hospital. The Partnership will purchase the equipment for the Police department who will take possession of the equipment.

Glenn Eidman

BILL No. 5396

ORDINANCE No. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI
AUTHORIZING THE EXECUTION OF A STP-URBAN PROGRAM GRANT PROJECT WITH
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO ENABLE THE
CITY TO CONSTRUCT THE GRAESER ROAD OVERLAY PROJECT.**

WHEREAS, the City of Creve Coeur strives to promote a beautiful and safe place for the residents to live, work and drive; and

WHEREAS, the City has been awarded grant funding under the STP-S program to assist with the cost to construct an asphalt overlay on Graeser Road as well as construct ADA compliant sidewalk improvements; and

WHEREAS, the attached "Exhibit A" is an agreement with the Missouri Department of Transportation (MoDOT) regarding the responsibilities and requirements of the STP-S Grant Program,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, AS FOLLOWS:

Section 1: The STP Agreement between the Missouri Highways and Transportation Commission and the City regarding the construction of an asphalt overlay on Graeser Road as well as construct ADA compliant sidewalk improvements attached hereto as Exhibit A is hereby approved and the City Administrator is authorized to execute same on behalf of the City and the City Clerk is authorized and directed to attest thereto. The Agreement as executed shall be in substantially the form of Exhibit A, with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Ordinance and necessary, desirable, convenient or proper in order to carry out the matters herein authorized. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient or proper in order to carry out the intent of this Ordinance, the matters herein authorized, and the rights and duties of the City under the Agreement.

Adopted this ____ day of _____ 2012.

Robert Hoffman
President of City Council

Adopted this ____ day of _____ 2012.

Barry Glantz
Mayor

Attest:

Deborah Ryan
City Clerk

CCO Form: RM11
Approved: 07/96 (KMH)
Revised: 06/11 (MWH)
Modified:

City of Creve Coeur
Graeser Road Overlay

EXHIBIT "A"

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STP proj. no. STP-5526(638)
Award Year: 2013
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
STP-URBAN PROGRAM AGREEMENT**

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Creve Coeur, St. Louis County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, 23 U.S.C. §133 authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires to construct certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be designed and constructed in compliance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STP-5526(638) involves:

Resurfacing and ADA improvements on Graeser Road from Olive Boulevard (Route 340) to Ladue Road (Route AB).

The City shall be responsible for all aspects of the construction of the improvement.

(2) LOCATION: The contemplated improvement designated as Project STP-5526(638) by the Commission is within the city limits of Creve Coeur, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

Graeser Road from Olive Boulevard (Route 340) to Ladue Road Route (AB).

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) LIMITS OF SYSTEM: The limits of the surface transportation system for the City shall correspond to its geographical area as encompassed by the urban boundaries of the City as fixed cooperatively by the parties subject to approval by the Federal Highway Administration (FHWA).

(5) ROUTES TO BE INCLUDED: The City shall select the high traffic volume arterial and collector routes to be included in the surface transportation system, to be concurred with by the Commission, subject to approval by the FHWA. It is understood by the parties that surface transportation system projects will be limited to the said surface transportation system, but that streets and arterial routes may be added to the surface transportation system, including transfers from other federal aid systems.

(6) INVENTORY AND INSPECTION: The City shall:

(A) Furnish annually, upon request from the Commission or FHWA, information concerning conditions on streets included in the STP system under local jurisdiction indicating miles of system by pavement width, surface type, number of lanes and traffic volume category.

(B) Inspect and provide inventories of all bridges on that portion of the federal-aid highway systems under the jurisdiction of the City in accordance with the Federal Special Bridge Program, as set forth in 23 U.S.C. §144, and applicable amendments or regulations promulgated thereunder.

(7) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved street and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. Any traffic signals installed on highways maintained by the Commission will be turned over to the Commission upon completion of the project for maintenance. All obligations of the Commission under this Agreement shall cease upon completion of the improvement.

(8) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

(1) To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

(2) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(9) CONSTRUCTION SPECIFICATIONS: Parties agree that all construction under the STP for the City will be constructed in accordance with current MoDOT design criteria/specifications for urban construction unless separate standards for the surface transportation system have been established by the City and the Commission subject to the approval of the FHWA.

(10) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(11) ACQUISITION OF RIGHT OF WAY: No acquisition of additional right of way is anticipated in connection with Project STP-5526(638) or contemplated by this Agreement.

(12) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are **not** reimbursable costs. The federal share for this project will be 80 percent not to exceed \$430,046.00. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(13) PERMITS: The City shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the contemplated improvements.

(14) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signal and marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

(15) WORK ON STATE RIGHT OF WAY: If any contemplated improvements for Project STP-5526(638) will involve work on the state's right of way, the City will provide reproducible final plans to the Commission relating to such work.

(16) DISADVANTAGED BUSINESS ENTERPRISES (DBEs): At time of processing the required project agreements with the FHWA, the Commission will advise the City of any required goals for participation by DBEs to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(17) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(18) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly for amounts equal to or greater than \$10,000.00. The City shall repay any progress payments which involve ineligible costs.

(19) OUTDOOR ADVERTISING: The City further agrees that the right of way provided for any STP improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(20) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(21) OMB AUDIT: If the City expend(s) five hundred thousand dollars (\$500,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with OMB Circular A-133. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of OMB Circular A-133, if the City expend(s) less than five hundred thousand dollars (\$500,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(22) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(23) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(24) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(25) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(26) COMMISSION REPRESENTATIVE: The Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(27) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
300 N. New Ballas Road
Creve Coeur, MO 63141
Facsimile No. 314-872-2505
- (B) To the Commission:
1590 Woodlake Dr.
Chesterfield, MO 63017
Facsimile No.: 573-522-6480

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(28) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49 C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, creed, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, creed, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (28) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction,

the City may request the United States to enter into such litigation to protect the interests of the United States.

(29) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this ____ day of _____, 2011

Executed by the Commission this ____ day of _____, 2011

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

CITY OF CREVE COEUR

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

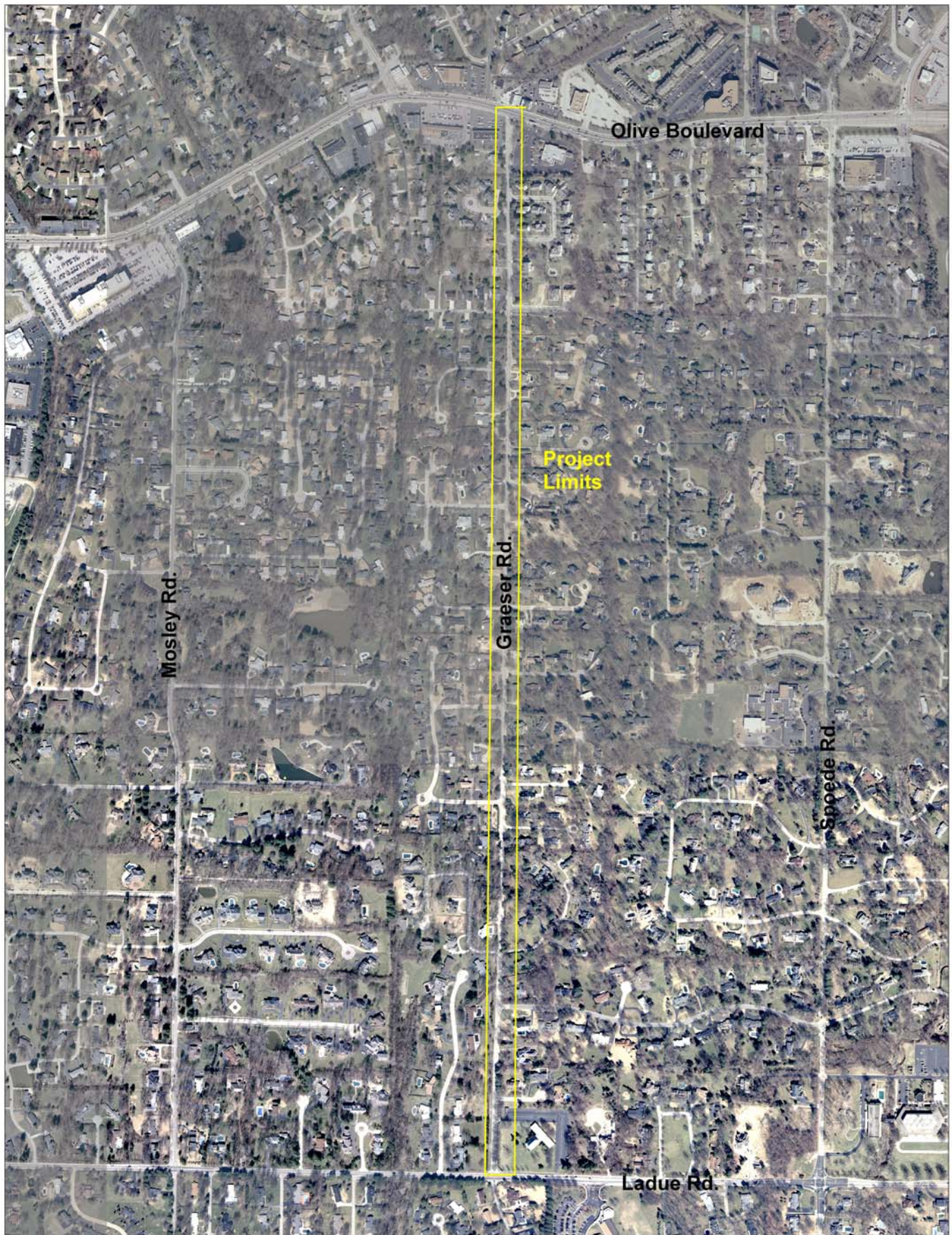
Approved as to Form:

Commission Counsel

By _____

Title _____

Ordinance No: _____



Graeser Road Overlay Project

"EXHIBIT A"

N

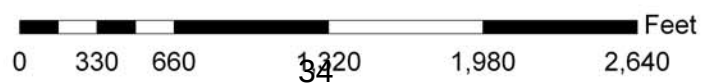


Exhibit B – Project Schedule

Project Description:

STP-5526(638) Graeser Road from Olive Boulevard (Route 340) to Ladue Road (Route AB).

Task	Date
Date funding is made available or allocated to recipient	07/2011
Solicitation for Professional Engineering Services (advertised)	04/2012
Engineering Services Contract Approved	07/2012
Preliminary and Right-of-Way Plans Submittal (if Applicable)	11/2013
Plans, Specifications & Estimate (PS&E) Submittal	02/2014
Plans, Specifications & Estimate (PS&E) Approval	03/2014
Advertisement for Letting	04/2014
Bid Opening	05/2014
Construction Contract Award or Planning Study completed (REQUIRED)	07/2014

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

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ATTACHMENTS

- A. Employment Preference for Appalachian Contracts
(included in Appalachian contracts only)

I. GENERAL

1. These contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

2. Except as otherwise provided for in each section, the contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

3. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.

4. A breach of the following clauses of the Required Contract Provisions may also be grounds for debarment as provided in 29 CFR 5.12:

Section I, paragraph 2;
Section IV, paragraphs 1, 2, 3, 4, and 7;
Section V, paragraphs 1 and 2a through 2g.

5. Disputes arising out of the labor standards provisions of Section IV (except paragraph 5) and Section V of these Required Contract Provisions shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor (DOL) as set forth in 29 CFR 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the DOL, or the contractor's employees or their representatives.

6. **Selection of Labor:** During the performance of this contract, the contractor shall not:

a. discriminate against labor from any other State, possession, or territory of the United States (except for employment preference for Appalachian contracts, when applicable, as specified in Attachment A), or

b. employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II. NONDISCRIMINATION

(Applicable to all Federal-aid construction contracts and to all

related subcontracts of \$10,000 or more.)

1. **Equal Employment Opportunity:** Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630 and 41 CFR 60) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The Equal Opportunity Construction Contract Specifications set forth under 41 CFR 60-4.3 and the provisions of the American Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the State highway agency (SHA) and the Federal Government in carrying out EEO obligations and in their review of his/her activities under the contract.

b. The contractor will accept as his operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training."

2. **EEO Officer:** The contractor will designate and make known to the SHA contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of EEO and who must be assigned adequate authority and responsibility to do so.

3. **Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minority group employees.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. **Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed

in publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with EEO contract provisions. (The DOL has held that where implementation of such agreements have the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. The contractor will encourage his present employees to refer minority group applicants for employment. Information and procedures with regard to referring minority group applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of his avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision.

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for

minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as agent will include the procedures set forth below:

a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

b. The contractor will use best efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the SHA and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The DOL has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the SHA.

8. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment.

a. The contractor shall notify all potential subcontractors and suppliers of his/her EEO obligations under this contract.

b. Disadvantaged business enterprises (DBE), as defined in 49 CFR 23, shall have equal opportunity to compete for and perform subcontracts which the contractor enters into pursuant to this contract. The contractor will use his best efforts to solicit bids from and to utilize DBE subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of DBE construction firms from SHA personnel.

c. The contractor will use his best efforts to ensure subcontractor compliance with their EEO obligations.

9. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the SHA and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women;

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees; and

(4) The progress and efforts being made in securing the services of DBE subcontractors or subcontractors with meaningful minority and female representation among their employees.

b. The contractors will submit an annual report to the SHA

each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data.

III. NONSEGREGATED FACILITIES

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)

a. By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement or purchase order, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, material supplier, or vendor, as appropriate, certifies that the firm does not maintain or provide for its employees any segregated facilities at any of its establishments, and that the firm does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The firm agrees that a breach of this certification is a violation of the EEO provisions of this contract. The firm further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability.

b. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, religion, national origin, age or disability, because of habit, local custom, or otherwise. The only exception will be for the disabled when the demands for accessibility override (e.g. disabled parking).

c. The contractor agrees that it has obtained or will obtain identical certification from proposed subcontractors or material suppliers prior to award of subcontracts or consummation of material supply agreements of \$10,000 or more and that it will retain such certifications in its files.

IV. PAYMENT OF PREDETERMINED MINIMUM WAGE

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural minor collectors, which are exempt.)

1. General:

a. All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week and without subsequent deduction or rebate on any account [except such payroll deductions as are permitted by regulations (29 CFR 3) issued by the Secretary of Labor under the Copeland Act (40 U.S.C. 276c)] the full amounts of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment. The payment shall be computed at wage rates not less than those contained in the wage determination of the Secretary of Labor (hereinafter "the wage determination") which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or its subcontractors and such laborers and mechanics. The wage determination (including any additional classifications and wage rates conformed under paragraph 2 of this Section IV and the DOL poster (WH-1321) or Form FHWA-1495) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers. For the purpose of this Section, contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act (40 U.S.C. 276a) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section IV, paragraph 3b, hereof. Also, for the purpose of this Section, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in paragraphs 4 and 5 of this Section IV.

b. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein, provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed.

c. All rulings and interpretations of the Davis-Bacon Act and related acts contained in 29 CFR 1, 3, and 5 are herein incorporated by reference in this contract.

2. Classification:

a. The SHA contracting officer shall require that any class of laborers or mechanics employed under the contract, which is not listed in the wage determination, shall be classified in conformance with the wage determination.

b. The contracting officer shall approve an additional classification, wage rate and fringe benefits only when the following criteria have been met:

(1) the work to be performed by the additional classification requested is not performed by a classification in the wage determination;

(2) the additional classification is utilized in the area by the construction industry;

(3) the proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and

(4) with respect to helpers, when such a classification prevails in the area in which the work is performed.

c. If the contractor or subcontractors, as appropriate, the laborers and mechanics (if known) to be employed in the additional classification or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the DOL, Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, D.C. 20210. The Wage and Hour Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

d. In the event the contractor or subcontractors, as appropriate, the laborers or mechanics to be employed in the additional classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. Said Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

e. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 2c or 2d of this Section IV shall be paid to all workers performing work in the additional classification from the first day on which work is performed in the classification.

3. Payment of Fringe Benefits:

a. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor or subcontractors, as appropriate, shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly case equivalent thereof.

b. If the contractor or subcontractor, as appropriate, does not make payments to a trustee or other third person, he/she may consider as a part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. Apprentices and Trainees (Programs of the U.S. DOL) and Helpers:

a. Apprentices:

(1) Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the DOL, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or if a person is employed in his/her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State apprenticeship agency (where appropriate) to be eligible for probationary employment as an apprentice.

(2) The allowable ratio of apprentices to journeyman-level employees on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate listed in the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor or subcontractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman-level hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

(3) Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator for the Wage and Hour Division determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

(4) In the event the Bureau of Apprenticeship and Training, or a State apprenticeship agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor or subcontractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the comparable work performed by regular employees until an acceptable program is approved.

b. Trainees:

(1) Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the DOL, Employment and Training Administration.

(2) The ratio of trainees to journeyman-level employees on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(3) Every trainee must be paid at not less than the rate specified in the approved program for his/her level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour

Division determines that there is an apprenticeship program associated with the corresponding journeyman-level wage rate on the wage determination which provides for less than full fringe benefits for apprentices, in which case such trainees shall receive the same fringe benefits as apprentices.

(4) In the event the Employment and Training Administration withdraws approval of a training program, the contractor or subcontractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Helpers:

Helpers will be permitted to work on a project if the helper classification is specified and defined on the applicable wage determination or is approved pursuant to the conformance procedure set forth in Section IV.2. Any worker listed on a payroll at a helper wage rate, who is not a helper under a approved definition, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed.

5. Apprentices and Trainees (Programs of the U.S. DOT):

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

6. Withholding:

The SHA shall upon its own action or upon written request of an authorized representative of the DOL withhold, or cause to be withheld, from the contractor or subcontractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements which is held by the same prime contractor, as much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the SHA contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

7. Overtime Requirements:

No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen, or guards (including apprentices, trainees, and helpers described in paragraphs 4 and 5 above) shall require or permit any laborer, mechanic, watchman, or guard in any workweek in which he/she is employed on such work, to work in excess of 40 hours in such workweek unless such laborer, mechanic, watchman, or guard receives compensation at a rate not less than one-and-one-half times his/her basic rate of pay for all hours worked in excess of 40 hours in such workweek.

8. Violation:

Liability for Unpaid Wages; Liquidated Damages: In the event of any violation of the clause set forth in paragraph 7 above, the contractor and any subcontractor responsible thereof shall be liable to the affected employee for his/her unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman, or guard employed in violation of the clause set forth in paragraph 7, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of the standard work week of 40 hours without payment of the overtime wages required by the clause set forth in paragraph 7.

9. Withholding for Unpaid Wages and Liquidated Damages:

The SHA shall upon its own action or upon written request of any authorized representative of the DOL withhold, or cause to be withheld, from any monies payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 8 above.

V. STATEMENTS AND PAYROLLS

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural collectors, which are exempt.)

1. Compliance with Copeland Regulations (29 CFR 3):

The contractor shall comply with the Copeland Regulations of the Secretary of Labor which are herein incorporated by reference.

2. Payrolls and Payroll Records:

a. Payrolls and basic records relating thereto shall be maintained by the contractor and each subcontractor during the course of the work and preserved for a period of 3 years from the date of completion of the contract for all laborers, mechanics, apprentices, trainees, watchmen, helpers, and guards working at the site of the work.

b. The payroll records shall contain the name, social security number, and address of each such employee; his or her correct classification; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalent thereof the types described in Section 1(b)(2)(B) of the Davis Bacon Act); daily and weekly number of hours worked; deductions made; and actual wages paid. In addition, for Appalachian contracts, the payroll records shall contain a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in Attachment A, paragraph 1. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis Bacon Act, the contractor and each subcontractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, that the plan or program has been communicated in writing to the laborers or mechanics affected, and show the cost anticipated or the actual cost incurred in providing benefits. Contractors or subcontractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprentices and trainees, and ratios and wage rates prescribed in the applicable programs.

c. Each contractor and subcontractor shall furnish, each week in which any contract work is performed, to the SHA resident engineer a payroll of wages paid each of its employees (including apprentices, trainees, and helpers, described in Section IV, paragraphs 4 and 5, and watchmen and guards engaged on work during the preceding weekly payroll period). The payroll submitted shall set out accurately and completely all of the information required to be maintained under paragraph 2b of this Section V. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal stock number 029-005-0014-1), U.S. Government Printing Office, Washington, D.C. 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

d. Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his/her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) that the payroll for the payroll period contains the information required to be maintained under paragraph 2b of this Section V and that such information is correct and complete;

(2) that such laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made

either directly or indirectly from the full wages earned, other than permissible deductions as set forth in the Regulations, 29 CFR 3;

(3) that each laborer or mechanic has been paid not less than the applicable wage rate and fringe benefits or cash equivalent for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

e. The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 2d of this Section V.

f. The falsification of any of the above certifications may subject the contractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

g. The contractor or subcontractor shall make the records required under paragraph 2b of this Section V available for inspection, copying, or transcription by authorized representatives of the SHA, the FHWA, or the DOL, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the SHA, the FHWA, the DOL, or all may, after written notice to the contractor, sponsor, applicant, or owner, take such actions as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

VI. RECORD OF MATERIALS, SUPPLIES, AND LABOR

1. On all Federal-aid contracts on the National Highway System, except those which provide solely for the installation of protective devices at railroad grade crossings, those which are constructed on a force account or direct labor basis, highway beautification contracts, and contracts for which the total final construction cost for roadway and bridge is less than \$1,000,000 (23 CFR 635) the contractor shall:

a. Become familiar with the list of specific materials and supplies contained in Form FHWA-47, "Statement of Materials and Labor Used by Contractor of Highway Construction Involving Federal Funds," prior to the commencement of work under this contract.

b. Maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form FHWA-47, and in the units shown on Form FHWA-47.

c. Furnish, upon the completion of the contract, to the SHA resident engineer on Form FHWA-47 together with the data required in paragraph 1b relative to materials and supplies, a final labor summary of all contract work indicating the total hours worked and the total amount earned.

2. At the prime contractor's option, either a single report covering all contract work or separate reports for the contractor and for each subcontract shall be submitted.

VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the State. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635).

a. "Its own organization" shall be construed to include only workers employed and paid directly by the prime contractor and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of

a subcontractor, assignee, or agent of the prime contractor.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph 1 of Section VII is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the SHA contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the SHA contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the SHA has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

VIII. SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the SHA contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality,

quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."

X. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$100,000 or more.)

By submission of this bid or the execution of this contract, or subcontract, as appropriate, the bidder, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any facility that is or will be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*, as amended by Pub.L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*, as amended by Pub.L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR 15) is not listed, on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.

2. That the firm agrees to comply and remain in compliance with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.

3. That the firm shall promptly notify the SHA of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility that is or will be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. That the firm agrees to include or cause to be included the requirements of paragraph 1 through 4 of this Section X in every nonexempt subcontract, and further agrees to take such action as the government may direct as a means of enforcing such requirements.

XI. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

1. Instructions for Certification - Primary Covered Transactions:

(Applicable to all Federal-aid contracts - 49 CFR 29)

a. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this

transaction for cause of default.

d. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations.

f. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement portion of the "Lists of Parties Excluded From Federal Procurement or Nonprocurement Programs" (Nonprocurement List) which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph f of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

b. Have not within a 3-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1b of this certification; and

d. Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Covered Transactions:

(Applicable to all subcontracts, purchase orders and other lower tier transactions of \$25,000 or more - 49 CFR 29)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "primary covered transaction," "participant," "person," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and

frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XII. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

(Applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 - 49 CFR 20)

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT PREFERENCE FOR
APPALACHIAN CONTRACTS**

(Applicable to Appalachian contracts only.)

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph 1c shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph 4 below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification,

(c) the date on which he estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, he shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within 1 week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph 1c above.

5. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: September 19, 2012

TO: Mark Perkins, City Administrator,

FROM: Jim Heines, Director of Public Works

SUBJECT: Recommendation to Execute an Agreement with the Missouri Highways and Transportation Commission

The City of Creve Coeur has been selected as a successful STP-S grant applicant for the Graeser Road Overlay Project. This is a federally funded grant opportunity administered by the Missouri Highways and Transportation Commission.

As a requirement of the grant the city must enter into an enabling agreement with the Missouri Highways and Transportation Commission committing to following the guidelines of the grant program.

Below is the anticipated timeline for this project:

<u>Item</u>	<u>Date</u>
RFQ for Design Services	November 2012
Award Design Contract	December 2012
Project submittals to MoDot	October 2013
MoDot Approval	November 2013
Bid	January 2014
Sign contracts	February/March 2014
Construction	April-June 2014

Public Works staff is recommending for the execution of six copies of the attached agreement on behalf of City Council to retain the city's eligibility for grant reimbursement on this project.



City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, Missouri 63141
(314) 432-6000
www.creve-coeur.org

DATE: October 3, 2012

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: Bills Payable

For your information and transmittal to the City Council, is a list of bills payable dated October 3, 2012 in the amount of \$291,646.16.



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

NO DEPT - NO DIV

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01812	0		091712	17-Sep-12	CROWN VISION CENTER	REFUND O/P OF BUSINESS LICENSE	01-00-00-4402	10.00
00066	0		209692	18-Sep-12	FROESEL OIL	8004 GAL UNLEAD GAS	01-00-00-1651	27,087.21
01750	0		1093550	06-Aug-12	HOME DEPOT CREDIT SERVICES	ITEMS FOR MOD/BOOKNG COUNTER	01-00-00-2410	18.92
01820	0		092112	21-Sep-12	INSIGHT TITLE COMPANY LLC	REFUND O/P OF BUSINESS LICENSE	01-00-00-4402	75.00
01813	0		091712	17-Sep-12	STRATEGIC PARTNERS WEALTH MANAGEMENT	REFUND O/P OF BUSINESS LICENSE	01-00-00-4402	105.00
Sum of Invoices								27,296.13



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

LEGISLATIVE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00080	0		4193-115-5	11-Jun-12	DIERBERGS	DELI SANDWICH/DESSERTS	01-11-12-6264	19.96	
00080	0		8635-569-5	13-Aug-12	DIERBERGS	DELI SANDWICH	01-11-12-6264	3.49	
00844	0		092412	24-Sep-12	JOANNE J. MARTIN, CCR	COURT REPORTER (9/10/12)	01-11-13-6202	158.00	
00619	0		RG 1728708	14-Sep-12	SWANK MOTION PICTURES, INC.	FLICKS ON THE FAIRWAY 9/22/12	01-11-12-7315	<u>321.00</u>	
							Sum of Invoices		502.45



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

IT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00073	0		Q591660	13-Sep-12	CDW-G	CONVERTERS FOR SECURITY CAMS	01-12-51-6213	123.20
00050	0		INV0024768	15-Sep-12	REJIS	PIX FIREWAL MAINTENCE	01-12-51-6213	21.24
							Sum of Invoices	144.44



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

FINANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00016	0		0912	14-Sep-12	COLLECTOR OF REVENUE	SALES TAX REPT-SEPT 2012	01-13-11-6202	20.00	
00072	0	P001513	MN00059140	20-Sep-12	HARRIS CORP	LICENSE	01-13-11-6213	23,746.44	
00041	0	P001475	092712	27-Sep-12	MUNI FINANCIAL	AUDIT SERVICES (9/13-9/23/12)	01-13-11-6202	<u>2,762.50</u>	
							Sum of Invoices		26,528.94



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

MUNICIPAL COURT

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00779	0	P001467	INV00009824	31-Jul-12	AMERICAN TRAFFIC SOLUTIONS, INC.	CAMERA FEES - JULY 2012	01-13-14-6248	50,120.00	
00050	0		INV0024767	15-Sep-12	REJIS	SUBSCRIPTION SVCS-SEPT 2012	01-13-14-6202	<u>2,300.06</u>	
							Sum of Invoices		52,420.06



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

INTERDEPARTMENTAL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00051	0		092712	27-Sep-12	BCA, INC.	INSURANCE DEDUCTIBLE	01-13-15-6220	390.00	
00154	0		222246837	18-Sep-12	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER MAINTENANCE	01-13-15-6213	393.29	
00045	0		62456223201	12-Sep-12	OFFICE DEPOT	CERTIFICATE FRAMES	01-13-15-6272	50.20	
00045	0		62456223201	12-Sep-12	OFFICE DEPOT	PAPER	01-13-15-7312	23.48	
01169	0		31816588350	08-Sep-12	STAPLES ADVANTAGE	ITEMS FOR PARK & REC DIRECTOR	01-13-15-7312	62.18	
01169	0		31820332985	15-Sep-12	STAPLES ADVANTAGE	EXPANDING WALLET	01-13-15-7312	52.22	
Sum of Invoices									971.37



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

ICE ARENA

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01644	0		95188	20-Sep-12	AA KEY & LOCK SERVICE	LOCK ASSEMBLY LOCKER ROOM #1	06-14-31-6212	637.00
01550	0		452-5204891	25-Sep-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (092512)	06-14-31-7301	0.88
01550	0		452-5178338	18-Sep-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (091812)	06-14-31-7301	0.88
01550	0		452-5204891	25-Sep-12	ARAMARK UNIFORM SERVICES	UNIFORMS (092512)	06-14-31-7308	3.96
01550	0		452-5178338	18-Sep-12	ARAMARK UNIFORM SERVICES	UNIFORMS (091812)	06-14-31-7308	3.96
00080	0		6129-117-5	23-Sep-12	DIERBERGS	BIRTHDAY CAKE & WATER	06-14-31-7304	26.38
00646	0		9671	17-Jul-12	ELITE PRO SYSTEM	SOUND SYSTEM REPAIR	06-14-31-6211	505.00
00081	0		9925928518	13-Sep-12	GRAINGER	SUPPLIES FOR LOCKER RM DOOR RE	06-14-31-6212	159.97
00082	0		0619398	10-Sep-12	METROLIFT PROPANE	PROPANE FOR OLYMPIA	06-14-31-7307	175.34
00116	0		1389	24-Sep-12	SAM'S CLUB	CLEANING SUPPLIES	06-14-31-7301	4.89
00116	0		1389	24-Sep-12	SAM'S CLUB	TABLES FOR DIELMANN COMPLEX	06-14-31-9503	199.92
00434	0		2049-3	19-Sep-12	SHERWIN-WILLIAMS	PAINT FOR DIELMANN COMPLEX	06-14-31-7301	243.40
01779	0		09032712	01-Sep-12	ST LOUIS COUNTY TREASURER	BOILER INSPECTION FEE	06-14-31-6211	118.00
Sum of Invoices								2,079.58



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

GOLF MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00066	0		000209565	17-Sep-12	FROESEL OIL	DIESEL & UNLEADED FUEL	06-14-32-7307	1,687.37
00458	0		25163899	13-Sep-12	LAFARGE NORTH AMERICA, INC.	TOP DRESSING SAND	06-14-32-6212	530.19
00175	0		872631-01	11-Sep-12	MTI DISTRIBUTING, INC.	TINES FOR TORO 618	06-14-32-6211	266.21
00970	0		1388-427413	12-Sep-12	O'REILLY AUTO PARTS	OIL FILTERS KUBOTA & FUEL CLEA	06-14-32-6211	19.19
00970	0		1388-427413	12-Sep-12	O'REILLY AUTO PARTS	WRENCHES	06-14-32-7302	24.99
00116	0		9370	13-Sep-12	SAM'S CLUB	TOILET PAPER	06-14-32-6210	56.36
00116	0		9370	13-Sep-12	SAM'S CLUB	MOTOR OIL	06-14-32-6212	28.10
00116	0		9370	13-Sep-12	SAM'S CLUB	GARBAGE BAGS	06-14-32-7301	19.62
00173	0		IN106688	17-Sep-12	SUPREME TURF PRODUCTS	FERTILIZER, CALCIUM, GYPSUM	06-14-32-7303	637.00
Sum of Invoices								3,269.03



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

PRO SHOP

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00721	0		4763	28-Aug-12	PATTONVILLE SCHOOL DISTRICT	SCORECARDS	06-14-33-7304	450.00
00116	0		1389	24-Sep-12	SAM'S CLUB	CLEANING SUPPLIES	06-14-33-7301	4.89
00116	0		1389	24-Sep-12	SAM'S CLUB	GRANOLA BARS	06-14-33-7304	15.60
01547	0	P001520	9198	21-Sep-12	TOWN PLANNER	TOWN	06-14-33-6260	880.00
							Sum of Invoices	1,350.49



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

SNACK BAR

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-5204891	25-Sep-12	ARAMARK UNIFORM SERVICES	WIPING TOWELS (092512)	06-14-34-7301	3.58
01550	0		452-5178338	18-Sep-12	ARAMARK UNIFORM SERVICES	WIPING TOWELS (091812)	06-14-34-7301	3.58
01072	0		698135	11-Sep-12	C.R. FRANK POPCORN AND SUPPLY CO.	MISCELLANEOUS CUPS	06-14-34-7304	14.50
00116	0	P001478	7205	07-Sep-12	SAM'S CLUB	FOOD FOR RESALE (9/7/12)	06-14-34-8315	72.14
00116	0	P001478	1319	24-Sep-12	SAM'S CLUB	FOOD FOR RESALE (9/24/12)	06-14-34-8315	80.25
00116	0	P001478	7205	07-Sep-12	SAM'S CLUB	FOOD FOR RESALE (9/7/12)	06-14-34-8319	98.63
00116	0	P001478	1319	24-Sep-12	SAM'S CLUB	SNACKS FOR RESALE (9/24/12)	06-14-34-8319	141.02
00116	0	P001478	7205	07-Sep-12	SAM'S CLUB	FOOD FOR RESALE (9/7/12)	06-14-34-8321	30.77
00086	0	P001477	209100200	10-Sep-12	SYSCO FOOD	FOOD FOR RESALE (8315)	06-14-34-8315	671.58
00086	0	P001477	209100200	10-Sep-12	SYSCO FOOD	MISC ITEMS (8321)	06-14-34-8321	66.02
00086	0		209100200.	10-Sep-12	SYSCO FOOD	MISC ITEMS-OVERAGE PO 1477	06-14-34-8321	44.83
Sum of Invoices								1,226.90



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

BUILDING MAINTENANCE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-5178337	18-Sep-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL CH (9/18/12)	01-16-11-7308	7.92
01550	0		452-5204590	25-Sep-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL-CH (9/25/12)	01-16-11-7308	7.92
00478	0		664028	18-Sep-12	BRAUER SUPPLY CO.	HVAC FILTERS FOR C HALL	01-16-11-6211	101.88
00478	0		664027	18-Sep-12	BRAUER SUPPLY CO.	HVAC FILTERS FOR C HALL	01-16-11-6211	275.00
00128	0		S3147662.001	06-Sep-12	FROST ELECTRIC	BALLAST KITS-CH PARKING LOT	01-16-11-6212	229.14
00128	0		S3149698.001	12-Sep-12	FROST ELECTRIC	LAMP,BALLAST KIT-PARKING LOT	01-16-11-6212	419.91
00039	0		795593	18-Sep-12	INDUSTRIAL SOAP	PAPER TOWELS-C HALL	01-16-11-6212	604.75
00437	0		091812	18-Sep-12	SHELLY'S SAFETY PLUS FIRST AID	ANTACIDS FOR MEDICAL BOX	01-16-11-6271	14.95
00087	0		43775	13-Sep-12	SYSTEMAIRE	REPAIR TO HEAT PUMP #25	01-16-11-6211	444.95
Sum of Invoices								2,106.42



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

POLICE-ADMIN

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00640	0		235590	10-Sep-12	BOB BARKER CO	11 BOXES LATEX GLOVES	01-21-11-6271	132.20	
00234	0		374514	20-Sep-12	ED. ROEHR SAFETY PRODUCTS	SIREN SPKR BRCKT/RT ANGLE CONE	01-21-11-6210	33.00	
00094	0		154403	13-Sep-12	FIRESTONE	CAR 2412 3 NEW PIRELLI TIRES	01-21-11-6210	585.00	
00050	0		INV0024768	15-Sep-12	REJIS	LIVESCAN CONNECTION	01-21-11-6202	50.00	
00050	0		INV0024768	15-Sep-12	REJIS	IMDS ORACLE DB MAINT	01-21-11-6202	21.00	
00050	0	P001462	INV0024768.	15-Sep-12	REJIS	SUBSCRIPTION FEE-SEPT 2012	01-21-11-6202	4,030.39	
00050	0	P001497	INV0024768.2	15-Sep-12	REJIS	CHARTER FIBER/ROUTER MAINT-SEP	01-21-11-6202	855.00	
00050	0		INV0024769	17-Sep-12	REJIS	(4) BACKGROUND CHECKS	01-21-11-6203	40.00	
00050	0	P001498	INV0024768.1	15-Sep-12	REJIS	GLOBAL SOFTWARE SVCS-SEPT 2012	01-21-11-6213	1,102.50	
01048	0		2802272783	18-Sep-12	VERIZON WIRELESS	MONTHLY AIRCARD CHARGES	01-21-11-6253	43.01	
Sum of Invoices									6,892.10



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

POLICE-INVESTIGATIONS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00050	0		INV0024768	15-Sep-12	REJIS	IMDS ORACLE DB MAINT	01-21-21-6202	<u>10.50</u>	
							Sum of Invoices		10.50



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

POLICE-PATROL

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00094	0		154960	26-Sep-12	FIRESTONE	CAR 2405 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		154679	18-Sep-12	FIRESTONE	CAR 2410 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		154777	21-Sep-12	FIRESTONE	CAR 2403 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		154664	18-Sep-12	FIRESTONE	CAR 2417 3000 MILE SERVICE	01-21-22-6210	22.99
00094	0		154910	24-Sep-12	FIRESTONE	INSTALL TIRE ON RIM/BALANCE	01-21-22-6210	13.17
00125	0		275206	25-Sep-12	LEON UNIFORM	UNIFORM ITEMS FOR BIKE PATROL	01-21-22-7308	129.88
01028	0		00219387	21-Sep-12	ORION THE FLARE EXPERTS	(7)30MIN NONROLLING ROAD FLARE	01-21-22-7302	481.99
00050	0		INV0024768	15-Sep-12	REJIS	14 VERIZON DATA LINE	01-21-22-6253	672.00
00985	0		2092506	21-Sep-12	TRAFFIX DEVICES INC	(4) A-CODE TRAFFIC BARRICADES	01-21-22-7302	419.00
00311	0		552850	21-Sep-12	WEBER CHEVROLET	CAR 2419 DIAGNOSE POWER ISSUE	01-21-22-6210	124.41
00237	0		2969236	12-Sep-12	WORLD WIDE TECHNOLOGY	2 MOB PRINTER BATTERIES	01-21-22-6211	172.14
00237	0		2969235	18-Sep-12	WORLD WIDE TECHNOLOGY	4 MOB PRINTER BATTERIES	01-21-22-6211	344.28
00237	0		2964699	13-Sep-12	WORLD WIDE TECHNOLOGY	MOBILE PRINTER CRADLE	01-21-22-6211	239.19
Sum of Invoices								2,688.02



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

PUBLIC WORKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
00126	0		INV0189525	14-Sep-12	ROTOLITE	PAPER, INK JET CARTRIDGE	01-31-11-6213	38.03
01048	0		2800278991	13-Sep-12	VERIZON WIRELESS	AIR CARD (8/14-9/13/12)	01-31-11-6253	43.01
Sum of Invoices								81.04



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-5178334	18-Sep-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (9/18/12)	01-31-41-6212	8.91
01550	0		452-5204888	25-Sep-12	ARAMARK UNIFORM SERVICES	CLEANING SUPPLIES (9/25/12)	01-31-41-6212	8.91
01550	0		452-5178334	18-Sep-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/18/12)	01-31-41-7308	39.80
01550	0		452-5204888	25-Sep-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/25/12)	01-31-41-7308	39.80
00693	0		256917	19-Sep-12	BMC ENTERPRISES, INC.	CONCRETE-BELLERIVE,DECKER,BEIR	01-31-41-7305	908.61
00010	0		914244	17-Sep-12	BRANNEKY HARDWARE	FLOOD LIGHTS-SHOP ENTRANCE	01-31-41-6212	95.92
00010	0		914159	14-Sep-12	BRANNEKY HARDWARE	BROOMS FOR ASPHALT WORK	01-31-41-7302	33.96
00010	0		914553	21-Sep-12	BRANNEKY HARDWARE	ASPHALT CLEAN OUT SHOVEL	01-31-41-7302	21.99
00010	0		914159	14-Sep-12	BRANNEKY HARDWARE	VARIOUS ITEMS- GARAGE KITCHEN	01-31-41-7304	30.21
00013	0		1763-199527	17-Sep-12	CARQUEST AUTO PARTS	CARBEURATOR CLEANER-SHOP	01-31-41-6210	40.80
00013	0		1763-199427	13-Sep-12	CARQUEST AUTO PARTS	OIL FILTERS-SHOP SUPPLY	01-31-41-6210	30.20
00013	0		1763-199863	24-Sep-12	CARQUEST AUTO PARTS	CONVEX BLACK MIRROR	01-31-41-6210	56.16
00013	0		1763-199856	24-Sep-12	CARQUEST AUTO PARTS	VACUUM FILTERS FOR SHOP	01-31-41-6211	63.00
01466	0		140039123	25-Sep-12	CROSS MIDWEST TIRE	TIRES FOR LEAF VAC	01-31-41-6211	1,196.34
00049	0		35263	18-Sep-12	EMPLOYEE STAFFING GROUP	TEMP HELP W/O 9/10/12	01-31-41-6207	540.00
00023	0		286169	13-Sep-12	FRED WEBER	APHALT-SIDEWALK TRIP HAZARD	01-31-41-7305	295.00
00023	0		285856	12-Sep-12	FRED WEBER	ASPHALT-PATCHING,TRIP HAZAARD	01-31-41-7305	295.00
00023	0		286701	18-Sep-12	FRED WEBER	ASPHALT-CRACK REPAIR	01-31-41-7305	295.00
00023	0		287243	20-Sep-12	FRED WEBER	ASPHALT-SOMMERTON STEET REPAIR	01-31-41-7305	236.00
00023	0		288227	25-Sep-12	FRED WEBER	ASPHALT-SOMMERTON STREET REPAI	01-31-41-7305	295.00
00023	0		287524	21-Sep-12	FRED WEBER	ASPHALT-STREET REPAIRS	01-31-41-7305	118.00
00117	0		0027987	26-Sep-12	HOME DEPOT	RUST SPRAY-TRUCK #100	01-31-41-6210	11.94
00117	0		8014666	18-Sep-12	HOME DEPOT	KNEEPADS,TAPE MEASURE	01-31-41-7304	175.23
00117	0		6405027	20-Sep-12	HOME DEPOT	RETURN OF CONCRETE	01-31-41-7305	-144.00
00117	0		0414849	26-Sep-12	HOME DEPOT	CONCRETE RETURN	01-31-41-7305	-37.84
00117	0		6015004	20-Sep-12	HOME DEPOT	CONCRETE MTRLS-STREET WORK	01-31-41-7305	183.94
00117	0		6015008	20-Sep-12	HOME DEPOT	CONCRETE MTRLS-STREET WORK	01-31-41-7305	189.20
00117	0		0027987	26-Sep-12	HOME DEPOT	CONCRETE MIX FOR STREETS	01-31-41-7305	218.62
00156	0		0053075	13-Sep-12	L & C TRUCK REPAIR, INC.	BRAKE REPAIR TRUCK #312	01-31-41-6210	333.13
00165	0		TI-0253658	19-Sep-12	NEWMAN TRAFFIC SIGNS	"CLOSED AHEAD" STREET SIGNS	01-31-41-7311	551.64



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

STREETS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00110	0		312438	13-Sep-12	RICMAR INDUSTRIES	ASPHALT TOOL CLEANER	01-31-41-7301	425.45	
00092	0		41783	17-Sep-12	ST LOUIS COUNTY	3RD QTR TRAFFIC SIGNAL MAINT	01-31-41-6251	2,588.40	
00270	0		69077	21-Sep-12	TERMINAL SUPPLY CO.	TAIL LAMPS,BATTERY TERMIALS	01-31-41-6210	67.66	
00104	0		P39245	17-Sep-12	VERMEER	CHIPPER BLADE SHARPENING	01-31-41-6211	82.00	
Sum of Invoices									9,293.98



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

HEALTH & WELFARE

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00105	0	P001463	014770899.	15-Sep-12	ALLIED WASTE	TRASH SVC - SEPT 2012	01-31-42-6214	80,972.60	
00105	0	P001464	014770899	15-Sep-12	ALLIED WASTE	RECYCLING SVC-SEPT 2012	01-31-42-6217	<u>23,443.40</u>	
							<i>Sum of Invoices</i>		104,416.00



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

PARKS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount
01550	0		452-5178334	18-Sep-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/18/12)	01-31-43-7308	39.80
01550	0		452-5204888	25-Sep-12	ARAMARK UNIFORM SERVICES	UNIFORM RENTAL (9/25/12)	01-31-43-7308	39.80
00010	0		914245	17-Sep-12	BRANNEKY HARDWARE	PARTS FOR TIMERS-TENNIS CRTS	01-31-43-6212	13.27
00013	0		1763-199774	21-Sep-12	CARQUEST AUTO PARTS	ANTIFREEZE FOR SPLASHPAD	01-31-43-6212	449.00
01534	0		729070	14-Sep-12	MIRACLE RECREATION EQUIPMENT CO	SWING BELT LATCH-BEINE PARK	01-31-43-6212	39.24
00173	0		IN106785	20-Sep-12	SUPREME TURF PRODUCTS	WEED KILLER CITY R-O-W'S	01-31-43-7301	<u>380.00</u>
Sum of Invoices								961.11



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

COMMUNITY DEVELOPMENT - PLANNING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00213	0		091812-1	18-Sep-12	MCLAUGHLIN COURT REPORTING SERVICES, INC	P&Z MTG-9/17/12-APP #12-028	01-32-11-6202	239.00	
01519	0	P001222	88866	31-May-12	THE SIDWELL COMPANY	PROFESSIONAL SERVICES FOR GIS	01-32-11-6203	2,621.25	
01519	0	P001223	88866.1	31-May-12	THE SIDWELL COMPANY	ADDITIONAL PROFESSIONAL SERVIC	01-32-11-6203	1,390.00	
01519	0	P001522	88866.2	31-May-12	THE SIDWELL COMPANY	GIS CONTRACT INCREASE	01-32-11-6203	7,398.05	
00126	0		INV0189525	14-Sep-12	ROTOLITE	PAPER, INK JET CARTRIDGE	01-32-11-6213	38.04	
Sum of Invoices									11,686.34



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

COMMUNITY DEVELOPMENT - BUILDING

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00009	0		091812	18-Sep-12	BOLLS, SCOTT	SIMS CARD FOR CITY CAMERA	01-32-61-7304	22.88	
00126	0		INV0189525	14-Sep-12	ROTOLITE	PAPER, INK JET CARTRIDGE	01-32-61-6213	38.03	
01048	0		2795757165	04-Sep-12	VERIZON WIRELESS	SVC FOR INSPECTORS TABLES	01-32-61-6253	<u>157.35</u>	
							Sum of Invoices		218.26



CITY OF CREVE COEUR
ACCOUNTS PAYABLE LISTING

10/3/2012

CAPITAL IMPROVEMENTS

Vendor Number	Address Number	Purchase Order	Invoice Number	Invoice Date	Vendor Name	Description	GL Account	Invoice Amount	
00240	0	P001507	137621	24-Sep-12	KEY EQUIPMENT & SUPPLY CO	NEW 20 CUBIC YARD EXTREME LEAF	02-61-71-9516	36,945.00	
00818	0		E96802	25-Sep-12	NU WAY CONCRETE FORMS	CITY HALL LIGHTING RETROFIT	02-61-71-9501-13101	<u>558.00</u>	
							Sum of Invoices		37,503.00
GRAND TOTAL OF ALL INVOICES									291,646.16

AN ORDINANCE AMENDING CHAPTER 405, ARTICLE VIII SIGN REGULATIONS OF THE ZONING ORDINANCE AND THE DEFINITION OF TERMS, OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI

WHEREAS, an application by the Director of Community Development, on behalf of the City of Creve Coeur, has been submitted for various amendments to the Article VIII, Sign Regulations, intended to simplify several regulations and definitions, eliminate certain provisions that appear to be inconsistent with the purposes of the Sign Code and address content-related issues; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the definitions and sign provisions of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, July 16, 2012, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning Division Staff has discussed the proposed changes with members of the Creve Coeur/Olivette Chamber of Commerce, and members of the business and real estate community; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of 4-0 recommended approval of the subject amendments at its meeting on Monday, September 17, 2012; and,

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and,

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and,

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: The following definitions in Section 405.120, Definition of Terms of Chapter 405, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended as follows:

SECTION 405.120 DEFINITION OF TERMS

FLAG: Any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government; or institution ~~or business~~.

SIGN: Any device, material, fixture, placard or structure, or part thereof, composed of lettered, numbered, symbolic and/or pictorial matter that is placed or located when in use outside of or on the exterior of or in the windows or other transparent surfaces of any building for display of a message, announcement, notice, direction, information or name that uses any color, form, graphic illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public but not including a church steeple or other religious symbol affixed to a church structure.

SIGN, ALTER (AS APPLIED TO A SIGN): A physical change in a sign or sign supports or an addition to a sign or sign supports. The term "alter" includes renovation, modification, rehabilitation or restoration, but does not include changing the copy on a ~~bulletin board sign, marquee sign or other~~ legal changeable-copy sign.

SIGN, BANNER: Any sign of lightweight fabric or other non-rigid material that is mounted to a pole or a building by a frame at one (1) or more edges. ~~National flags, State or municipal flags or the official flag of any institution or business shall~~ Flags are not ~~be~~ considered banners.

~~SIGN, BILLBOARD OR OUTDOOR ADVERTISING: An off-premises outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary systems.~~

SIGN, BULLETIN BOARD SIGN, ~~INSTITUTIONAL~~: A sign attached to a building or freestanding which ~~identifies a place of worship or school and which contains the name of the institution and~~ contains changeable copy information such as ~~the names of individuals connected with the institution, general announcements of events or activities occurring at the institution or similar messages.~~

SIGN, CHANGEABLE COPY SIGN: A sign on which message copy is changed manually or automatically through the utilization of attachable or integrally automated letters, numbers, symbols and other similar characters of changeable pictorial panels; ~~but not including an institutional bulletin board sign, gasoline station price sign or marquee sign.~~

~~SIGN, COMMERCIAL MESSAGE: Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity, but not including a sign offering a residential dwelling for sale, lease or rent.~~

~~SIGN, CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the~~

~~owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.~~

SIGN, DIRECTIONAL SIGN: A sign which is designed and erected ~~solely~~ for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed including entrance and exit signs.

~~SIGN, DIRECTORY SIGN: A sign listing the name and/or use and/or location of the various businesses or activities conducted within a building or group of buildings.~~

SIGN, FACE: The area or display surface used for the message of a sign.

~~SIGN, FRONTAGE: The length along the front of the ground floor of a building occupied by a separate and distinct use and the length along the side of the ground floor of a building occupied by a separate and distinct use when the side of such building faces a street; or the width of a tenant space measured along the ground floor of a building occupied by a separate and distinct use which does not face a street but faces a parking lot.~~

SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; ~~except that in the case of an individual letter sign, only two-thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign.~~ Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

SIGN, HEIGHT: The vertical distance measured from the elevation of the ~~centerline of the adjacent right-of-way~~ grade at the point closest to the sign to the highest point of the sign.

SIGN, INCIDENTAL SIGN: A sign which is too small to be ~~generally informational and has a purpose secondary to the use of the premises on which it is located, such as "credit cards accepted here", "loading only", "telephone" or similar information. No sign with a commercial message legible from a position off the premises shall be considered incidental.~~

~~SIGN, LIGHT POLE ARTWORK SIGN: A sign consisting of a banner fabricated from a durable fabric with a design applied through silkscreening or similar application method affixed to a light pole.; the content of such signs shall be civic or seasonal in nature. Such signs shall not include commercial advertising, business slogans or logos or the names of individual businesses, groups, organizations, shopping centers or office parks.~~

SIGN, MOVING SIGN: Any sign or part of a sign which changes physical position by any movement or rotation, ~~but not including rotating panels which are integrated within an outdoor general advertising device.~~

~~SIGN, NAME PLATE: A non-illuminated sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.~~

~~SIGN, OFF-PREMISES SIGN: Any sign containing content as directed at least in part by someone other than the owner of the property or occupant of a building on, except a billboard as defined herein, which advertises or identifies a property, business or address, other than the property, business or address where the sign is displayed.~~

~~SIGN, ON-PREMISES PERMANENT SIGN: A sign containing content as directed solely by the owner of the property or occupant of a building on the property where the sign is displayed, pertaining only to the premises on which the sign is located, and containing any of the following information:~~

- ~~— 1. The name of the owner, occupant, management, business or building;~~
- ~~— 2. The address;~~
- ~~— 3. The type of business, profession, service or activity;~~
- ~~— 4. The type or types of products offered; and~~
- ~~— 5. Other similar information.~~

~~SIGN, PAPER SIGN: A sign normally for temporary use made of paper, cardboard or similar material.~~

~~SIGN, PARKING DIRECTION SIGN: A sign indicating the entrance or exit to a parking lot.~~

~~SIGN, PARKING REGULATION SIGN: A sign stating the regulations for use of a parking lot.~~

~~SIGN, PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, which is designed to be transported including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs and hot air balloons used as signs.~~

~~SIGN, REAL ESTATE SIGN: Any sign pertaining to the sale, lease or rental of real estate.~~

~~SIGN, RESIDENTIAL SIGN: A sign not exceeding six (6) square feet per sign face and not having more than two (2) sign faces, which is located in a residential zoning district and that contains no commercial message other than advertising the premises for sale, lease or rent.~~

~~SIGN, ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and/or extending wholly or partially vertically above the highest portion of the roof.~~

~~SIGN, SNIPE SIGN: A temporary sign or poster affixed to a utility pole, tree, fence, or similar structure and any temporary freestanding sign illegally placed or installed on public or private property etc.~~

~~SIGN, TEMPORARY PROMOTIONAL DISPLAY: A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services or a change in policy or in the status of a business.~~

SIGN, UNSIGHTLY OR UNKEMPT SIGN: A sign that is clearly in disrepair, is missing part of its copy, has letters or other copy that are broken, missing or so faded that they are difficult to read from the street, is not securely affixed to either the ground or some other supporting structure, ~~contains an illegible message~~, contains rust or peeling or flaking paint or has damage to its face which is clearly visible from the street.

SIGN, WINDOW SIGN: A sign ~~made of die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal neon depicting the tenant's identity or product graphics placed on the surface or~~ within three (3) feet of the inside of a window or other transparent surface and is visible from the exterior of the window or surface.

SECTION 2: Article VIII, Sign Regulations is hereby deleted and replaced in its entirety with a new Article VIII, Sign Regulation, attached as Exhibit A hereto.

SECTION 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

ARTICLE VIII. SIGN REGULATIONS

SECTION 405.910: PURPOSE AND INTENT

These regulations encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic appearance of the City and to facilitate and improve pedestrian and vehicular traffic safety. These regulations are intended to promote the public health, safety and general welfare through a comprehensive set of reasonable standards and requirements. These regulations allow for the identification of places of commerce, the communication of public and commercial information necessary for efficient and safe traffic movement; to allow for freedom of speech subject to reasonable restrictions as to time, place and manner; to protect the public from the dangers of unsafe signs; to lessen hazardous situations, confusion and visual clutter caused by a proliferation of signs competing for the attention of pedestrian and vehicular traffic; and to enhance the attractiveness and economic well-being of the City of Creve Coeur.

SECTION 405.920: SIGN PERMITS

A. It shall be unlawful for any person to erect, perform major repair, alter, move, replace or otherwise change a sign requiring a sign permit in the City of Creve Coeur without first obtaining a sign permit from the Zoning Administrator or Planning and Zoning Commission as provided by this Article. An application for a sign permit shall be submitted to the Zoning Administrator and shall include and be accompanied by plans that show the size and shape of the sign, the location of the proposed sign, the setbacks from surrounding properties, the type of illumination and proposed lighting, the materials used to construct and the method used to support the sign or attach it to a building. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, the application shall comply with and be in accordance with the format and procedures adopted by the Planning and Zoning Commission and shall be filed with the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

B. If the proposed sign is one that may be approved by the Zoning Administrator, then, within twenty-one (21) days after the application for a sign permit has been received by the Zoning Administrator, he/she shall respond to the applicant advising said applicant whether or not the sign requested conforms with this Article. If no response is received within twenty-one (21) days, the application shall be deemed to have been approved. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, then the Planning and Zoning Commission shall respond to the applicant within sixty (60) days after receipt of the application by the Zoning Administrator advising said applicant whether the sign requested has or has not been approved. If no response is received within sixty (60) days, the application shall be deemed to have been approved. Upon denial, the applicant may appeal to the Board of Adjustment pursuant to Sections [405.1040](#) and [405.1110](#) of the zoning ordinance. The Zoning Administrator shall maintain a record of all sign permits issued, which records shall show date of application and date of issuance of permits.

SECTION 405.930: GENERAL PROVISIONS

A. *Scope.* The provisions of this Section shall apply to all signs in the City, unless a sign is specifically exempted by [Section 405.930\(E\)](#) of this Article. Every sign shall comply with all other applicable ordinances of the City. In case of a conflict between the provisions of this Section and other applicable provisions, the more restrictive shall govern. Any sign not specifically provided for herein as a permitted sign or a prohibited sign shall be designated as a permitted sign or a prohibited sign by the Zoning Administrator consistent with [Section 405.910](#), Purpose and Intent, and the most closely applicable provisions of this Article. If said sign is designated as a permitted sign, then said sign shall be subject to all limitations and provisions stated herein for a permitted sign which is most similar to said sign.

B. *Maintenance And Safety.*

1. All signs and related structures shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked surfaces and broken or missing letters.

2. All signs and related structures shall be maintained in a safe and clean condition. Whenever the Zoning Administrator determines that a sign has become structurally unsafe or endangers life or property or is not being maintained in good repair, a notice shall be sent to the owner or person in charge of the sign that the sign be made safe, repaired or removed. The owner or person in charge of the sign shall have ten (10) days from receipt of such notice in which to comply.

C. *Non-Conforming Signs.*

1. No new or existing sign may be constructed, altered in structure, relocated or replaced after the effective date of this Article, unless the sign conforms to all the provisions of this Article and any required sign permit has been issued by the Zoning Administrator or unless the sign is specifically exempted from the provisions of this Article. Nothing in this Section shall relieve the owner or user of a non-conforming sign from the provisions of this Article regarding safety, maintenance and repair of signs specified in [Section 405.930\(B\)](#) Maintenance and Safety.

2. Any existing sign that is destroyed, deteriorated or damaged to the extent of fifty percent (50%) or more of its replacement cost, exclusive of the foundation, after the effective date of this Article, shall not be rebuilt, repaired or replaced except in conformity with the provisions of this Chapter.

D. *Prohibited Signs.* The following types of signs are specifically prohibited in the City:

1. *Affixing of advertisements to public places.* No person shall paint, post, place, hang, suspend or affix any advertisement, card, poster, sign, banner or streamer, of any nature or for any purpose or cause the same to be done on or to any curbstone, flagstone or any other portion of any street or sidewalk or upon any tree or lamppost standing or erected on any public street or right-of-way or other public place or upon any pole erected upon any public street or right-of-way or other public place, which pole is used to carry telephone wires or cables, electric light wires or other electric conductors, or to any hydrant, bridge or other public structure within the City; provided however, that nothing contained in this Section shall apply to any official notice required by law or ordinance to be posted by public officers of the City or any other governmental agency.
2. Signs legible from a public right-of-way that imitate, blend or conflict with or that otherwise may be confused with traffic signals and signs, that are not directional signs required by the City or other traffic authority for traffic efficiency and safety. Such signs shall include, but not be limited to, signs that are imitations of "stop", "go", "caution", "danger" or "warning".
3. Signs that are of a size, location, movement and/or illumination as may be confused with or construed as a traffic control device or which might obstruct from view any traffic or street sign or signal, that are not directional signs required by the City or other traffic authority for traffic efficiency and safety.
4. Signs that falsely advertise that an activity, business, product or service is sold or conducted on the premises upon which the sign is located and thereby misdirect traffic. Such signs shall be removed within thirty (30) days of written notification to the owner of the premises.
5. Signs on public land, except those erected at the direction of or with the permission of an appropriate public authority.
6. Vehicular signs which are not painted directly on or affixed flat against the factory surface of a vehicle. This provision does not permit appendages or modifications to a vehicle for advertising purposes. Exempted from this Section are vehicular signs affixed to vehicles when said vehicles park temporarily and only to make immediate deliveries or pickups.
 - a. Any vehicle displaying permitted vehicular signs owned by or operated on behalf of a business operating within the City limits shall park said vehicle at the business location behind the front building line within a properly designated parking space. Where such parking is not available, said vehicle shall park as far from the right-of-way and in the least visible area possible.
 - b. Any vehicle which displays a permitted vehicle sign shall not park between 2:00 A.M. and 5:00 A.M. within residential zoning districts including "A", "B", "C", "D", "AR" or in a residential development in any zoning district within the corporate limits of Creve Coeur, unless such vehicle is parked within an enclosed

garage. Governmental and public safety vehicles shall be exempt from this provision, as well as construction-related vehicles parked on property under construction.

7. Strips or strings of lights used to call attention to a use or occupancy by outlining property lines, sales area, roof lines, doors, windows, wall edges or other architectural features of a building site. Exempted from this provision are holiday-style lighting displayed from November first (1st) through January fifteenth (15th) and lights which are an integral architectural feature of the original design of a structure as approved by the Planning and Zoning Commission. (The use of exposed neon is governed by [Section 405.930\(F\)\(6\)](#) and [\(7\)](#).)

8. Moving signs including those of which all or any part of the sign moves or appears to move. This prohibition against moving signs shall extend to devices including strings of light bulbs and rotating signs, whether part of any signs or maintained as an independent feature. This prohibition does not apply exempted governmental and official signs.

9. Snipe signs.

10. Unsightly or unkempt or damaged signs.

11. Roof signs.

12. Projecting signs, except those otherwise permitted by [Section 405.950\(H\)\(4\)](#) or other [Sections](#) of this Article.

13. *Any sign structure which no longer supports a sign.* Exempted from this Section is a sign structure which is temporarily void of a sign due to a permitted alteration or repair. A sign permit or an application for a sign permit for this alteration or repair must be on file with the Department of Public Works and said alteration or repair must be completed within one (1) month of the issuance of the approved sign permit.

14. *Changeable copy signs (manual or automated).* Exempted from this provision are: manually-changeable bulletin board signs as allowed by [Section 405.940\(E\)](#); marquee signs, if approved pursuant to [Section 405.950\(H\)\(2\)](#); signs defined in [Section 405.930\(E\)\(1\)](#) (governmental and official signs); illuminated devices as allowed by [Section 405.930\(F\)\(2\)](#); and signs in [Section 405.950\(I\)\(6\)](#) (gasoline price signs).

15. Permanent or temporary window signs above the finished floor level of the second (2nd) story including lettering painted or applied to glass and temporary displays as defined in [Section 405.950\(G\)\(1\)](#) located above the ground floor.

16. Back-lit awnings and lighted canopies.

17. Portable signs except as allowed by Section 405.950(G)(5).
18. Inflatable signs, tethered balloons, banners, pennants, flags, wind-driven spinners, or streamers, except as otherwise provided in Section 405.950(G)(2) *Temporary displays and signs*.
19. Individuals dressed in costume intended to attract attention as human signs to a business for advertising purposes in violation of Chapter 610.
20. Signs extending over a roadway.
21. Except as may otherwise be expressly authorized by this Article VIII, signs exceeding fifty (50) square feet in gross sign area.

E. *Exempted Signs*. With the exception of [Sections 405.930\(B\)](#) (Maintenance and Safety), [405.930\(D\)](#) (Prohibited Signs) and [405.930\(G\)](#) (Miscellaneous Requirements), the provisions and regulations of this Article shall not apply to the following signs:

1. Governmental and official signs including, but not limited to, the following:
 - a. Public notices and official notices posted or authorized by government officials in the performance of their duties including changeable copy signs not exceeding thirty (30) square feet of sign area per face.
 - b. Signs for the control or direction of traffic and other authorized public purposes, including on private property as required by the City or other traffic authority.
2. No parking and no trespassing signs that are no larger than one (1) square foot in gross sign area.
3. Signs not exceeding two (2) square feet in sign area individually and not exceeding six (6) square feet in the aggregate, including, but not limited to, the following:
 - a. Name plates, attached to a structure and not exceeding two (2) square feet in area, used to identify a professional service or home occupation permitted in the single-family residential zoning district in which the sign is located.
 - b. Residential address number located on a sign not larger than one (1) square foot in gross sign area.
 - c. Commercial address numerals, which are required to be prominently displayed on each building, not to exceed two (2) square feet in area. Larger address numerals may be permitted elsewhere in this Article and would be subject to the provisions and regulations of the particular Section.
4. Incidental signs.

F. *Illuminated Signs.* The following requirements shall apply to illuminated signs:

1. The light from any illuminated sign shall be so shaded, shielded and/or directed in such a manner that the light intensity or brightness will not be a substantial nuisance to the residents or occupants of surrounding areas.
2. No sign shall have blinking, flashing or fluttering lights or other illuminating device of variable light intensity, brightness or color. Clocks and thermometers which only indicate the time or temperature shall not be considered flashing signs, provided that the gross area of such devices is not greater than sixteen (16) square feet per face (maximum of two (2) faces), the vertical dimension of any letter or number is not greater than twenty-four (24) inches and the color or intensity of light is constant except for periodic changes in the information display, which occur not more frequently than once every fifteen (15) seconds. Beacon lights are not permitted.
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles on public thoroughfares.
5. No exposed reflective-type bulb or incandescent lamp which exceeds forty (40) watts shall be used on the exterior surface of any sign in such manner as to expose the face of the bulb, light or lamp to any public street or adjacent property.
6. The use of exposed neon in a window sign(s) with aggregate area larger than six (6) square feet must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of such sign(s).
7. The use of exposed neon as an illumination source for identification or an architectural feature must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of the exposed neon.

G. *Miscellaneous Requirements.* All signs shall comply with the following general requirements:

1. *Sign faces.* When a sign is allowed two (2) sign faces, the sign faces shall be parallel to one another and not more than fourteen (14) inches apart unless specifically authorized to deviate from this requirement by an applicable portion of this Article.
2. *Projections.* No sign shall project beyond a property line or into a public right-of-way, except traffic control signs as authorized pursuant to the traffic code and public information signs as approved by the City Council.
3. *Life safety code compliance.* All signs shall comply with all applicable life safety codes including the structural and fire safety provisions of the Building Code and the electrical provisions of the Electric Code of the City of Creve Coeur.

4. *Obstruction to exit ways.* No sign shall be erected, displayed or maintained so as to obstruct any fire escape, any required exit way, window or door opening used as a means of egress or to obstruct any other means of egress required by the Building Code of the City of Creve Coeur.

5. *Obstruction of ventilation.* No sign shall be erected, displayed or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City of Creve Coeur.

6. *Architectural Consistency.* Sign installations shall be consistent with, and not conceal, the architectural detail of a building.

H. *Flags.* Flags shall be permitted in any zoning district without a permit. Each lot or parcel of land in the City shall be limited to the display of not more than two (2) flags. Parcels of land in excess of five (5) acres in size, however, may display additional flags, provided that there are not more than four (4) flags displayed per five (5) acres of land area. Within five (5) days prior to and three (3) days following a national holiday such as Independence Day, Memorial Day or Veterans Day, there shall be no limitation on the number of flags displayed on any parcel of land within the City. Flagpoles shall not exceed twenty-five (25) feet in height in residential districts and thirty-five (35) feet in height in non-residential districts.

I. *Sign Setbacks.* All permanent signs shall be set back from property lines according to the regulations specified in this Article or as otherwise required by any other applicable City ordinance. Temporary signs shall be set back at least five (5) feet from the edge of pavement of any road and shall be located outside of the right-of-way of any State, County, or City road.

J. *Substitutability.* Whenever a commercial sign would be permitted under this Article, a sign bearing a political or other non-commercial message may be installed in its place, provided it otherwise complies with this Article. Subject to the landowner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any other duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

SECTION 405.940: SIGNS IN RESIDENTIAL DISTRICTS

A. *General Limitations.* It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with a residential use or in a residential zoning district, unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein. All signs require a permit except as otherwise provided herein.

B. *Residential Development Signs.* Permanent signs designating a subdivision,

neighborhood or multi-family development for traffic efficiency and safety shall be approved by the Planning and Zoning Commission through the site development plan approval process as defined in [Section 405.1080](#). Such signs shall be limited to twelve (12) square feet per sign face with a maximum of two (2) sign faces.

C. *Exempt Signs In All Residential Districts.* No permit shall be required for the following signs provided that the signs are erected by the owner or with the owner's permission.

1. Any lot in a residentially zoned area shall be permitted one (1) sign with a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces, except that if the lot is on the market for sale or lease, then it shall be permitted one (1) additional sign of six (6) square feet per sign face and a maximum of two (2) sign faces. [Zoning administrators note: (*Temporary open house signs.*) Because the foregoing section allows a residentially zoned lot to have two signs if it is on the market for sale or lease, that allows for a residential sign containing information advertising a premises for sale, lease or rent, and an open house sign. Because other residentially zoned properties are always allowed at least one sign, that allows for an additional open house sign off site on private property with the other owner's permission.]

2. *Temporary Signs during an Election.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on an residentially - zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced signs although no single sign face shall exceed six (6) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot.

D. *Single-Family Lots Fronting On A Numerically Designated State Highway.* Any lot in a single-family residentially zoned area which fronts on and has direct access available from a numerically designated State highway which has received site development plan approval for an office, day care center or retail service uses, as provided by [Section 405.450\(E\)](#), may have a combination of one (1) low monument sign, wall signs, window signs or signs affixed or painted on canopies or awnings. Because these lots are within residential areas, the total gross sign area, counting all faces, shall be consistent with that of other lots in residentially zoned areas and shall not exceed twelve (12) square feet. An additional rear entrance to such a business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. Permits shall be required for all signs allowed by this paragraph.

E. *Institutional Uses In Residential Districts.*

1. *Permanent attached signs.* Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. One permanent sign may be a bulletin board sign with manually-changeable copy.

2. *Low monument signs.* An institutional use in a residential district occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign, which can include a manually-changeable bulletin board sign, provided such sign contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in [Section 405.670](#) of this Chapter and the site meets one (1) of the following criteria:

- a. The site has at least three hundred (300) feet of lot frontage on a street or highway other than Lindbergh Boulevard; or
- b. The site has at least two hundred (200) feet of lot frontage on Lindbergh Boulevard.

3. *Campus low monument sign.* An institutional use in a residential district occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, permanent sign in accordance with the following standards:

- a. *Maximum sign area.* Sixty (60) square feet.
- b. *Maximum area per sign face.* Twenty-four (24) square feet.
- c. *Maximum height.* Six (6) feet above prevailing base grade.
- d. *Setback from right-of-way.* Fifteen (15) feet.

4. *Parking direction signs.* One (1) freestanding parking direction sign, which may be internally illuminated subject to [Section 405.930\(F\)](#) shall be required for every one hundred fifty (150) parking spaces with not more than two (2) sign faces, provided the sign shall not exceed fifteen (15) square feet in gross sign area per face, the sign height shall not exceed four (4) feet in height and no portion of the sign shall extend into the public right-of-way. The sign shall be placed within the parking lot and for enhanced traffic directional purposes may contain the name and/or logo of the institution in addition to messages providing directional information. The Zoning Director may allow fewer signs for good cause.

5. *Temporary signs.* Institutional uses in residential district may be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to three (3) times per year for up to thirty (30) days each period. A separate sign permit shall be required for each event.

F. *On-Site Construction Signs.* When property is under construction, pursuant to an issued building permit, an additional sign not to exceed twenty-four (24) square feet in gross sign area and not to exceed six (6) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall not be erected in a public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work if no occupancy permit is required.

SECTION 405.950: SIGNS IN NON-RESIDENTIAL DISTRICTS

A. *General Limitations.* It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any non-residential use or in a non-residential zoning district unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein. All signs permitted by this Section shall require the issuance of a sign permit, except for allowed temporary, incidental and portable signs.

B. *Permanent attached signs.*

1. *In-line or mid-block uses.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

2. *Corner units, single uses on corner lots, or out-lot buildings within a shopping center.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two or more public streets and is the closest building thereto. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

3. *Rear entrances.* A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the permanent signs should maintain uniformity in location, height and general design.

C. *Low monument signs.*

1. A project or development with a site area of at least 30,000 sq. ft. and with at least two hundred (200) feet of lot frontage along Lindbergh Boulevard, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.

2. A project or development with a site area of at least 30,000 sq. ft. but less than three (3.0) acres, and with at least three hundred (300) feet of lot frontage on a

- street or non-interstate highway, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.
3. A project or development with a site area of at least three (3.0) acres but less than five (5) acres shall be permitted a single low monument sign that contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.
 4. A project or development with a site area of more than five (5) acres shall, by site development plan approval in accordance with Section 405.1080, be permitted a single low monument sign that contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, that is not more than twelve (12) feet in height, that is setback at least fifteen (15) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.
 5. A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area allowed is required for all low monument signs.
 6. In instances where the required 150-foot separation from a pre-existing sign on one property would exclude an adjacent property from being permitted a low monument for which it is otherwise eligible, such exclusion shall be allowed as a factor in determining practical difficulties or unnecessary hardship within the provisions of Section 405.970, Variances, of this Chapter.

D. *Attached signs for multi-floor office buildings.* Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three (3), up to a maximum of one hundred and fifty (150) square feet. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two or more public streets and is the closest building thereto. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

E. *Address Signs.* For fire protection and traffic safety and efficiency, each freestanding single or multi-tenant office building shall have one (1) set of address numerals per building frontage.

Exhibit A

These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:

Height of Sign on Building (story)	Distance from R.O.W. (feet)	Allowable Square Footage per Numeral (square feet)
1	0--100	2
1	101--250	3
1	over 250	4
2	0--100	3
2	101--250	4
2	over 250	5
3	0--100	4
3	101--250	5
3	over 250	6
4	0--100	5
4	101--250	6
4	over 250	7
5	0--100	6
5	101--250	7
5	over 250	8
6	0--100	7
6	101--250	8
6	over 250	9
over 6	0--100	8
over 6	101--250	9
over 6	over 250	10

F. *Multi-tenant real estate information signs.* Pursuant to RSMo Section 67.317, each multi-tenant building or complex (where more than one (1) building is in the same development) may be permitted one (1) permanent real estate information sign, subject to the following:

1. The gross sign area shall not exceed twenty-four (24) square feet per face with a maximum of two (2) sign faces. Decorative edge treatments shall not be included in the gross sign area.
2. The sign shall not be more than six (6) feet in total height above the elevation of the adjacent finish grade, shall be set back at least ten (10) feet from the right-of-way of said fronting street or highway, located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street and shall not be located within the site distance triangle as defined in [Section 405.120](#), Definitions, of this Chapter. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.

3. The sign shall be permanently affixed to the ground with rot- and insect-resistant materials without use of supporting wires, cross-bracing or stanchions.
4. The aggregate visible width of the supporting legs or monument shall be at least one-quarter ($\frac{1}{4}$) of the width of the sign.
5. The edges of the sign shall be boxed-in, framed or otherwise enclosed to eliminate visible gaps or spaces between the sign panels.
6. The sign copy shall be applied and protected with weather- resistant materials and finishes.
7. Any attached "riders" (e.g., available floor area) on the sign shall be incorporated within the external dimensions of the sign and are limited to one (1) rider per sign face.
8. These provisions shall not be applicable to single-tenant or owner- occupied properties which are subject to [Section 405.950\(G\)\(4\)](#) Temporary or incidental signs for single-tenant properties.
9. Nothing in these provisions shall be deemed to limit or alter in any way the provisions of Section 405.930.J, Substitutability, of this Chapter.

G. *Temporary or incidental signs.* The following signs are permitted as temporary or incidental to a given ground floor business or use and are not to be included in calculating the allowable gross sign area for permanent signs:

1. *Window signs.* The total gross sign area of all window signs as defined in [Section 405.120](#), Definition of Terms, shall not exceed twenty percent (20%) of the area of any individual window located in the lowest eleven (11) feet of the storefront as measured from the adjacent exterior grade. For the purposes of this Section, panes of glass separated by a structural column or portion of exterior finished wall shall be considered individual windows. Further, glass located within a door, whether or not it is used as an entrance/exit, is not an eligible location for a window sign. No window signs are allowed more than eleven (11) feet above the adjacent grade. Appropriate types of signage include die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal or product. Graphics painted directly onto the glass surface are prohibited.
2. *Temporary displays and signs.* Temporary displays such as banners or posters shall be permitted for ground floor retail sales and service uses. These special displays shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage for permanent signs. Permitted balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low

monument signs, and shall be no more than 18 feet above the ground elevation.

3. *Temporary Signs during an Election.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on any non-residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced sign although no single sign face shall exceed twelve (12) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot.
4. *Temporary real estate signs on single-tenant/occupant properties.* Pursuant to RSMo Section 67.317, in addition to the permitted signage on any single-tenant/occupant non-residential premises, temporary real estate signs are allowed offering the premises for sale, lease or rent. Such signs shall be limited to advertising the premises on which they are located, shall be a maximum of six (6) feet tall and shall be limited to twenty-four (24) square feet per sign face with a maximum of two (2) sign faces. Temporary real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased or rented. These provisions shall not apply to multi-tenant/occupancy properties and if the property is subsequently converted to multi-tenant occupancy, the requirements of [Section 405.950\(F\)](#), Multi-tenant real estate information signs, shall be enforced on the property.
5. *Portable signs.* In all commercial districts, one (1) portable sandwich board sign limited to six (6) square feet and no more than four (4) feet in height shall be allowed per business address, without a permit, provided that such sign is no more than four (4) feet from the front door entrance, the sign does not obstruct pedestrian movement, and the sign does not obstruct or otherwise pose a hazard to motor vehicle traffic. Such signs must be stored inside between dusk and dawn.
6. *Signs on converted residential structures in commercial zoning districts.* Each residential structure which has been converted to a commercial use by approval of a site development plan by the Planning and Zoning Commission may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area not to exceed twenty-five (25) square feet. A rear entrance to such business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door.

H. *Special purpose signs.* Signs authorized in this Subsection are not to be included in calculating the allowable gross sign area for permanent signs.

1. *Parking and other direction signs.* One (1) freestanding parking direction sign per direction, which may be internally illuminated, shall be required for each driveway, provided the sign shall not exceed three (3) square feet in gross sign area per face, the sign height shall not exceed three (3) feet and no portion of the sign shall extend into the public right-of-way. If the sign is located at a private driveway, for enhanced traffic directional purposes it may contain the name, address and/or logo of the business in addition to messages providing directional information. Other directional signs shall be installed as may be required by the City.

2. *Marquee signs.* Marquee signs for theaters, cinemas, exhibition centers and similar public assembly uses shall be permitted only upon the specific authorization of the Planning and Zoning Commission, subject to such restrictions and conditions as the Commission may deem necessary after a site development plan is reviewed under the provisions of [Section 405.1080](#).
3. *On-site construction signs.* When the property is under construction pursuant to an issued building permit, an additional sign, not to exceed thirty-two (32) square feet in gross sign area per face with a maximum of two (2) faces and not to exceed ten (10) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall be erected out of the public right-of-way and shall be removed ten (10) days after completion of a project and not later than 10 days after issuance of occupancy permit.
4. *Covered walkway signs.* A sign not to exceed two (2) square feet in gross sign area may be hung from the ceiling of a covered walkway that is attached to the front of a retail store. Such a sign shall not exceed eighteen (18) inches in drop from the bottom of the said sign to the ceiling surface of the covered walkway, nor shall the bottom of said sign be less than seven (7) feet above the sidewalk surface it is hanging over. Only one (1) covered walkway sign per business shall be allowed. Such a sign shall be hung perpendicular to the retail storefront so as to be beneficial to pedestrian traffic.

I. *Automobile service stations.*

1. Signs located on property used for automobile service stations shall be subject to the provisions and limitations set forth in this Section. Additional retail signs, unless specifically provided for herein, advertising the sale of specific products shall be prohibited.
2. No sign shall be attached to any pole, light standard or gasoline tank vent pipe. No sign shall be attached to a gasoline pump excepting those provided for in [Section 405.950\(I\)\(5\)](#).
3. *Wall signs.*
 - a. Not more than one (1) wall sign shall be permitted for each automobile service station. This wall sign shall not exceed twenty-five (25) square feet in gross sign area.
 - b. In instances where the washing of motor vehicles is an accessory service being offered on a property used for an automobile service station, one (1) additional wall sign shall be permitted. This wall sign shall not exceed ten (10) square feet in area. Further, one (1) sign designating the entrance to and one (1) sign designating the exit from the washing area shall be affixed directly to the structure near such entrance or exit for traffic safety and efficiency. The gross sign area of such signs shall not exceed twelve (12) square feet. One additional sign may be erected no closer than seventy-five (75) feet from any public right-

of-way. Such a sign shall not exceed ten (10) square feet in gross sign area or eight (8) feet in height from top of sign to top of grade. Said sign shall be permanently anchored to a wall, canopy support or a freestanding pole.

4. *Service station canopy signs.* An automobile service station with a canopy shall be permitted one (1) service station canopy sign, in addition to a wall sign, per street frontage. This service station canopy sign shall not exceed thirty (30) square feet in gross sign area per street frontage. This sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy. This sign shall be illuminated by internal and non-intermittent light sources. Any business logo, inclusive of striping or other symbols, appearing on this canopy sign shall count as part of the gross sign area allowable for said sign.
5. *Pump signs.* Signs shall be posted on gasoline pumps so as to provide the required information to the public regarding "octane rating", "price" and "type of fuel". As the trade name of the business is often incorporated into the different types of fuels, said trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in area per sign face (four (4) square feet in aggregate) per pump. "Self-service" or "full-service" signs shall identify each pump island on the service station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than eight (8) feet above the ground, located at each end of the pump island. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in area.
6. *Gasoline price signs.* For purposes of traffic efficiency and safety, one (1) gasoline price sign shall be allowed per service station property street frontage. This sign must be freestanding and permanently anchored. Such a sign shall not exceed sixteen (16) square feet in sign area per face and shall not exceed six (6) feet in height from top of sign to top of grade. Illumination shall be by internal and non-intermittent light sources. This sign shall identify the actual unit price being charged for gasoline being sold.

J. *Master signage plans*—In keeping with the intent to allow flexibility in the design of planned developments and large campus development of contiguous multi-acre areas, not separated by major highways or public right-of-ways (i.e. Olive Boulevard), the following options may be available for signs accessory to uses in non-residential district properties of campus developments of three (3) or more multiple buildings with a minimum of ten (10) acres and residentially-zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres) subject to:

1. As an alternative to what would otherwise be allowed, signs may be permitted in accordance with a Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of [Sections 405.1060\(D\)\(3\)](#) and [405.1120](#) of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs. In

addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown.

2. Any application submitted pursuant to Subsection (6)(a) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written and notarized statement signed by the record owners of such properties which indicates their endorsement of the application.
3. The above-cited signage options shall be exercised in accordance with the standards for all planned developments as set forth in [Section 405.1080](#). All proposed signs shall be reviewed based on the following criteria
 - a. Proposed signs are consistent with the purpose of this ordinance;
 - b. Proposed signs are compatible with the theme, visual quality, and overall character of the surrounding area.
 - c. Proposed signs are in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban design elements.

K. *Existing signs not conforming to common signage plan.* If any common signage plan has been approved under previously effective ordinances for a property on which existing signs were located, with a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed plan or to the requirements of this Chapter in effect on the date of submission, such schedule shall be met notwithstanding elimination of the common signage plan ordinance.

L. *Billboards.*

1. *Not permitted.* Billboards, and except as otherwise expressly authorized by this Article VIII, other signs exceeding fifty (50) square feet in gross sign area shall not be permitted in the City. This prohibition shall be effective as of July 1, 2009. Any billboard permitted prior to that date shall be deemed a non-conforming sign, but shall not be enlarged, relocated, or reset. The City expressly prohibits the resetting of qualifying signs pursuant to Section 226.541 RSMo. Existing tri-vision billboards are likewise deemed to be non-conforming signs. "Tri-vision billboard" means a sign face having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which is capable of displaying a total of three (3) separate message copies, one (1) message copy at a time.
2. *Lighting and landscaping of billboards.* All lighting and landscaping of grandfathered billboards shall comply with the following:
 - a. Previously approved and required landscaping shall be maintained;

- b. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature or similar information, will be permitted;
 - c. External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or primary highway 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 and such lights shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjacent residential property;
 - d. No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal;
 - e. The maximum average lighting intensity level for such sign shall be twenty (20) foot-candles.
3. *Obstruction of official highway signs.* No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness or visibility of an official traffic sign, signal or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.
4. *Annual inspection and certification.* Owners of all billboards shall be required to submit, to the Zoning Administrator, an inspection report from a Missouri licensed engineer as to the sign's structural integrity. Such certification shall be done on or before July first (1st) of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.
5. *Nuisances.* Any billboard which, because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris or the deterioration of landscaping, lighting or fencing, becomes unsightly or unsafe, as determined by the Zoning Administrator, is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner all other nuisances on private property.

SECTION 405.960: ENFORCEMENT AND SIGN REMOVAL

A. *Sign Code Violations And Enforcement.* Any sign which is not in compliance with all the provisions of this Article is declared to be unlawful. The City, through the Zoning Administrator, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who violates or fails to comply with any provisions of this Article or against the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located to prevent, enjoin, abate or terminate the erection, use of display of an unlawful sign. Any person who violates or fails to comply with any of the

provisions of this Article or the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located shall be subject to the penalties set forth in [Section 405.1150\(D\)](#) of this Chapter.

B. *Removal Of Unlawful Sign.* Any unlawful sign which has not been removed within thirty (30) days after conviction of violation or imposition of civil penalty may be removed by the City and the costs charged to the violator. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the City, the City may sell or otherwise dispose of the sign and apply the proceeds toward costs of removal. Any proceeds in excess of costs shall be paid to the owner of the sign.

C. *Immediate Removal Of Unlawful Or Unsafe Signs.* Signs which the Zoning Administrator finds upon public streets, sidewalks, rights-of-way or other public property or which wherever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the Zoning Administrator without prior notice. (R.O. 2008 §26-105; Ord. No. 1903 §1, 11-24-97)

SECTION 405.970: VARIANCES

A. *Practical Difficulties Or Unnecessary Hardship.*

1. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the provisions of this Article, the Board of Adjustment may vary or modify the application of specific regulations for any permitted form of signage so that the spirit of this Article shall be observed, public safety and welfare secured and substantial justice done.
2. A variance from this Article may be granted for any permitted form of signage where it is found that because of the limitations on character, size, number or dimensions of signs or the regulations controlling the erection or installation of a sign, the applicant would be subject to practical difficulties or unnecessary hardship. Unnecessary hardship is not considered the loss of possible advantage, economic loss or gain or mere inconvenience to the applicant.

B. *Procedures And Criteria.* The procedures and criteria for granting a variance from the regulations in this Article shall be as set out in [Section 405.1040](#) of this Chapter.

SECTIONS 405.980--405.990: RESERVED



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
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MEMO TO CITY ADMINISTRATOR AND CITY COUNCIL

Meeting Date: September 24, 2012

Subject: TEXT AMENDMENT FOR COMPREHENSIVE REVISIONS TO ARTICLE VIII SIGN REGULATIONS OF THE ZONING ORDINANCES

Memo Prepared by: Whitney Kelly, AICP, City Planner

Attached: Revised Draft Ordinance for Comprehensive Changes to Article VIII Sign Regulations with attached Exhibit A

During the meeting of September 17, 2012, the Planning and Zoning Commission reviewed a draft ordinance for comprehensive changes to Article VIII Sign Regulations, and revisions to the Definition of Terms related to signs. During the meeting, the Planning and Zoning Commission amended the draft ordinance to include revisions discussed with members from the audience, including the Creve Coeur-Olivette Chamber of Commerce. These included:

- Revising the 150 foot spacing requirements with a 25 foot variance allowed per the Zoning Administrator's approval to read "...located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet." This would allow for consideration of placement of a sign based on site or other related constraints.
- For attached signs on multi-floor office buildings (Section 405.950.D), the draft ordinance allows for only one sign. The Commission members recommended allowing for one additional sign for those properties where the building has two or more frontages. Therefore the ordinances would read as follows: *Attached signs for multi-floor office buildings.* Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three (3), up to a maximum of one hundred and fifty (150) square feet. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two or more public streets and is the closest building thereto.
- And, various edits regarding billboard signs and off-premises and on-premises signs as suggested by the City Attorney in the memo dated September 17, 2012 to address the notion of on-premises and off-premises advertising in relation to billboards, and also to create a general limit on the square footage of signage of 50 sq. ft. The latter will preclude any unforeseen interpretations of the new cod resulting in the undesirably large signs.

The draft ordinance with the revised Exhibit A before the City Council incorporates all of these changes. Staff will be available during the Council meeting to answer any questions.



city of CREVE COEUR

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APPLICATION TO PLANNING AND ZONING COMMISSION

#12-001 TEXT AMENDMENT FOR COMPREHENSIVE REVISIONS TO ARTICLE VIII SIGN REGULATIONS OF THE ZONING ORDINANCES

FOR THE MEETING OF: September 17, 2012

LOCATION: City-wide

REQUEST:

An application by the Director of Community Development, on behalf of the City of Creve Coeur, has been submitted for various amendments to the Article VIII, Sign Regulations, intended to simplify several regulations and definitions, eliminate certain provisions that appear to be inconsistent with the purposes of the Sign Code and address content-related issues highlighted by a recent Circuit Court decision.

ADDITIONAL INFORMATION:

Local governments can make restrictions on speech based on its time, place, and manner, so long as the restrictions do not relate to the content of the speech. Many of Creve Coeur's definitions for various signs, and in several cases, the type of sign permitted, are based on content.

Key Issues:

- Does this request further the goals and/or implement the Comprehensive Plan?
- Is this a reasonable exercise of zoning authority?
- Any neighborhood impacts?

Comp. Plan References

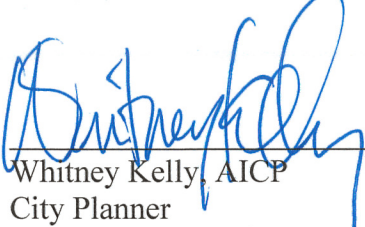
- Design Guidelines

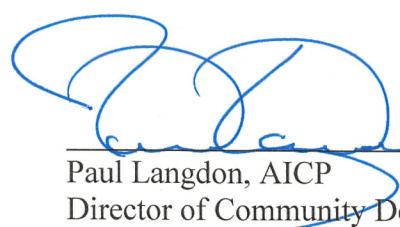
Zoning Code References

- Article VIII Sign Regulations

APPLICANT: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur

REPORT PREPARED BY:

 9/14/2012
Whitney Kelly, AICP Date
City Planner

 9/14/2012
Paul Langdon, AICP Date
Director of Community Development

ATTACHMENTS: Table of Changes with Current Language and Proposed Language
Draft Ordinance, including Exhibit A: Revised Article VIII Sign Regulations
Creve Coeur-Olivette Chamber of Commerce letter dated August 30, 2012

SUMMARY

Staff reviewed Article VIII, Sign Regulations, with the Planning and Zoning Commission during several work sessions to develop a comprehensive revision that will facilitate the permitting process, reduce or eliminate points of confusion, and comply with a recent court ruling regarding the content neutrality of the sign regulations. A public hearing of the resulting draft was held on July 16th to consider comments and recommendations from the public, most of which related to the proposed changes regarding real estate signs.

As we have been discussing with the Commission members, a recent 8th Circuit Court of Appeals confirmed that the regulation of the content of signs is a violation of the constitutional right to free speech. As a result, the comprehensive re-write of the code has included the elimination of content regulation wherever possible; this included the proposed elimination of “real estate signs” as a specific type, in favor of increasing the generic signs to accommodate any real estate information. In response to this proposal, the St. Louis Association of Realtors submitted a letter indicating that the State statutes (RSMo. 317) prohibit cities from placing excessive limitations on real estate signage. While Staff continue to believe that content regulation should be stopped, it is recognized that the name of the sign does not necessitate content regulation but may provide a considerable degree of certainty for the public. To this end, the attached draft ordinance maintains the existing regulations for real estate signs, but with clear statements that the signs are identified as “real estate signs” in furtherance of the Missouri Revised Statutes but that the “Substitutability” clause under the General Provisions allows the sign to be used for other purposes. It was during the August 20th meeting, that the Commission directed Staff to draft an ordinance for the changes to the Sign Regulations that were in substantially as discussed during the meeting.

Another change that should be noted was for temporary sign during an election. The current regulation allows for 12 sq. ft. per sign face, for each measure on the ballot. Given the residential setting, Staff lowered the size to coincide with the allowable size for a sign on residential lots of 6 sq. ft., as follows:

SECTION 405.940: SIGNS IN RESIDENTIAL DISTRICTS

- C. Exempt Signs In All Residential Districts. No permit shall be required for the following signs provided that the signs are erected by the owner or with the owner's permission
 - 2. *Temporary Signs during an Election.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on an residentially-zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced signs although no single sign face shall exceed six (6) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot.

Also during the August 20th meeting, the Commission also asked that Staff review the ground signs in the Light Industrial District. In a visual survey, Staff found that those properties that do have a ground sign would appear to be large enough and/or have sufficient frontage to allow for a sign under the current regulations or under the proposed language. However, a review of the Zoning Code, in general, found that several land use regulations have thresholds for change at a

site size of three acres. Since no discernable reason for distinguishing three acres from three and one-half acres, and because consistency of approach makes the entire code more understandable, staff have amended the entire section for ground signs to allow a ground sign on properties of three acres or larger, regardless of frontage.

Lastly, following the August 20th meeting, the Chamber of Commerce submitted the attached letter, dated August 30th, requesting additional consideration for the following:

- 150 foot space requirement, when a prior location of a sign on an adjoining lot might prohibit a sign for another property.
 - Giving that properties must have a minimum of 200 feet of frontage on Lindbergh Blvd, and 300 feet of frontage elsewhere, or are large properties of 3.5 acres (now three acres per the discussion above) or less, the potential that the placement of one sign would prohibit the adjoining property of a ground sign is minimal. In addition, the provisions under Section 405.970.A *Practical Difficulties or Unnecessary Hardship* for sign variances allow for the mechanism of review for such instances. Nonetheless, Staff have added a specific clarification to the regulation indicating that any occurrence of one site's sign blocking out the adjacent property, even though the second one meets the minimum size requirements, should be considered when assessing undue hardship under Section 405.970, Variances.
- Relocation and reconfiguration of signage for staff approval.
 - All signs that require permits are completed through an administrative process. The only further review of signs by the Planning and Zoning Commission and City Council is under the Master Sign Plan process, and the signs are no longer substantially similar to that which was previously approved.
- Maximum sign size greater than 150 sq. ft. for office buildings.
 - The maximum sign for office buildings is based on the number of floors, rather than the distance from the curb so as not to overwhelm a low rise building. This will likely benefit more properties as redevelopment and the downtown development occurs because the majority of commercial property in the city is too shallow to allow for low-rise offices that are far from the right-of-way. Indeed, buildings in the downtown area would actually benefit greatly by the amendment since they would have virtually no setback but could be up to five stories. Therefore no changes are proposed.
- Prohibition on two wall signs for multi-floor office buildings.
 - Due to prior discussions regarding content, Staff has not included changes to the draft ordinance. If the Commission feels comfortable with allowing for a second wall sign for a multi-floor office building, a separate motion will need to be made. Such a motion could be: "I recommend amending the draft ordinance to include language for allowing a second wall sign if a building has two or more frontages, provided that both signs are for the benefit of the same entity."

ACTION AND MOTION

If the Planning and Zoning Commission is satisfied that the amendments accomplish the original purposes for starting this process, and that subsequent concerns have been heard and addressed, then Staff request that they provide a recommendation to the City Council on the text amendments. Action on the text amendments will be in the form of approval, approval as modified, or denial. The following would be an example motion for this application:

“I move to recommend approval of the draft text amendment ordinance attached to the September 17, 2012, staff report on Application #12-001 for comprehensive changes to the Article VIII, Sign Regulations, and Chapter 405.120, Definition of Terms, as discussed by the Planning Commission this day.” (Conditions may be added, eliminated, or modified by preceding motion).

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

The following table only includes the current language compared with the proposed changes. It does not include any of the language that is not changing. For the entire Sign Regulations, please refer to Exhibit A attached to the draft Ordinance.

Current Code Language	New Code Language
SECTION 405.120: DEFINITION OF TERMS FLAG: Any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government, institution or business. SIGN: Any device, fixture, placard or structure that uses any color, form, graphic illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public but not including a church steeple or other religious symbol affixed to a church structure. SIGN, ALTER (AS APPLIED TO A SIGN): A physical change in a sign or sign supports or an addition to a sign or sign supports. The term "alter" includes renovation, modification, rehabilitation or restoration, but does not include changing the copy on a bulletin board sign, marquee sign or other legal changeable copy sign. SIGN, BANNER: Any sign of lightweight fabric or other non-rigid material that is mounted to a pole or a building by a frame at one (1) or more edges. National flags, State or municipal flags or the official flag of any institution or business shall not be considered banners. SIGN, BILLBOARD OR OUTDOOR ADVERTISING: An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary systems. SIGN, BULLETIN BOARD SIGN, INSTITUTIONAL: A sign attached to a	FLAG: Any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or institution. SIGN: Any device, material, fixture, placard or structure, or part thereof, composed of lettered, numbered, symbolic and/or pictorial matter that is placed or located outside of, or on the exterior of, or in the windows or other transparent surfaces of, any building for display of a message, announcement, notice, direction, information or name. SIGN, ALTER (AS APPLIED TO A SIGN): A physical change in a sign or sign supports or an addition to a sign or sign supports. The term "alter" includes renovation, modification, rehabilitation or restoration, but does not include changing the copy on a legal changeable-copy sign. SIGN, BANNER: Any sign of lightweight fabric or other non-rigid material that is mounted to a pole or a building by any means at one (1) or more edges. Flags are not banners. SIGN, BILLBOARD: An off-premises sign, any part of the contents of which is visible from any point of the traveled ways of the interstate or primary systems. SIGN, BULLETIN BOARD SIGN: A sign, attached to a building or freestanding, which

Current Code Language	New Code Language
building or freestanding which identifies a place of worship or school and which contains the name of the institution and changeable copy information such as the names of individuals connected with the institution, general announcements of events or activities occurring at the institution or similar messages. SIGN, CHANGEABLE COPY SIGN: A sign on which message copy is changed manually or automatically through the utilization of attachable or integrally automated letters, numbers, symbols and other similar characters of changeable pictorial panels, but not including an institutional bulletin board sign, gasoline station price sign or marquee sign. SIGN, COMMERCIAL MESSAGE: Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity, but not including a sign offering a residential dwelling for sale, lease or rent. SIGN, CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project. SIGN, DIRECTORY SIGN: A sign listing the name and/or use and/or location of the various businesses or activities conducted within a building or group of buildings. SIGN, FACE: The area or display surface used for the message. SIGN, FRONTAGE: The length along the front of the ground floor of a building occupied by a separate and distinct use and	contains changeable-copy information such as announcements of events or activities. SIGN, CHANGEABLE COPY SIGN: A sign on which message copy is changed manually or automatically through the utilization of attachable or integrally automated letters, numbers, symbols and other similar characters of changeable pictorial panels. Deleted SIGN, CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction. Deleted SIGN, FACE: The area or display surface used for the message of a sign. Deleted

Current Code Language	New Code Language
the length along the side of the ground floor of a building occupied by a separate and distinct use when the side of such building faces a street; or the width of a tenant space measured along the ground floor of a building occupied by a separate and distinct use which does not face a street but faces a parking lot. SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; except that in the case of an individual letter sign, only two-thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign. Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign. SIGN, HEIGHT: The vertical distance measured from the elevation of the centerline of the adjacent right-of-way at the point closest to the sign to the highest point of the sign. SIGN, INCIDENTAL SIGN: A sign which is generally informational and has a purpose secondary to the use of the premises on which it is located, such as "credit cards accepted here", "loading only", "telephone" or similar information. No sign with a commercial message legible from a position off the premises shall be considered incidental. SIGN, LIGHT POLE ARTWORK SIGN: A sign fabricated from a durable fabric with a design applied through silkscreening or similar application method, the content of such signs shall be civic or seasonal in nature. Such signs shall not include commercial advertising, business slogans or logos or the names of individual businesses, groups, organizations, shopping centers or office parks.	SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign. Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign. SIGN, HEIGHT: The vertical distance measured from the elevation of the adjacent grade at the point closest to the sign to the highest point of the sign. SIGN, INCIDENTAL SIGN: A sign which is too small to be legible from a position off the premises. Deleted

Current Code Language	New Code Language
SIGN, NAME PLATE: A non-illuminated sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. SIGN, OFF-PREMISES SIGN: Any sign, except a billboard as defined herein, which advertises or identifies a property, business or address, other than the property, business or address where the sign is displayed. SIGN, ON-PREMISES PERMANENT SIGN: A sign pertaining only to the premises on which the sign is located and containing any of the following information: 1. The name of the owner, occupant, management, business or building; 2. The address; 3. The type of business, profession, service or activity; 4. The type or types of products offered; and 5. Other similar information. SIGN, PAPER SIGN: A sign normally for temporary use made of paper, cardboard or similar material. SIGN, PARKING DIRECTION SIGN: A sign indicating the entrance or exit to a parking lot. SIGN, PARKING REGULATION SIGN: A sign stating the regulations for use of a parking lot. SIGN, PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, which is designed to be transported including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs and hot air balloons used as signs. SIGN, REAL ESTATE SIGN: Any sign pertaining to the sale, lease or rental of real estate.	Deleted SIGN, OFF-PREMISES SIGN: Any sign containing content as directed at least in part by someone other than the owner of the property or occupant of a building on the property where the sign is displayed. SIGN, ON-PREMISES SIGN: A sign containing content as directed solely by the owner of the property or occupant of a building on the property where the sign is displayed. Deleted Deleted Deleted SIGN, PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, which is designed to be transported including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs and balloons used as signs. Deleted

Current Code Language	New Code Language
SIGN, RESIDENTIAL SIGN: A sign not exceeding six (6) square feet per sign face and not having more than two (2) sign faces, which is located in a residential zoning district and that contains no commercial message other than advertising the premises for sale, lease or rent. SIGN, ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof. SIGN, SNIPE SIGN: A temporary sign or poster affixed to a utility pole, tree, fence, etc. SIGN, TEMPORARY PROMOTIONAL DISPLAY: A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services or a change in policy or in the status of a business. SIGN, UNSIGHTLY OR UNKEMPT SIGN: A sign that is clearly in disrepair, is missing part of its copy, has letters or other copy that are broken, missing or so faded that they are difficult to read from the street, is not securely affixed to either the ground or some other supporting structure, contains an illegible message, contains rust or peeling or flaking paint or has damage to its face which is clearly visible from the street. SIGN, WINDOW SIGN: A sign made of die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal neon depicting the tenant's identity or product graphics placed within three (3) feet of the inside of a window and is visible from the exterior of the window.	Deleted SIGN, ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and/or extending wholly or partially above the highest portion of the roof. SIGN, SNIPE SIGN: A sign of any type affixed to a utility pole, tree, fence, or similar structure and any temporary freestanding sign illegally placed or installed on public or private property. Deleted SIGN, UNSIGHTLY OR UNKEMPT SIGN: A sign that is clearly in disrepair, is missing part of its copy, has letters or other copy that are broken, missing or so faded that they are difficult to read from the street, is not securely affixed to either the ground or some other supporting structure, contains rust or peeling or flaking paint or has damage to its face which is clearly visible from the street. SIGN, WINDOW SIGN: A sign placed on the surface or within three (3) feet of the inside of a window or other transparent surface and is visible from the exterior of the window or surface.

Current Code Language	New Code Language
SECTION 405.930: GENERAL PROVISIONS <i>D. Prohibited Signs.</i> 12. Projecting signs, except those permitted by Section 405.950(4)(g) of this Article. 17. Portable signs. 18. Inflatable signs and tethered balloons.	<i>D. Prohibited Signs.</i> 12. Projecting signs, except those otherwise permitted by Section 405.950(H)(4) or other Sections of this Article. 17. Portable signs that are not hand carried or free-standing. 18. Inflatable signs, tethered balloons, banners, pennants, flags, wind-driven spinners, or streamers, except as otherwise provided in Section 405.950(G)(2) Temporary displays and signs. 19. Individuals dressed in costume intended to attract attention as human signs to a business for advertising purposes in violation of Chapter 610. <i>E. Exempted Signs.</i> 4. Incidental signs. <i>G. Miscellaneous Requirements.</i> 6. Architectural Consistency. Sign installations shall be consistent with, and not conceal, the architectural detail of a building.
SECTION 405.940: SIGNS IN RESIDENTIAL DISTRICTS <i>C. Exempt Signs In All Residential Districts.</i> 1. Residential signs. Any lot in a residentially zoned area shall be permitted one (1) sign with a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces. Such sign may contain any non-commercial message or advertise the premises for sale, lease or rent. No permit shall be required for such a sign provided that the sign is erected by the	<i>C. Exempt Signs In All Residential Districts.</i> No permit shall be required for the following signs provided that the signs are erected by the owner or with the owner's permission. 1. Any lot in a residentially zoned area shall be permitted one (1) sign with a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces, except that if the lot is on the market for sale or lease, then it shall be permitted one (1) additional sign of six (6) square feet per sign face and a maximum of two (2) sign faces. [Zoning administrators note:

Current Code Language	New Code Language
owner or with the owner's permission. 2. Temporary open house signs. In addition to a residential sign containing information advertising a premises for sale, lease or rent, each such lot or parcel shall be allowed two (2) temporary open house signs with one (1) such sign on site and the other allowed off site on private property with owner permission. Open house signs shall be limited to a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces and shall be permitted for up to three (3) consecutive days. A minimum of four (4) days shall transpire prior to posting any open house sign on the same lot or parcel for a second (2nd) or subsequent time. No permit shall be required for such a sign. <i>F. Temporary Signs In Residential Districts.</i> Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary non-commercial signs may be allowed with the owner's permission in addition to the permitted signage allowed on any residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced signs although no single sign face shall exceed twelve (12) square feet. Not more than one (1) temporary sign per individual candidate and/or proposition on the election ballot shall be permitted per lot. <i>E. Institutional Uses In Residential Districts.</i> 1. Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with changeable copy or may be an on-premises permanent sign. In	Temporary open house signs. Because the foregoing section allows a residentially zoned lot to have two signs if it is on the market for sale or lease, that allows for a residential sign containing information advertising a premises for sale, lease or rent, and an open house sign. Because other residentially zoned properties are always allowed at least one sign, that allows for an additional open house sign off site on private property with the other owner's permission.] 2. <i>Temporary Signs during an Election.</i> Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on an residentially -zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced signs although no single sign face shall exceed six (6) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot. <i>E. Institutional Uses In Residential Districts.</i> 1. <i>On-premises permanent attached signs.</i> Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with manually-changeable copy

Current Code Language	New Code Language
addition, such uses shall be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to a period of ninety (90) days and a minimum of ninety (90) days shall elapse prior to posting another temporary sign on the premises. 2. <i>Low monument signs.</i> An institutional use occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign used primarily for identification or as a bulletin board sign, provided such sign contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in Section 405.670 of this Chapter and the site meets one (1) of the following criteria: a. The site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard; or b. The site has at least two hundred (200) feet of frontage on Lindbergh Boulevard. 3. <i>Campus monument sign.</i> An institutional use occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, on-premises permanent sign identifying the institutional campus or complex in accordance with the following standards: a. Maximum sign area. Sixty (60) square feet. b. Maximum area per sign face. Twenty-four (24) square feet. c. Maximum height. Six (6) feet above prevailing base grade. d. Setback from right-of-way. Fifteen (15) feet.	or may be an on-premises permanent sign. 2. <i>Low monument signs.</i> An institutional use in a residential district occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign, which can include a manually-changeable bulletin board sign, provided such sign contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in Section 405.670 of this Chapter and the site meets one (1) of the following criteria: a. The site has at least three hundred (300) feet of lot frontage on a street or highway other than Lindbergh Boulevard; or b. The site has at least two hundred (200) feet of lot frontage on Lindbergh Boulevard. 3. <i>Campus low monument sign.</i> An institutional use in a residential district occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, on-premises permanent sign in accordance with the following standards: a. Maximum sign area. Sixty (60) square feet. b. Maximum area per sign face. Twenty-four (24) square feet. c. Maximum height. Six (6) feet above prevailing base grade. d. Setback from right-of-way. Fifteen (15) feet.

Current Code Language	New Code Language
4. <i>Parking direction signs.</i> One (1) freestanding parking direction sign, which may be internally illuminated subject to Section 405.930(F) shall be permitted for every one hundred fifty (150) parking spaces with not more than two (2) sign faces, provided the sign does not exceed fifteen (15) square feet in gross sign area per face, the sign height does not exceed four (4) feet in height and no portion of the sign shall extend into the public right-of-way. The sign shall be placed within the parking lot and may contain the name and logo of the institution in addition to messages providing directional information. G. <i>On-Site Construction Signs.</i> Only one (1) such sign per entire development denoting the owner, architect, engineer, consultant, developer, lender and/or contractor, not to exceed twelve (12) square feet in gross sign area and not to exceed ten (10) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall not be erected in a public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work if no occupancy permit is required.	4. <i>Parking direction signs.</i> One (1) freestanding parking direction sign, which may be internally illuminated subject to Section 405.930(F) shall be required for every one hundred fifty (150) parking spaces with not more than two (2) sign faces, provided the sign shall not exceed fifteen (15) square feet in gross sign area per face, the sign height shall not exceed four (4) feet in height and no portion of the sign shall extend into the public right-of-way. The sign shall be placed within the parking lot and for enhanced traffic directional purposes may contain the name and/or logo of the institution in addition to messages providing directional information. The Zoning Director may allow fewer signs for good cause. 5. <i>Temporary signs.</i> Institutional uses in residential district may be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to three (3) times per year for up to thirty (30) days each period. A separate sign permit shall be required for each event. F. <i>On-Site Construction Signs.</i> When property is under construction, pursuant to an issued building permit, an additional sign not to exceed twenty-four (24) square feet in gross sign area and not to exceed six (6) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall not be erected in a public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work if no occupancy permit is required.
SECTION 405.950: SIGNS IN NON-RESIDENTIAL DISTRICTS 2. <i>On-premises permanent signs.</i> a. <i>Individual or freestanding business or use.</i> Each individual business or use located at ground floor level with its own	SECTION 405.950: SIGNS IN NON-RESIDENTIAL DISTRICTS B. <i>On-premises permanent attached signs.</i> 1. <i>In-line or mid-block uses.</i> Each individual use located at ground floor level with its own

Current Code Language	New Code Language
entrance at street level or a second (2nd) story retail business, either of which has sign frontage as defined in Section 405.120, may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area per sign frontage not to exceed one (1) square foot per linear foot of sign frontage upon which the sign is to be located, up to a maximum of twenty-five (25) square feet in area; except that the total gross sign area per sign frontage may increase by twelve and one-half (12.5) square feet for each fifty (50) feet an individual business or use sets back from the edge of street pavement up to a maximum of one hundred twenty-five (125) square feet in area, provided said individual business or use has the required sign frontage to allow such an increase. A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the on-premises permanent signs shall maintain uniformity in location, height and general design and shall be compatible in color. <i>b. Low monument signs.</i> An individual building or use occupying a site of at least	entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade. <i>2. Corner units, single uses on corner lots, or out-lot buildings within a shopping center.</i> Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two or more public streets and is the closest building thereto. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade. <i>3. Rear entrances.</i> A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the on-premises permanent signs should maintain uniformity in location, height and general design. <i>C. Low monument signs.</i> <i>1. A project or development with a site</i>

Current Code Language	New Code Language
thirty thousand (30,000) square feet may also be permitted a single, low monument sign provided such sign contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in Section 405.670 of this Chapter and the site meets one (1) of the following criteria: (1) The site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard; (2) The site has at least two hundred (200) feet of frontage on Lindbergh Boulevard; or (3) The site has at least two hundred (200) feet of frontage on a street or highway other than Lindbergh Boulevard and the sum of the total gross sign area of the site's wall signs, window signs and signs affixed and/or painted on canopies or awnings is at least twenty (20) square feet less than the maximum allowed in Subsection (2)(a) above or in Subsection (2)(d) Office Building Signs. c. <i>Shopping center or office park sign.</i> A shopping center, office park or institutional complex occupying a site in excess of five (5) acres in size may, by site development plan approval in accordance with Section 405.1080, have a single, freestanding, on-premises permanent sign identifying the center, park or complex (individual tenants shall not be identified on this sign unless the development has received approval of a common signage plan) in accordance with the following standards: (1) Maximum sign area. One hundred (100) square feet. (2) Maximum area per sign face. Forty (40) square feet. (3) Maximum height. Sixteen (16) feet above prevailing base grade.	area of at least 30,000 sq. ft. and with at least two hundred (200) feet of lot frontage along Lindbergh Boulevard, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet. 2. A project or development with a site area of at least 30,000 sq. ft. but less than three and one-half (3.5) acres, and with at least three hundred (300) feet of lot frontage on a street or non-interstate highway, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet. 3. A project or development with a site area of at least three and one half (3.5) acres but less than five (5) acres shall be permitted a single low monument sign that contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation

Current Code Language	New Code Language
twelve and one-half (12.5) square feet for every fifty (50) feet an office building sets back from the edge of street pavement, up to a maximum of one hundred twenty-five (125) square feet in area, provided said office building has the required sign frontage (one (1) square foot of gross sign area per lineal foot of sign frontage) to allow such an increase. (2) Each freestanding single or multi-tenant office building shall have one (1) set of address numerals per building frontage. These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:... <i>e. Multi-tenant real estate information signs.</i> Each multi-tenant building or complex (where more than one (1) building is in the same development) may be permitted one (1) permanent real estate information sign, subject to the following: (1) The gross sign area shall not exceed twenty-four (24) square feet per face with a maximum of two (2) sign faces. Decorative edge treatments shall not be included in the gross sign area. (2) The sign shall not be more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, shall be set back at least ten (10) feet from the right-of-way of said fronting street or highway and shall not be located within the site distance triangle as defined in Section 405.120, Definitions, of this Chapter. (3) The sign shall be permanently affixed to the ground with rot- and insect-resistant materials without use of supporting wires, cross-bracing or stanchions. (4) The aggregate visible width of the	surface of the building façade. <i>E. Address Signs.</i> For fire protection and traffic safety and efficiency, each freestanding single or multi-tenant office building shall have one (1) set of address numerals per building frontage. These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:... <i>F. Multi-tenant real estate information signs.</i> Pursuant to RsMO Section 67.317, each multi-tenant building or complex (where more than one (1) building is in the same development) may be permitted one (1) permanent real estate information sign, subject to the following: 1. The gross sign area shall not exceed twenty-four (24) square feet per face with a maximum of two (2) sign faces. Decorative edge treatments shall not be included in the gross sign area. 2. The sign shall not be more than six (6) feet in total height above the elevation of the adjacent finish grade, shall be set back at least ten (10) feet from the right-of-way of said fronting street or highway, located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street (The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet), and shall not be located within the site distance triangle as defined in Section 405.120, Definitions, of this Chapter.

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above the adjacent grade. <i>b. Temporary promotional displays and signs.</i> Temporary promotional displays such as banners, posters, pennants, ribbons, streamers and balloons shall be permitted for ground floor retail sales and service uses to announce grand openings, special sales or events. These special promotions shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary promotional displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage for on-premises permanent signs. Permitted balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low monument signs. <i>c. Temporary signs.</i> Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary non-commercial signs may be allowed with the owner's permission in addition to the permitted signage allowed on any non-residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced sign although no single sign face shall exceed twenty-four (24) square feet. Not more than one (1) temporary sign per individual candidate and/or proposition on the election ballot shall be permitted per lot.	above the adjacent grade. Appropriate types of signage include die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal or product. Graphics painted directly onto the glass surface are prohibited. <i>2. Temporary displays and signs.</i> Temporary displays such as banners or posters shall be permitted for ground floor retail sales and service uses. These special displays shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage for on-premises permanent signs. Permitted balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low monument signs, and shall be no more than 18 feet above the ground elevation. <i>3. Temporary Signs during an Election.</i> Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on any non-residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced sign although no single sign face shall exceed twelve (12) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot. <i>5. Portable signs.</i> In all commercial districts, one (1) portable sandwich board sign limited to six (6) square feet and no

Current Code Language	New Code Language
4. <i>Special purpose signs.</i> Signs authorized in this Subsection are not to be included in calculating the allowable gross sign area for on-premises permanent signs. a. <i>Parking direction signs.</i> One (1) freestanding parking direction sign per direction, which may be internally illuminated, shall be permitted for each driveway, provided the sign does not exceed three (3) square feet in gross sign area per face, the sign height does not exceed three (3) feet and no portion of the sign shall extend into the public right-of-way. If the sign is located at a private driveway, the sign may contain the address of the business or institution on the premises. b. <i>Directional signs.</i> Directional signs, other than parking direction signs, may be located on a project, site or development exceeding twenty (20) acres in size, provided that the total area of such signs located on any site shall not exceed twelve (12) square feet in gross sign area and no sign should be more than ten (10) feet in height or located closer than fifty (50) feet to a public or private right-of-way. c. <i>Parking regulation signs.</i> One (1) non-illuminated parking regulation sign, not exceeding five (5) square feet in gross sign area and not exceeding ten (10) feet in sign height, shall be permitted for each commercial or public parking lot. Parking lots with more than twenty (20) parking spaces shall be permitted one (1) such sign for each twenty (20) parking spaces or fraction thereof. f. <i>Light pole artwork signs.</i> Light pole artwork signs shall be permitted on light	more than four (4) feet in height shall be allowed per business address, without a permit, provided that such sign is no more than four (4) feet from the front door entrance, the sign does not obstruct pedestrian movement, and the sign does not obstruct or otherwise pose a hazard to motor vehicle traffic. Such signs must be stored inside between dusk and dawn. <i>H. Special purpose signs.</i> Signs authorized in this Subsection are not to be included in calculating the allowable gross sign area for on-premises permanent signs. 1. <i>Parking and other direction signs.</i> One (1) freestanding parking direction sign per direction, which may be internally illuminated, shall be required for each driveway, provided the sign shall not exceed three (3) square feet in gross sign area per face, the sign height shall not exceed three (3) feet and no portion of the sign shall extend into the public right-of-way. If the sign is located at a private driveway, for enhanced traffic directional purposes it may contain the name, address and/or logo of the business in addition to messages providing directional information. Other directional signs shall be installed as may be required by the City. Parking regulations signs to be deleted Light pole artwork signs to be deleted

Current Code Language	New Code Language
poles in public surface parking lots accommodating a minimum of two hundred (200) vehicles. All light poles supporting these signs must be located a minimum of fifteen (15) feet from the front curb line of the parking lot. The bottom of such sign shall not be lower than twelve (12) feet from the base of the light pole. In addition, temporary light pole artwork signs may be permitted on light poles or similar utility poles adjacent to a public street to announce special events. The gross sign area of each light pole artwork sign shall not exceed eighteen (18) square feet with a maximum of two (2) signs per light pole. No part of this sign shall project more than three (3) feet beyond the vertical centerline of the light pole. These signs shall be attached to the light pole in such a manner so as to minimize any sign movement. Any torn, frayed or faded light pole artwork sign must be repaired, replaced, removed entirely within ten (10) days of written notification. 6. Master signage plans--"CB" Core Business District, "PH" Planned Hospital District, "HE" Higher Education District and residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). The provisions set forth in the preceding Sections 405.910, et seq., shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). However, in keeping with the intent to allow flexibility in the design of planned developments and campuses, the following options may be applicable to signs accessory to uses in the "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres): a. As an alternative, signs may be	J. Master signage plans— The provisions set forth in the preceding Sections 405.910, et seq., shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially- zoned institutions (schools and places of worship). However, in keeping with the intent to allow flexibility in the design of planned developments and large campus development of contiguous multi-acre areas, not separated by major highways or public right-of-ways (i.e. Olive Boulevard), the following options may be available for signs accessory to uses in non-residential properties of campus developments of three (3) or more multiple buildings with a minimum of ten (10) acres and residentially-zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres) subject to: 1. As an alternative to what would otherwise be allowed, signs may be permitted in accordance with a

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permitted in accordance with a Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs, as well as the nature of the information to be displayed on the signs. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown. b. In addition, a plan for off-site directional signs in commercial districts which identify commercial centers and institutional campuses may be recommended by the Planning and Zoning Commission and approved by the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The plan for off-site signs shall show the location, size, height and extent of all signs encompassed within the signage plan, as well as the nature of the information to be displayed on each sign. All such signs shall be located within the "CB" Core Business District, "PH" Planned Hospital District or "HE" Higher Education District. Off-site signage is not permitted in residential districts. c. Any application submitted pursuant to Subsection (6)(a) or (b) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a	Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown. 2. Any application submitted pursuant to Subsection (6)(a) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written and notarized statement signed by the record owners of such properties which indicates their endorsement of the application. 3. The above-cited signage options shall be exercised in accordance with the standards for all planned developments as set forth in Section 405.1080. All proposed signs shall be reviewed based on the following criteria a. Proposed signs are consistent with the purpose of this ordinance; b. Proposed signs are compatible with the theme, visual quality, and overall character of the surrounding area. c. Proposed signs are in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban

Current Code Language	New Code Language
plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown. (2) The common signage plan shall specify standards for consistency among all signs on the lots affected by the plan with regard to: (a) Lettering or graphic style; (b) Lighting; (c) Location of each sign on the buildings; (d) Material; and (e) Sign proportions. b. Window signs on common signage plan. A common signage plan or master signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass or some other material hung inside window) and need not specify the exact dimension or nature of every window sign. c. Limit on number of freestanding signs under common signage plan. The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs. Individual tenants may be identified on freestanding signs. d. Other provisions of common signage plans. The common signage plan may contain such other restrictions as the owners of the lots may reasonably determine. e. Consent. The common signage plan shall be signed by all owners or their authorized agents in such form as the Zoning Administrator shall require. f. Procedures. A common signage plan shall be included in any site development plan or other plan required by the City for the proposed development and shall be processed simultaneously with such other plan. g. Amendment. A common signage	

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plan may be amended by filing a new common signage plan that conforms with all requirements of the ordinance then in effect. h. Existing signs not conforming to common signage plan. If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this Chapter in effect on the date of submission. i. Binding effect. After approval of a common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan and such plan may be enforced in the same way as any provision of this Chapter. In case of any conflict between the provisions of such a plan and any other provision of this Chapter, the ordinance shall control.	K. Existing signs not conforming to common signage plan. If any common signage plan has been approved under previously effective ordinances for a property on which existing signs were located, with a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed plan or to the requirements of this Chapter in effect on the date of submission, such schedule shall be met notwithstanding elimination of the common signage plan ordinance.

AN ORDINANCE AMENDING CHAPTER 405, ARTICLE VIII SIGN REGULATIONS OF THE ZONING ORDINANCE AND THE DEFINITION OF TERMS, OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI

WHEREAS, an application by the Director of Community Development, on behalf of the City of Creve Coeur, has been submitted for various amendments to the Article VIII, Sign Regulations, intended to simplify several regulations and definitions, eliminate certain provisions that appear to be inconsistent with the purposes of the Sign Code and address content-related issues; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for amendments to the definitions and sign provisions of the City Code of Ordinances as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Zoning Code; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri, held a public hearing thereon at the Creve Coeur Government Center on Monday, July 16, 2012, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; and,

WHEREAS, the Planning Division Staff has discussed the proposed changes with members of the Creve Coeur/Olivette Chamber of Commerce, and members of the business and real estate community; and,

WHEREAS, the Planning and Zoning Commission reviewed and, by a vote of _____ recommended approval of the subject amendments at its meeting on Monday, September 17, 2012; and,

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Creve Coeur and otherwise posted and published in accordance with the Zoning Ordinance; and,

WHEREAS, all persons who presented themselves at said meeting and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council; and the Bill was read by title in open meeting two times before final passage by the City Council; and,

WHEREAS, the City Council being fully informed finds that amending the City Code of Ordinances would be in harmony with and bear a substantial relation to the public welfare, health, safety, comfort and convenience of the citizens of the City of Creve Coeur and in the public interest.

NOW, THEREFORE, be it ordained by the City Council of the City of Creve Coeur, Missouri as follows:

SECTION 1: The following definitions in Section 405.120, Definition of Terms of Chapter 405, The Zoning Ordinance, of the City of Creve Coeur's Code of Ordinances shall be amended as follows:

SECTION 405.120 DEFINITION OF TERMS

FLAG: Any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government; or institution ~~or business~~.

SIGN: Any device, material, fixture, placard or structure, or part thereof, composed of lettered, numbered, symbolic and/or pictorial matter that is placed or located when in use outside of or on the exterior of or in the windows or other transparent surfaces of any building for display of a message, announcement, notice, direction, information or name that uses any color, form, graphic illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public but not including a church steeple or other religious symbol affixed to a church structure.

SIGN, ALTER (AS APPLIED TO A SIGN): A physical change in a sign or sign supports or an addition to a sign or sign supports. The term "alter" includes renovation, modification, rehabilitation or restoration, but does not include changing the copy on a ~~bulletin board sign, marquee sign or other~~ legal changeable-copy sign.

SIGN, BANNER: Any sign of lightweight fabric or other non-rigid material that is mounted to a pole or a building by a frame at one (1) or more edges. ~~National flags, State or municipal flags or the official flag of any institution or business shall~~ Flags are not be considered banners.

~~SIGN, BILLBOARD OR OUTDOOR ADVERTISING: An off-premises outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary systems.~~

~~SIGN, BULLETIN BOARD SIGN, INSTITUTIONAL: A sign attached to a building or freestanding which identifies a place of worship or school and which contains the name of the institution and changeable copy information such as the names of individuals connected with the institution, general announcements of events or activities occurring at the institution or similar messages.~~

~~SIGN, CHANGEABLE COPY SIGN: A sign on which message copy is changed manually or automatically through the utilization of attachable or integrally automated letters, numbers, symbols and other similar characters of changeable pictorial panels, but not including an institutional bulletin board sign, gasoline station price sign or marquee sign.~~

~~SIGN, COMMERCIAL MESSAGE: Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity, but not including a sign offering a residential dwelling for sale, lease or rent.~~

~~SIGN, CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.~~

~~SIGN, DIRECTIONAL SIGN: A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed including entrance and exit signs.~~

~~SIGN, DIRECTORY SIGN: A sign listing the name and/or use and/or location of the various businesses or activities conducted within a building or group of buildings.~~

SIGN, FACE: The area or display surface used for the message of a sign.

~~SIGN, FRONTAGE: The length along the front of the ground floor of a building occupied by a separate and distinct use and the length along the side of the ground floor of a building occupied by a separate and distinct use when the side of such building faces a street; or the width of a tenant space measured along the ground floor of a building occupied by a separate and distinct use which does not face a street but faces a parking lot.~~

SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; ~~except that in the case of an individual letter sign, only two thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign.~~ Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

SIGN, HEIGHT: The vertical distance measured from the elevation of the ~~centerline of the adjacent right-of-way~~ grade at the point closest to the sign to the highest point of the sign.

SIGN, INCIDENTAL SIGN: A sign which is too small to be ~~generally informational and has a purpose secondary to the use of the premises on which it is located, such as "credit cards accepted here", "loading only", "telephone" or similar information. No sign with a commercial message legible from a position off the premises shall be considered incidental.~~

~~SIGN, LIGHT POLE ARTWORK SIGN: A sign consisting of a banner fabricated from a durable fabric with a design applied through silkscreening or similar application method affixed to a light pole., the content of such signs shall be civic or seasonal in nature. Such signs shall not include commercial advertising, business slogans or logos or the names of individual businesses, groups, organizations, shopping centers or office parks.~~

SIGN, MOVING SIGN: Any sign or part of a sign which changes physical position by any movement or rotation, ~~but not including rotating panels which are integrated within an outdoor general advertising device.~~

~~SIGN, NAME PLATE: A non-illuminated sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.~~

SIGN, OFF-PREMISES SIGN: Any sign containing content as directed at least in part by someone other than the owner of the property or occupant of a building on, ~~except a~~

~~billboard as defined herein, which advertises or identifies a property, business or address, other than the property, business or address where the sign is displayed.~~

~~SIGN, ON-PREMISES PERMANENT SIGN: A sign containing content as directed solely by the owner of the property or occupant of a building on the property where the sign is displayed. pertaining only to the premises on which the sign is located. and containing any of the following information:~~

- ~~— 1. The name of the owner, occupant, management, business or building;~~
- ~~— 2. The address;~~
- ~~— 3. The type of business, profession, service or activity;~~
- ~~— 4. The type or types of products offered; and~~
- ~~— 5. Other similar information.~~

~~SIGN, PAPER SIGN: A sign normally for temporary use made of paper, cardboard or similar material.~~

~~SIGN, PARKING DIRECTION SIGN: A sign indicating the entrance or exit to a parking lot.~~

~~SIGN, PARKING REGULATION SIGN: A sign stating the regulations for use of a parking lot.~~

~~SIGN, PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, which is designed to be transported including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs and hot air balloons used as signs.~~

~~SIGN, REAL ESTATE SIGN: Any sign pertaining to the sale, lease or rental of real estate.~~

~~SIGN, RESIDENTIAL SIGN: A sign not exceeding six (6) square feet per sign face and not having more than two (2) sign faces, which is located in a residential zoning district and that contains no commercial message other than advertising the premises for sale, lease or rent.~~

~~SIGN, ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and/or extending wholly or partially vertically above the highest portion of the roof.~~

~~SIGN, SNIPE SIGN: A temporary sign or poster affixed to a utility pole, tree, fence, or similar structure and any temporary freestanding sign illegally placed or installed on public or private property etc.~~

~~SIGN, TEMPORARY PROMOTIONAL DISPLAY: A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services or a change in policy or in the status of a business.~~

~~SIGN, UNSIGHTLY OR UNKEMPT SIGN: A sign that is clearly in disrepair, is missing part of its copy, has letters or other copy that are broken, missing or so faded that they are difficult to read from the street, is not securely affixed to either the ground or some~~

BILL NO. _____

ORDINANCE NO. _____

other supporting structure, ~~contains an illegible message~~, contains rust or peeling or flaking paint or has damage to its face which is clearly visible from the street.

SIGN, WINDOW SIGN: A sign ~~made of die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal neon depicting the tenant's identity or product graphics placed on the surface or~~ within three (3) feet of the inside of a window or other transparent surface and is visible from the exterior of the window or surface.

SECTION 2: Article VIII, Sign Regulations is hereby deleted and replaced in its entirety with a new Article VIII, Sign Regulation, attached as Exhibit A hereto.

SECTION 3: This ordinance shall become effective in accordance with Section 3.11 (g) of the City Charter.

ADOPTED THIS ____ DAY OF _____, 2012.

ROBERT HOFFMAN
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2012.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MRCC
CITY CLERK

ARTICLE VIII. SIGN REGULATIONS

SECTION 405.910: PURPOSE AND INTENT

These regulations encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic appearance of the City and to facilitate and improve pedestrian and vehicular traffic safety. These regulations are intended to promote the public health, safety and general welfare through a comprehensive set of reasonable standards and requirements. These regulations allow for the identification of places of commerce, the communication of public and commercial information necessary for efficient and safe traffic movement; to allow for freedom of speech subject to reasonable restrictions as to time, place and manner; to protect the public from the dangers of unsafe signs; to lessen hazardous situations, confusion and visual clutter caused by a proliferation of signs competing for the attention of pedestrian and vehicular traffic; and to enhance the attractiveness and economic well-being of the City of Creve Coeur.

SECTION 405.920: SIGN PERMITS

A. It shall be unlawful for any person to erect, perform major repair, alter, move, replace or otherwise change a sign requiring a sign permit in the City of Creve Coeur without first obtaining a sign permit from the Zoning Administrator or Planning and Zoning Commission as provided by this Article. An application for a sign permit shall be submitted to the Zoning Administrator and shall include and be accompanied by plans that show the size and shape of the sign, the location of the proposed sign, the setbacks from surrounding properties, the type of illumination and proposed lighting, the materials used to construct and the method used to support the sign or attach it to a building. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, the application shall comply with and be in accordance with the format and procedures adopted by the Planning and Zoning Commission and shall be filed with the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

B. If the proposed sign is one that may be approved by the Zoning Administrator, then, within twenty-one (21) days after the application for a sign permit has been received by the Zoning Administrator, he/she shall respond to the applicant advising said applicant whether or not the sign requested conforms with this Article. If no response is received within twenty-one (21) days, the application shall be deemed to have been approved. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, then the Planning and Zoning Commission shall respond to the applicant within sixty (60) days after receipt of the application by the Zoning Administrator advising said applicant whether the sign requested has or has not been approved. If no response is received within sixty (60) days, the application shall be deemed to have been approved. Upon denial, the applicant may appeal to the Board of Adjustment pursuant to Sections [405.1040](#) and [405.1110](#) of the zoning ordinance. The Zoning Administrator shall maintain a record of all sign permits issued, which records shall show date of application and date of issuance of permits.

SECTION 405.930: GENERAL PROVISIONS

A. *Scope.* The provisions of this Section shall apply to all signs in the City, unless a sign is specifically exempted by [Section 405.930\(E\)](#) of this Article. Every sign shall comply with all other applicable ordinances of the City. In case of a conflict between the provisions of this Section and other applicable provisions, the more restrictive shall govern. Any sign not specifically provided for herein as a permitted sign or a prohibited sign shall be designated as a permitted sign or a prohibited sign by the Zoning Administrator consistent with [Section 405.910](#), Purpose and Intent, and the most closely applicable provisions of this Article. If said sign is designated as a permitted sign, then said sign shall be subject to all limitations and provisions stated herein for a permitted sign which is most similar to said sign.

B. *Maintenance And Safety.*

1. All signs and related structures shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked surfaces and broken or missing letters.

2. All signs and related structures shall be maintained in a safe and clean condition. Whenever the Zoning Administrator determines that a sign has become structurally unsafe or endangers life or property or is not being maintained in good repair, a notice shall be sent to the owner or person in charge of the sign that the sign be made safe, repaired or removed. The owner or person in charge of the sign shall have ten (10) days from receipt of such notice in which to comply.

C. *Non-Conforming Signs.*

1. No new or existing sign may be constructed, altered in structure, relocated or replaced after the effective date of this Article, unless the sign conforms to all the provisions of this Article and any required sign permit has been issued by the Zoning Administrator or unless the sign is specifically exempted from the provisions of this Article. Nothing in this Section shall relieve the owner or user of a non-conforming sign from the provisions of this Article regarding safety, maintenance and repair of signs specified in [Section 405.930\(B\)](#) Maintenance and Safety.

2. Any existing sign that is destroyed, deteriorated or damaged to the extent of fifty percent (50%) or more of its replacement cost, exclusive of the foundation, after the effective date of this Article, shall not be rebuilt, repaired or replaced except in conformity with the provisions of this Chapter.

D. *Prohibited Signs.* The following types of signs are specifically prohibited in the City:

1. *Affixing of advertisements to public places.* No person shall paint, post, place, hang, suspend or affix any advertisement, card, poster, sign, banner or streamer, of any nature or for any purpose or cause the same to be done on or to any curbstone, flagstone or any other portion of any street or sidewalk or upon any tree or lamppost standing or erected on any public street or right-of-way or other public place or upon any pole erected upon any public street or right-of-way or other public place, which pole is used to carry telephone wires or cables, electric light wires or other electric conductors, or to any hydrant, bridge or other public structure within the City; provided however, that nothing contained in this Section shall apply to any official notice required by law or ordinance to be posted by public officers of the City or any other governmental agency.

2. Signs legible from a public right-of-way that imitate, blend or conflict with or that otherwise may be confused with traffic signals and signs, that are not directional signs required by the City or other traffic authority for traffic efficiency and safety. Such signs shall include, but not be limited to, signs that are imitations of "stop", "go", "caution", "danger" or "warning".

3. Signs that are of a size, location, movement and/or illumination as may be confused with or construed as a traffic control device or which might obstruct from view any traffic or street sign or signal, that are not directional signs required by the City or other traffic authority for traffic efficiency and safety.

4. Signs that falsely advertise that an activity, business, product or service is sold or conducted on the premises upon which the sign is located and thereby misdirect traffic. Such signs shall be removed within thirty (30) days of written notification to the owner of the premises.

5. Signs on public land, except those erected at the direction of or with the permission of an appropriate public authority.

6. Vehicular signs which are not painted directly on or affixed flat against the factory surface of a vehicle. This provision does not permit appendages or modifications to a vehicle for advertising purposes. Exempted from this Section are vehicular signs affixed to vehicles when said vehicles park temporarily and only to make immediate deliveries or pickups.

a. Any vehicle displaying permitted vehicular signs owned by or operated on behalf of a business operating within the City limits shall park said vehicle at the business location behind the front building line within a properly designated parking space. Where such parking is not available, said vehicle shall park as far from the right-of-way and in the least visible area possible.

b. Any vehicle which displays a permitted vehicle sign shall not park between 2:00 A.M. and 5:00 A.M. within residential zoning districts including "A", "B", "C", "D", "AR" or in a residential development in any zoning district within the corporate limits of Creve Coeur, unless such vehicle is parked within an enclosed

garage. Governmental and public safety vehicles shall be exempt from this provision, as well as construction-related vehicles parked on property under construction.

7. Strips or strings of lights used to call attention to a use or occupancy by outlining property lines, sales area, roof lines, doors, windows, wall edges or other architectural features of a building site. Exempted from this provision are holiday-style lighting displayed from November first (1st) through January fifteenth (15th) and lights which are an integral architectural feature of the original design of a structure as approved by the Planning and Zoning Commission. (The use of exposed neon is governed by [Section 405.930\(F\)\(6\)](#) and [\(7\)](#).)

8. Moving signs including those of which all or any part of the sign moves or appears to move. This prohibition against moving signs shall extend to devices including strings of light bulbs and rotating signs, whether part of any signs or maintained as an independent feature. This prohibition does not apply to tri-vision billboards or exempted governmental and official signs. "*Tri-vision billboard*" means a sign face having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which is capable of displaying a total of three (3) separate message copies, one (1) message copy at a time.

9. Snipe signs.

10. Unsightly or unkempt or damaged signs.

11. Roof signs.

12. Projecting signs, except those otherwise permitted by [Section 405.950\(H\)\(4\)](#) or other Sections of this Article.

13. *Any sign structure which no longer supports a sign.* Exempted from this Section is a sign structure which is temporarily void of a sign due to a permitted alteration or repair. A sign permit or an application for a sign permit for this alteration or repair must be on file with the Department of Public Works and said alteration or repair must be completed within one (1) month of the issuance of the approved sign permit.

14. *Changeable copy signs (manual or automated).* Exempted from this provision are: tri-vision billboards as defined in Section 405.930(D)(8) above; manually-changeable bulletin board signs as allowed by Section 405.940(E); marquee signs; signs defined in [Section 405.930\(E\)\(1\)](#) (governmental and official signs); illuminated devices as allowed by [Section 405.930\(F\)\(2\)](#); and signs in [Section 405.950\(I\)\(6\)](#) (gasoline price signs).

15. Permanent or temporary window signs above the finished floor level of the second (2nd) story including lettering painted or applied to glass and temporary displays as defined in [Section 405.950\(G\)\(1\)](#) located above the ground floor.

16. Back-lit awnings and lighted canopies.

17. Portable signs except as allowed by Section 405.950(G)(5).
18. Inflatable signs, tethered balloons, banners, pennants, flags, wind-driven spinners, or streamers, except as otherwise provided in Section 405.950(G)(2) *Temporary displays and signs*.
19. Individuals dressed in costume intended to attract attention as human signs to a business for advertising purposes in violation of Chapter 610.
20. Signs extending over a roadway.
21. Off-premises signs except for billboards installed before July 1, 2009.

E. *Exempted Signs*. With the exception of [Sections 405.930\(B\)](#) (Maintenance and Safety), [405.930\(D\)](#) (Prohibited Signs) and [405.930\(G\)](#) (Miscellaneous Requirements), the provisions and regulations of this Article shall not apply to the following signs:

1. Governmental and official signs including, but not limited to, the following:
 - a. Public notices and official notices posted or authorized by government officials in the performance of their duties including changeable copy signs not exceeding thirty (30) square feet of sign area per face.
 - b. Signs for the control or direction of traffic and other authorized public purposes, including on private property as required by the City or other traffic authority.
2. No parking and no trespassing signs that are no larger than one (1) square foot in gross sign area.
3. Signs not exceeding two (2) square feet in sign area individually and not exceeding 6 square feet in the aggregate, including, but not limited to, the following:
 - a. Name plates, attached to a structure and not exceeding two (2) square feet in area, used to identify a professional service or home occupation permitted in the single-family residential zoning district in which the sign is located.
 - b. Residential address number located on a sign not larger than one (1) square foot in gross sign area.
 - c. Commercial address numerals, which are required to be prominently displayed on each building, not to exceed two (2) square feet in area. Larger address numerals may be permitted elsewhere in this Article and would be subject to the provisions and regulations of the particular Section.
4. Incidental signs.

F. *Illuminated Signs.* The following requirements shall apply to illuminated signs:

1. The light from any illuminated sign shall be so shaded, shielded and/or directed in such a manner that the light intensity or brightness will not be a substantial nuisance to the residents or occupants of surrounding areas.
2. No sign shall have blinking, flashing or fluttering lights or other illuminating device of variable light intensity, brightness or color. Clocks and thermometers which only indicate the time or temperature shall not be considered flashing signs, provided that the gross area of such devices is not greater than sixteen (16) square feet per face (maximum of two (2) faces), the vertical dimension of any letter or number is not greater than twenty-four (24) inches and the color or intensity of light is constant except for periodic changes in the information display, which occur not more frequently than once every fifteen (15) seconds. Beacon lights are not permitted.
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles on public thoroughfares.
5. No exposed reflective-type bulb or incandescent lamp which exceeds forty (40) watts shall be used on the exterior surface of any sign in such manner as to expose the face of the bulb, light or lamp to any public street or adjacent property.
6. The use of exposed neon in a window sign(s) with aggregate area larger than six (6) square feet must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of such sign(s).
7. The use of exposed neon as an illumination source for identification or an architectural feature must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of the exposed neon.

G. *Miscellaneous Requirements.* All signs shall comply with the following general requirements:

1. *Sign faces.* When a sign is allowed two (2) sign faces, the sign faces shall be parallel to one another and not more than fourteen (14) inches apart unless specifically authorized to deviate from this requirement by an applicable portion of this Article.
2. *Projections.* No sign shall project beyond a property line or into a public right-of-way, except traffic control signs as authorized pursuant to the traffic code and public information signs as approved by the City Council.
3. *Life safety code compliance.* All signs shall comply with all applicable life safety codes including the structural and fire safety provisions of the Building Code and the electrical provisions of the Electric Code of the City of Creve Coeur.
4. *Obstruction to exit ways.* No sign shall be erected, displayed or maintained so as to

obstruct any fire escape, any required exit way, window or door opening used as a means of egress or to obstruct any other means of egress required by the Building Code of the City of Creve Coeur.

5. *Obstruction of ventilation.* No sign shall be erected, displayed or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City of Creve Coeur.

6. *Architectural Consistency.* Sign installations shall be consistent with, and not conceal, the architectural detail of a building.

H. *Flags.* Flags shall be permitted in any zoning district without a permit. Each lot or parcel of land in the City shall be limited to the display of not more than two (2) flags. Parcels of land in excess of five (5) acres in size, however, may display additional flags, provided that there are not more than four (4) flags displayed per five (5) acres of land area. Within five (5) days prior to and three (3) days following a national holiday such as Independence Day, Memorial Day or Veterans Day, there shall be no limitation on the number of flags displayed on any parcel of land within the City. Flagpoles shall not exceed twenty-five (25) feet in height in residential districts and thirty-five (35) feet in height in non-residential districts.

I. *Sign Setbacks.* All permanent signs shall be set back from property lines according to the regulations specified in this Article or as otherwise required by any other applicable City ordinance. Temporary signs shall be set back at least five (5) feet from the edge of pavement of any road and shall be located outside of the right-of-way of any State, County, or City road.

J. *Substitutability.* Whenever a commercial sign would be permitted under this Article, a sign bearing a political or other non-commercial message may be installed in its place, provided it otherwise complies with this Article. Subject to the landowner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any other duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

SECTION 405.940: SIGNS IN RESIDENTIAL DISTRICTS

A. *General Limitations.* It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with a residential use or in a residential zoning district, unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein. All signs require a permit except as otherwise provided herein.

B. *Residential Development Signs.* Permanent signs designating a subdivision, neighborhood or multi-family development for traffic efficiency and safety shall be approved

by the Planning and Zoning Commission through the site development plan approval process as defined in [Section 405.1080](#). Such signs shall be limited to twelve (12) square feet per sign face with a maximum of two (2) sign faces.

C. *Exempt Signs In All Residential Districts.* No permit shall be required for the following signs signs provided that the signs are erected by the owner or with the owner's permission.

1. Any lot in a residentially zoned area shall be permitted one (1) sign with a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces, except that if the lot is on the market for sale or lease, then it shall be permitted one (1) additional sign of six (6) square feet per sign face and a maximum of two (2) sign faces. [Zoning administrators note: (*Temporary open house signs.*) Because the foregoing section allows a residentially zoned lot to have two signs if it is on the market for sale or lease, that allows for a residential sign containing information advertising a premises for sale, lease or rent, and an open house sign. Because other residentially zoned properties are always allowed at least one sign, that allows for an additional open house sign off site on private property with the other owner's permission.]

2. *Temporary Signs during an Election.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on an residentially - zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced signs although no single sign face shall exceed six (6) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot.

D. *Single-Family Lots Fronting On A Numerically Designated State Highway.* Any lot in a single-family residentially zoned area which fronts on and has direct access available from a numerically designated State highway which has received site development plan approval for an office, day care center or retail service uses, as provided by [Section 405.450\(E\)](#), may have a combination of one (1) low monument sign, wall signs, window signs or signs affixed or painted on canopies or awnings. Because these lots are within residential areas, the total gross sign area, counting all faces, shall be consistent with that of other lots in residentially zoned areas and shall not exceed twelve (12) square feet. An additional rear entrance to such a business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. Permits shall be required for all signs allowed by this paragraph.

E. *Institutional Uses In Residential Districts.*

1. *On-premises permanent attached signs.* Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with manually-changeable copy or may be an on-premises permanent sign.

2. *Low monument signs.* An institutional use in a residential district occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign, which can include a manually-changeable bulletin board sign, provided such sign contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in [Section 405.670](#) of this Chapter and the site meets one (1) of the following criteria:

- a. The site has at least three hundred (300) feet of lot frontage on a street or highway other than Lindbergh Boulevard; or
- b. The site has at least two hundred (200) feet of lot frontage on Lindbergh Boulevard.

3. *Campus low monument sign.* An institutional use in a residential district occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, on-premises permanent sign in accordance with the following standards:

- a. *Maximum sign area.* Sixty (60) square feet.
- b. *Maximum area per sign face.* Twenty-four (24) square feet.
- c. *Maximum height.* Six (6) feet above prevailing base grade.
- d. *Setback from right-of-way.* Fifteen (15) feet.

4. *Parking direction signs.* One (1) freestanding parking direction sign, which may be internally illuminated subject to [Section 405.930\(F\)](#) shall be required for every one hundred fifty (150) parking spaces with not more than two (2) sign faces, provided the sign shall not exceed fifteen (15) square feet in gross sign area per face, the sign height shall not exceed four (4) feet in height and no portion of the sign shall extend into the public right-of-way. The sign shall be placed within the parking lot and for enhanced traffic directional purposes may contain the name and/or logo of the institution in addition to messages providing directional information. The Zoning Director may allow fewer signs for good cause.

5. *Temporary signs.* Institutional uses in residential district may be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to three (3) times per year for up to thirty (30) days each period. A separate sign permit shall be required for each event.

F. *On-Site Construction Signs.* When property is under construction, pursuant to an issued building permit, an additional sign not to exceed twenty-four (24) square feet in gross sign area and not to exceed six (6) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall not be erected in a public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work if no occupancy permit is required.

SECTION 405.950: SIGNS IN NON-RESIDENTIAL DISTRICTS

A. *General Limitations.* It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any non-residential use or in a non-residential zoning district unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein. All signs permitted by this Section shall require the issuance of a sign permit, except for allowed temporary, incidental and portable signs.

B. *On-premises permanent attached signs.*

1. *In-line or mid-block uses.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

2. *Corner units, single uses on corner lots, or out-lot buildings within a shopping center.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two or more public streets and is the closest building thereto. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

3. *Rear entrances.* A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the on-premises permanent signs should maintain uniformity in location, height and general design.

C. *Low monument signs.*

1. A project or development with a site area of at least 30,000 sq. ft. and with at least two hundred (200) feet of lot frontage along Lindbergh Boulevard, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
2. A project or development with a site area of at least 30,000 sq. ft. but less than three and one-half (3.5) acres, and with at least three hundred (300) feet of lot

frontage on a street or non-interstate highway, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.

3. A project or development with a site area of at least three and one half (3.5) acres but less than five (5) acres shall be permitted a single low monument sign that contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
4. A project or development with a site area of more than five (5) acres shall, by site development plan approval in accordance with Section 405.1080, be permitted a single low monument sign that contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, that is not more than twelve (12) feet in height, that is setback at least fifteen (15) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
5. A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area allowed is required for all low monument signs.
6. In instances where the required 150-foot separation from a pre-existing sign on one property would exclude an adjacent property from being permitted a low monument for which it is otherwise eligible, such exclusion shall be allowed as a factor in determining practical difficulties or unnecessary hardship within the provisions of Section 405.970, Variances, of this Chapter.

D. *Attached signs for multi-floor office buildings.* Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three (3), up to a maximum of one hundred and fifty (150) square feet. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

E. *Address Signs.* For fire protection and traffic safety and efficiency, each freestanding single or multi-tenant office building shall have one (1) set of address numerals per building frontage. These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be

determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:

Height of Sign on Building (story)	Distance from R.O.W. (feet)	Allowable Square Footage per Numeral (square feet)
1	0--100	2
1	101--250	3
1	over 250	4
2	0--100	3
2	101--250	4
2	over 250	5
3	0--100	4
3	101--250	5
3	over 250	6
4	0--100	5
4	101--250	6
4	over 250	7
5	0--100	6
5	101--250	7
5	over 250	8
6	0--100	7
6	101--250	8
6	over 250	9
over 6	0--100	8
over 6	101--250	9
over 6	over 250	10

F. *Multi-tenant real estate information signs.* Pursuant to RsMO Section 67.317, each multi-tenant building or complex (where more than one (1) building is in the same development) may be permitted one (1) permanent real estate information sign, subject to the following:

1. The gross sign area shall not exceed twenty-four (24) square feet per face with a maximum of two (2) sign faces. Decorative edge treatments shall not be included in the gross sign area.
2. The sign shall not be more than six (6) feet in total height above the elevation of the adjacent finish grade, shall be set back at least ten (10) feet from the right-of-way of said fronting street or highway, located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street (The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet), and shall not be located within the site distance triangle as defined in [Section 405.120](#), Definitions, of this Chapter.
3. The sign shall be permanently affixed to the ground with rot- and insect-resistant materials without use of supporting wires, cross-bracing or stanchions.

4. The aggregate visible width of the supporting legs or monument shall be at least one-quarter ($\frac{1}{4}$) of the width of the sign.
5. The edges of the sign shall be boxed-in, framed or otherwise enclosed to eliminate visible gaps or spaces between the sign panels.
6. The sign copy shall be applied and protected with weather- resistant materials and finishes.
7. Any attached "riders" (e.g., available floor area) on the sign shall be incorporated within the external dimensions of the sign and are limited to one (1) rider per sign face.
8. These provisions shall not be applicable to single-tenant or owner- occupied properties which are subject to [Section 405.950\(G\)\(4\)](#) Temporary or incidental signs for single-tenant properties.
9. Nothing in these provisions shall be deemed to limit or alter in any way the provisions of Section 405.930.J, Substitutability, of this Chapter.

G. *Temporary or incidental signs.* The following signs are permitted as temporary or incidental to a given ground floor business or use and are not to be included in calculating the allowable gross sign area for on-premises permanent signs:

1. *Window signs.* The total gross sign area of all window signs as defined in [Section 405.120](#), Definition of Terms, shall not exceed twenty percent (20%) of the area of any individual window located in the lowest eleven (11) feet of the storefront as measured from the adjacent exterior grade. For the purposes of this Section, panes of glass separated by a structural column or portion of exterior finished wall shall be considered individual windows. Further, glass located within a door, whether or not it is used as an entrance/exit, is not an eligible location for a window sign. No window signs are allowed more than eleven (11) feet above the adjacent grade. Appropriate types of signage include die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal or product. Graphics painted directly onto the glass surface are prohibited.
2. *Temporary displays and signs.* Temporary displays such as banners or posters shall be permitted for ground floor retail sales and service uses. These special displays shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage for on-premises permanent signs. Permitted balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low monument signs, and shall be no more than 18 feet above the ground elevation.

3. *Temporary Signs during an Election.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on any non-residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced sign although no single sign face shall exceed twelve (12) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot.
4. *Temporary real estate signs on single-tenant/occupant properties.* Pursuant to RsMO Section 67.317, in addition to the permitted signage on any single-tenant/occupant non-residential premises, temporary real estate signs are allowed offering the premises for sale, lease or rent. Such signs shall be limited to advertising the premises on which they are located, shall be a maximum of six (6) feet tall and shall be limited to twenty-four (24) square feet per sign face with a maximum of two (2) sign faces. Temporary real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased or rented. These provisions shall not apply to multi-tenant/occupancy properties and if the property is subsequently converted to multi-tenant occupancy, the requirements of [Section 405.950\(F\)](#), Multi-tenant real estate information signs, shall be enforced on the property.
5. *Portable signs.* In all commercial districts, one (1) portable sandwich board sign limited to six (6) square feet and no more than four (4) feet in height shall be allowed per business address, without a permit, provided that such sign is no more than four (4) feet from the front door entrance, the sign does not obstruct pedestrian movement, and the sign does not obstruct or otherwise pose a hazard to motor vehicle traffic. Such signs must be stored inside between dusk and dawn.
6. *Signs on converted residential structures in commercial zoning districts.* Each residential structure which has been converted to a commercial use by approval of a site development plan by the Planning and Zoning Commission may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area not to exceed twenty-five (25) square feet. A rear entrance to such business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door.

H. *Special purpose signs.* Signs authorized in this Subsection are not to be included in calculating the allowable gross sign area for on-premises permanent signs.

1. *Parking and other direction signs.* One (1) freestanding parking direction sign per direction, which may be internally illuminated, shall be required for each driveway, provided the sign shall not exceed three (3) square feet in gross sign area per face, the sign height shall not exceed three (3) feet and no portion of the sign shall extend into the public right-of-way. If the sign is located at a private driveway, for enhanced traffic directional purposes it may contain the name, address and/or logo of the business in addition to messages providing directional information. Other directional signs shall be installed as may be required by the City.

2. *Marquee signs.* Marquee signs for theaters, cinemas, exhibition centers and similar public assembly uses shall be permitted only upon the specific authorization of the Planning and Zoning Commission, subject to such restrictions and conditions as the Commission may deem necessary after a site development plan is reviewed under the provisions of [Section 405.1080](#).
3. *On-site construction signs.* When the property is under construction pursuant to an issued building permit, an additional sign, not to exceed thirty-two (32) square feet in gross sign area per face with a maximum of two (2) faces and not to exceed ten (10) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall be erected out of the public right-of-way and shall be removed ten (10) days after completion of a project and not later than 10 days after issuance of occupancy permit.
4. *Covered walkway signs.* A sign not to exceed two (2) square feet in gross sign area may be hung from the ceiling of a covered walkway that is attached to the front of a retail store. Such a sign shall not exceed eighteen (18) inches in drop from the bottom of the said sign to the ceiling surface of the covered walkway, nor shall the bottom of said sign be less than seven (7) feet above the sidewalk surface it is hanging over. Only one (1) covered walkway sign per business shall be allowed. Such a sign shall be hung perpendicular to the retail storefront so as to be beneficial to pedestrian traffic.

I. *Automobile service stations.*

1. Signs located on property used for automobile service stations shall be subject to the provisions and limitations set forth in this Section. Additional retail signs, unless specifically provided for herein, advertising the sale of specific products shall be prohibited.
2. No sign shall be attached to any pole, light standard or gasoline tank vent pipe. No sign shall be attached to a gasoline pump excepting those provided for in [Section 405.950\(I\)\(5\)](#).
3. *Wall signs.*
 - a. Not more than one (1) wall sign shall be permitted for each automobile service station. This wall sign shall not exceed twenty-five (25) square feet in gross sign area.
 - b. In instances where the washing of motor vehicles is an accessory service being offered on a property used for an automobile service station, one (1) additional wall sign shall be permitted. This wall sign shall not exceed ten (10) square feet in area. Further, one (1) sign designating the entrance to and one (1) sign designating the exit from the washing area shall be affixed directly to the structure near such entrance or exit for traffic safety and efficiency. The gross sign area of such signs shall not exceed twelve (12) square feet. One additional sign may be erected no closer than seventy-five (75) feet from any public right-of-way. Such a sign shall not exceed ten (10) square feet in gross sign area or

eight (8) feet in height from top of sign to top of grade. Said sign shall be permanently anchored to a wall, canopy support or a freestanding pole.

4. *Service station canopy signs.* An automobile service station with a canopy shall be permitted one (1) service station canopy sign, in addition to a wall sign, per street frontage. This service station canopy sign shall not exceed thirty (30) square feet in gross sign area per street frontage. This sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy. This sign shall be illuminated by internal and non-intermittent light sources. Any business logo, inclusive of striping or other symbols, appearing on this canopy sign shall count as part of the gross sign area allowable for said sign.
5. *Pump signs.* Signs shall be posted on gasoline pumps so as to provide the required information to the public regarding "octane rating", "price" and "type of fuel". As the trade name of the business is often incorporated into the different types of fuels, said trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in area per sign face (four (4) square feet in aggregate) per pump. "Self-service" or "full-service" signs shall identify each pump island on the service station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than eight (8) feet above the ground, located at each end of the pump island. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in area.
6. *Gasoline price signs.* For purposes of traffic efficiency and safety, one (1) gasoline price sign shall be allowed per service station property street frontage. This sign must be freestanding and permanently anchored. Such a sign shall not exceed sixteen (16) square feet in sign area per face and shall not exceed six (6) feet in height from top of sign to top of grade. Illumination shall be by internal and non-intermittent light sources. This sign shall identify the actual unit price being charged for gasoline being sold.

J. *Master signage plans*— The provisions set forth in the preceding [Sections 405.910, et seq.](#), shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially- zoned institutions (schools and places of worship). However, in keeping with the intent to allow flexibility in the design of planned developments and large campus development of contiguous multi-acre areas, not separated by major highways or public right-of-ways (i.e. Olive Boulevard), the following options may be available for signs accessory to uses in non-residential properties of campus developments of three (3) or more multiple buildings with a minimum of ten (10) acres and residentially-zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres) subject to:

1. As an alternative to what would otherwise be allowed, signs may be permitted in accordance with a Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of [Sections](#)

[405.1060\(D\)\(3\)](#) and [405.1120](#) of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown.

2. Any application submitted pursuant to Subsection (6)(a) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written and notarized statement signed by the record owners of such properties which indicates their endorsement of the application.
3. The above-cited signage options shall be exercised in accordance with the standards for all planned developments as set forth in [Section 405.1080](#). All proposed signs shall be reviewed based on the following criteria
 - a. Proposed signs are consistent with the purpose of this ordinance;
 - b. Proposed signs are compatible with the theme, visual quality, and overall character of the surrounding area.
 - c. Proposed signs are in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban design elements.

K. *Existing signs not conforming to common signage plan.* If any common signage plan has been approved under previously effective ordinances for a property on which existing signs were located, with a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed plan or to the requirements of this Chapter in effect on the date of submission, such schedule shall be met notwithstanding elimination of the common signage plan ordinance.

L. *Billboards.*

1. *Not permitted.* Billboards shall not be permitted in the City. This prohibition shall be effective as of July 1, 2009. Any billboard permitted prior to that date shall be deemed a non-conforming sign, but shall not be enlarged, relocated, or reset. The City expressly prohibits the resetting of qualifying signs pursuant to Section 226.541 RSMo.
2. *Lighting and landscaping of billboards.* All lighting and landscaping of billboards shall comply with the following:
 - a. Prior to issuance of a City permit for erection of a billboard, the applicant shall submit and receive approval of a landscape plan depicting the landscaping, billboard lighting and fencing around the proposed billboard to ensure that the structure will be aesthetically compatible with its surroundings and the aesthetic

standards of the community and neighboring property. Said landscaping shall consist of a circular base with a minimum radius measured from the center of the sign base. Said radius shall be no less than the total height of the sign, measured from ground grade at the sign structure base to the highest point of the total sign and structure. Such plans shall comply with the provisions of [Section 405.540](#), shall be reviewed and approved by the Planning and Zoning Commission and shall comply with all standards in this Section;

- b. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature or similar information, will be permitted;
 - c. External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or primary highway 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 and such lights shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjacent residential property;
 - d. No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal;
 - e. The maximum average lighting intensity level for such sign shall be twenty (20) foot-candles.
3. *Obstruction of official highway signs.* No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness or visibility of an official traffic sign, signal or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.
4. *Annual inspection and certification.* Owners of all billboards shall be required to submit, to the Zoning Administrator, an inspection report from a Missouri licensed engineer as to the sign's structural integrity. Such certification shall be done on or before July first (1st) of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.
5. *Nuisances.* Any billboard which, because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris or the deterioration of landscaping, lighting or fencing, becomes unsightly or unsafe, as determined by the Zoning Administrator, is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner all other nuisances on private property.

SECTION 405.960: ENFORCEMENT AND SIGN REMOVAL

A. *Sign Code Violations And Enforcement.* Any sign which is not in compliance with all the provisions of this Article is declared to be unlawful. The City, through the Zoning Administrator, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who violates or fails to comply with any provisions of this Article or against the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located to prevent, enjoin, abate or terminate the erection, use of display of an unlawful sign. Any person who violates or fails to comply with any of the provisions of this Article or the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located shall be subject to the penalties set forth in [Section 405.1150\(D\)](#) of this Chapter.

B. *Removal Of Unlawful Sign.* Any unlawful sign which has not been removed within thirty (30) days after conviction of violation or imposition of civil penalty may be removed by the City and the costs charged to the violator. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the City, the City may sell or otherwise dispose of the sign and apply the proceeds toward costs of removal. Any proceeds in excess of costs shall be paid to the owner of the sign.

C. *Immediate Removal Of Unlawful Or Unsafe Signs.* Signs which the Zoning Administrator finds upon public streets, sidewalks, rights-of-way or other public property or which wherever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the Zoning Administrator without prior notice. (R.O. 2008 §26-105; Ord. No. 1903 §1, 11-24-97)

SECTION 405.970: VARIANCES

A. *Practical Difficulties Or Unnecessary Hardship.*

1. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the provisions of this Article, the Board of Adjustment may vary or modify the application of specific regulations for any permitted form of signage so that the spirit of this Article shall be observed, public safety and welfare secured and substantial justice done.
2. A variance from this Article may be granted for any permitted form of signage where it is found that because of the limitations on character, size, number or dimensions of signs or the regulations controlling the erection or installation of a sign, the applicant would be subject to practical difficulties or unnecessary hardship. Unnecessary hardship is not considered the loss of possible advantage, economic loss or gain or mere inconvenience to the applicant.

B. *Procedures And Criteria.* The procedures and criteria for granting a variance from the regulations in this Article shall be as set out in [Section 405.1040](#) of this Chapter.

SECTIONS 405.980--405.990: RESERVED

Memorandum

From: Carl Lumley

To: The Planning and Zoning Commission

Re: Additional edits to the Sign Code

Date: September 17, 2012

The following is a list of additional edits to the proposed revised sign code:

Changes to Section 1 of the Proposed Ordinance – Definitions, Section 405.150

1. Delete the definitions of “Sign, Billboard,” “Sign, Construction Sign,” “Sign, Off-Premises Sign,” and “Sign, On-Premises Sign.”
2. Change the definition of “Sign, Bulletin Board Sign” so it reads: “A sign attached to a building or freestanding which **contains** changeable copy information such **as** announcements of events or activities.”¹

Changes to Section 2 (Exhibit A) of the Proposed Ordinance

1. 405.930(D)(8) – Revise language to read: “Moving signs including those of which all or any part of the sign moves or appears to move. This prohibition against moving signs shall extend to devices including strings of light bulbs and rotating signs, whether part of any signs or maintained as an independent feature. This prohibition does not apply to ~~tri-vision billboards or~~ exempted governmental and official signs. ~~“Tri-vision billboard” means a sign face having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which is capable of displaying a total of three (3) separate message copies, one (1) message copy at a time.”~~
2. 405.930(D)(14) – Revise language to read: “*Changeable copy signs (manual or automated).* Exempted from this provision are: ~~tri-vision billboards as defined in Section 405.930(D)(8) above;~~ manually-changeable bulletin board signs as allowed by Section 405.940(E); marquee signs, **if approved pursuant to Section 405.950(H)(2)**; signs defined in [Section 405.930\(E\)\(1\)](#) (governmental and official signs); illuminated devices as allowed by [Section 405.930\(F\)\(2\)](#); and signs in [Section 405.950\(I\)\(6\)](#) (gasoline price signs).”
3. 405.930(D)(21) – Delete subsection in its entirety and replace with a new subsection 21, which will read: “Except as may otherwise be expressly authorized by this Article VIII, signs exceeding fifty (50) square feet in gross sign area.”

¹ Throughout, revised language is shown as **bold and underline** for additions, and ~~striketrough~~ for deletions.

4. 405.940(E)(1) – Change to read “~~On-premises permanent attached signs.~~ Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. One ~~The~~ permanent sign may be a bulletin board sign with manually-changeable copy ~~or may be an on-premises permanent sign.~~”
5. 405.940(E)(3) – Change to read: “*Campus low monument sign.* An institutional use in a residential district occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, ~~on-premises~~ permanent sign in accordance with the following standards.”
6. 405.950(B) – Change title to read: “~~On-premises permanent attached signs.~~”
7. 405.950(B)(3) – Change to read: “*Rear entrances.* A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the ~~on-premises~~ permanent signs should maintain uniformity in location, height and general design”
8. 405.950(G) – Change to read: “*Temporary or incidental signs.* The following signs are permitted as temporary or incidental to a given ground floor business or use and are not to be included in calculating the allowable gross sign area for ~~on-premises~~ permanent signs.”
9. 405.950(G)(2) – Change to read: “*Temporary displays and signs.* Temporary displays such as banners or posters shall be permitted for ground floor retail sales and service uses. These special displays shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage for ~~on-premises~~ permanent signs. Permitted balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low monument signs, and shall be no more than 18 feet above the ground elevation.”
10. 405.950(H) – Change to read: “*Special purpose signs.* Signs authorized in this Subsection are not to be included in calculating the allowable gross sign area for ~~on-premises~~ permanent signs.”
11. 405.950(L)(1) – Change to read: “Billboards, and except as otherwise expressly authorized by this Article VIII, other signs exceeding fifty (50) square feet in gross sign area shall not be

permitted in the City. This prohibition shall be effective as of July 1, 2009. Any billboard permitted prior to that date shall be deemed a non-conforming sign, but shall not be enlarged, relocated, or reset. The City expressly prohibits the resetting of qualifying signs pursuant to Section 226.541 RSMo. **Existing tri-vision billboards are likewise deemed to be non-conforming signs. Tri-vision billboard" means a sign face having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which is capable of displaying a total of three (3) separate message copies, one (1) message copy at a time.**

12. 405.950(L)(2) – Change to read: “*Lighting and landscaping of billboards.* All lighting and landscaping of **grandfathered** billboards shall comply with the following.”
13. 405.950(L)(2)(A) – This subsection is to be deleted and replaced with: “Previously approved and required landscaping shall be maintained.”

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Professional Engineer

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Reuther Automotive Group

Ryan Schratz
Pulaski Bank

Larry Tessier
Tessier Promotions

Director Emeritus – Bill Wyne
Wyne & Merritt PC



Chamber Of Commerce

August 30, 2012

Planning and Zoning Commission
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, MO 63141

Re: Proposed Modifications to the City of Creve Coeur Sign Ordinances

Dear Members of the Planning and Zoning Commission:

We are writing this letter in response to follow up discussions by the planning and zoning commission of the City of Creve Coeur (the "**City**") with respect to proposed changes to the City's sign ordinances.

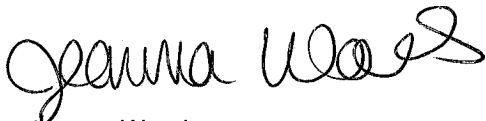
The Creve Coeur-Olivette Chamber of Commerce (the "**Chamber**") appreciates that the City has requested input on these follow up discussions. The Chamber's committee on this issue has reviewed the matters discussed at the August 20, 2012 planning and zoning commission meeting. While several important issues appear to be satisfactorily resolved, we believe a few items of concern remain:

1. 150' Spacing. The one hundred fifty (150) foot spacing requirements still appear to be potentially problematic for certain property owners. While the Chamber recognizes a twenty five (25) foot adjustment was added, additional exceptions are needed with respect to right of way requirements.
2. Relocation and Reconfiguration of Signage. Relocation and reconfiguration of signage without additional regulatory approval appears not to have been addressed. The Chamber would hope a provision could be adopted allowing such changes without excessive review or lengthy procedures if within certain guidelines. Perhaps an administrative approval by the planning staff in certain instances could be considered.
3. Maximum Signage Size. The maximum signage size of one hundred fifty (150) square feet is still felt to be problematic for large buildings that do not border directly on a roadway and may in some cases be one hundred (100) feet or more from a roadway.
4. Prohibition on Two (2) Wall Signs. The prohibition of two (2) wall signs for multi-story buildings that front multiple roadways is also felt by the Chamber to be too limiting. The size of signage has already been limited and the Chamber feels that the ability to have two (2) signs for such unique building situations is important.

Overall, in regard to minimizing "visual clutter," we believe that the City's controls on color and lighting have accomplished that goal.

It is the Chamber's sincere hope that the City will continue to work with us and address the remaining concerns in a way not to penalize business growth and development which is so important to the City in these difficult economic times.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanna Woods". The signature is fluid and cursive, with the first name "Jeanna" written in a larger, more prominent script than the last name "Woods".

Jeanna Woods
President

This letter is submitted in connection with the public hearing scheduled for September 4, 2012 on the proposed changes to the City of Creve Coeur sign ordinances. We request that it will be made a part of the official record.



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
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APPLICATION TO PLANNING AND ZONING COMMISSION

#12-001 TEXT AMENDMENT FOR COMPREHENSIVE REVISIONS TO ARTICLE VIII SIGN REGULATIONS OF THE ZONING ORDINANCES

FOR THE MEETING OF: August 20, 2012

LOCATION: City-wide

REQUEST:

An application by the Director of Community Development, on behalf of the City of Creve Coeur, has been submitted for various amendments to the Article VIII, Sign Regulations, intended to simplify several regulations and definitions, eliminate certain provisions that appear to be inconsistent with the purposes of the Sign Code and address content-related issues highlighted by a recent Circuit Court decision.

ADDITIONAL INFORMATION:

Local governments can make restrictions on speech based on its time, place, and manner, so long as the restrictions do not relate to the content of the speech. Many of Creve Coeur's definitions for various signs, and in several cases, the type of sign permitted, are based on content.

Key Issues:

- Does this request further the goals and/or implement the Comprehensive Plan?
- Is this a reasonable exercise of zoning authority?
- Any neighborhood impacts?

Comp. Plan References

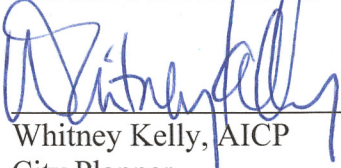
- Design Guidelines

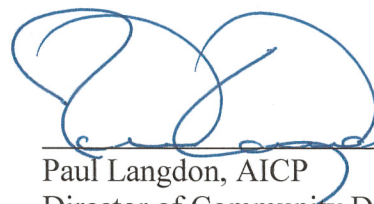
Zoning Code References

- Article VIII Sign Regulations

APPLICANT: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur

REPORT PREPARED BY:


Whitney Kelly, AICP
City Planner
8/17/2012
Date


Paul Langdon, AICP
Director of Community Development
8/17/12
Date

ATTACHMENTS: Revised draft Definition of Terms and Sign Regulations

SUMMARY

Staff reviewed the sign regulations with the Planning and Zoning Commission during several work sessions to develop a comprehensive revision to Article VIII Sign Regulations, of the City's Code of Ordinances, to facilitate the permitting process, and reduce or eliminate points of confusion, as well as comply with recent court ruling regarding the content neutrality of the sign regulations based on those discussions. A public hearing of the resulting draft was held on July 16th to consider comments and recommendations from the public, most of which related to the proposed changes regarding real estate signs.

As we have been discussing with the Commission members, a recent 8th Circuit Court of Appeals confirmed that the regulation of content of signs is a violation of the constitutional right to free speech. The St. Louis Association of Realtors also submitted a letter indicating that State legislation that requires cities to allow for real estate signage. Therefore, in order to proceed with simplifying the sign regulations, Staff has revised the draft ordinance to maintain the existing regulations for real estate signs, with the understanding that the "Substitutability" clause under the General Provisions allows the sign to be used for other purposes. Below is the relevant section:

SECTION 405.930: GENERAL PROVISIONS

J. Substitutability. Whenever a commercial sign would be permitted under this Article, a sign bearing a political or other non-commercial message may be installed in its place, provided it otherwise complies with this Article. Subject to the landowner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any other duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

The questions before the Commission is: are you comfortable with allowing separate signs for real estate purposes, or does this allow too much signage and, therefore, wish to have all tenant and property information incorporated under one sign as originally proposed?

If the real estate sign provision remains, one of the other proposed changes is unnecessary. Specifically, the proposed allowance for smaller properties with 150 lineal feet of frontage to receive a ground sign can be removed, and thus only properties of 300 lineal feet or more would qualify for a low monument. All other proposed changes remain as the prior draft, including the graduated sign size with site area and the separation requirement of a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street signs, to prevent signs from competing with or conflicting with each other and potentially creating a hazardous traffic situation. Included is a provision that the Zoning Administrator may authorize a reduction of this separation requirement by up to 25 lineal feet to allow for site related conditions (such as driveways, etc.) that may hinder the placement of such a sign at the required distance. Legally pre-existing signs would not be subject to this requirement.

The existing regulations also allow a ground sign on Lindbergh Boulevard properties with a minimum of 200 feet of frontage. Therefore, this provision has been added back into the draft changes. Therefore, the proposed changes for low monument signs, reads as follows:

Signs in Non-Residential Districts

Low Monument Signs

- (1) A project or development with a site area of at least 30,000 sq. ft. and with at least two hundred (200) feet of lot frontage along Lindbergh Boulevard, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
- (2) A project or development with a site area of at least 30,000 sq. ft. but less than three and one-half (3.5) acres, and with at least three hundred (300) feet of lot frontage on a street or non-interstate highway other than Lindbergh Boulevard, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
- (3) A project or development with a site area of at least three and one half (3.5) acres but less than five (5) acres shall be permitted a single low monument sign that contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
- (4) A project or development with a site area of more than five (5) acres shall, by site development plan approval in accordance with Section 405.1080, be permitted a single low monument sign that contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, that is not more than twelve (12) feet in height, that is setback at least fifteen (15) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
- (5) A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area allowed is required for all low monument signs.

Other changes

An additional change to the allowable window signs includes the type of sign graphics allowed. The prior definition limited window signs to die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal neon. The revised definition of window signs simplifies the term for all window graphic to the following to reduce the number of performance standards within the definition:

SIGN, WINDOW SIGN: A sign placed on the surface or within three (3) feet of the inside of a window or other transparent surface and is visible from the exterior of the window or surface.

As a result of the simplified definition, Staff have included language under Section 405.950 for window signage for the type of signage allowed as die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal neon, and clarify that writing or painting directly onto the surface of the glass is prohibited, as follows:

2. Temporary or incidental signs
 - a. Window signs. The total gross sign area of all window signs as defined in Section 405.120, Definition of Terms, shall not exceed twenty percent (20%) of the area of any individual window located in the lowest eleven (11) feet of the storefront as measured from the adjacent exterior grade. For the purposes of this Section, panes of glass separated by a structural column or portion of exterior finished wall shall be considered individual windows. Further, glass located within a door, whether or not it is used as an entrance/exit, is not an eligible location for a window sign. No window signs are allowed more than eleven (11) feet above the adjacent grade. Appropriate types of signage include die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal or product. Graphics painted directly onto the glass surface are prohibited.

Signs in Residential Districts

Most of the discussion has focused on signs in the commercial areas. However, there are a couple of changes regarding signs in residential districts that should be noted.

Residentially-zoned properties that have direct access on a numerically designated state highway and have been approved for commercial uses are currently allowed signage of at least 12 sq. ft. and up to 16 sq. ft. depending on how far back the building sits from the road. To be consistent with the non-residential properties, however, the increase in the sign area with larger setbacks has also been eliminated under this provision, as follows:

- D. Single-Family Lots Fronting On A Numerically Designated State Highway.* Any lot in a single-family residentially zoned area which fronts on and has direct access available from a numerically designated State highway which has received site development plan approval for an office, day care center or retail service uses, as provided by Section 405.450(E), may have a combination of one (1) ~~low monument sign~~, wall signs, window signs or signs affixed or painted on canopies or awnings. Because these lots are within residential areas, the total gross sign area, counting all faces, shall be

consistent with that of other lots in residentially zoned areas and shall not exceed twelve (12) square feet, ~~except, however, that the allowable square footage of signs may be increased by two (2) square feet for each fifty (50) feet the building is setback from the roadway pavement of the numerically designated State highway to a maximum of sixteen (16) square feet to enhance the ability of motorists to see the signs for traffic efficiency and safety.~~ An additional rear entrance to such a business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. Permits shall be required for all signs allowed by this paragraph.

Further, institutions in residential district can currently have a temporary sign for up to 6 months of the year but, due to the length of time and that these institutions are in residential districts, residents have complained that they are up too long. Therefore, Staff is again proposing a standard similar to the non-residential standards in that banners would be allowed for 30 days per permit and 3 permits per year. This allows for the spring and fall enrollment periods, plus one special event. The wording would change as follows:

E. Institutional Uses In Residential Districts.

1. Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with manually-changeable copy or may be an on-premises permanent sign. ~~In addition, such uses shall be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to a period of ninety (90) days and a minimum of ninety (90) days shall elapse prior to posting another temporary sign on the premises. Temporary signs.~~
2. Institutional uses in residential district may be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to two (3) times per year for up to thirty (30) days each period. A separate sign permit shall be required for each event.

CONCLUSION

Attached is a clean version of the draft regulations with all of the proposed changes incorporated for ease of reading. If the Commission Members are comfortable with all of the changes as proposed, Staff will prepare a draft ordinance for the meeting of September 4, 2012 for recommendation to City Council. If the Commission Members would like Staff to consider additional specific changes to the regulations, please provide direction for those changes. Staff has provided a copy of the draft regulations to the Creve Coeur/Olivette Chamber of Commerce for review.

ACTION AND MOTION

Since no recommendation is sought at this time, Staff requests that the Commission continue the discussion to the September 4th meeting. The following is an example motion:

“I move to continue Application #12-001 to the meeting of September 4, 2012, for staff to prepare a draft ordinance that include the changes to the Article VIII Sign Regulations as proposed.”

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

SECTION 405.120: DEFINITION OF TERMS

SIGN: Any device, material, fixture, placard or structure, or part thereof, composed of lettered, numbered, symbolic and/or pictorial matter that is placed or located outside of, or on the exterior of, or in the windows or other transparent surfaces of, any building for display of a message, announcement, notice, direction, information or name.

SIGN, ALTER (AS APPLIED TO A SIGN): A physical change in a sign or sign supports or an addition to a sign or sign supports. The term "alter" includes renovation, modification, rehabilitation or restoration, but does not include changing the copy on a legal changeable-copy sign.

SIGN, BANNER: Any sign of lightweight fabric or other non-rigid material that is mounted to a pole or a building by any means at one (1) or more edges. Flags are not banners.

SIGN, BILLBOARD: An off-premises sign, any part of the contents of which is visible from any point of the traveled ways of the interstate or primary systems.

SIGN, BULLETIN BOARD SIGN: A sign, attached to a building or freestanding, which contains changeable-copy information such as announcements of events or activities.

SIGN, CANOPY SIGN: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY SIGN: A sign on which message copy is changed manually or automatically through the utilization of attachable or integrally automated letters, numbers, symbols and other similar characters of changeable pictorial panels.

SIGN, CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction.

SIGN, DIRECTIONAL SIGN: A sign which is designed and erected for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed including entrance and exit signs.

SIGN, FACE: The area or display surface used for the message of a sign.

SIGN, FLASHING SIGN: A sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Also, any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and off; or a sign in which a message constantly flashes or turns on and off or alternates with other copy by means of rotating or otherwise moving portions of the sign.

SIGN, FREESTANDING SIGN: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure including, without limitation, a low monument sign.

SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign. Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

SIGN, HEIGHT: The vertical distance measured from the elevation of the adjacent grade at the point closest to the sign to the highest point of the sign.

SIGN, INCIDENTAL SIGN: A sign which is too small to be legible from a position off the premises.

SIGN, LOW MONUMENT SIGN: A freestanding sign not more than six (6) feet high which is located adjacent to a road right-of-way.

SIGN, MARQUEE SIGN: Any sign attached to in any manner, or made a part of, a marquee and which may include changeable copy.

SIGN, MOVING SIGN: Any sign or part of a sign which changes physical position by any movement or rotation.

SIGN, NON-CONFORMING SIGN: Any sign that was lawfully erected but no longer conforms to the requirements of this Chapter.

SIGN, OFF-PREMISES SIGN: Any sign containing content as directed at least in part by someone other than the owner of the property or occupant of a building on the property where the sign is displayed.

SIGN, ON-PREMISES SIGN: A sign containing content as directed solely by the owner of the property or occupant of a building on the property where the sign is displayed.

SIGN, PERMANENT SIGNS: All signs which are not temporary signs.

SIGN, PERMIT: A document certifying that the plans for the proposed sign comply with all applicable City ordinances and requirements.

SIGN, PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, which is designed to be transported including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs and balloons used as signs.

SIGN, PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than fourteen (14) inches beyond the surface of such building or wall but not including a sign suspended from a canopy and mounted perpendicular to a wall.

SIGN, ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and/or extending wholly or partially above the highest portion of the roof.

SIGN, SNIPE SIGN: A sign of any type affixed to a utility pole, tree, fence, or similar structure and any temporary freestanding sign illegally placed or installed on public or private property.

SIGN, TEMPORARY SIGN: A sign which is not illuminated and is not permanently installed or affixed to any sign, structure or building.

SIGN, UNSIGHTLY OR UNKEMPT SIGN: A sign that is clearly in disrepair, is missing part of its copy, has letters or other copy that are broken, missing or so faded that they are difficult to read from the street, is not securely affixed to either the ground or some other supporting structure, contains rust or peeling or flaking paint or has damage to its face which is clearly visible from the street.

SIGN, WALL SIGN: Any sign attached parallel to, but within fourteen (14) inches of, a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign face.

SIGN, WINDOW SIGN: A sign placed on the surface or within three (3) feet of the inside of a window or other transparent surface and is visible from the exterior of the window or surface.

ARTICLE VIII. SIGN REGULATIONS

SECTION 405.910: PURPOSE AND INTENT

These regulations encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic appearance of the City and to facilitate and improve pedestrian and vehicular traffic safety. These regulations are intended to promote the public health, safety and general welfare through a comprehensive set of reasonable standards and requirements. These regulations allow for the identification of places of commerce, the communication of public and commercial information necessary for efficient and safe traffic movement; to allow for freedom of speech subject to reasonable restrictions as to time, place and manner; to protect the public from the dangers of unsafe signs; to lessen hazardous situations, confusion and visual clutter caused by a proliferation of signs competing for the attention of pedestrian and vehicular traffic; and to enhance the attractiveness and economic well-being of the City of Creve Coeur.

SECTION 405.920: SIGN PERMITS

A. It shall be unlawful for any person to erect, perform major repair, alter, move, replace or otherwise change a sign requiring a sign permit in the City of Creve Coeur without first obtaining a sign permit from the Zoning Administrator or Planning and Zoning Commission as provided by this Article. An application for a sign permit shall be submitted to the Zoning Administrator and shall include and be accompanied by plans that show the size and shape of the sign, the location of the proposed sign, the setbacks from surrounding properties, the type of illumination and proposed lighting, the materials used to construct and the method used to support the sign or attach it to a building. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, the application shall comply with and be in accordance with the format and procedures adopted by the Planning and Zoning Commission and shall be filed with the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

B. If the proposed sign is one that may be approved by the Zoning Administrator, then, within twenty-one (21) days after the application for a sign permit has been received by the Zoning Administrator, he/she shall respond to the applicant advising said applicant whether or not the sign requested conforms with this Article. If no response is received within twenty-one (21) days, the application shall be deemed to have been approved. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, then the Planning and Zoning Commission shall respond to the applicant within sixty (60) days after receipt of the application by the Zoning Administrator advising said applicant whether the sign requested has or has not been approved. If no response is received within sixty (60) days, the application shall be deemed to have been approved. Upon denial, the applicant may appeal to the Board of Adjustment pursuant to Sections [405.1040](#) and [405.1110](#) of the zoning ordinance. The Zoning Administrator shall maintain a record of all sign permits issued, which records shall show date of application and date of issuance of permits.

SECTION 405.930: GENERAL PROVISIONS

A. *Scope.* The provisions of this Section shall apply to all signs in the City, unless a sign is specifically exempted by [Section 405.930\(E\)](#) of this Article. Every sign shall comply with all other applicable ordinances of the City. In case of a conflict between the provisions of this Section and other applicable provisions, the more restrictive shall govern. Any sign not specifically provided for herein as a permitted sign or a prohibited sign shall be designated as a permitted sign or a prohibited sign by the Zoning Administrator consistent with [Section 405.910](#), Purpose and Intent, and the most closely applicable provisions of this Article. If said sign is designated as a permitted sign, then said sign shall be subject to all limitations and provisions stated herein for a permitted sign which is most similar to said sign.

B. *Maintenance And Safety.*

1. All signs and related structures shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked surfaces and broken or missing letters.

2. All signs and related structures shall be maintained in a safe and clean condition. Whenever the Zoning Administrator determines that a sign has become structurally unsafe or endangers life or property or is not being maintained in good repair, a notice shall be sent to the owner or person in charge of the sign that the sign be made safe, repaired or removed. The owner or person in charge of the sign shall have ten (10) days from receipt of such notice in which to comply.

C. *Non-Conforming Signs.*

1. No new or existing sign may be constructed, altered in structure, relocated or replaced after the effective date of this Article, unless the sign conforms to all the provisions of this Article and any required sign permit has been issued by the Zoning Administrator or unless the sign is specifically exempted from the provisions of this Article. Nothing in this Section shall relieve the owner or user of a non-conforming sign from the provisions of this Article regarding safety, maintenance and repair of signs specified in [Section 405.930\(B\)](#) Maintenance and Safety.

2. Any existing sign that is destroyed, deteriorated or damaged to the extent of fifty percent (50%) or more of its replacement cost, exclusive of the foundation, after the effective date of this Article, shall not be rebuilt, repaired or replaced except in conformity with the provisions of this Chapter.

D. *Prohibited Signs.* The following types of signs are specifically prohibited in the City:

1. *Affixing of advertisements to public places.* No person shall paint, post, place, hang, suspend or affix any advertisement, card, poster, sign, banner or streamer, of any nature or for any purpose or cause the same to be done on or to any curbstone, flagstone or any other portion of any street or sidewalk or upon any tree or lamppost standing or erected on any public street or right-of-way or other public place or upon any pole erected upon any public street or right-of-way or other public place, which pole is used to carry telephone wires or cables, electric light wires or other electric conductors, or to any hydrant, bridge or other public structure within the City; provided however, that nothing contained in this Section shall apply to any official notice required by law or ordinance to be posted by public officers of the City or any other governmental agency.

2. Signs legible from a public right-of-way that imitate, blend or conflict with or that otherwise may be confused with traffic signals and signs, that are not directional signs required by the City or other traffic authority for traffic efficiency and safety. Such signs shall include, but not be limited to, signs that are imitations of "stop", "go", "caution", "danger" or "warning".

3. Signs that are of a size, location, movement and/or illumination as may be confused with or construed as a traffic control device or which might obstruct from view any traffic or street sign or signal, that are not directional signs required by the City or other traffic authority for traffic efficiency and safety.

4. Signs that falsely advertise that an activity, business, product or service is sold or conducted on the premises upon which the sign is located and thereby misdirect traffic. Such signs shall be removed within thirty (30) days of written notification to the owner of the premises.

5. Signs on public land, except those erected at the direction of or with the permission of an appropriate public authority.

6. Vehicular signs which are not painted directly on or affixed flat against the factory surface of a vehicle. This provision does not permit appendages or modifications to a vehicle for advertising purposes. Exempted from this Section are vehicular signs affixed to vehicles when said vehicles park temporarily and only to make immediate deliveries or pickups.

a. Any vehicle displaying permitted vehicular signs owned by or operated on behalf of a business operating within the City limits shall park said vehicle at the business location behind the front building line within a properly designated parking space. Where such parking is not available, said vehicle shall park as far from the right-of-way and in the least visible area possible.

b. Any vehicle which displays a permitted vehicle sign shall not park between 2:00 A.M. and 5:00 A.M. within residential zoning districts including "A", "B", "C", "D", "AR" or in a residential development in any zoning district within the corporate limits of Creve Coeur, unless such vehicle is parked within an enclosed

garage. Governmental and public safety vehicles shall be exempt from this provision, as well as construction-related vehicles parked on property under construction.

7. Strips or strings of lights used to call attention to a use or occupancy by outlining property lines, sales area, roof lines, doors, windows, wall edges or other architectural features of a building site. Exempted from this provision are holiday-style lighting displayed from November first (1st) through January fifteenth (15th) and lights which are an integral architectural feature of the original design of a structure as approved by the Planning and Zoning Commission. (The use of exposed neon is governed by [Section 405.930\(F\)\(6\)](#) and [\(7\)](#).)

8. Moving signs including those of which all or any part of the sign moves or appears to move. This prohibition against moving signs shall extend to devices including strings of light bulbs and rotating signs, whether part of any signs or maintained as an independent feature. This prohibition does not apply to tri-vision billboards or exempted governmental and official signs. "*Tri-vision billboard*" means a sign face having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which is capable of displaying a total of three (3) separate message copies, one (1) message copy at a time.

9. Snipe signs.

10. Unsightly or unkempt or damaged signs.

11. Roof signs.

12. Projecting signs, except those otherwise permitted by [Section 405.950\(H\)\(4\)](#) or other Sections of this Article.

13. *Any sign structure which no longer supports a sign.* Exempted from this Section is a sign structure which is temporarily void of a sign due to a permitted alteration or repair. A sign permit or an application for a sign permit for this alteration or repair must be on file with the Department of Public Works and said alteration or repair must be completed within one (1) month of the issuance of the approved sign permit.

14. *Changeable copy signs (manual or automated).* Exempted from this provision are: tri-vision billboards as defined in Section 405.930(D)(8) above; manually-changeable bulletin board signs as allowed by Section 405.940(E); marquee signs; signs defined in [Section 405.930\(E\)\(1\)](#) (governmental and official signs); illuminated devices as allowed by [Section 405.930\(F\)\(2\)](#); and signs in [Section 405.950\(I\)\(6\)](#) (gasoline price signs).

15. Permanent or temporary window signs above the finished floor level of the second (2nd) story including lettering painted or applied to glass and temporary displays as defined in [Section 405.950\(G\)\(1\)](#) located above the ground floor.

16. Back-lit awnings and lighted canopies.

17. Portable signs except as allowed by Section 405.950(G)(5).
18. Inflatable signs, tethered balloons, banners, pennants, flags, wind-driven spinners, or streamers, except as otherwise provided in Section 405.950(G)(2) *Temporary displays and signs*.
19. Individuals dressed in costume intended to attract attention as human signs to a business for advertising purposes in violation of Chapter 610.
20. Signs extending over a roadway.
21. Off-premises signs except for billboards installed before July 1, 2009.

E. *Exempted Signs*. With the exception of [Sections 405.930\(B\)](#) (Maintenance and Safety), [405.930\(D\)](#) (Prohibited Signs) and [405.930\(G\)](#) (Miscellaneous Requirements), the provisions and regulations of this Article shall not apply to the following signs:

1. Governmental and official signs including, but not limited to, the following:
 - a. Public notices and official notices posted or authorized by government officials in the performance of their duties including changeable copy signs not exceeding thirty (30) square feet of sign area per face.
 - b. Signs for the control or direction of traffic and other authorized public purposes, including on private property as required by the City or other traffic authority.
2. No parking and no trespassing signs that are no larger than one (1) square foot in gross sign area.
3. Signs not exceeding two (2) square feet in sign area individually and not exceeding 6 square feet in the aggregate, including, but not limited to, the following:
 - a. Name plates, attached to a structure and not exceeding two (2) square feet in area, used to identify a professional service or home occupation permitted in the single-family residential zoning district in which the sign is located.
 - b. Residential address number located on a sign not larger than one (1) square foot in gross sign area.
 - c. Commercial address numerals, which are required to be prominently displayed on each building, not to exceed two (2) square feet in area. Larger address numerals may be permitted elsewhere in this Article and would be subject to the provisions and regulations of the particular Section.
4. Incidental signs.

F. *Illuminated Signs.* The following requirements shall apply to illuminated signs:

1. The light from any illuminated sign shall be so shaded, shielded and/or directed in such a manner that the light intensity or brightness will not be a substantial nuisance to the residents or occupants of surrounding areas.
2. No sign shall have blinking, flashing or fluttering lights or other illuminating device of variable light intensity, brightness or color. Clocks and thermometers which only indicate the time or temperature shall not be considered flashing signs, provided that the gross area of such devices is not greater than sixteen (16) square feet per face (maximum of two (2) faces), the vertical dimension of any letter or number is not greater than twenty-four (24) inches and the color or intensity of light is constant except for periodic changes in the information display, which occur not more frequently than once every fifteen (15) seconds. Beacon lights are not permitted.
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles on public thoroughfares.
5. No exposed reflective-type bulb or incandescent lamp which exceeds forty (40) watts shall be used on the exterior surface of any sign in such manner as to expose the face of the bulb, light or lamp to any public street or adjacent property.
6. The use of exposed neon in a window sign(s) with aggregate area larger than six (6) square feet must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of such sign(s).
7. The use of exposed neon as an illumination source for identification or an architectural feature must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of the exposed neon.

G. *Miscellaneous Requirements.* All signs shall comply with the following general requirements:

1. *Sign faces.* When a sign is allowed two (2) sign faces, the sign faces shall be parallel to one another and not more than fourteen (14) inches apart unless specifically authorized to deviate from this requirement by an applicable portion of this Article.
2. *Projections.* No sign shall project beyond a property line or into a public right-of-way, except traffic control signs as authorized pursuant to the traffic code and public information signs as approved by the City Council.
3. *Life safety code compliance.* All signs shall comply with all applicable life safety codes including the structural and fire safety provisions of the Building Code and the electrical provisions of the Electric Code of the City of Creve Coeur.
4. *Obstruction to exit ways.* No sign shall be erected, displayed or maintained so as to

obstruct any fire escape, any required exit way, window or door opening used as a means of egress or to obstruct any other means of egress required by the Building Code of the City of Creve Coeur.

5. *Obstruction of ventilation.* No sign shall be erected, displayed or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City of Creve Coeur.

6. *Architectural Consistency.* Sign installations shall be consistent with, and not conceal, the architectural detail of a building.

H. *Flags.* Flags shall be permitted in any zoning district without a permit. Each lot or parcel of land in the City shall be limited to the display of not more than two (2) flags. Parcels of land in excess of five (5) acres in size, however, may display additional flags, provided that there are not more than four (4) flags displayed per five (5) acres of land area. Within five (5) days prior to and three (3) days following a national holiday such as Independence Day, Memorial Day or Veterans Day, there shall be no limitation on the number of flags displayed on any parcel of land within the City. Flagpoles shall not exceed twenty-five (25) feet in height in residential districts and thirty-five (35) feet in height in non-residential districts.

I. *Sign Setbacks.* All permanent signs shall be set back from property lines according to the regulations specified in this Article or as otherwise required by any other applicable City ordinance. Temporary signs shall be set back at least five (5) feet from the edge of pavement of any road and shall be located outside of the right-of-way of any State, County, or City road.

J. *Substitutability.* Whenever a commercial sign would be permitted under this Article, a sign bearing a political or other non-commercial message may be installed in its place, provided it otherwise complies with this Article. Subject to the landowner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any other duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

SECTION 405.940: SIGNS IN RESIDENTIAL DISTRICTS

A. *General Limitations.* It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with a residential use or in a residential zoning district, unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein. All signs require a permit except as otherwise provided herein.

B. *Residential Development Signs.* Permanent signs designating a subdivision, neighborhood or multi-family development for traffic efficiency and safety shall be approved

by the Planning and Zoning Commission through the site development plan approval process as defined in [Section 405.1080](#). Such signs shall be limited to twelve (12) square feet per sign face with a maximum of two (2) sign faces.

C. Exempt Signs In All Residential Districts.

1. Any lot in a residentially zoned area shall be permitted one (1) sign with a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces, except that if the lot is on the market for sale or lease, then it shall be permitted one (1) additional sign of six (6) square feet per sign face and a maximum of two (2) sign faces. No permit shall be required for such signs provided that the signs are erected by the owner or with the owner's permission.

2. *Temporary open house signs.* Because the foregoing section allows a residentially zoned lot to have two signs if it is on the market for sale or lease, that allows for a residential sign containing information advertising a premises for sale, lease or rent, and an open house sign. Because other residentially zoned properties are always allowed at least one sign, that allows for an additional open house sign off site on private property with the other owner's permission.

D. Single-Family Lots Fronting On A Numerically Designated State Highway. Any lot in a single-family residentially zoned area which fronts on and has direct access available from a numerically designated State highway which has received site development plan approval for an office, day care center or retail service uses, as provided by [Section 405.450\(E\)](#), may have a combination of one (1) low monument sign, wall signs, window signs or signs affixed or painted on canopies or awnings. Because these lots are within residential areas, the total gross sign area, counting all faces, shall be consistent with that of other lots in residentially zoned areas and shall not exceed twelve (12) square feet. An additional rear entrance to such a business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. Permits shall be required for all signs allowed by this paragraph.

E. Institutional Uses In Residential Districts.

1. *On-premises permanent attached signs.* Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with manually-changeable copy or may be an on-premises permanent sign.

2. *Temporary signs.* Institutional uses in residential district may be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to three (3) times per year for up to thirty (30) days each period. A separate sign permit shall be required for each event.

3. *Low monument signs.* An institutional use in a residential district occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low

monument sign, which can include a manually-changeable bulletin board sign, provided such sign contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in [Section 405.670](#) of this Chapter and the site meets one (1) of the following criteria:

- a. The site has at least three hundred (300) feet of lot frontage on a street or highway other than Lindbergh Boulevard; or
- b. The site has at least two hundred (200) feet of lot frontage on Lindbergh Boulevard.

4. *Campus low monument sign.* An institutional use in a residential district occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, on-premises permanent sign in accordance with the following standards:

- a. *Maximum sign area.* Sixty (60) square feet.
- b. *Maximum area per sign face.* Twenty-four (24) square feet. c.

Maximum height. Six (6) feet above prevailing base grade. d.

Setback from right-of-way. Fifteen (15) feet.

5. *Parking direction signs.* One (1) freestanding parking direction sign, which may be internally illuminated subject to [Section 405.930\(F\)](#) shall be required for every one hundred fifty (150) parking spaces with not more than two (2) sign faces, provided the sign shall not exceed fifteen (15) square feet in gross sign area per face, the sign height shall not exceed four (4) feet in height and no portion of the sign shall extend into the public right-of-way. The sign shall be placed within the parking lot and for enhanced traffic directional purposes may contain the name and/or logo of the institution in addition to messages providing directional information. The Zoning Director may allow fewer signs for good cause.

F. *Temporary Signs In Residential Districts.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on an residentially -zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced signs although no single sign face shall exceed twelve (12) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot. Permits are not required for these signs.

G. *On-Site Construction Signs.* When property is under construction, pursuant to an issued building permit, an additional sign not to exceed twenty-four (24) square feet in gross sign area and not to exceed six (6) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall not be erected in a public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work if no occupancy

permit is required.

SECTION 405.950: SIGNS IN NON-RESIDENTIAL DISTRICTS

A. *General Limitations.* It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any non-residential use or in a non-residential zoning district unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein. All signs permitted by this Section shall require the issuance of a sign permit, except for allowed temporary, incidental and portable signs.

B. *On-premises permanent attached signs.*

1. *In-line or mid-block uses.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

2. *Corner units, single uses on corner lots, or out-lot buildings within a shopping center.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two or more public streets and is the closest building thereto. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

3. *Rear entrances.* A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the on-premises permanent signs should maintain uniformity in location, height and general design.

C. *Low monument signs.*

1. A project or development with a site area of at least 30,000 sq. ft. and with at least two hundred (200) feet of lot frontage along Lindbergh Boulevard, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.

2. A project or development with a site area of at least 30,000 sq. ft. but less than three and one-half (3.5) acres, and with at least three hundred (300) feet of lot frontage on a street or non-interstate highway, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
3. A project or development with a site area of at least three and one half (3.5) acres but less than five (5) acres shall be permitted a single low monument sign that contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
4. A project or development with a site area of more than five (5) acres shall, by site development plan approval in accordance with Section 405.1080, be permitted a single low monument sign that contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, that is not more than twelve (12) feet in height, that is setback at least fifteen (15) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet.
5. A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area allowed is required for all low monument signs.

D. Attached signs for multi-floor office buildings. Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three (3), up to a maximum of one hundred and fifty (150) square feet. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

E. Address Signs. For fire protection and traffic safety and efficiency, each freestanding single or multi-tenant office building shall have one (1) set of address numerals per building frontage. These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:

Height of Sign on Building (story)	Distance from R.O.W. (feet)	Allowable Square Footage per Numeral (square feet)
1	0--100	2
1	101--250	3
1	over 250	4
2	0--100	3
2	101--250	4
2	over 250	5
3	0--100	4
3	101--250	5
3	over 250	6
4	0--100	5
4	101--250	6
4	over 250	7
5	0--100	6
5	101--250	7
5	over 250	8
6	0--100	7
6	101--250	8
6	over 250	9
over 6	0--100	8
over 6	101--250	9
over 6	over 250	10

F. *Multi-tenant real estate information signs.* Pursuant to RsMO Section 67.317, each multi-tenant building or complex (where more than one (1) building is in the same development) may be permitted one (1) permanent real estate information sign, subject to the following:

1. The gross sign area shall not exceed twenty-four (24) square feet per face with a maximum of two (2) sign faces. Decorative edge treatments shall not be included in the gross sign area.
2. The sign shall not be more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, shall be set back at least ten (10) feet from the right-of-way of said fronting street or highway, located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street (The Zoning Administrator may authorize a variance from the separation requirement of up to 25 lineal feet), and shall not be located within the site distance triangle as defined in [Section 405.120](#), Definitions, of this Chapter.
3. The sign shall be permanently affixed to the ground with rot- and insect-resistant materials without use of supporting wires, cross-bracing or stanchions.

4. The aggregate visible width of the supporting legs or monument shall be at least one-quarter ($\frac{1}{4}$) of the width of the sign.
5. The edges of the sign shall be boxed-in, framed or otherwise enclosed to eliminate visible gaps or spaces between the sign panels.
6. The sign copy shall be applied and protected with weather- resistant materials and finishes.
7. Any attached "riders" (e.g., available floor area) on the sign shall be incorporated within the external dimensions of the sign and are limited to one (1) rider per sign face.
8. These provisions shall not be applicable to single-tenant or owner- occupied properties which are subject to [Section 405.950\(G\)\(4\)](#) Temporary or incidental signs for single-tenant properties.

G. Temporary or incidental signs. The following signs are permitted as temporary or incidental to a given ground floor business or use and are not to be included in calculating the allowable gross sign area for on-premises permanent signs:

1. *Window signs.* The total gross sign area of all window signs as defined in [Section 405.120](#), Definition of Terms, shall not exceed twenty percent (20%) of the area of any individual window located in the lowest eleven (11) feet of the storefront as measured from the adjacent exterior grade. For the purposes of this Section, panes of glass separated by a structural column or portion of exterior finished wall shall be considered individual windows. Further, glass located within a door, whether or not it is used as an entrance/exit, is not an eligible location for a window sign. No window signs are allowed more than eleven (11) feet above the adjacent grade. Appropriate types of signage include die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal or product. Graphics painted directly onto the glass surface are prohibited.
2. *Temporary displays and signs.* Temporary displays such as banners or posters shall be permitted for ground floor retail sales and service uses. These special displays shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage for on-premises permanent signs. Permitted balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low monument signs, and shall be no more than 18 feet above the ground elevation.
3. *Other Temporary signs.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on any non-

residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced sign although no single sign face shall exceed twelve (12) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot.

4. *Temporary real estate signs on single-tenant/occupant properties.* Pursuant to RsMO Section 67.317, in addition to the permitted signage on any single-tenant/occupant non-residential premises, temporary real estate signs are allowed offering the premises for sale, lease or rent. Such signs shall be limited to advertising the premises on which they are located, shall be a maximum of six (6) feet tall and shall be limited to twenty-four (24) square feet per sign face with a maximum of two (2) sign faces. Temporary real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased or rented. These provisions shall not apply to multi-tenant/occupancy properties and if the property is subsequently converted to multi-tenant occupancy, the requirements of [Section 405.950\(F\)](#), Multi-tenant real estate information signs, shall be enforced on the property.
5. *Portable signs.* In all commercial districts, one (1) portable sandwich board sign limited to six (6) square feet and no more than four (4) feet in height shall be allowed per business address, without a permit, provided that such sign is no more than four (4) feet from the front door entrance, the sign does not obstruct pedestrian movement, and the sign does not obstruct or otherwise pose a hazard to motor vehicle traffic. Such signs must be stored inside between dusk and dawn.
6. *Signs on converted residential structures in commercial zoning districts.* Each residential structure which has been converted to a commercial use by approval of a site development plan by the Planning and Zoning Commission may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area not to exceed twenty-five (25) square feet. A rear entrance to such business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door.

H. *Special purpose signs.* Signs authorized in this Subsection are not to be included in calculating the allowable gross sign area for on-premises permanent signs.

1. *Parking and other direction signs.* One (1) freestanding parking direction sign per direction, which may be internally illuminated, shall be required for each driveway, provided the sign shall not exceed three (3) square feet in gross sign area per face, the sign height shall not exceed three (3) feet and no portion of the sign shall extend into the public right-of-way. If the sign is located at a private driveway, for enhanced traffic directional purposes it may contain the name, address and/or logo of the business in addition to messages providing directional information. Other directional signs shall be installed as may be required by the City.
2. *Marquee signs.* Marquee signs for theaters, cinemas, exhibition centers and similar public assembly uses shall be permitted only upon the specific authorization of the Planning and Zoning Commission, subject to such restrictions and conditions as the Commission may deem necessary after a site development plan is reviewed under the

provisions of [Section 405.1080](#).

3. *On-site construction signs.* When the property is under construction pursuant to an issued building permit, an additional sign, not to exceed thirty-two (32) square feet in gross sign area per face with a maximum of two (2) faces and not to exceed ten (10) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall be erected out of the public right-of-way and shall be removed ten (10) days after completion of a project and not later than 10 days after issuance of occupancy permit.
4. *Covered walkway signs.* A sign not to exceed two (2) square feet in gross sign area may be hung from the ceiling of a covered walkway that is attached to the front of a retail store. Such a sign shall not exceed eighteen (18) inches in drop from the bottom of the said sign to the ceiling surface of the covered walkway, nor shall the bottom of said sign be less than seven (7) feet above the sidewalk surface it is hanging over. Only one (1) covered walkway sign per business shall be allowed. Such a sign shall be hung perpendicular to the retail storefront so as to be beneficial to pedestrian traffic.

I. *Automobile service stations.*

1. Signs located on property used for automobile service stations shall be subject to the provisions and limitations set forth in this Section. Additional retail signs, unless specifically provided for herein, advertising the sale of specific products shall be prohibited.
2. No sign shall be attached to any pole, light standard or gasoline tank vent pipe. No sign shall be attached to a gasoline pump excepting those provided for in [Section 405.950\(I\)\(5\)](#).
3. *Wall signs.*
 - a. Not more than one (1) wall sign shall be permitted for each automobile service station. This wall sign shall not exceed twenty-five (25) square feet in gross sign area.
 - b. In instances where the washing of motor vehicles is an accessory service being offered on a property used for an automobile service station, one (1) additional wall sign shall be permitted. This wall sign shall not exceed ten (10) square feet in area. Further, one (1) sign designating the entrance to and one (1) sign designating the exit from the washing area shall be affixed directly to the structure near such entrance or exit for traffic safety and efficiency. The gross sign area of such signs shall not exceed twelve (12) square feet. One additional sign may be erected no closer than seventy-five (75) feet from any public right-of-way. Such a sign shall not exceed ten (10) square feet in gross sign area or eight (8) feet in height from top of sign to top of grade. Said sign shall be permanently anchored to a wall, canopy support or a freestanding pole.

4. *Service station canopy signs.* An automobile service station with a canopy shall be permitted one (1) service station canopy sign, in addition to a wall sign, per street frontage. This service station canopy sign shall not exceed thirty (30) square feet in gross sign area per street frontage. This sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy. This sign shall be illuminated by internal and non-intermittent light sources. Any business logo, inclusive of striping or other symbols, appearing on this canopy sign shall count as part of the gross sign area allowable for said sign.
5. *Pump signs.* Signs shall be posted on gasoline pumps so as to provide the required information to the public regarding "octane rating", "price" and "type of fuel". As the trade name of the business is often incorporated into the different types of fuels, said trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in area per sign face (four (4) square feet in aggregate) per pump. "Self-service" or "full-service" signs shall identify each pump island on the service station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than eight (8) feet above the ground, located at each end of the pump island. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in area.
6. *Gasoline price signs.* For purposes of traffic efficiency and safety, one (1) gasoline price sign shall be allowed per service station property street frontage. This sign must be freestanding and permanently anchored. Such a sign shall not exceed sixteen (16) square feet in sign area per face and shall not exceed six (6) feet in height from top of sign to top of grade. Illumination shall be by internal and non-intermittent light sources. This sign shall identify the actual unit price being charged for gasoline being sold.

J. *Master signage plans*— The provisions set forth in the preceding [Sections 405.910, et seq.](#), shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially- zoned institutions (schools and places of worship). However, in keeping with the intent to allow flexibility in the design of planned developments and large campus development of contiguous multi-acre areas, not separated by major highways or public right-of-ways (i.e. Olive Boulevard), the following options may be available for signs accessory to uses in non-residential properties of campus developments of three (3) or more multiple buildings with a minimum of ten (10) acres and residentially-zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres) subject to:

1. As an alternative to what would otherwise be allowed, signs may be permitted in accordance with a Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of [Sections 405.1060\(D\)\(3\)](#) and [405.1120](#) of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown.

2. Any application submitted pursuant to Subsection (6)(a) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written and notarized statement signed by the record owners of such properties which indicates their endorsement of the application.
3. The above-cited signage options shall be exercised in accordance with the standards for all planned developments as set forth in [Section 405.1080](#). All proposed signs shall be reviewed based on the following criteria
 - a. Proposed signs are consistent with the purpose of this ordinance;
 - b. Proposed signs are compatible with the theme, visual quality, and overall character of the surrounding area.
 - c. Proposed signs are in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban design elements.

K. *Existing signs not conforming to common signage plan.* If any common signage plan has been approved under previously effective ordinances for a property on which existing signs were located, with a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed plan or to the requirements of this Chapter in effect on the date of submission, such schedule shall be met notwithstanding elimination of the common signage plan ordinance.

L. *Billboards.*

1. *Not permitted.* Billboards shall not be permitted in the City. This prohibition shall be effective as of July 1, 2009. Any billboard permitted prior to that date shall be deemed a non-conforming sign, but shall not be enlarged, relocated, or reset. The City expressly prohibits the resetting of qualifying signs pursuant to Section 226.541 RSMo.
2. *Lighting and landscaping of billboards.* All lighting and landscaping of billboards shall comply with the following:
 - a. Prior to issuance of a City permit for erection of a billboard, the applicant shall submit and receive approval of a landscape plan depicting the landscaping, billboard lighting and fencing around the proposed billboard to ensure that the structure will be aesthetically compatible with its surroundings and the aesthetic standards of the community and neighboring property. Said landscaping shall consist of a circular base with a minimum radius measured from the center of the sign base. Said radius shall be no less than the total height of the sign, measured from ground grade at the sign structure base to the highest point of the total sign

and structure. Such plans shall comply with the provisions of [Section 405.540](#), shall be reviewed and approved by the Planning and Zoning Commission and shall comply with all standards in this Section;

- b. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature or similar information, will be permitted;
 - c. External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or primary highway 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 and such lights shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjacent residential property;
 - d. No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal;
 - e. The maximum average lighting intensity level for such sign shall be twenty (20) foot-candles.
3. *Obstruction of official highway signs.* No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness or visibility of an official traffic sign, signal or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.
4. *Annual inspection and certification.* Owners of all billboards shall be required to submit, to the Zoning Administrator, an inspection report from a Missouri licensed engineer as to the sign's structural integrity. Such certification shall be done on or before July first (1st) of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.
5. *Nuisances.* Any billboard which, because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris or the deterioration of landscaping, lighting or fencing, becomes unsightly or unsafe, as determined by the Zoning Administrator, is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner all other nuisances on private property.

SECTION 405.960: ENFORCEMENT AND SIGN REMOVAL

A. *Sign Code Violations And Enforcement.* Any sign which is not in compliance with all the provisions of this Article is declared to be unlawful. The City, through the Zoning Administrator, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who violates or fails to comply with any provisions of this

Article or against the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located to prevent, enjoin, abate or terminate the erection, use of display of an unlawful sign. Any person who violates or fails to comply with any of the provisions of this Article or the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located shall be subject to the penalties set forth in [Section 405.1150\(D\)](#) of this Chapter.

B. *Removal Of Unlawful Sign.* Any unlawful sign which has not been removed within thirty (30) days after conviction of violation or imposition of civil penalty may be removed by the City and the costs charged to the violator. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the City, the City may sell or otherwise dispose of the sign and apply the proceeds toward costs of removal. Any proceeds in excess of costs shall be paid to the owner of the sign.

C. *Immediate Removal Of Unlawful Or Unsafe Signs.* Signs which the Zoning Administrator finds upon public streets, sidewalks, rights-of-way or other public property or which wherever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the Zoning Administrator without prior notice. (R.O. 2008 §26-105; Ord. No. 1903 §1, 11-24-97)

SECTION 405.970: VARIANCES

A. *Practical Difficulties Or Unnecessary Hardship.*

1. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the provisions of this Article, the Board of Adjustment may vary or modify the application of specific regulations for any permitted form of signage so that the spirit of this Article shall be observed, public safety and welfare secured and substantial justice done.
2. A variance from this Article may be granted for any permitted form of signage where it is found that because of the limitations on character, size, number or dimensions of signs or the regulations controlling the erection or installation of a sign, the applicant would be subject to practical difficulties or unnecessary hardship. Unnecessary hardship is not considered the loss of possible advantage, economic loss or gain or mere inconvenience to the applicant.

B. *Procedures And Criteria.* The procedures and criteria for granting a variance from the regulations in this Article shall be as set out in [Section 405.1040](#) of this Chapter.

SECTIONS 405.980--405.990: RESERVED



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, AUGUST 20, 2012
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, August 20, 2012, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Tim Madden, Chair*
 Mr. Gary Eberhardt
 Mr. James Faron
 Mr. Ken Howard
 Ms. Cynthia Kramer

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, AICP, City Planner

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

The Agenda was accepted as written.

3. APPROVAL OF MINUTES

Draft Minutes of August 6, 2012

Mr. Eberhardt moved approval of the draft minutes as written. The motion carried unanimously.

4. PUBLIC COMMENT

None

5. UNFINISHED BUSINESS

A. #12-001: An application to consider a text amendment for comprehensive revisions to Article VIII Sign Regulations of the Zoning Ordinances.

Applicant/Agent: Paul Langdon
Director of Community Development
City of Creve Coeur
300 N. New Ballas
Creve Coeur, MO 63141

Mr. Langdon spoke to the Commission about the changes Staff has made. Mr. Langdon also spoke to the issues the changes to the code bring up and identified corrections as well.

Mr. Langdon pointed out the key changes were made to low monument signs, wall signs, address signs (numerical), and portable signs (sandwich boards). Mr. Langdon indicated there were many other small changes made. Mr. Langdon also discussed real estate signs and explained why the regulations were largely reverted to their prior verbiage although the substitution clause would still allow the signs to be used for any purpose. Lastly, Mr. Langdon discussed residential signs and construction sign changes in residential subdivisions.

Mr. Lumley asked Staff if a section on single family lots on numerically designated highways it shows low monument signs deleted and was it supposed to be. Ms. Kelly replied it was not supposed to be deleted.

Commission members asked some questions in regards to residential settings and signs.

Mr. David Caldwell, 257 Brooktrail Court, asked the Commission and Staff to look at the sign requirements in the Light Industrial District. Mr. Caldwell also stated he believes the Light Industrial District is unique and all properties in the “LI” district should be able to have a monument sign. Mr. Caldwell also asked, if low monument signs are not granted, that the Commission consider changing the guidelines on frontages. Mr. Langdon addressed Mr. Caldwell and stated he agreed ground signs are not an issue. Mr. Langdon did state the standard for distance was across the board and it makes for less visual clutter. However, Mr. Langdon did say the “LI” district is different, in terms of traffic, and Commission and Staff would have to create separate requirements that are tied to that area that talks about frontages. Mr. Langdon also said a unique standard can be created for the “LI” district. Commission members discussed and agreed it would be easier to separate the “LI” district.

Ms. Celeste Raeder, Governmental Affairs Director, St. Louis Association of REALTORS, 12777 Olive Boulevard, spoke to a couple of issues she has. First, they do not support the 150 feet required between signs and questioned if a 25 foot variance would work or be enough. Second, two attached signs should be allowed on multi-floor office buildings and there will only be one attached sign allowed. Mr. Langdon responded to the office building changes stating it is because the city can no longer regulate the content and there are not that many multi-story towers so it seems the impact is minimal.

Ms. Kramer motioned to continue Application #12-001 to the meeting of September 4, 2012, for staff to prepare a draft ordinance that includes the changes to the Article VIII Sign Regulations as proposed. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Howard – aye
Ms. Kramer – aye

Mr. Eberhardt – aye
Chair – aye

Mr. Faron – aye

6. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 8:10 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966
www.creve-coeur.org

APPLICATION TO PLANNING AND ZONING COMMISSION

#12-001 TEXT AMENDMENT FOR COMPREHENSIVE REVISIONS TO ARTICLE VIII SIGN REGULATIONS OF THE ZONING ORDINANCES

FOR THE MEETING OF: July 16, 2012

LOCATION: City-wide

REQUEST:

An application by the Director of Community Development, on behalf of the City of Creve Coeur, has been submitted for various amendments to the Article VIII, Sign Regulations, intended to simplify several regulations and definitions, eliminate certain provisions that appear to be inconsistent with the purposes of the Sign Code and address content-related issues highlighted by a recent Circuit Court decision.

ADDITIONAL INFORMATION:

Local governments can make restrictions on speech based on its time, place, and manner, so long as the restrictions do not relate to the content of the speech. Many of Creve Coeur's definitions for various signs, and in several cases, the type of sign permitted, are based on content.

Key Issues:

- Does this request further the goals and/or implement the Comprehensive Plan?
- Is this a reasonable exercise of zoning authority?
- Any neighborhood impacts?

Comp. Plan References

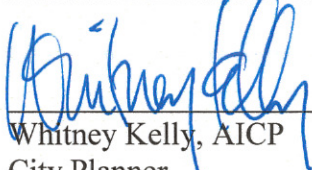
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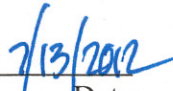
Zoning Code References

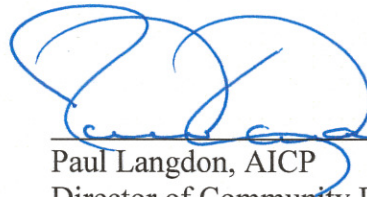
- Article VIII, Sign Regulations

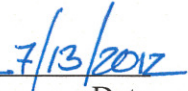
APPLICANT: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur

REPORT PREPARED BY:


Whitney Kelly, AICP
City Planner


7/13/2012
Date


Paul Langdon, AICP
Director of Community Development


7/13/2012
Date

ATTACHMENTS: Draft redlined changes to the Zoning Code Definition and Article VIII of the Sign Regulations
Letter from Hutkin Development Company, dated July 12, 2012.
Letter from Creve Coeur/Olivette Chamber of Commerce, dated July 13, 2012.

INTRODUCTION

Staff has been reviewing the sign regulations with the Planning and Zoning Commission during several work sessions, and have developed a comprehensive revision to Article VIII Sign Regulations, of the City's Code of Ordinances, to facilitate the permitting process, and reduce or eliminate points of confusion, as well as comply with recent court ruling regarding the content neutrality of the sign regulations based on those discussions. The public hearing scheduled for Monday, July 16th, is to allow for public comment on the proposed changes and obtain suggested recommendations for revisions to the draft. Staff has presented the proposed changes to members of the Creve Coeur/Olivette Chamber of Commerce, and have individual conversations with members of the business community (see attached letters).

DISCUSSION

Definitions

As previously discussed, many of the current definitions for signs within the City's Code relate to content. The attached redlined draft shows changes to these definitions to render them content neutral. The most substantive definitional change that was discussed during the prior work sessions was the change to Gross Sign Area. Currently, the City's definition of gross sign area allows for increased square footage in the case of individual letter signs. Due to revisions for content neutrality, the "individual letter" would be changed to "individual symbol". The Commission members agreed with Staff that this created too much confusion about what could be constructed as an individual "symbol" and that it leads to more signage than was intended. Thus the proposed revisions under consideration will eliminate this provision as follows:

SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; ~~except that in the case of an individual letter symbol sign, only two-thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign.~~ Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

In order to promote the individual "letter" concept, and to limit the very bright white background of boxed signs, a design requirement has been added to each sign type within the appropriate section of the code (see below) such that the background or "negative space" must be opaque or simply the building façade (in the case of channel letters), in order to reduce the amount of glare emanating from the sign and increase readability.

General Provisions

Proposed changes within Section 405.930, General Provisions, are again largely due to the content and to streamline the wording. A new provision added is under *G. Miscellaneous Requirements*:

6. Architectural Consistency. Sign installations shall be consistent with, and not conceal, the architectural detail of a building.

This was added to ensure that the architectural detail of buildings was not hidden behind a sign. For example, one of the options for the AMC Theater signage for the new in-theater dining included covering a large portion of the façade with a hanging sign (see picture below):



Since projects are reviewed against the City's Comprehensive Plan and Design Guidelines that both favor quality architectural detail, the placement of the signs over these details would be contrary to those goals.

Signs in Residential Districts

Most of the changes in this section are, again, streamlining the wording and removing content-based standards. The only substantive change would be for the On-site Construction Signs. Currently, the Code allows for 12 square feet of sign area. Since these signs are used for whole subdivision projects, as well as individual houses, and they typically must contain a lot of information, Staff is proposing to increase this to 24 square feet, not to exceed 6 feet in height, similar to other real estate advertising for large sites. To wit:

Section 405.940: SIGNS IN RESIDENTIAL DISTRICTS

- G. *On-Site Construction Signs.* When property is under construction, pursuant to an issued building permit, an additional sign not to exceed twenty-four (~~12~~ 24) square feet in gross sign area and not to exceed six (~~4~~ 6) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall not be erected in a public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work if no occupancy permit is required.

Signs in Non-Residential Districts

Wall signs

As discussed in the prior work sessions, the proposed changes for wall signs include eliminating the allowance based on the distance from the road to simply a one to one ratio based on the lineal foot of the tenant space with a minimum of 20 square feet and a maximum of 50 square feet.

Each use is allowed one wall sign, while end uses or buildings that directly abut two or more public streets may apply for a second wall sign:

Ground floor wall signs:

1. *In-line or mid-block uses.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and colorless and show the surface of the building façade behind it.
2. *Corner units, single uses on corner lots, or out-lot buildings within a shopping center.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two or more public streets and it is the closest building thereto. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and colorless and show the surface of the building façade behind it.
3. *Rear entrances.* A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door.

Office building signs,

In addition to ground floor tenant signs, office building signs will be limited to buildings with three or more floors, as not to overwhelm the façade of the building with signage:

Attached signs for multi-floor office buildings.

- (1) Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three (3), up to a maximum of one hundred and fifty (150) square feet.

Low Monument Signs

Due to a recent Missouri 8th Circuit Court decision on the City of St. Louis Sign Code, differentiating sign regulations based on content, including real estate signs, is unconstitutional. Local governments can make restrictions on speech based on its time, place and manner, so long as the restrictions do not relate to the content of the speech. Thus, the multi-tenant real estate signs that are permitted as a ground sign could be used for any message, including commercial

advertising. Those properties that have a low monument sign identifying tenants, and one for leasing information, now have two ground signs that could contain any message.

In prior discussions with the Planning and Zoning Commission, the members expressed interest in allowing for more properties to have a ground sign, but to limit them to only one sign. All real estate information would have to be contained within the allowable square footage of the ground sign, within the 20% allowed for window signs, and/or permitted as a permanent wall sign for the available tenant space (limited to ground floor tenants only). Therefore, the proposed changes include allowing for more properties to receive a ground sign, provided that there is a minimum of 150 lineal feet of frontage, and that any ground sign is a minimum of 150 feet from any other signs on the same side of the street. This represents a decrease from the minimum of 300 lineal feet on a street or highway other than Lindbergh Boulevard, and 200 lineal feet of frontage along Lindbergh Boulevard, currently allowed. The currently permitted multi-tenant real estate signs would therefore become legally pre-existing, non-conforming signs.

The requirement that all signs should have a minimum of 150 feet between signs is to allow for at least three to four seconds of detection time between signs, without the signs competing with or conflicting with each other and potentially creating a hazardous traffic situation. At average vehicle speeds of less than 40 miles per hour, a distance between signs of approximately 150 feet is recommended by the American Planning Association. If the Commission members wish to allow for some deviation to account for site conditions (such as entry drives and landscaping requirements, and proximity of neighboring property signs), Staff could include a flexible buffer of approximately 15-25 feet may be granted at staff's discretion. Those properties that do not have the minimum of 150 lineal feet of frontage will have to incorporate the real estate information into the allowable wall signs or window signage.



Image showing how legally permitted signs can begin to create visual clutter when separated by distances less than 150 feet.

Due to the increase in the number of properties that would thus qualify for a ground sign, the allowable square footage of the low monument sign face has been scaled for varying sizes of property, as follows:

Low monument signs.

- (1) A project or development with at least one hundred and fifty (150) linear feet of lot frontage on a street or highway may be permitted a single low monument sign

that contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, that is not more than four (4) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any ground sign on other property on the same side of the street.

- (2) A project or development with a site area of at least 30,000 sq. ft. but less than three and one-half (3.5) acres, and with at least three hundred (300) feet of lot frontage on a street or highway, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
- (3) A project or development with a site area of at least three and one half (3.5) acres but less than five (5) acres shall be permitted a single low monument sign that contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
- (4) A project or development with a site area of more than five (5) acres shall, by site development plan approval in accordance with Section 405.1080, be permitted a single low monument sign that contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, that is not more than twelve (12) feet in height, that is setback at least fifteen (15) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
- (5) A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area allowed is required for all low monument signs.

The last provision was included to require a minimum amount of landscaping, so that the sign is appropriately designed within the entire site, and not as a separate element, as well as to soften the amount of hard surface on the site.

Street Address Numbers

Staff research into efficient sign design for user comfort and emergency services, revealed that new mapping via the internet and mobile devices allowed more people to look for the street addresses first, and then once located, look to the building for the specific tenant identification. Therefore, Staff has indicated that each building shall have address numerals that are not included as tenant signage.

Temporary Signs for Elections

The allowable signage during the election period was decreased from 24 square feet to 12 square feet, per individual candidate or proposition, so as not to overwhelm a site with too much signage when multiple propositions are on a ballot (see below). For example, should an election ballot have 8 propositions, a site would be entitled to 8 12-square foot signs.

Section 405.950: SIGNS IN NON-RESIDENTIAL DISTRICTS

2. Temporary or incidental signs

c. *Other Temporary signs.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary non-commercial signs may be allowed with the owner's permission in addition to the permitted signage allowed on any non-residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced sign although no single sign face shall exceed twelve (12) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot. Not more than one (1) temporary sign per individual candidate and/or proposition on the election ballot shall be permitted per lot.

Portable signs

Currently portable "sandwich board" signs are prohibited. However, Staff are proposing that this be an allowed sign in commercial districts, as follows:

d. *Portable signs.* In all commercial districts, one (1) portable sandwich board sign limited to six (6) square feet and no more than four (4) feet in height shall be allowed per business address, without a permit, provided no part of such sign is more than four (4) feet from the building front near the main entrance, the sign does not obstruct pedestrian movement, and the sign does not obstruct or otherwise pose a hazard to motor vehicle traffic. Such signs must be stored inside when not open for business.

Common Signage Plans and Master Signage Plans

Staff and Members of the Planning and Zoning Commission were in agreement that the common signage plan provision provided too much discretion in the program to allow for a 20% bonus. Further, as the signs are protected by registered trademarks and free speech, the provisions of creating a fixed design program for the tenants has become unenforceable. Therefore, Staff has deleted this provision of the Code. Instead, all large scale projects and campuses should seek approval for a sign package that is unique to the project and site development plan, through the ground monument sign revisions proposed above, or through the Master Sign Plan process.

Note that the Master Sign Plan regulations were also modified to establish a minimum 10 acre site area and minimum building count (three) more befitting planned development and "campus" settings. This prevents over-use of the program which would, in turn, be contrary to the purposes of the sign code. Earlier discussions with the Commission contemplated a 15 acre site but staff research found that this would not address the larger commercial sites that are currently struggling with sign issues or who might be looking to replace an existing Common Sign Plan because those signs that were approved under the Common Sign Plan are proposed to become non-conforming. Any physical changes to a non-conforming sign would then require compliance with the new regulations.

Light Pole Banners

Again, due to the changes in the regulations regarding content, light pole artwork could contain any commercial message, and not limited to only seasonal decoration. The definition of Light Pole Signs would change as follows:

SIGN, LIGHT POLE ARTWORK-SIGN: A sign consisting of a banner fabricated from a durable fabric with a design applied through silkscreening or similar application method affixed to a light pole; the content of such signs shall be civic or seasonal in nature. Such

~~signs shall not include commercial advertising, business slogans or logos or the names of individual businesses, groups, organizations, shopping centers or office parks.~~

The Planning Commission members and Staff believed that this would lead to an explosion in the number of commercial signs while the use of such non-commercial seasonal decorations is best handled in the public right-of-way by the City only, or as regulated through a Master Sign Plan. Thus this provision of signage in the non-residential districts has been deleted.

Billboards

The City's ability to regulate billboards is highly influenced by State regulations and the Code has been modified to reflect the most recent actions by the State Legislature that have been signed into law by the Governor.

CONCLUSION

The majority of the proposed changes are discrete and, to date, have not created many concerns. Indeed, many properties will actually be entitled to more signs under these amendments than are currently allowed. Larger properties might see a decrease, but the primary effect of the changes is to simplify regulations where possible and scale the sign area allowances to the circumstances.

Nonetheless, it is clear from the comments received from the business community, and from the prior discussions with the Planning Commission, there are still some significant questions to be answered before the staff are prepared to request a recommendation from the Planning Commission. Specifically:

- Does the Commission wish to separate the question of real estate signs (all low monument signs, in effect) from the other modifications? This will allow the majority of the content-based regulations to be corrected, while providing time to resolve the most difficult issue. However, it also will require a new process to make whatever future amendments are decided on, and that portion of the Sign Regulations will be knowingly out of agreement with the current legal opinion.
- Subject to the prior question, does the Commission prefer the current proposal for low monument signs or do they prefer reducing the size and/or quantity of low monument signs in favor of re-introducing some form of temporary commercial sign that could be used for real estate information? Temporary signs allow more flexibility, but the difficulty with enforcement led to their deletion just a few years ago.
- Does the Commission wish to include the administrative discretion in the separation of low monument signs? If so, is 25 feet a reasonable adjustment before the value of the separation is obviated? Is 25 feet too little? Should the underlying requirement be changed or deleted?
- Does the Commission believe the revised standards for the Master Sign Plan appropriately limit its use while still providing an opportunity to the right developments? In other words, should it be revised back to a larger site area, thus confining it to only the largest campuses (CityPlace, the hospitals, Monsanto), or should it be flexible enough to work for the largest retail centers too (Bellerive Center, Pavilion, Westgate, West Oak)?

ACTION AND MOTION

Staff request that the Planning Commission vote to continue this item to the next Planning Commission meeting to allow for modifications to the draft ordinance as indicated by the current discussions and responses to the preceding questions. The following is an example motion:

- “I move to continue Application #12-001 to the meeting of August 6th, 2012, to allow the staff to incorporate the comments of the Planning Commission and the public as appropriate.”

APPENDIX 1: COMPREHENSIVE PLAN

Included and attached by reference. See body of report for specific excerpts.

APPENDIX 2: ZONING CODE

Included and attached by reference. See body of report for specific excerpts.

SIGN: Any device, ~~material, fixture, placard or structure, or part thereof, composed of lettered, numbered, symbolic and/or pictorial matter that is placed or located when in use outside of or on the exterior of or in the windows or other transparent surfaces of any building for display of a message, announcement, notice, direction, information or name that uses any color, form, graphic illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public, but not including a church steeple or other religious symbol affixed to a church structure.~~

SIGN, ALTER (AS APPLIED TO A SIGN): A physical change in a sign or sign supports or an addition to a sign or sign supports. The term "alter" includes renovation, modification, rehabilitation or restoration, but does not include changing the copy on a ~~bulletin board sign, marquee sign or other~~ legal changeable ~~copy~~ sign.

SIGN, BANNER: Any sign of lightweight fabric or other non-rigid material that is mounted to a pole or a building by a frame at one (1) or more edges. ~~National flags, State or municipal flags or the official flag of any institution or business shall~~ Flags are ~~not be considered~~ banners.

SIGN, BILLBOARD-OR OUTDOOR ADVERTISING: ~~An off-premises outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary systems.~~

SIGN, BULLETIN BOARD SIGN, INSTITUTIONAL: A sign attached to a building or freestanding which ~~identifies a place of worship or school and which contains the name of the institution and~~ changeable ~~copy~~ information such ~~as the names of individuals connected with the institution, general~~ announcements of events or activities ~~occurring at the institution or similar messages.~~

SIGN, CANOPY SIGN: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY SIGN: A sign on which message copy is changed manually or automatically through the utilization of attachable or integrally automated letters, numbers, symbols and other similar characters of changeable pictorial panels~~, but not including an institutional bulletin board sign, gasoline station price sign or marquee sign.~~

SIGN, COMMERCIAL MESSAGE: ~~Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity, but not including a sign offering a residential dwelling for sale, lease or rent.~~

SIGN, CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction~~, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners,~~

~~financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.~~

SIGN, DIRECTIONAL SIGN: A sign which is designed and erected ~~solely~~ for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed including entrance and exit signs.

~~*SIGN, DIRECTORY SIGN:* A sign listing the name and/or use and/or location of the various businesses or activities conducted within a building or group of buildings.~~

SIGN, FACE: The area or display surface used for the message of a sign.

SIGN, FLASHING SIGN: A sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Also, any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and off; or a sign in which a message constantly flashes or turns on and off or alternates with other copy by means of rotating or otherwise moving portions of the sign.

SIGN, FREESTANDING SIGN: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure including, without limitation, a low monument sign.

~~*SIGN, FRONTAGE:* The length along the front of the ground floor of a building occupied by a separate and distinct use and the length along the side of the ground floor of a building occupied by a separate and distinct use when the side of such building faces a street; or the width of a tenant space measured along the ground floor of a building occupied by a separate and distinct use which does not face a street but faces a parking lot.~~

SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; ~~except that in the case of an individual symbol letter sign, only two thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign.~~ Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

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SIGN, HEIGHT: The vertical distance measured from the elevation of the centerline of the adjacent right-of-way at the point closest to the sign to the highest point of the sign.

SIGN, INCIDENTAL SIGN: A sign which is too small to be ~~generally informational and has a purpose secondary to the use of the premises on which it is located, such as "credit cards accepted here", "loading only", "telephone" or similar information. No sign with a commercial message legible from a position off the premises shall be considered incidental.~~

~~*SIGN, LIGHT POLE ARTWORK SIGN:* A sign consisting of a banner fabricated from a durable fabric with a design applied through silkscreening or similar application method affixed to a light~~

~~pole, the content of such signs shall be civic or seasonal in nature. Such signs shall not include commercial advertising, business slogans or logos or the names of individual businesses, groups, organizations, shopping centers or office parks.~~

SIGN, LOW MONUMENT SIGN: A freestanding sign not more than six (6) feet high which is located adjacent to a road right-of-way.

SIGN, MARQUEE SIGN: Any sign attached to in any manner or made a part of a marquee and which may include changeable copy.

SIGN, MOVING SIGN: Any sign or part of a sign which changes physical position by any movement or rotation, ~~but not including rotating panels which are integrated within an outdoor general advertising device.~~

~~*SIGN, NAME PLATE:* A non illuminated sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.~~

SIGN, NON-CONFORMING SIGN: Any sign that was lawfully erected but no longer conforms to the requirements of this Chapter.

SIGN, OFF-PREMISES SIGN: Any sign containing content as directed at least in part by someone other than the owner of the property or occupant of a building on, ~~except a billboard as defined herein, which advertises or identifies a property, business or address, other than the~~ property, ~~business or address~~ where the sign is displayed.

SIGN, ON-PREMISES PERMANENT SIGN: A sign containing content as directed solely by the owner of the property or occupant of a building on the property where the sign is displayed, pertaining only to the premises on which the sign is located, and containing any of the following information:

- ~~1. The name of the owner, occupant, management, business or building;~~
- ~~2. The address;~~
- ~~3. The type of business, profession, service or activity;~~
- ~~4. The type or types of products offered; and~~
- ~~5. Other similar information.~~

~~*SIGN, PAPER SIGN:* A sign normally for temporary use made of paper, cardboard or similar material.~~

~~*SIGN, PARKING DIRECTION SIGN:* A sign indicating the entrance or exit to a parking lot.~~

~~*SIGN, PARKING REGULATION SIGN:* A sign stating the regulations for use of a parking lot.~~

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SIGN, PERMANENT SIGNS: All signs which are not temporary signs.

SIGN, PERMIT: A document certifying that the plans for the proposed sign comply with all applicable City ordinances and requirements.

SIGN, PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, which is designed to be transported including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs and ~~hot air~~ balloons used as signs.

SIGN, PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than fourteen (14) inches beyond the surface of such building or wall but not including a sign suspended from a canopy and mounted perpendicular to a wall.

~~*SIGN, REAL ESTATE SIGN:* Any sign pertaining to the sale, lease or rental of real estate.~~

~~*SIGN, RESIDENTIAL SIGN:* A sign not exceeding six (6) square feet per sign face and not having more than two (2) sign faces, which is located in a residential zoning district and that contains no commercial message other than advertising the premises for sale, lease or rent.~~

SIGN, ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and or extending wholly or partially ~~vertically~~ above the highest portion of the roof.

SIGN, SNIPE SIGN: A ~~temporary~~ sign ~~or poster~~ affixed to a utility pole, tree, fence, or similar structure~~ete.~~

~~*SIGN, TEMPORARY PROMOTIONAL DISPLAY:* A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services or a change in policy or in the status of a business.~~

SIGN, TEMPORARY SIGN: A sign which is not illuminated and is not permanently installed or affixed to any sign, structure or building.

SIGN, UNSIGHTLY OR UNKEMPT SIGN: A sign that is clearly in disrepair, is missing part of its copy, has letters or other copy that are broken, missing or so faded that they are difficult to read from the street, is not securely affixed to either the ground or some other supporting structure, ~~contains an illegible message,~~ contains rust or peeling or flaking paint or has damage to its face which is clearly visible from the street.

SIGN, WALL SIGN: Any sign attached parallel to, but within fourteen (14) inches of, a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign face.

SIGN, WINDOW SIGN: A sign ~~made of die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal neon depicting the tenant's identity or product graphics~~ placed on the surface or within three (3) feet of the inside of a window or other transparent surface and is visible from the exterior of the window or surface.

ARTICLE VIII. SIGN REGULATIONS

SECTION 405.910: PURPOSE AND INTENT

These regulations encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic appearance of the City and to facilitate and improve pedestrian and vehicular traffic safety. These regulations are intended to promote the public health, safety and general welfare through a comprehensive set of reasonable standards and requirements. These regulations allow for the identification of places of commerce, the communication of public and commercial information necessary for efficient and safe traffic movement; to allow for freedom of speech subject to reasonable restrictions as to time, place and manner; to protect the public from the dangers of unsafe signs; to lessen hazardous situations, confusion and visual clutter caused by a proliferation of signs competing for the attention of pedestrian and vehicular traffic; and to enhance the attractiveness and economic well-being of the City of Creve Coeur. (R.O. 2008 §26-100; Ord. No. 1903 §1, 11-24-97)

SECTION 405.920: SIGN PERMITS

A. It shall be unlawful for any person to erect, perform major repair, alter, move, replace or otherwise change a sign requiring a sign permit in the City of Creve Coeur without first obtaining a sign permit from the Zoning Administrator or Planning and Zoning Commission as provided by this Article. An application for a sign permit shall be submitted to the Zoning Administrator and shall include and be accompanied by plans that show the size and shape of the sign, the location of the proposed sign, the setbacks from surrounding properties, the type of illumination and proposed lighting, ~~the colors to be used in the sign,~~ the materials used to construct and the method used to support the sign or attach it to a building. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, the application shall comply with and be in accordance with the format and procedures adopted by the Planning and Zoning Commission and shall be filed with the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

B. If the proposed sign is one that may be approved by the Zoning Administrator, then, within twenty-one (21) days after the application for a sign permit has been received by the Zoning Administrator, he/she shall respond to the applicant advising said applicant whether or not the sign requested conforms with this Article. If no response is received within twenty-one (21) days, the application shall be deemed to have been approved. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, then the Planning and Zoning Commission shall respond to the applicant within sixty (60) days after receipt of the application by the Zoning Administrator advising said applicant whether the sign requested has or has not been approved. If no response is received

within sixty (60) days, the application shall be deemed to have been approved. Upon denial, the applicant may appeal to the Board of Adjustment pursuant to Sections [405.1040](#) and [405.1110](#) of the zoning ordinance. The Zoning Administrator shall maintain a record of all sign permits issued, which records shall show date of application and date of issuance of permits. (R.O. 2008 §26-101; Ord. No. 1903 §1, 11-24-97; Ord. No. 5165 §7, 12-13-10)

SECTION 405.930: GENERAL PROVISIONS

A. *Scope.* The provisions of this Section shall apply to all signs in the City, unless a sign is specifically exempted by [Section 405.930\(E\)](#) of this Article. Every sign shall comply with all other applicable ordinances of the City. In case of a conflict between the provisions of this Section and other applicable provisions, the more restrictive shall govern. Any sign not specifically provided for herein as a permitted sign or a prohibited sign shall be designated as a permitted sign or a prohibited sign by the Zoning Administrator consistent with [Section 405.910](#), Purpose and Intent, and the most closely applicable provisions of this Article. If said sign is designated as a permitted sign, then said sign shall be subject to all limitations and provisions stated herein for a permitted sign which is most similar to said sign.

B. *Maintenance And Safety.*

1. All signs and related structures shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked surfaces and broken or missing letters.

2. All signs and related structures shall be maintained in a safe and clean condition. Whenever the Zoning Administrator determines that a sign has become structurally unsafe or endangers life or property or is not being maintained in good repair, a notice shall be sent to the owner or person in charge of the sign that the sign be made safe, repaired or removed. The owner or person in charge of the sign shall have ten (10) days from receipt of such notice in which to comply.

C. *Non-Conforming Signs.*

1. No new or existing sign may be constructed, altered in structure, relocated or replaced after the effective date of this Article, unless the sign conforms to all the provisions of this Article and any required sign permit has been issued by the Zoning Administrator or unless the sign is specifically exempted from the provisions of this Article. Nothing in this Section shall relieve the owner or user of a non-conforming sign from the provisions of this Article regarding safety, maintenance and repair of signs specified in [Section 405.930\(B\)](#) Maintenance and Safety.

2. Any existing sign that is destroyed, deteriorated or damaged to the extent of fifty percent (50%) or more of its replacement cost, exclusive of the foundation, after the effective date of this Article, shall not be rebuilt, repaired or replaced ~~except unless~~ in conformity with the provisions of this Chapter.

D. *Prohibited Signs.* The following types of signs are specifically prohibited in the City:

1. *Affixing of advertisements to public places.* No person shall paint, post, place, hang, suspend or affix any advertisement, card, poster, sign, banner or streamer, of any nature or for any purpose or cause the same to be done on or to any curbstone, flagstone or any other portion of any street or sidewalk or upon any tree or lamppost standing or erected on any public street or right-of-way or other public place or upon any pole erected upon any public street or right-of-way or other public place, which pole is used to carry telephone wires or cables, electric light wires or other electric conductors, or to any hydrant, bridge or other public structure within the City; provided however, that nothing contained in this Section shall apply to any official notice required by law or ordinance to be posted by public officers of the City or any other governmental agency.

2. Signs ~~legible~~visible from a public right-of-way that imitate, blend or conflict with or that otherwise may be confused with traffic signals and signs, that are not directional signs required by the City or other traffic authority for traffic efficiency and safety. Such signs shall include, but not be limited to, signs that are imitations of "stop", "go", "caution", "danger" or "warning".

3. Signs that are of a size, location, movement and/or illumination as may be confused with or construed as a traffic control device or which might obstruct from view any traffic or street sign or signal, that are not directional signs required by the City or other traffic authority for traffic efficiency and safety.-

4. Signs that falsely advertise that an activity, business, product or service ~~is no longer~~ sold or conducted on the premises upon which the sign is located and thereby misdirect traffic. Such signs shall be removed within thirty (30) days of written notification to the owner of the premises.

5. Signs on public land, except those erected at the direction of or with the permission of an appropriate public authority.

6. Vehicular signs which are not painted directly on or affixed flat against the factory surface of a vehicle ~~or which convey information other than the corporate logo, identity, address and phone number of a business operating within the City limits~~. This provision does not permit appendages or modifications to a vehicle for advertising purposes. Exempted from this Section are vehicular signs affixed to vehicles ~~that identify or advertise businesses not operating within the City limits~~ when said vehicles park temporarily and only to make immediate deliveries or pickups.

a. Any vehicle displaying permitted vehicular signs owned by or operated on behalf of a ~~and representing a~~ business operating within the City limits shall park said vehicle at the business location behind the front building line within a properly designated parking space. Where such parking is not available, said vehicle shall park as far from the right-of-way and in the least visible area possible.

b. Any vehicle which displays a permitted ~~commercial~~ vehicle sign shall not park between 2:00 A.M. and 5:00 A.M. within residential zoning districts including "A", "B", "C", "D", "AR" or in a residential development in any zoning district within the corporate limits of Creve Coeur, ~~unless~~ such vehicle is parked within an enclosed

garage. Governmental and public safety vehicles shall be exempt from this provision, as well as construction-related vehicles parked on property under construction.

7. Strips or strings of lights used to call attention to a use or occupancy by outlining property lines, sales area, roof lines, doors, windows, wall edges or other architectural features of a building site. Exempted from this provision are holiday-style lighting displayed from November first (1st) through January fifteenth (15th) and lights which are an integral architectural feature of the original design of a structure as approved by the Planning and Zoning Commission. (The use of exposed neon is governed by [Section 405.930\(F\)\(6\)](#) and [\(7\)](#).)

8. Moving signs including those of which all or any part of the sign moves or appears to move. This prohibition against moving signs shall extend to devices including strings of light bulbs and rotating signs, whether part of any signs or maintained as an independent feature. This prohibition does not apply to tri-vision billboards or exempted governmental and official signs. "*Tri-vision billboard*" means a sign face having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which is capable of displaying a total of three (3) separate message copies, one (1) message copy at a time.

9. Snipe signs.

10. ~~Unightly or unkempt~~ or damaged signs.

11. Roof signs.

12. Projecting signs, except those permitted by [Section 405.950\(4\)\(g\)](#) or [Section \(Downtown Area\)](#) of this Article.

13. *Any sign structure which no longer supports a sign.* Exempted from this Section is a sign structure which is temporarily void of a sign due to a permitted alteration or repair. A sign permit or an application for a sign permit for this alteration or repair must be on file with the Department of Public Works and said alteration or repair must be completed within one (1) month of the issuance of the approved sign permit.

14. *Changeable copy signs (manual or automated).* Exempted from this provision are: tri-vision billboards as defined in Subsection (D)(7) above; ~~manually-changeable~~ bulletin board signs ~~as allowed by Section XXXXX~~ [Section 405.940\(E\)](#); marquee signs; signs defined in [Section 405.930\(E\)\(1\)\(a\)](#) (governmental and official signs); [Section 405.930\(F\)\(2\)](#) (illuminated signs); and signs in [Section 405.950\(5\)](#) (gasoline price signs).

15. Permanent or temporary window signs above the second (2nd) floor including lettering painted or applied to glass and temporary ~~promotional~~ displays as defined in [Section 405.950\(3\)\(b\)](#) located above the ground floor.

16. Back-lit awnings and lighted canopies.

17. Portable signs except as allowed by Section XXXX405.950(F)(4) that are not hand-carried or free-standing.

18. Inflatable signs ~~and~~, tethered balloons, banners, pennants, flags, wind-driven spinners, or streamers, except as otherwise provided in Section 405.950 (3)(b) Temporary promotional displays and signs.

19. Individuals dressed in costume intended to attract attention as human signs to a business for advertising purposes in violation of Chapter 610.

19. Signs extending over a roadway.

20. Off-premises signs, ~~except for permitted temporary open house signs and~~ except for billboards installed before July 1, 2009.

E. *Exempted Signs.* With the exception of Sections 405.930(B) (Maintenance and Safety), 405.930(D) (Prohibited Signs) and 405.930(G) (Miscellaneous Requirements), the provisions and regulations of this Article shall not apply to the following signs:

1. Governmental and official signs including, but not limited to, the following:

a. Public notices and official notices posted or authorized by government officials in the performance of their duties including changeable copy signs not exceeding thirty (30) square feet of sign area per face.

b. Signs for the control or direction of traffic and other authorized public purposes, including on private property as required by the City or other traffic authority.

2. No parking and no trespassing signs that are no larger than one (1) square foot in gross sign area.

3. Signs not exceeding two (2) square feet in sign area individually and not exceeding square feet in the aggregate, including, but not limited to, the following:

a. Name plates, attached to a structure and not exceeding two (2) square feet in area, used to identify a professional service or home occupation permitted in the single-family residential zoning district in which the sign is located.

b. Residential address number located on a sign not larger than one (1) square foot in gross sign area.

c. Commercial address numerals, which are required to be prominently displayed on each building, not to exceed two (2) square feet in area. Larger address numerals may be permitted elsewhere in this Article and would be subject to the provisions and regulations of the particular Section.

4. Incidental signs.

F. *Illuminated Signs.* The following requirements shall apply to illuminated signs:

1. The light from any illuminated sign shall be so shaded, shielded and/or directed in such a manner that the light intensity or brightness will not be a substantial nuisance to the residents or occupants of surrounding areas.

2. No sign shall have blinking, flashing or fluttering lights or other illuminating device of variable light intensity, brightness or color. Clocks and thermometers which only indicate the time or temperature shall not be considered flashing signs, provided that the gross area of such devices is not greater than sixteen (16) square feet per face (maximum of two (2) faces), the vertical dimension of any letter or number is not greater than twenty-four (24) inches and the color or intensity of light is constant except for periodic changes in the information display, which occur not more frequently than once every fifteen (15) seconds. Beacon lights are not permitted, ~~except by approval of a temporary permit, not to exceed five (5) days for a building opening or special event.~~

3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles on public thoroughfares.

5. No exposed reflective-type bulb or incandescent lamp which exceeds forty (40) watts shall be used on the exterior surface of any sign in such manner as to expose the face of the bulb, light or lamp to any public street or adjacent property.

6. The use of exposed neon in a window sign(s) with aggregate area larger than six (6) square feet must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of such sign(s).

7. The use of exposed neon as an illumination source for identification or an architectural feature must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of the exposed neon.

G. *Miscellaneous Requirements.* All signs shall comply with the following general requirements:

1. *Sign faces.* When a sign is allowed two (2) sign faces, the sign faces shall be parallel to one another and not more than fourteen (14) inches apart unless specifically authorized to deviate from this requirement by an applicable portion of this Article.

2. *Projections.* No sign shall project beyond a property line or into a public right-of-way, except traffic control signs as authorized pursuant to the traffic code and public information signs as approved by the City Council.

3. *Life safety code compliance.* All signs shall comply with all applicable life safety codes including the structural and fire safety provisions of the Building Code and the electrical provisions of the Electric Code of the City of Creve Coeur.

4. *Obstruction to exit ways.* No sign shall be erected, displayed or maintained so as to obstruct any fire escape, any required exit way, window or door opening used as a

means of egress or to obstruct any other means of egress required by the Building Code of the City of Creve Coeur.

5. *Obstruction of ventilation.* No sign shall be erected, displayed or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City of Creve Coeur.

6. Architectural Consistency. Sign installations shall be consistent with, and not conceal, the architectural detail of a building.

H. *Flags.* Flags shall be permitted in any zoning district without a permit. Each lot or parcel of land in the City shall be limited to the display of not more than two ~~four~~ (42) flags. Parcels of land in excess of five (5) acres in size, however, may display additional flags, provided that there are not more than four (4) flags displayed per five (5) acres of land area. Within five (5) days prior to and three (3) days following a national holiday such as Independence Day, Memorial Day or Veterans Day, there shall be no limitation on the number of ~~U.S.~~ flags displayed on any parcel of land within the City. Flagpoles shall not exceed twenty-five (25) feet in height in residential districts and thirty-five (35) feet in height in non-residential districts.

I. *Sign Setbacks.* All permanent signs shall be set back from property lines according to the regulations specified in this Article or as otherwise required by any other applicable City ordinance. Temporary signs shall be set back at least five (5) feet from the edge of pavement of any road and shall be located outside of the right-of-way of any State, ~~or~~ County, or City road.

J. *Substitutability.* Whenever a commercial sign would be permitted under this Article, a sign bearing a political or other non-commercial message may be installed in its place, provided it otherwise complies with this Article. Subject to the landowner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any other duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. (R.O. 2008 §§3-1; 26-102; Ord. No. 513 §49, 12-23-68; Ord. No. 1903 §1, 11-24-97; Ord. No. 5001 §1, 9-6-07; Ord. No. 5021 §1, 1-28-08)

SECTION 405.940: SIGNS IN RESIDENTIAL DISTRICTS

A. *General Limitations.* It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with a residential use or in a residential zoning district, unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein.

B. *Residential Development Signs.* Permanent signs designating a subdivision, neighborhood or multi-family development for traffic efficiency and safety shall be approved by the Planning and Zoning Commission through the site development plan approval process as defined in [Section 405.1080](#). Such signs shall be limited to twelve (12) square feet per sign face with a maximum of two (2) sign faces.

C. *Exempt Signs In All Residential Districts.*

~~1.—Residential signs.—Any lot in a residentially zoned area shall be permitted one (1) sign with a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces, except that if the lot is on the market for sale or lease, then it shall be permitted one (1) additional sign of six (6) square feet per sign face and a maximum of two (2) sign faces. Such sign may contain any non-commercial message or advertise the premises for sale, lease or rent.~~ No permit shall be required for such a sign provided that the sign is erected by the owner or with the owner's permission.

~~2.—Temporary open house signs.—In addition to a residential sign containing information advertising a premises for sale, lease or rent, each such lot or parcel shall be allowed two (2) temporary open house signs with one (1) such sign on site and the other allowed off site on private property with owner permission. Open house signs shall be limited to a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces and shall be permitted for up to three (3) consecutive days. A minimum of four (4) days shall transpire prior to posting any open house sign on the same lot or parcel for a second (2nd) or subsequent time. No permit shall be required for such a sign.~~

D. *Single-Family Lots Fronting On A Numerically Designated State Highway.* Any lot in a single-family residentially zoned area which fronts on and has direct access available from a numerically designated State highway which has received site development plan approval for an office, day care center or retail service uses, as provided by [Section 405.450\(E\)](#), may have a combination of one (1) low monument sign, wall signs, window signs or signs affixed or painted on canopies or awnings. Because these lots are within residential areas, the total gross sign area, counting all faces, shall be consistent with that of other lots in residentially zoned areas and shall not exceed twelve (12) square feet, except, however, that the allowable square footage of signs may be increased by two (2) square feet for each fifty (50) feet the building is setback from the roadway pavement of the numerically designated State highway to a maximum of sixteen (16) square feet to enhance the ability of motorists to see the signs for traffic efficiency and safety. An additional rear entrance to such a business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. Permits shall be required for all signs allowed by this paragraph.

E. *Institutional Uses In Residential Districts^[CL1].*

1. Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with manually-changeable copy or may be an on-

premises permanent sign. In addition, such uses shall be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to a period of ninety (90) days and a minimum of ninety (90) days shall elapse prior to posting another temporary sign on the premises.

2. *Low monument signs.* An institutional use in a residential district occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign, which can include a manually-changeable-used primarily for identification or as a bulletin board sign, provided such sign contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in Section 405.670 of this Chapter and the site meets one (1) of the following criteria:

a. The site has at least three hundred (300) feet of lot frontage on a street or highway other than Lindbergh Boulevard; or

b. The site has at least two hundred (200) feet of lot frontage on Lindbergh Boulevard.

3. *Campus low monument sign.* An institutional use in a residential district occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, on-premises permanent sign ~~identifying the institutional campus or complex~~ in accordance with the following standards:

a. *Maximum sign area.* Sixty (60) square feet.

b. *Maximum area per sign face.* Twenty-four (24) square feet.

c. *Maximum height.* Six (6) feet above prevailing base grade.

d. *Setback from right-of-way.* Fifteen (15) feet.

4. *Parking direction signs.* One (1) freestanding parking direction sign, which may be internally illuminated subject to Section 405.930(F) shall be ~~required~~permitted for every one hundred fifty (150) parking spaces with not more than two (2) sign faces, provided the sign ~~shall~~does not exceed fifteen (15) square feet in gross sign area per face, the sign height ~~shall~~does not exceed four (4) feet in height and no portion of the sign shall extend into the public right-of-way. The sign shall be placed within the parking lot and for enhanced traffic directional purposes may contain the name and/or logo of the institution in addition to messages providing directional information. The Zoning Director may allow fewer signs for good cause.

F. *Temporary Signs In Residential Districts.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary ~~non-commercial~~ signs may be allowed with the owner's permission in addition to the permitted signage allowed on any

residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced signs although no single sign face shall exceed twelve (12) square feet. ~~The number of such~~ Not more than one (1) temporary signs ~~on a lot shall not exceed the total number of per individual~~ candidates and/or propositions ~~on the election ballot shall be permitted per lot~~ [CL2].

G. *On-Site Construction Signs.* When property is under construction, pursuant to an issued building permit, an additional sign ~~Only one (1) such sign per entire development denoting the owner, architect, engineer, consultant, developer, lender and/or contractor,~~ not to exceed ~~twelve~~ twenty-four (24) square feet in gross sign area and not to exceed ~~ten-six (106)~~ feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall not be erected in a public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work if no occupancy permit is required. (R.O. 2008 §26-103; Ord. No. 1903 §1, 11-24-97; Ord. No. 1966 §1, 11-23-98; Ord. No. 2287 §1, 6-28-04; Ord. No. 5033 §3, 3-24-08)

SECTION 405.950: SIGNS IN NON-RESIDENTIAL DISTRICTS

A. General Limitations It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any non-residential use or in a non-residential zoning district unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein. All signs permitted by this Section shall require the issuance of a sign permit, except for allowed temporary, incidental and portable signs.

1. ~~Classification of signs. Signs shall be classified as on-premises permanent signs, temporary or incidental signs and special purpose signs.~~

a. ~~On-premises permanent signs as defined in Section 405.120. b. Temporary or incidental signs as provided in this Section.~~

c. ~~Special purpose signs are limited to directory signs, parking direction signs, parking regulation signs, directional signs, marquee signs, on-site construction signs and light pole artwork signs.~~

B.2. On-premises permanent signs Ground Floor Wall Signs.

a. ~~Individual or freestanding business or use. Each individual business or use located at ground floor level with its own entrance at street level or a second (2nd) story retail business, either of which has sign frontage as defined in Section 405.120, may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area per sign frontage not to exceed one (1) square foot per linear foot of sign frontage upon which the sign is to be located, up to a maximum of twenty five (25) square feet in area; except that the total gross sign area per sign frontage may increase by twelve and one half (12.5) square feet for each fifty (50) feet an individual business or use sets back from the edge of street pavement up to a maximum of one hundred twenty five (125) square feet in area, provided said individual business or use has the required sign frontage to~~

allow such an increase.

1. In-line or mid-block uses. Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. ~~– If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and colorless and show the visible surface of the building façade behind it shown. No sign may violate the architecture of the building to which it is attached.~~
2. Corner units, single uses on corner lots, or out-lot buildings within a shopping center. Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of the use's building frontage façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be to be placed on the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size limitations regulations above, where the building faces abuts two or more public streets and it is the closest building thereto. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and colorless and show the visible surface of the building façade behind it shown. ~~No sign may violate the architecture of the building to which it is attached.~~
3. Rear entrances. A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the on-premises permanent signs ~~should~~ shall maintain uniformity in location, height and general design ~~and shall be compatible in color.~~

C. Low monument signs. ~~A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic are allowed is required for all low monument signs.~~

1. A project or development with at least one hundred and fifty (150) linear feet of lot frontage on a street or highway may be permitted a single low monument sign that contains not more than ~~of~~ twelve (12) square feet ~~square feet~~ of sign area per face with not more than two (2) faces, that is not more than four (4) feet in total height, ~~and that is set back at least ten (10) feet from the right-of-way, and that is located.~~ Location of the ground sign must be a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
2. A project or development with ~~of~~ at least 30,000 sq. ft. of site area but less than ~~to~~ three and one-half (3.5) acres, and with ~~where the site has at least three hundred (300) feet of lot frontage on a street or highway,~~ shall ~~may~~ be permitted a single low monument sign ~~that provided such~~

sign contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, and that is set back at least ten (10) feet from the right-of-way, and that is located. Location of the ground sign must be a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.

3. A project or development with at least of three and one half (3.5) acres but less than five (5) acres shall may be permitted a single low monument sign that provided such sign contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is and set back at least ten (10) feet from the right-of-way, and that is located. Location of the ground sign must be a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.

4. A project or development with more than of over five (5) acres shall may, by site development plan approval in accordance with Section 405.1080, be permitted a single low monument sign that provided such sign contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, that is not more than twelve (12) feet in height, that and is setback at least fifteen (15) feet from the right-of-way, and that is located. Location of the ground sign must be a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.

(5.) A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area allowed is requireds for all low monument signs.

D. Wall signs for multi-floor office buildings. Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three (3), up to a maximum of one hundred and fifty (150) square feet. If the sign consists of a boxed display, the that negative space must be dark and opaque, or clear and show the have the visible surface of the building façade shown.

b.—Low monument signs. An individual building or use occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low-monument sign provided such sign contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in Section 405.670 of this Chapter and the site meets one (1) of the following criteria:

(1)—The site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard;

(2)—The site has at least two hundred (200) feet of frontage on Lindbergh Boulevard; or

~~(3)—The site has at least two hundred (200) feet of frontage on a street or highway other than Lindbergh Boulevard and the sum of the total gross sign area of the site's wall signs, window signs and signs affixed and/or painted on canopies or awnings is at least twenty (20) square feet less than the maximum allowed in Subsection (2)(a) above or in Subsection (2)(d) Office Building Signs.~~

~~c.—Shopping center or office park sign. A shopping center, office park or institutional complex occupying a site in excess of five (5) acres in size may, by site development plan approval in accordance with Section 405.1080, have a single, freestanding, on-premises permanent sign identifying the center, park or complex (individual tenants shall not be identified on this sign unless the development has received approval of a common signage plan) in accordance with the following standards:~~

~~(1)—Maximum sign area. One hundred (100) square feet.~~

~~(2)—Maximum area per sign face. Forty (40) square feet.~~

~~(3)—Maximum height. Sixteen (16) feet above prevailing base grade.~~

~~(4)—Setback from right-of way. Fifteen (15) feet.~~

~~d.—Office building signs.~~

~~(1) Each freestanding, single or multi-tenant office building may have one (1) wall sign per sign frontage. This sign shall be affixed parallel to the facade of the building with no part of this sign projecting more than fourteen (14) inches from the building surface it is attached to. No part of this sign shall extend above the roof line or parapet of a building. The gross sign area of said sign shall not exceed thirty five (35) square feet per sign frontage; except that the total gross sign area per sign frontage may increase by twelve and one-half (12.5) square feet for every fifty (50) feet an office building sets back from the edge of street pavement, up to a maximum of one hundred twenty-five (125) square feet in area, provided said office building has the required sign frontage (one (1) square foot of gross sign area per lineal foot of sign frontage) to allow such an increase.~~

~~E.~~(2) Address Signs

~~For fire protection and traffic safety and efficiency, E~~each freestanding single or multi-tenant ~~office~~ building shall have one (1) set of address numerals per building frontage. These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:

Height of Sign on Building (story)	Distance from R.O.W. (feet)	Allowable Square Footage per Numeral (square feet)
1	0--100	2
1	101--250	3
1	over 250	4
2	0--100	3
2	101--250	4
2	over 250	5
3	0--100	4
3	101--250	5
3	over 250	6
4	0--100	5
4	101--250	6
4	over 250	7
5	0--100	6
5	101--250	7
5	over 250	8
6	0--100	7
6	101--250	8
6	over 250	9
over 6	0--100	8
over 6	101--250	9

over 6	<u>over-250</u>	<u>10</u>	<u>10</u>
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~~e.—Multi-tenant real estate information signs. Each multi-tenant building or complex (where more than one (1) building is in the same development) may be permitted one (1) permanent real estate information sign, subject to the following:~~

~~(1)—The gross sign area shall not exceed twenty-four (24) square feet per face with a maximum of two (2) sign faces. Decorative edge treatments shall not be included in the gross sign area.~~

~~(2)—The sign shall not be more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, shall be set back at least ten (10) feet from the right-of-way of said fronting street or highway and shall not be located within the site distance triangle as defined in Section 405.120, Definitions, of this Chapter.~~

~~(3)—The sign shall be permanently affixed to the ground with rot- and insect-resistant materials without use of supporting wires, cross-bracing or stanchions.~~

~~(4)—The aggregate visible width of the supporting legs or monument shall be at least one-quarter (1/4) of the width of the sign.~~

~~(5)—The edges of the sign shall be boxed in, framed or otherwise enclosed to eliminate visible gaps or spaces between the sign panels.~~

~~(6)—The sign copy shall be applied and protected with weather-resistant materials and finishes.~~

~~(7)—Any attached "riders" (e.g., available floor area) on the sign shall be incorporated within the external dimensions of the sign and are limited to one (1) rider per sign face.~~

~~(8)—These provisions shall not be applicable to single-tenant or owner-occupied properties which are subject to Section 405.950(3) Temporary or incidental signs for single-tenant properties.~~

F.23. *Temporary or incidental signs.* The following signs are permitted as temporary or incidental to a given ground floor business or use and are not to be included in calculating the allowable gross sign area for on-premises permanent signs:

a1. *Window signs.* The total gross sign area of all window signs as defined in Section 405.120, Definition of Terms, shall not exceed twenty percent (20%) of the area of any individual window located in the lowest eleven (11) feet of the storefront as measured from the adjacent exterior grade. For the purposes of this Section, panes of glass separated by a structural column or portion of exterior finished wall shall be considered individual windows. Further, glass located within a door, whether or not

it is used as an entrance/exit, is not an eligible location for a window sign. No window signs are allowed more than eleven (11) feet above the adjacent grade.

2b. Temporary ~~promotional~~ displays and signs. Temporary ~~promotional~~ displays ~~such as including only~~ banners ~~or~~, posters, ~~pennants, ribbons, streamers and balloons~~ shall be permitted for ground floor retail sales and service uses ~~to announce grand openings, special sales or events~~. These special promotions shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary ~~promotional~~ displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage for on-premises permanent signs. Permitted balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low monument signs, and shall be limited to the first floor elevation of a building, with no more than 18 feet above the ground elevation.

e3. Other Temporary signs. Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary ~~non-commercial~~ signs may be allowed with the owner's permission in addition to the permitted signage allowed on any non-residentially zoned lot or parcel of land in the City. ~~Each~~ lot or parcel of land shall be permitted one (1) or more single- or double-faced sign although no single sign face shall exceed twelve ~~twenty-four~~ (24) square feet. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot. ~~Not more than one (1) temporary sign per individual candidate and/or proposition on the election ballot shall be permitted per lot.~~

~~d.—Temporary real estate signs on single tenant/occupant properties.—In addition to the permitted signage on any single tenant/occupant non-residential premises, temporary real estate signs are allowed offering the premises for sale, lease or rent. Such signs shall be limited to advertising the premises on which they are located, shall be a maximum of six (6) feet tall and shall be limited to twenty-four (24) square feet per sign face with a maximum of two (2) sign faces. Temporary real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased or rented. These provisions shall not apply to multi-tenant/occupancy properties and if the property is subsequently converted to multi-tenant occupancy, the requirements of Section 405.950(2)(e), Multi-tenant real estate information signs, shall be enforced on the property.~~

4. Portable signs. In all commercial districts, one (1) portable sandwich board signs limited to six (6) square feet and no more than four (4) feet in height shall be allowed per business address, without a permit, provided no part of such signs is are more than four (4) feet from the building front near the main entrance, the sign does not obstruct pedestrian movement, and the sign does not obstruct or otherwise pose a hazard be dangerous to motor vehicle traffic. Such signs must be stored inside between dusk and dawn when not open for business, and are brought each night.

e5. Signs on converted residential structures in commercial zoning districts. Each residential structure which has ~~been~~ converted to a commercial use by approval

of a site development plan by the Planning and Zoning Commission may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area not to exceed twenty-five (25) square feet. A rear entrance to such business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door.

~~All signs permitted by this Section shall require the issuance of a sign permit.~~

G4. *Special purpose signs.* Signs authorized in this Subsection are not to be included in calculating the allowable gross sign area for on-premises permanent signs.

a1. *Parking ~~and other~~ direction signs.* One (1) freestanding parking direction sign per direction, which may be internally illuminated, ~~shall may~~ be ~~required~~ permitted for each driveway, provided the sign ~~shall does~~ not exceed three (3) square feet in gross sign area per face, the sign height ~~shall does~~ not exceed three (3) feet and no portion of the sign shall extend into the public right-of-way. If the sign is located at a private driveway, ~~for enhanced traffic directional purposes it may contain the name, address and/or logo of the business in addition to messages providing directional information. the sign may shall only contain the address of the business or institution on the premises. Other directional signs shall be installed as may be required by the City.~~

~~b. — Directional signs. Directional signs, other than parking direction signs, may be located on a project, site or development exceeding twenty (20) acres in size, provided that the total area of such signs located on any site shall not exceed twelve (12) square feet in gross sign area and no sign should be more than ten (10) feet in height or located closer than fifty (50) feet to a public or private right-of-way.~~

~~c. — Parking regulation signs. One (1) non-illuminated parking regulation sign, not exceeding five (5) square feet in gross sign area and not exceeding ten (10) feet in sign height, shall be permitted for each commercial or public parking lot. Parking lots with more than twenty (20) parking spaces shall be permitted one (1) such sign for each twenty (20) parking spaces or fraction thereof.~~

b2d. *Marquee signs.* Marquee signs for theaters, cinemas, exhibition centers and similar public assembly uses shall be permitted only upon the specific authorization of the Planning and Zoning Commission, subject to such restrictions and conditions as the Commission may deem necessary after a site development plan is reviewed under the provisions of [Section 405.1080](#).

e3e. *On-site construction signs.* ~~Only When the property is under construction pursuant to an issued building permit, an additional one (1) such sign per entire development denoting the owner, architect, engineer, consultant, developer, lender and/or contractor,~~ not to exceed thirty-two (32) square feet in gross sign area per face with a maximum of two (2) faces and not to exceed ten (10) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall be erected out of the public right-of-way, ~~upon receipt of a building permit~~ and shall be removed ten (10) days ~~after completion after completion of a project and not later than 10 days after issuance of occupancy permit. the receipt of an occupancy permit for a building or development. The sign may indicate the owner, architect, engineer, consultant, developer, lender and/or contractor and other such information.~~

~~f. — Light pole artwork signs. Light pole artwork signs shall be permitted on light poles in public surface parking lots accommodating a minimum of two hundred (200) vehicles. All light poles supporting these signs must be located a minimum of fifteen (15) feet from the front curb line of the parking lot. The bottom of such sign shall not be lower than twelve (12) feet from the base of the light pole. In addition, temporary light pole artwork signs may be permitted on light poles or similar utility~~

~~poles adjacent to a public street to announce special events. The gross sign area of each light pole artwork sign shall not exceed eighteen (18) square feet with a maximum of two (2) signs per light pole. No part of this sign shall project more than~~

~~three (3) feet beyond the vertical centerline of the light pole. These signs shall be attached to the light pole in such a manner so as to minimize any sign movement. Any torn, frayed or faded light pole artwork sign must be repaired, replaced, removed entirely within ten (10) days of written notification.~~

~~d4g.~~ *Covered walkway signs.* A sign not to exceed two (2) square feet in gross sign area may be hung from the ceiling of a covered walkway that is attached to the front of a retail store. Such a sign shall not exceed eighteen (18) inches in drop from the bottom of the said sign to the ceiling surface of the covered walkway, nor shall the bottom of said sign be less than seven (7) feet above the sidewalk surface it is hanging over. Only one (1) covered walkway sign per business shall be allowed. Such a sign shall be hung perpendicular to the retail storefront so as to be beneficial to pedestrian traffic.

5H. *Automobile service stations.*

~~a1.~~ Signs located on property used for automobile service stations shall be subject to the provisions and limitations set forth in this Section. Additional retail signs, unless specifically provided for herein, advertising the sale of specific products shall be prohibited.

~~b2.~~ No sign shall be attached to any pole, light standard or gasoline tank vent pipe. No sign shall be attached to a gasoline pump excepting those provided for in Section 405.950(5)(e).

~~c3.~~ *Wall signs.*

~~(1a)~~ Not more than one (1) wall sign shall be permitted for each automobile service station. This wall sign shall not exceed twenty-five (25) square feet in gross sign area. ~~This sign may include the name of the firm, the business being conducted on the premises or the principal product being offered for sale on the premises or a combination of same. A business logo may appear as a part of this wall sign.~~

~~(2b)~~ In instances where the ~~incidental~~ washing of motor vehicles is an accessory service being offered on a property used for an automobile service station, one (1) additional wall sign shall be permitted. This wall sign shall not exceed ten (10) square feet in area. ~~This sign may include the product being offered for sale on the premises. Further, One~~ (1) sign designating the entrance to and one (1) sign designating the exit from the washing area shall be affixed directly to the structure near such entrance or exit for traffic safety and efficiency. The gross sign area of such signs shall not exceed twelve (12) square feet.

~~Instances where a full-service car wash is part of a property used for an automobile service station, a sign advertising the variety of car wash services being offered, along with their respective costs, may be displayed. Such a One additional~~ sign may be erected no closer than seventy-five (75) feet from any public right-of-way. Such a sign shall not exceed ten (10) square feet in gross

sign area or eight (8) feet in height from top of sign to top of grade. Said sign shall be permanently anchored to a wall, canopy support or a freestanding pole.

~~d~~4. *Service station canopy signs.* An automobile service station with a canopy shall be permitted one (1) service station canopy sign, in addition to a wall sign, per street frontage. This service station canopy sign shall not exceed thirty (30) square feet in gross sign area per street frontage. This sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy. This sign shall be illuminated by internal and non-intermittent light sources. ~~Any~~ business logo, inclusive of striping or other symbols, ~~may appearing~~ on this canopy sign shall count as part of the gross sign area allowable for said sign.

~~e~~5. *Pump signs.* Signs shall be ~~posted~~~~allowed~~ on gasoline pumps so as to provide the required information to the public regarding "octane rating", "price" and "type of fuel". As the trade name of the business is often incorporated into the different types of fuels, said trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in area per sign face (four (4) square feet in aggregate) per pump. "Self-service" or "full-service" signs shall identify each pump island on the service station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than eight (8) feet above the ground, located at each end of the pump island. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in area.

~~f~~6. *Gasoline price signs.* For purposes of traffic efficiency and safety, No more than one (1) gasoline price sign shall be allowed per service station property street frontage. This sign must be freestanding and permanently anchored. Such a sign shall not exceed sixteen (16) square feet in sign area per face and shall not exceed six (6) feet in height from top of sign to top of grade. Illumination shall be by internal and non-intermittent light sources. This sign shall identify the actual unit price being charged for gasoline being sold. ~~The business's name and/or logo may be displayed on this sign, provided it does not occupy more than four (4) square feet of the total sign area per face.~~

I6. *Master signage plans--"CB" Core Business District, "GC" General Commercial, "PH" Planned Hospital District, "HE" Higher Education District* properties of campus style developments of multiple buildings with a minimum of ten (10) acres and residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). The provisions set forth in the preceding Sections 405.910, et seq., shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "GC" General Commercial, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). However, in keeping with the intent to allow flexibility in the design of planned developments and large campuses developments of multi-acre areas, not separated by designated arterial or numerical highway (e.g. Olive Boulevard), the following options may be available for ~~applicable to~~ signs accessory to uses in the "CB" Core Business

| District, ["GC" General Commercial](#), "PH" Planned Hospital District and "HE"

Higher Education District and signs accessory to residentially- zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres):

a1. As an alternative ~~to what would otherwise be allowed~~, signs may be permitted in accordance with a Comprehensive Master Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The Comprehensive Master Plan of signage shall show the location, size, height and extent of all proposed signs, ~~as well as the nature of the information to be displayed on the signs~~. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown.

~~b. In addition, a plan for off-site directional signs in commercial districts which identify commercial centers and institutional campuses may be recommended by the Planning and Zoning Commission and approved by the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The plan for off-site signs shall show the location, size, height and extent of all signs encompassed within the signage plan, as well as the nature of the information to be displayed on each sign. All such signs shall be located within the "CB" Core Business District, "PH" Planned Hospital District or "HE" Higher Education District. Off-site signage is not permitted in residential districts.~~

b2e. Any application submitted pursuant to Subsection (6)(a) ~~or (b)~~ above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written and notarized statement signed by the record owners of such properties which indicates their endorsement of the application.

e3d. The above-cited signage options shall be exercised in accordance with the standards for all planned developments as set forth in Section 405.1080. All proposed signs shall be reviewed based on the following criteria

- a. Proposed signs are consistent with the purpose of this ordinance;
- b. Proposed signs ~~are compatible~~are compatible with the theme, visual quality, and overall character of the surrounding area.
- c. Proposed signs are in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban design elements.

~~7. Common signage plan all non-residential districts. If the owners of two (2) or more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one (1) building (not including any accessory building) file with the~~

~~Zoning Administrator for such lots a common signage plan conforming with the provisions of this Section, a twenty percent (20%) increase in the maximum total sign~~

~~area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.~~

~~a.—*Provisions of common signage plan.* The common signage plan shall contain the information in paragraph (1) below and shall also specify standards for consistency as required by paragraph (2) below.~~

~~(1)—The common signage plan shall contain the following:~~

~~(a)—An accurate plot plan of the lot, at such scale as the Zoning Administrator may reasonably require;~~

~~(b)—The location of buildings, parking lots, driveways and landscaped areas on such lot;~~

~~(c)—Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this Chapter; and~~

~~(d)—An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.~~

~~(2)—The common signage plan shall specify standards for consistency among all signs on the lots affected by the plan with regard to:~~

~~(a)—Lettering or graphic style;~~

~~(b)—Lighting;~~

~~(c)—Location of each sign on the buildings;~~

~~(d)—Material; and~~

~~(e)—Sign proportions.~~

~~b.—*Window signs on common signage plan.* A common signage plan or master signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.~~

~~c.—*Limit on number of freestanding signs under common signage plan.* The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots~~

~~included in the plan have frontage and shall provide for shared or common usage of such signs. Individual tenants may be identified on freestanding signs.~~

~~d.—Other provisions of common signage plans. The common signage plan may contain such other restrictions as the owners of the lots may reasonably determine.~~

~~e.—Consent. The common signage plan shall be signed by all owners or their authorized agents in such form as the Zoning Administrator shall require.~~

~~f.—Procedures. A common signage plan shall be included in any site-development plan or other plan required by the City for the proposed development and shall be processed simultaneously with such other plan.~~

~~g.—Amendment. A common signage plan may be amended by filing a new common signage plan that conforms with all requirements of the ordinance then in effect.~~

J7h. Existing signs not conforming to common signage plan. If any ~~new or amended~~ common signage plan has been approved under previously effective ordinances is filed for a property on which existing signs ~~were~~are located, ~~withit shall include~~ a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed ~~amended~~ plan or to the requirements of this Chapter in effect on the date of submission, such schedule shall be met notwithstanding elimination of the common signage plan ordinance.

~~i.—Binding effect. After approval of a common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan and such plan may be enforced in the same way as any provision of this Chapter. In case of any conflict between the provisions of such a plan and any other provision of this Chapter, the ordinance shall control.~~

8K. Billboards.

a1. Not permitted. Billboards shall not be permitted in the City. This prohibition shall be effective as of July 1, 2009. Any billboard permitted prior to that date shall be deemed a non-conforming sign, but shall not be enlarged, relocated, or reset. The City expressly prohibits the resetting of qualifying signs pursuant to Section 226.541 RSMo.

b2. Lighting and landscaping of billboards. All lighting and landscaping of billboards shall comply with the following:

(1a) Prior to issuance of a City permit for erection of a billboard, the applicant shall submit and receive approval of a landscape plan depicting the landscaping, billboard lighting and fencing around the proposed billboard to ensure that the structure will be aesthetically compatible with its surroundings and the aesthetic standards of the community and neighboring property. Said landscaping shall consist of a circular base with a minimum radius measured from the center of the sign base. Said radius shall be no less than the total height of the

sign, measured from ground grade at the sign structure base to the highest point of the total sign and structure. Such plans shall comply with the provisions of [Section 405.540](#), shall be reviewed and approved by the Planning and Zoning Commission and shall comply with all standards in this Section;

([2b](#)) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature or similar information, will be permitted;

([3c](#)) External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or primary highway 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 and such lights shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjacent residential property;

([4d](#)) No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal;

([5e](#)) The maximum average lighting intensity level for such sign shall be twenty (20) foot-candles.

[3e](#). *Obstruction of official highway signs.* No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness or visibility of an official traffic sign, signal or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

[d4](#). *Annual inspection and certification.* Owners of all billboards shall be required to submit, to the Zoning Administrator, an inspection report from a Missouri licensed engineer as to the sign's structural integrity. Such certification shall be done on or before July first (1st) of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.

[5e](#). *Nuisances.* Any billboard which, because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris or the deterioration of landscaping, lighting or fencing, becomes unsightly or unsafe, as determined by the Zoning Administrator, is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner all other nuisances on private property. (R.O. 2008 §26-104; Ord. No. 1903 §1, 11-24-97; Ord. No. 1919 §1, 1-26-98; Ord. No. 1977 §§1--5, 1-11-99; Ord. No. 2236 §1, 10-27-03; Ord. No. 2287 §1, 6-28-04; Ord. No. 5073 §§3--4, 1-8-09)

SECTION 405.960: ENFORCEMENT AND SIGN REMOVAL

A. *Sign Code Violations And Enforcement.* Any sign which is not in compliance with all the provisions of this Article is declared to be unlawful. The City, through the Zoning Administrator, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who violates or fails to comply with any provisions of this Article or against the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located to prevent, enjoin, abate or terminate the erection, use of display of an unlawful sign. Any person who violates or fails to comply with any of the provisions of this Article or the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located shall be subject to the penalties set forth in [Section 405.1150\(D\)](#) of this Chapter.

B. *Removal Of Unlawful Sign.* Any unlawful sign which has not been removed within thirty (30) days after conviction of violation or imposition of civil penalty may be removed by the City and the costs charged to the violator. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the City, the City may sell or otherwise dispose of the sign and apply the proceeds toward costs of removal. Any proceeds in excess of costs shall be paid to the owner of the sign.

C. *Immediate Removal Of Unlawful Or Unsafe Signs.* Signs which the Zoning Administrator finds upon public streets, sidewalks, rights-of-way or other public property or which ~~wheresoever~~wherever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the Zoning Administrator without prior notice. (R.O. 2008 §26-105; Ord. No. 1903 §1, 11-24-97)

SECTION 405.970: VARIANCES

A. *Practical Difficulties Or Unnecessary Hardship.*

1. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the provisions of this Article, the Board of Adjustment may vary or modify the application of specific regulations for any permitted form of signage so that the spirit of this Article shall be observed, public safety and welfare secured and substantial justice done.

2. A variance from this Article may be granted for any permitted form of signage where it is found that because of the limitations on character, size, number or dimensions of signs or the regulations controlling the erection or installation of a sign, the applicant would be subject to practical difficulties or unnecessary hardship. Unnecessary hardship is not considered the loss of possible advantage, economic loss or gain or mere inconvenience to the applicant.

B. *Procedures And Criteria.* The procedures and criteria for granting a variance from the regulations in this Article shall be as set out in [Section 405.1040](#) of this Chapter. (R.O. 2008 §26-106; Ord. No. 1903 §1, 11-24-97)

SECTIONS 405.980--405.990: RESERVED

2012 BOARD OF DIRECTORS

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Delmar Gardens of Creve Coeur
President

Phyllis Messeria
AMG Corporate Offices
President Elect

Shelly Dunsmoor
Drury Hotels
Vice President, Education

Bob Gassner
Visiting Nurse Association
Vice President, Events

Dave Book
Murphy Company
Vice President, Government

Teresa Crossland
Monsanto
Vice President, Legislation

Jodi Meracle
RAI Insurance Group
Vice President, Member Services

Kelli Kimack
M&I Bank
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Kristen Johnson
Commerce Bank
Assistant Treasurer

Steve Kling
Jenkins & Kling, P.C.
Legal Counsel

Nancy M. Gray
Executive Vice President
Ex-Officio

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Banducci Enterprises/McDonald's

Kathy Franklin
Select Personnel

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Committed to Health Chiropractic Center

Janet Jennewein
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Ed Lindner
Kriegshauser West Mortuary

Barb Meyer
Mercy Health

David Peterson
Payroll 1

Chris Pickel
AT&T

Tina Powell
Vantage Credit Union

Kevin Rejent
The Rejent Law Firm

Gene Rovak
Professional Engineer

Janet Reuther Schopp
Reuther Automotive Group

Ryan Schratz
Pulaski Bank

Larry Tessler
Tessler Promotions

Director Emeritus – Bill Wyne
Wyne & Merritt PC



Chamber Of Commerce

July 13, 2012

Planning and Zoning Commission
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, MO 63141

Re: Proposed Modifications to the City of Creve Coeur Sign Ordinances

Dear Members of the Planning and Zoning Commission:

We are writing this letter in response to proposed changes by the City of Creve Coeur (the "City") to its sign ordinances (the "Proposed Changes"), which we understand in part are due to the recent 8th Circuit court case *Neighborhood Enterprises, Inc. v. City of St. Louis*.

The Creve Coeur-Olivette Chamber of Commerce (the "Chamber") appreciates that the City informed us of the Proposed Changes and asked for the Chamber's input. We have formed a committee and gathered input from our members, which include several prominent commercial and retail property owners throughout the City. Many of our members have concerns with the Proposed Changes and we value the opportunity to be able to bring them to your attention.

The major areas of concern are permitting or allowing the following which would be eliminated or severely curtailed under the Proposed Changes:

1. A second short-term sign for leasing and sale purposes for commercial/retail properties with a monument sign;
2. Short-term leasing and sale signs for property owners who do not have monument signage;
3. Self-executing exceptions to the One Hundred Fifty (150) foot spacing requirements and the Ten (10) foot distance from right of way requirements, for hardships;
4. Reasonable relocation and reconfiguration of signage without additional regulatory approval;
5. Temporary open house signs for residential properties;
6. Larger sign size for multi-story buildings, which sit back a considerable distance from the public road;
7. Two wall signs for multi-story buildings which front more than one road.

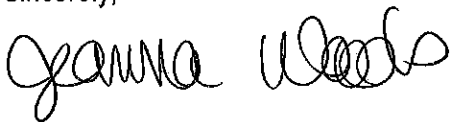
While this is not an exclusive list, it identifies the considerable scope and extent of the changes which appear to be somewhat extreme measures to control "content".

We also note that the changes may inadvertently restrict a property owner's statutory rights to advertise their property for sale or for lease. Section 67.317 of the Revised Statutes of Missouri prohibits a political subdivision from enacting or enforcing an ordinance which "forbids or restricts" the right of a property owner to display a sign on their property advertising the property for sale or for lease.

As business professionals and entrepreneurs, the Chamber's members are all acutely aware of the economic decline suffered across the country and this decline has undeniably influenced our City. Without the ability to properly or effectively advertise or market vacant properties, Chamber members and property managers will be unable to attract new tenants. These Proposed Changes will unquestionably cause the local business economy, which is so important to the City's growth and development, to suffer. The Proposed Changes will also put the City's local businesses at a competitive disadvantage to adjoining St. Louis County areas which will not be subject to such restrictions.

The Chamber recognizes and sympathizes with the City's concerns about preventing inappropriate, obscene, or offensive images or language on signage. The Chamber would appreciate the opportunity to explore alternatives to address the above concerns so as to protect the City while not hampering the legitimate business needs of the City's retail and commercial property owners.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanna Woods". The signature is fluid and cursive, with the first name "Jeanna" written in a larger, more prominent script than the last name "Woods".

Jeanna Woods, President
Creve Coeur-Olivette Chamber of Commerce

This letter is submitted in connection with the public hearing scheduled for July 16, 2012 on the proposed changes to the City of Creve Coeur sign ordinances. We request that it will be made a part of the official record.

HUTKIN DEVELOPMENT COMPANY

July 12, 2012

Planning and Zoning Commission
City of Creve Coeur
Re: Proposed Changes to City Sign Ordinances

RECEIVED

JUL 12 2012

PLANNING DEPT.

Dear Members of the Planning and Zoning Commission:

We are writing this letter in response to changes proposed by the City of Creve Coeur (the "City") to its sign ordinances (the "**Proposed Changes**"), which we understand in part are due to the recent court case of *Neighborhood Enterprises, Inc. v. City of St. Louis*.

As you know, Hutkin Development Company and its affiliates ("**Hutkin**") are long-time, conscientious owners of multiple commercial and retail properties in the City, including the Plaza Shops, Balmoral Plaza, Shops at Westchase, our offices at 10829 Olive Boulevard, as well as others. Hutkin has owned most of these properties for many years (Balmoral Plaza since the 1970's) and they have been highly sought after locations for many businesses that serve the residents and bring regional customers to Creve Coeur. We hope the City will agree that it is in both parties' interest to work together to ensure the success and prosperity of these properties, and all commercial property in Creve Coeur.

Of particular concern to us, is the proposed complete elimination of a second sign for commercial and retail properties. Currently, such properties are allowed to have two (2) signs: (1) a monument sign which provides a partial or complete listing of the tenants doing business at the property; and (2) a leasing sign notifying potential tenants that there is space either coming available or is currently available at the location. Both signs are extremely important to the existing and future viability of commercial and retail properties in the City, from both a practical and competitive perspective. Forcing a property owner to use a portion of the monument signage to advertise space "for lease" will in almost every case provide unintended consequences for the property owners and the City:

- Merging the "for lease" information with the tenant information on a monument sign is confusing, cluttered and diminishes the effectiveness of both.
- Not all monument signs provide a good or reasonable place to put "for lease" information (i.e the Balmoral Plaza monument is a beautiful brick sign; cluttering it or adhering "for lease" information is not desirable by us, our tenants, or the City).
- Tenant monument signs are not where our customers/prospective tenants look for "for lease" information.
- Permanent "for lease" signs (in lieu of a monument sign) are directly counter to the image of Creve Coeur and the quality of commercial property in the City, and especially on the Olive Street corridor and along Ballas Road.
- The proposed changes are going to have a negative effect on our marketing efforts, which in turn will reduce occupancy levels and make lease-up times longer, which in turn will negatively impact sales tax revenues.

10829 Olive Boulevard, Suite 200, St. Louis, Missouri 63141, (314) 872-9140
Facsimile (314) 872-9001 <http://www.hutkin.com> e-mail: info@hutkin.com

We are also concerned about the One Hundred Fifty (150) foot spacing requirement for signs. While we recognize and approve of the City's desire to allow drivers to clearly see each individual sign, we fear that there could be unfair application of the spacing requirements. If one owner placed a sign on the corner of their property, it could force the neighboring property owner to place a sign at the far end of their property, which may not be practical, contextual, or even be possible.

The economic downturn continues to impact quality commercial property, even in a top-tier municipality like Creve Coeur. Without the ability to adequately advertise available space, by way of well designed, strategically placed and appropriate "for lease" signage, property owners will struggle further. We are confident the City does not want to unduly hinder the use of reasonable and essential marketing tools that help fill vacant spaces and bring businesses to the City.

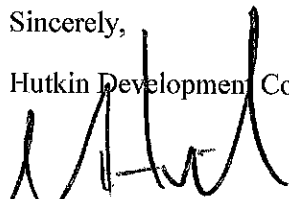
We recognize the City has concerns about the recent court case ruling. However, we believe there is a better approach that would not be as detrimental to the City, or to the retail and commercial property owners in the City.

It is our understanding that the City is able to regulate "place", "manner" and "time" as it pertains to signs. In order to reduce the likelihood of a property owner utilizing a "for lease" sign as a permanent sign for some other purpose, the City could incorporate into the ordinance a procedure that once a property owner becomes aware that a space will be coming available, the property owner will be required to provide a reasonable measure of proof of such availability, submitted during the sign permit process. Once the vacancy or available space has been leased, then the sign must be removed by the property owner within ten (10) business days of the new tenant receiving its occupancy permit from the City. We believe this concept could also assist the City in reaching its goal of reducing sign clutter. Significant fines could be levied against property owners who leave signs up without legitimate vacancy or space available.

We would hope that the City will work with us on this very important issue - one that we know is as important to the City as it is to us. We respectfully request the opportunity to work directly with the City and explore this and other alternatives to protect the City while not hindering the legitimate business needs of the City's retail and commercial property owners. We are confident that a mutually acceptable solution can be found through our joint efforts.

Sincerely,

Hutkin Development Company



Steven F. Hutkin, President

Cc: Mr. Paul Langdon

Ms. Whitney Kelly

This letter is submitted in connection with the public hearing on the proposed changes to the City sign ordinances scheduled for July 16, 2012 and we request that it will be made a part of the official record.



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JULY 16, 2012
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 16, 2012, at the Creve Coeur Government Center, 300 North New Ballas Road. Chair Tim Madden called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Timothy Madden, Chair*
 Dr. Michael Barton
 Mr. Gary Eberhardt
 Mr. James Faron
 Ms. Cynthia Kramer
 Mr. Jim Schnarr

OTHERS PRESENT: *Mr. Carl Lumley, City Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, AICP, City Planner

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

The Agenda was accepted as written.

3. APPROVAL OF MINUTES

Draft Minutes of July 2, 2012

Mr. Faron moved approval of the draft minutes as written. Mr. Eberhardt seconded the motion which carried unanimously.

4. PUBLIC COMMENT

None

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. PUBLIC HEARING

Application #12-001: Comprehensive Sign Code Revisions.

Applicant/Agent: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur

Mr. Langdon, Director of Community Development, on behalf of the City of Creve Coeur, addressed the Commission about what staff tried to accomplish with the changes they are proposing. Mr. Langdon explained to the Commission the purpose was to simplify how standards are applied not an effort to affect the amount of signage or content. Mr. Langdon also let the Commission know the code revisions are not done and all input can affect the outcome.

Mr. Langdon presented a PowerPoint presentation to the Commission. The presentation highlighted specific examples of signs in the City and how the current code is written to make these signs compliant with current standards. Mr. Langdon also went over the history of Creve Coeur's Sign Plan and Master Sign Plan. Mr. Langdon continued to speak to the Commission about the conflicts that occur while trying to revise the sign code and what is allowable.

There was also discussion around buildings only being identified by their numerical address on the physical building, and ground floor tenants in multi-story buildings will still get a wall sign. Mr. Langdon also stated the common sign plan has been eliminated, but old ones continue as pre-existing signs.

In conclusion, Mr. Langdon would like to move forward by further refining the code as needed and return to the Planning Commission for more review and a vote, which would result in the code being moved to City Council.

Mr. Schnarr asked if the fire protection district has sign regulations for addresses and Mr. Langdon replied yes, they do.

There was also discussion around real estate signs and if they have a monument sign will property owners be able to post a separate "For Lease" sign. Mr. Eberhardt wondered why we could not treat commercial property signs like election signs. Mr. Langdon replied it is an option, but the question lies in why the City redrafted the multi-tenant real estate signs a few years ago. Specifically, so-called temporary signs end up being permanent signs, in effect, and then visual clutter issues arise.

Mr. Gene Rovak, 766 Gascogne Drive, representing the Creve Coeur – Olivette Chamber of Commerce, stated it is appreciated that the City is trying to simplify the code is trying to balance the constraints. The Chamber believes the City is correct in distancing itself from governing content. Mr. Rovak then read a letter from the Chamber and submitted it for the record and supplied it to the Commission. It indicated things that are important to the Chamber. Mr. Rovak pointed out the list of concerns in the letter is not all-inclusive but it does identify the scope and extent of the changes which appear to be somewhat extreme. In

addition to the letter, Mr. Rovak stated with or without the ability to properly or effectively advertise or market vacant properties, Chamber members and property managers will be unable to attract new tenants.

Ms. Celeste Rueter, Director, St. Louis Association of Realtors, 12777 Olive Boulevard, on behalf of their 7,000 members, support the views expressed in the letter read by Mr. Rovak. Ms. Rueter did want to expand on a few points, stating their members, both commercial and residential, believe the proposed changes would inhibit them from doing their jobs. Secondly, the association's attorney is of the opinion that the changes regarding real estate signage are unnecessary. Lastly, Ms. Rueter pointed out the Commission had letters directly from realtor members, and submitted them for the record.

Dr. Michael Barton excused himself from the meeting at 7:55pm.

Mr. Tom Stern, 233 Brooktrail Court, resident of Creve Coeur for 28 years, and President of Solon Gershman Commercial Real Estate, Inc., explained his company leases and provides maintenance for more than a dozen properties in Creve Coeur. Mr. Stern stated the majority of new tenants are brought to them because of signage and to limit them would adversely affect both the real estate companies and the property owners. Mr. Stern also said he thought to revise the code was fine, but to eliminate real estate signs and "for lease" signs would negatively affect property values in the City of Creve Coeur.

Mr. David Caldwell, 257 Brooktrail Court, responded in opposition of the Chamber's sentiments. Mr. Caldwell also shared an anecdotal story about Santa Barbara, California and their lack of signs.

Mr. Stephen Kling, attorney with Jenkins & Kling, P.C., 150 North Meramec Avenue, Clayton, MO 63105, made procedural comments, stating he is the attorney for the Chamber of Commerce as well as the Hutkin Development Company and just wanted to confirm their letters were to be made part of the public record. Secondly, Mr. Kling wanted to make sure that if anyone had any questions in regards to the Hutkin Development letter, he would be happy to answer.

Mr. Tom Ray, office leasing agent for CBRE, Inc., stated Creve Coeur is the core of his office leasing practice. Mr. Ray addressed concerns with removing the two signs for corner lot buildings, stating removing this amenity is depriving the purchaser of something they paid for and believes it should be grandfathered in as part of the code revisions. Mr. Ray also spoke in favor of leasing signs and complimented the enhancements made to monument signs and recommends little change in that area.

(This ends the Public Hearing; see verbatim transcript for further information)

Chairman Madden said the Commission will take all response and comments in consideration and have some responses by the next Planning and Zoning meeting.

Mr. Faron motioned to continue Application #12-001 to the meeting of August 20, 2012 to allow staff to incorporate the comments of the Planning Commission and public as appropriate. Ms. Kramer seconded the motion with resultant vote as follows:

Mr. Eberhardt – aye
Mr. Schnarr – aye

Mr. Faron – aye
Chair - aye

Ms. Kramer – aye

7. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:10 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary

PLANNING AND ZONING COMMISSION PUBLIC HEARING

CITY OF CREVE COEUR, MISSOURI

300 NORTH NEW BALLAS ROAD

MONDAY, JULY 16, 2012

7:00 P.M.

THOSE IN ATTENDANCE:

Mr. Tim Madden, Chair

Dr. Michael Barton

Mr. Gary Eberhardt, Vice Chair

Mr. James Faron

Ms. Cynthia Kramer

Mr. Jim Schnarr

Mr. Carl Lumley, City Attorney

Mr. Paul Langdon, AICP, Director of Community Development

Ms. Whitney Kelly, AICP, City Planner

Ms. Julie Lowery, Recording Secretary

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2 Planning Zoning Commission Meeting for the City of Creve
3 Coeur, Missouri for Monday July 16th, 2012.

4 We'll start with roll call.

5 Dr. Michael Barton?

6 MR. BARTON: Present.

7 CHAIRMAN MADDEN: Mr. Gary Eberhardt?

8 MR. EBERHARDT: Present.

9 CHAIRMAN MADDEN: Mr. James Faron?

10 MR. FARON: Present.

11 CHAIRMAN MADDEN: I don't see Mr. Howard or
12 Ms. Kramer.

13 Mr. Jim Schnarr?

14 MR. SCHNARR: Present.

15 CHAIRMAN MADDEN: Carl Lumley, our City
16 Attorney?

17 MR. LUMLEY: Present.

18 CHAIRMAN MADDEN: Paul Langdon, our Director of
19 Community Development?

20 MR. LANGDON: Present.

21 CHAIRMAN MADDEN: Whitney Kelly, our City
22 Planner?

23 MS. KELLY: Present.

24 CHAIRMAN MADDEN: And Julie Lowery, our
25 Recording Secretary?

2

1 MS. LOWERY: Present.

2 CHAIRMAN MADDEN: Public Hearing Application

3 No. 12-001: Comprehensive Sign Code Revisions.

4 Anybody that's going to be involved in this
5 tonight, if they could come up here at this end and get
6 sworn in, save us some time instead of doing it
7 individually, so if you're going to come up and talk.

8 (Speakers were sworn in by the court reporter.)

9 CHAIRMAN MADDEN: Paul, are you going to handle
10 this?

11 MR. LANGDON: Yeah.

12 CHAIRMAN MADDEN: Okay.

13 MR. LANGDON: Good evening, Mr. Chairman,
14 Members of the Commission.

15 My name is Paul Langdon, Director of Community
16 Development for the City, and in that role acting as
17 Planning Director as well.

18 As you know, we've been working on amendment to
19 the sign regulations for some time now, witness the case
20 number is the first one listed for 2012.

21 The effort so far has involved a lot of
22 discussion. We've met with you on more than one occasion,
23 and we've met with Economic Development Commission; we've
24 met with the Chamber of Commerce; we've talked with
25 several property owners and property managers along the

3

1 way.

2 And tonight is really the next in a series of
3 meetings, but the first one under the guise of a public

4 hearing. And, obviously, all the comments we receive
5 tonight are part of the record, and we certainly welcome
6 any input that can be offered to us tonight.

7 I want to make clear for everybody's benefit,
8 we're not looking for a recommendation from P&Z tonight.
9 In fact, I strongly discourage that you move in that
10 direction. I think we'll hear testimony from a variety of
11 perspectives and it might very well change the direction
12 that we have.

13 (Ms. Kramer is now present.)

14 So tonight is about listening mostly, and then
15 from here we'll move forward with the lessons that we
16 learn.

17 Going to switch to the hand-held microphone here
18 just because I'll be moving back and forth.

19 Want to make clear that -- that tonight we're
20 beginning an effort to -- to formally simplify the
21 ordinance; to make it a little more readable; to take out
22 some of the areas that were never very clear.

23 My predecessors expressed the same concerns. I
24 quickly had the same concerns when I took the job in 2006,
25 and it's just time to -- to make it right, so that we're

4

1 not interpreting the Code almost every time we try to
2 advise somebody on what signs are allowed and what are
3 not.

4 Also, and this was the latest issue and maybe

5 the most problematic is the notice of content neutral.
6 Not because our Code is so rife with it and unworkable
7 because of it, but because it goes to the very core of
8 some of the signs that we're talking about, and I'm quite
9 certain will be the main subject of discussion tonight.

10 It is not an effort to dramatically affect what
11 is allowed or not allowed in terms of sign area. I
12 realize that where some of these things come together, we
13 have created that effect. That's not where we started
14 out.

15 In fact, some signs are new that were not
16 allowed before. Other signs actually get bigger than they
17 were allowed to be before. So there is sort of the
18 balance of terms of how much is allowed and where it's
19 allowed.

20 Also, this is not an effort to curtail any form
21 of expression. This is just the opposite. This is about
22 saying we no longer regulate expression at all unless it
23 crosses the line into obscenity or otherwise offensive
24 material. But aside from that, it doesn't matter if it's
25 advertising, if it's a political speech, if it's a

5
1 personal view or if it's real estate information. It's
2 all the same now. That's -- that's the objective.

3 Whether or not we can get there 100 percent is
4 yet to be seen, but that's certainly what we're trying to
5 achieve.

6 And last, as I said, we're not done. We're
7 going to have to -- to look at this some more. The
8 numbers are all beginning points of discussion; how big
9 the sign is; how small the sign is; how high a sign is;
10 how many signs there are, they're all numbers and they can
11 be adjusted up or down as we move forward.

12 The real issues are the velocity in terms of
13 where a sign is going to be; when we allow certain signs
14 and don't allow certain signs, and getting in tune with
15 what the marketplace needs or expects in terms of signage.

16 So I want to -- to avoid, if at all possible,
17 too much discussion on specific numbers because the
18 numbers don't mean anything if we haven't already agreed
19 that the sign is in the right place for the right reasons.

20 Some of the cases around town that I want to
21 just sort of point out here that led to some of this, and
22 I should not go any further without saying, while we're
23 using certain properties as examples in this discussion,
24 all of these signs, at least to the best of my knowledge,
25 are legal. These property owners and business owners have

6

1 done what they need to do in order to survive in the
2 marketplace, and this is not intended to be a vilification
3 of any one business or any one property. They're simply
4 examples, and they're a place that we start the
5 discussion.

6 The City is not trying to make any enemies here.

7 We're trying to work cooperatively, and I hope everyone
8 understands if they see their sign on the screen, it's not
9 singling them out, it's just an example of what is in
10 existence.

11 First example in the top left, GC's, very
12 popular restaurant. Took advantage of the sign code in
13 terms of a number of opportunities. And what they ended
14 up with is a fairly large amount of sign area on the
15 building. It's on two sides, and one of the interesting
16 things about our sign code, if you read it a certain way,
17 get into one of those interpretations, they could have
18 even put signs on the back side of the building that face
19 the houses. But, obviously, that wasn't in their
20 interests and they didn't pursue it.

21 Where this really gets interesting is the other
22 end of the same center, and some of these signs are so
23 small that they have no value, even though they're
24 actually much further away from the street than this
25 business, and that was an equity issue that some of those

7

1 tenants had expressed to us, and we were not oblivious to
2 when we saw the end result.

3 Other issues, buildings like this one, large
4 building, lots of presence physically, no presence in
5 terms of a sign or communication of any kind.

6 In the grand scheme of urban design and
7 identification, the sign can be a big part of what a

8 building is. It becomes what a building is known for.

9 But because of the way the Common Sign Plan,
10 we'll come back to this later, is written and because of
11 some short-sightedness at the time, the only identifier
12 for this building ended up being its address, which isn't
13 so bad except that the addresses are so small and in a
14 location as to be almost unusable as an identification.

15 This sign on this building; it's on the end
16 wall; it's visible from the street, and because it was
17 visible from the street became justification for another
18 sign.

19 We have these in several places around town.
20 They don't actually face the street, they're just visible
21 from the street.

22 Well, that's where you can get into some really
23 hyperbolic examples of where signs can go. Just because
24 it's visible, doesn't make it the right place, not only
25 for the usefulness of the public, and, therefore, the

8

1 usefulness of the business that needs the sign, but also
2 from a traffic management and from an urban design
3 consideration.

4 The last picture down here, you know, this is
5 the beginning of a collection of signs that is the kind of
6 thing that sign ordinances were created to follow.

7 The notion of visual clutter, and this isn't the
8 only example, but here we have, there's a sign here,

9 there's a sign here and there's a sign here. Throw into
10 it the other items in the landscape, the utility poles and
11 the traffic signs and the traffic signals, it starts to
12 become a pretty complicated place.

13 What you can't see, it's cut off out of the
14 picture, is even a van with essentially a sign on the side
15 of it, you know, and it is a view that is blanketed by
16 signs.

17 In places this is okay, and in places this is
18 just what we have to live with in a more urban setting.

19 But maybe it isn't always the right thing.
20 Maybe it isn't appropriate in every setting. And so we
21 wanted to -- to start looking at ways to manage that and
22 not just say, well, that's the way it is.

23 The other issue, which isn't really visible from
24 the ground level, but as the Zoning Administrator, you
25 become acutely aware of, and as the managers of these

9

1 properties are acutely aware of, the City attempted, many
2 years ago, to bring in a way for large properties to
3 manage their signs. To do it in a way so that it's
4 coordinated and it presented a -- an esthetic appearance
5 that was attractive and effective as a commercial message.

6 But in doing that, the City also said for that
7 -- in exchange for that obligation, we will allow more
8 sign; we'll allow you to increase that, and that was the
9 Common Sign Plan.

10 And in recognition of the fact that it was
11 fairly flexible, that it was perhaps a little more
12 difficult to manage, it was only allowed on certain
13 properties.

14 Well, then another system was brought in called
15 the Master Sign Plan. Very similar in that allowed custom
16 signs, subject to esthetic obligations or commitments on
17 the part of the property owner and size commitments, but
18 now, instead of being a staff approval, it was required to
19 go through Planning Commission and City Council, so much
20 higher level of oversight, and -- and the end result was
21 actually something that was an ordinance rather than just
22 a letter of approval from staff.

23 Again, limited in terms of certain properties
24 within the City. But what you end up having is a property
25 that's zoned Core Business, Core Business, this is Planned

10

1 Community and this is General Commercial.

2 Well, you can get a Master Sign Plan for a
3 couple of these; you can get a Common Sign Plan for a
4 couple of these. We can't do anything for this one. Even
5 though they're all ostensibly the same kind of
6 development.

7 And if you go out into the site today or these
8 sites today, you'll see the net result where some of these
9 properties have new signs that are, you know,
10 communicating a bold message and others have virtually

11 nothing.

12 And it's a frustration, not only for the
13 property owner or manager, but also for us in trying to be
14 evenhanded about who gets what. While we're not trying to
15 pick favorites, but the Zoning Code has put us in the spot
16 where we don't have a choice, and we're trying to fix
17 that.

18 So want to point out one other thing, which is
19 second floor signs. Interesting problem in that the
20 Zoning Code isn't very clear about where we can do second
21 floor signs and what it means to be a second floor sign.

22 Because this building, if you go around the
23 other side, is actually becomes a first floor. We have
24 this all over Creve Coeur, as you know, Olive Road is a
25 ridge, and so the properties generally drop down away and

11

1 very often properties transition from single to
2 multistory, depending on where you are.

3 This is a close-up of those properties that I
4 showed before.

5 So one of the things we tried to look at was
6 revising the -- I'm not going to read through every word
7 of it -- but before we used to have this -- this allowance
8 for increasing the size of signs as you move away from the
9 street, but then hitting a certain maximum.

10 It occurred to us that for some of those smaller
11 tenants the real issue is that they are very narrow, and

12 the size that they're allowed at the minimum end is really
13 very small.

14 From a reaching the public right-of-way
15 perspective, we thought it was important that there be a
16 minimum, a reasonable size minimum. And that's the -- the
17 20 square feet that you start at. This was a number that
18 we reached out in conversation with you all, and then it
19 increases.

20 Well, the increase is also the issue where we
21 have that -- the one business in our examples that has the
22 maximum 125 square feet, subject to some other provisions,
23 and then you'd have some that are down here at 12 square
24 feet.

25 Now that under this proposal the maximum becomes

12

1 50. So that there becomes a point of where it simply not
2 necessary -- necessary to go any larger.

3 Now, I mentioned that -- that one business has
4 125 square feet due to some other provisions, and that is
5 the -- the two-thirds rule.

6 The City, and we're not unique in this,
7 encourages artful sign design; encourages the use of
8 channel letters where possible; discourages the older
9 style, the box, if you will, where you have a single panel
10 of plexiglass, and then lettering on top of that.

11 In order to encourage that change, you could
12 reduce your calculated area by a third if you use channel

13 letters, so the 125 square feet actually goes up by a
14 third, when you just take the other one.

15 What that does is it allows much larger signage,
16 again, go back to these examples. You know, these big Cs
17 end up being only two-thirds as far as regulated area
18 compared to if they were a solid box.

19 The problem is that in order to do that, we have
20 to start identifying well, what is eligible for that.

21 Under the old code we could say it was letters, if it's an
22 individual letter then you can take the two-thirds rule.

23 If we're going with a content neutral approach,
24 we can't really differentiate what the thing is; letters,
25 symbols, logos. It's all the same. So look at -- at

13

1 these, and we all know that that trademark look, well,
2 what in that is channel letters or what is subject to the
3 same opportunity.

4 You can build that symbol the same as these.
5 It's just a different shape.

6 Essentially, it becomes impossible to
7 differentiate who gets two-thirds and who doesn't. So the
8 approach was to simply eliminate it because we can't parse
9 it out any other way.

10 Now if you want to change the amount of sign
11 that's allowed as a result, we can certainly do that, but
12 I think what we're looking at is an obligation to -- to
13 allow any type of sign subject to the very same

14 requirements.

15 Now that does raise a question of urban design;
16 does raise a question of visibility at night and
17 readability at night, and there's a long-term maintenance
18 issue.

19 I'm sure we've all seen the white face signs
20 been up a long time, they're starting to get dirty behind;
21 they're starting to yellow and the sign is unattractive.

22 Now, we'd all like it if every business was
23 successful enough to replace their sign on a regular
24 basis, but they aren't. Sometimes the signs are up there
25 a long time, and sometimes there's nothing you can do

14

1 about it except let the sign get dirty. That's why
2 channel letters are so attractive. They tend not to have
3 that problem. They're more expensive.

4 That's where this last statement comes in in
5 saying if you are going to do the can sign or box sign or
6 whatever you want to call it, then the illuminated part of
7 the sign is still the letters; the background with the
8 negative space, if you will, is still dark and opaque. So
9 that we still have the type of build that is less
10 expensive, but simply from a design perspective, the
11 negative space is going to not light up, and that's the
12 space that would normally have a maintenance concern with.

13 It's just a matter of how it's painted. I know
14 it adds costs, but in the end, I think that it's -- it's

15 a -- a reasonable middle ground between requiring a
16 certain style of manufacturer and then trying to parse out
17 what qualifies and what doesn't.

18 Sign code currently speaks to businesses having
19 more than one frontage. We didn't want to take that away,
20 and so for corner properties or corner units, we've
21 allowed, again, the opportunity to provide another sign,
22 install another sign on that -- that second frontage,
23 subject to the same requirements as the other -- as the
24 first sign.

25 I think the key notion here is that it has to be

15

1 the closest building to the street.

2 Again, we had some very creative interpretations
3 about what constituted frontage on two streets. Where a
4 business was literally hundreds of feet away with other
5 buildings along the way in between, but because there was
6 a theoretical straight line from the front of that store
7 to the street, it qualified for more signage. Wasn't
8 really on that street; you could just see it from it.

9 So in order to try to address some of that, a --
10 a comment was put in here about it being the closest
11 building to the street.

12 If it's just to the back of the big parking lot,
13 well, that's -- excuse me -- still going to qualify.

14 And if there are other buildings in between,
15 then really this notion of a fronting the street is -- is

16 not the case, and that opportunity goes away.

17 Big change here is in the low monument signs.

18 These are the current regulations. You know, I only put
19 them there so that I can make clear how long they are and
20 the effort to try to regulate where they go.

21 What this amounts to is actually a lot of
22 properties that can't have a low monument sign, and you
23 just have to drive up and down Olive and Lindbergh and see
24 who has them and who doesn't. I guarantee you everyone
25 who qualifies for one has one and everyone who doesn't,

16

1 doesn't.

2 So the concern we had, again, was a question of
3 the appropriateness of limiting properties in this way.
4 And then also the size of the signs that are allowed. On
5 some properties the signs are too small, on other
6 properties they seem too large, and we end up with a lot
7 of complaints about how this works.

8 Shopping centers and office parks. Again, it's
9 a question of equity. These ones are allowed much larger
10 signs. Now the curious thing here that we also noticed in
11 this process, you get two sign faces at 40 square feet,
12 which would appear to add up to 80, but not in our sign
13 code, they add up to 100. That's the kind of technical
14 thing that we're also looking to -- to address.

15 These signs are much higher. Just because it
16 becomes classified as a shopping center, it suddenly gets

17 more sign than if it is not a shopping center.

18 If it's an office -- a -- a campus center, then

19 all of a sudden it doesn't get the same sign frontage.

20 Similar size property, but a different type of outcome.

21 So what we were looking at was changing the --

22 the signs to have something a little more universal.

23 Well, then came the content question.

24 And all of this, which we worked very diligently

25 on a couple of years ago, it was an effort that was

17

1 spearheaded by members of the City Council that we worked

2 hard to -- to get approval through Planning Commission,

3 and we did similar outreach at the time, and through City

4 Council. Well, this is all hinged on this idea of being a

5 real estate sign.

6 Real estate information is content. This is

7 where we appear to run afoul of lots of legal precedent,

8 but most recently legal precedent in the Eighth Circuit

9 Court of Appeals. This isn't a local court, this is the

10 Federal Eighth Circuit Court of Appeals. This is a

11 multistate effect. Eighth Circuit is the one we're in.

12 And whenever it gets that close to home, you better start

13 paying attention because the Court's from the highest

14 level down are starting to pay attention.

15 Well, if that renders all of this pointless,

16 what are we going to do for real estate signs. You have

17 to have the ability to do real estate advertising. We

18 understand that. The State requires it.

19 But on the other hand, we have all these signs
20 out there that are real estate information, so if we have
21 them out in the -- out in the field, if we can't say that
22 that has to be real estate or that has to be real estate
23 or that one or that one, they can be anything.

24 Well, when you start to imagine the amount of
25 signage and the variety that starts to take place, the

18

1 conflicts and the location that the battling for position,
2 you can see right here how they start to overlap, you
3 know, it was that scenario that led to the visual clutter
4 issues in the '50s and '60s that all these sign codes were
5 written to combat and try to maintain, you know, the open
6 higher end, for lack of a better term, appearance like
7 Olive Boulevard, City of Creve Coeur works very hard to
8 maintain.

9 So really we're faced with a conflict. Do we
10 just say, hey, every property gets two signs and that's
11 that. Doesn't matter what they say. Or do we find some
12 way to maybe open up the signs individually, but then
13 limit the total number of signs.

14 As a draft position that we worked out with
15 Planning Commission, the proposed language in the
16 ordinance takes the one sign approach.

17 These signs are all legally preexisting, no
18 one's going to take them away. By going forward, the

19 proposal is a series of tiered signs tailored to the size
20 of the property so that as the properties get bigger, the
21 signs get bigger, but only one sign.

22 And the objective there is to say, you know,
23 property owner, property manager, you're in control.
24 Here's your sign and here's the area, have a nice day.
25 From here on you manage it. You manage your tenant

19

1 information; you manage your real estate information.
2 We're no longer involved. We're not going to parse it
3 out.

4 So while on one hand it's sort of taking away a
5 sign opportunity, on the other hand, we're trying to
6 provide a freer hand to the marketplace to decide what
7 appears on the sign.

8 The other thing that I want to point out is that
9 the total sign area for the larger properties is up to
10 40 square feet, so we're trying to allow large signs on
11 large properties.

12 The other thing that I should point out is this
13 150 feet. I know -- I know that this one needs some work.

14 These pictures, I think, exemplify where that
15 comes from, where they start to cluster and there are lots
16 of reasons why that happens, I'm not saying there's bad
17 decisions here, just that's the nature of it.

18 Well, part of -- of dealing with visual clutter
19 is -- is a little bit of the old philosophy on pollution;

20 the solution to pollution is dilution, and solution to
21 visual clutter is dilution. You spread things out; you
22 create some open space; you start to reduce the effect.
23 That's where that separation requirement comes from.
24 Now, I recognize that that creates a problem if
25 the 150 feet from your neighbor's sign puts you right in

20

1 the middle of your own parking lot, and now because of
2 other circumstances out of your control really, you can't
3 have the sign that you thought you were entitled to.
4 There has to be some flexibility there, and I'm
5 certainly open to suggestions there whether, if you review
6 the staff report, we mention that, but some amount of
7 movement has to be there; some amount of administrative
8 ability to change locations.

9 But is this okay to have them 5 feet away from
10 each other if we have multiple signs. Is this okay.
11 You've got several property lines along the way and every
12 time there's a sign, I don't know.

13 I think from a -- a management of the corridor
14 and a visual perspective, I would like to see them spread
15 out, but I recognize that -- that that starts to create
16 some administrative headaches.

17 Office buildings. As I mentioned, we have a
18 strange set of rules for office buildings where some have
19 really large signs through the Master Sign Plan. City
20 Place, for example, the large signs on those towers are

21 through a Master Sign Plan versus Westpark, through a
22 Common Sign Plan, ended up with almost nothing on their
23 office buildings.

24 And where the -- the language says as you get
25 further away from the street, you can get a bigger sign.

21

1 Well, you think about the distance. What's --
2 what drives that distance. Horizontally is one thing, but
3 the other part of an office building is the height. The
4 height has a huge effect. And when you look at some
5 settings, jump ahead to Westpark here, these are not the
6 same building. This one is hundreds of feet away from
7 Olive Boulevard; this one is about 30 feet from Olive
8 Boulevard.

9 I would argue that the same size sign on either
10 one of those buildings would be appropriate. The effect
11 of the sign has more to do with the relationship to the
12 building than how far it is from the street.

13 And so the -- the proposed language would tailor
14 it to the building size rather than the distance from the
15 street. Take away the distance from the street.

16 You also have the issue of, well, to what
17 street, you know, that came up again and again as we ran
18 through the sign code, so really trying to get away from
19 that, because you can end up drawing lines all over the
20 City and justifying all kinds of things that really become
21 very difficult to administer, but really also, in my mind,

22 unfair in the marketplace, depending on how creative
23 somebody can get with their application.

24 This is a little more cut and dry. You count
25 the number of floors; you calculate the size of their

22

1 sign. No more interpretation; no more vagary, and if it's
2 a big building, it gets a big sign, and doesn't matter how
3 close you are to the street. Same design statement.

4 And then the other thing is the total sign area
5 goes from 125 to 150 for a building that's sufficiently
6 large. So we're actually increasing the size of the sign
7 for the buildings that are larger.

8 Other points to note that I want to just mention
9 briefly before I wrap up, so we can get on to public
10 comment, address numerals. We talked about how for some
11 buildings that's the only real identification that
12 building has.

13 Becomes a problem when you say the numerals
14 can't occupy more than so many square feet. When you have
15 a three digit address, those are pretty big numerals.
16 When you have a five digit address, they get a lot
17 smaller, cause they got to fit within the same box.

18 In my mind, that doesn't make sense. The issue
19 is how big are the numbers, so the code changes that.

20 Same approach, we're just saying as you get
21 further away, so you get that -- that distance issue, it's
22 one place we really maintained it, the numbers, each

23 character can get larger, so that, yes, a five digit
24 address is going to look larger on the wall.
25 Ground floor tenants in multistory buildings

23

1 still maintain their right to wall signs.
2 There are two separate issues, and I know
3 there's been some confusion about that point. We're not
4 saying that a multistory building that has ground floor
5 tenants, and we do have some and hopefully going to have
6 more in the future, that they're giving up their -- their
7 presence on the street level because now it's a multistory
8 building and they only get one sign.

9 No, the multistory part of the building gets one
10 sign. Ground floor tenants still are entitled to their --
11 their tenant signs.

12 Window signs are not changing. We've simplified
13 the wording just a little bit, but the -- the allowance,
14 the 20 percent is still as it was.

15 Banners. Still subject to the same thing.
16 They're Just generically called temporary displays. You
17 could use a banner for real estate information or
18 political information or, again, anything you want. It's
19 not about what the banner says. It's simply that you can
20 only have it up twice a year for three weeks at a time.

21 That standard's been in the code a long time,
22 and we're not touching that. We're simply narrowing,
23 defining it as a banner rather than any other kind of

24 message.

25 Election signs. We used to have different

24

1 standards depending on where they were in the City. Now
2 they're not specifically election sign. Again, content
3 neutral. They are a form of temporary sign. What
4 distinguishes them is that we say at election time you can
5 have other temporary signs equal to the number of items on
6 the ballot.

7 Those signs all 12 square feet maximum no matter
8 where you are in the City, so every property in the City
9 is entitled to the same amount of temporary speech at
10 election time. There's no change no matter where you are
11 in the City. The wording is identical. If you want to
12 say vote for Joe, you can say vote for Joe; if you want to
13 say, I don't believe in Christmas, you can say that. It's
14 up to you. We're not saying it has to be election
15 oriented in its message. Simply that that's the time of
16 the year when you can do it.

17 Last, and I mentioned this, Common Sign Plan is
18 eliminated. Frankly, it's too much discretion in the
19 hands of staff. I shouldn't be trusted that much.

20 It's hard to administer. It's very difficult
21 for the property owners, in fact, we just had this problem
22 with a property that had a long-standing Common Sign Plan
23 that the documentation, unfortunately, was very poor on.
24 We weren't really sure what they were entitled to and

25 neither was the property owner. We had to do a lot of

25

1 digging before we -- we found the information that -- that

2 answered our questions.

3 The right way to do a variance, which is really

4 what these plans are, is through an ordinance; through

5 public review; opportunity for the Planning Commission to

6 see it; an opportunity for the City Council to see, and

7 for the public to see it and to comment on whether it's

8 appropriate or not.

9 So Common Sign Plan, as the process goes away,

10 all custom sign plans go through the master sign process

11 and subject to the same requirements.

12 It doesn't mean that the existing Common Sign

13 Plans out there are now null and void. They're entitled

14 to it; they're legally preexisting; they're grandfathered,

15 if you will, and those signs can continue. It only

16 becomes an issue if they want to tear it down and do

17 something different or expand the signs or any other way

18 modify what's out there. They can be maintained, the

19 faces can be -- can be changed, you just can't change the

20 sign itself.

21 Next step, as I mentioned, I think further

22 refinement, I pointed out some things I already know I

23 want to change. I know there are things that you're going

24 to hear about tonight that we need to -- to take a look at

25 and possibly change.

1 Also to re-engage people that are speaking here
2 tonight, because we'll have their contact information and
3 we're, obviously, interested. We'll talk to the Chamber
4 again, we'll reach out to several property owners that may
5 or may not be here to speak tonight, but who have
6 indicated an interest to us. We do not want to move this
7 forward without people knowing where it's going or having
8 opportunity to -- to comment again.

9 All that stuff offline ends up in coming back
10 online with the Planning Commission, and you get to go
11 through this again. Hopefully, a lot closer to an end
12 product.

13 Once you're satisfied that we've met all the --
14 the obligations and -- and provided the right
15 opportunities, you can make a recommendation that then
16 goes to City Council.

17 Ultimately this gets adopted in a -- in an
18 ordinance and plugged into the Zoning Code.

19 I think those are all the major issues. There
20 are a hundred or more minor changes in the code where we
21 took out content-related phrases, changed the wording from
22 something that wasn't very clear to a more clear term.

23 I didn't mention those only because they -- none
24 of those changes is affected specifically where signs go;
25 how big the signs are; who's able to use them.

1 So any other questions on those, I'll be happy
2 to discuss. I have the whole ordinance in front of me,
3 but otherwise I direct it to the -- to the website to
4 review those.

5 MR. SCHNARR: Does Creve Coeur Fire Protection
6 District have requirements as to street number signs on
7 front of buildings?

8 MR. LANGDON: They do have -- have sign
9 requirements. There -- there -- I would say they -- they
10 don't reach to the level of being useful, you know, to the
11 casual passenger-by.

12 MR. SCHNARR: Okay. This is exempt from all
13 that?

14 MR. LANGDON: Yes, that's separate. This
15 actually allows more than what they would require.

16 CHAIRMAN MADDEN: Any questions?

17 I got one. You mentioned GC. You know they got
18 that on the sign, and you said if there's building between
19 them, they wouldn't get it.

20 MR. LANGDON: Yes, sir.

21 CHAIRMAN MADDEN: Now, they're, I think next --
22 in front of them is that bank.

23 MR. LANGDON: Well, yeah.

24 CHAIRMAN MADDEN: Whatever --

25 MR. LANGDON: Whatever's there.

1 MR. FARON: Enterprise.

2 CHAIRMAN MADDEN: But they're not in that
3 shopping center, so is this going to be line of sight
4 or --

5 MR. LANGDON: I'd like to tell you there's a
6 nice simple answer to that .

7 CHAIRMAN MADDEN: That's why I asked.

8 MR. LANGDON: In that case I can tell you there
9 is a real separate property there, so as we would apply it
10 to that one, I would say they are not the closest to the
11 street.

12 It's difficult to parse out. In other cases
13 we -- we have buildings in between that are not on
14 separate property, but really the intervening building is
15 the one that fronts the street, it's, you know, it's right
16 there, but how do you apply that so that it's evenhanded.
17 It's difficult.

18 CHAIRMAN MADDEN: And now the real estate, the
19 people that have a lease. You're -- let me just make sure
20 I have this right. You're saying if they have a monument
21 sign right now --

22 MR. LANGDON: Uh-huh.

23 CHAIRMAN MADDEN: -- they won't be able to put
24 up a for lease sign separately?

25 MR. LANGDON: Correct.

29

1 CHAIRMAN MADDEN: They will have to put it on
2 the monument sign?

3 MR. LANGDON: Correct, unless they already have
4 one, then it can stay there.

5 CHAIRMAN MADDEN: It can stay there.

6 Well, what if you have a monument sign like
7 right out front here, City of Creve Coeur, and they wanted
8 to lease out some space, how they going to put that on, or
9 De Smet High School, there's two in the area.

10 MR. LANGDON: Right. It's a fair question, and
11 actually we have commercial properties with the same
12 issue. They've invested in an elaborate monument sign,
13 but doesn't lend itself to any more information, and if
14 you squeeze more information on, you might have eliminated
15 the sign, but you ended up with one really hard to read
16 and unattractive sign in the process, so I agree, that --
17 that is a problem.

18 There's also this question of how do these
19 regulations dovetail with the State statute that says you
20 can't inhibit real estate advertising or unreasonably
21 inhibit.

22 Time, place and manner restrictions are still in
23 play. It's a good question. Frankly, we're taking this
24 on for the first time, and -- and I've done research in
25 other cities in terms of how they manage it.

30

1 Largely it gets handled as a form of temporary
2 sign that you -- you tie to an event, but you don't say
3 what the sign says.

4 One of the property owners that -- that has
5 engaged us prior to tonight, and I think will probably
6 speak to it tonight, in fact, you have the letter from
7 Hutkin Development Company, does, essentially, that, to
8 say if they demonstrate the event, which is there's a
9 vacancy, then attempt -- an opportunity for another sign
10 is created.

11 I'm not saying it has to have real estate
12 information on it. They can say whatever they want. But
13 they can have that additional sign at that time.

14 And, actually, the real estate signs in a
15 residential setting is -- is handled the same way already.
16 That's the draft wording. Says if the property is for
17 sale, you can have a temporary sign. Presumably you're
18 going to say "for sale" on the sign, but you don't have
19 to. It would be silly not to, obviously. But -- but
20 that's -- that's how we've handled that. We've tied the
21 sign to an event, which is not obligating any particular
22 content on the sign.

23 CHAIRMAN MADDEN: Any -- Mr. Eberhardt.

24 MR. EBERHARDT: We do that same thing, it seems
25 to me, with regard to the election signs --

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1 MR. LANGDON: Uh-huh.

2 MR. EBERHARDT: -- in the event there's an
3 election, so I don't see why we couldn't do it with regard
4 to commercial property, a temporary sign, if there either

5 is a vacancy --

6 MR. LANGDON: Uh-huh.

7 MR. EBERHARDT: -- or it can be demonstrated in
8 some reasonable way that a vacancy will occur in two
9 months, three months, something, cause you might want to
10 advertise before the vacancy occurs.

11 MR. LANGDON: It's certainly, you know, an
12 option. I think the -- the largest reservation we have
13 comes from why we redrafted all the real estate sign --
14 multi-tenant real estate signs a few years ago. It's the
15 administration of it. Where I would like to tell you that
16 all of my staff are so on top of signs and permits and
17 who's got a vacancy and who doesn't that the signs are
18 only up when they're supposed to be up, but when I got
19 here, we had signs that had been up for years, when I know
20 for certain properties did not have a vacancy.

21 The Council observed that, and that's where the
22 effort came from to say, look, if they're going to be up
23 for years, just make them permanent. Just say, fine, you
24 always have a real estate sign. We don't care if you have
25 a vacancy or not.

32

1 In exchange the signs have to be built a little
2 better, but you never have to take it down. And now we're
3 losing that opportunity to say you can only do that for
4 real estate, as we read the requirements.

5 But, you know, at some point we have to step up

6 and be diligent about our jobs, and that may -- this may
7 be one of those times.

8 CHAIRMAN MADDEN: Anybody else?

9 Okay. I'm going to open it up to --

10 MR. EBERHARDT: One other issue.

11 CHAIRMAN MADDEN: I'm sorry.

12 MR. EBERHARDT: Paul, there's been another
13 series of questions raised in these comments that have --
14 we've seen dealing with the open house signs in the event
15 of a sale. And I guess my question is we're permitting an
16 additional sign in the event a property is for sale --

17 MR. LANGDON: Yes.

18 MR. EBERHARDT: -- is it not possible, under the
19 same theory, that if there's going to be an open house we
20 could demonstrate -- we could have an additional temporary
21 sign for three hours or five hours or something?

22 MR. LANGDON: Certainly a possibility. I think
23 in that case the administration becomes extremely
24 difficult.

25 MR. EBERHARDT: No -- no question about it.

33

1 MR. LANGDON: To the -- to the point of being
2 unwieldy, but --

3 MR. EBERHARDT: But it seems that somebody's not
4 likely to put up another sign. It seems to be --

5 MR. LANGDON: But I do want to point out that --
6 that every residential property is entitled to a -- a sign

7 at all times to make whatever comments they want to make.

8 And at the time that a property is for sale, you get

9 another sign --

10 MR. EBERHARDT: You're right.

11 MR. LANGDON: -- so you could have that one sign

12 they're always allowed, be the for sale sign --

13 MR. EBERHARDT: Good point.

14 MR. LANGDON: -- and then --

15 MR. EBERHARDT: Thank you.

16 MR. LANGDON: -- about the open house as

17 necessary.

18 MR. EBERHARDT: Good point.

19 CHAIRMAN MADDEN: Okay. I'm going to open up to

20 the public.

21 A couple things. I'll call the three people who

22 filled out speaker cards first, and then we'll go one by

23 one.

24 Some of you may have come late and don't realize

25 this is a public hearing, so if you come up and you

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1 haven't been sworn in, please let us know so we can you

2 swear you in, okay.

3 First one is Gene Rovak.

4 When you come up, please state your name and

5 address for the record, please.

6 MR. ROVAK: My name is Gene Rovack. I live at

7 766 Gascogne Drive in Creve Coeur, and I'm here

8 representing the Chamber of Commerce, so I'll go right
9 into this.

10 You have a letter that was supplied to you.
11 I'll basically read that, but, basically, annotate it as I
12 go along.

13 We can't help but appreciate the effort that's
14 gone in to try to simplify what is out there and balance
15 the constraints that you're kind of tight walking --
16 tightrope walking between, particularly distancing the
17 City from governing content, but I guess that's -- that's
18 the big nut to deal with.

19 You're going to find some of our comments are
20 going to be redundant to those things that are -- have
21 already been discussed, I apologize for that, but these
22 are things that are important to us. Some of them have
23 already been conveyed to you, so that's why you're hearing
24 me say some things that have already been said so far. So
25 please bear with me on that.

35

1 I'm going -- I'll briefly read it because it is
2 a brief letter.

3 We're writing this letter in -- in response of
4 the proposed changes by the City of Creve Coeur to -- to
5 its sign ordinance to which we understand are part in due
6 to the Eighth Circuit Court case, Neighborhood Enterprises
7 versus The City of St. Louis.

8 Creve Coeur-Olivette Chamber of Commerce

9 appreciates that the City informed us of the proposed
10 change and asked for the Chamber's input.

11 We have formed a committee and gathered input
12 from our members, which includes several prominent
13 commercial and retail property owners throughout the City.

14 Many of our members have concerns with the
15 proposed changes, and we value the opportunity to be able
16 to bring them to your attention.

17 Major areas of concern are permitting or
18 allowing the following, which would be eliminated or
19 severely curtailed under the proposed change.

20 One which has been recognized, but, again, I
21 will read, a second short-term sign for leasing and sale
22 purposes for commercial or retail properties with the
23 monument sign.

24 Because right now we're talking about
25 restricting everything to the one monument sign.

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1 And then parallel to that, short-term leasing
2 and sale signs for property owners who do not have
3 monument signs.

4 Again, they don't have anything, but they would
5 still need to advertise that fact.

6 We would like to see self-executing exceptions
7 to 150 foot spacing requirements and the 10 foot distance
8 from right-of-way requirements for hardships.

9 By self-executing, we like to see something

10 that's basically hardwired and to recognize that there are
11 geometric constraints that sometimes it's impossible to
12 comply with, and when that can be seen on the face of it,
13 it shouldn't be something that has to go to Board of
14 Adjustment.

15 I think already Paul had -- had made some
16 reference, you know, 100, 150 feet, if you're at the --
17 you're next to a large lot and it's 160 feet, and they've
18 put their sign on the corner nearest yours and you have a
19 smaller lot than that, it's kind of -- you can't get there
20 from here.

21 And in that kind of situation where the geometry
22 is really what's governing, we think that's something
23 maybe that can and should be recognized by staff and
24 shouldn't have to go to the Board of Adjustment to
25 alleviate that.

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1 The -- another reasonable relocation and
2 configuration of signage without regulatory approval.

3 We're looking at cases previously have been
4 approved or can be approved, basically, a horizontally
5 formatted sign. And, yet, under identical circumstances,
6 a vertically formatted sign would also be approved. So it
7 doesn't seem like there's anything to be gained in having
8 to apply for a permit if the owner of the building were to
9 be changing from one format to the other, if both of those
10 formats would satisfy the conditions. So seems like

11 that's something that, again, might be able to be
12 hardwired into the ordinance to make that type of change
13 without a reapplication.

14 One thing that's been covered, temporary open
15 house signs for residential properties, we'd like to see.

16 And this was touched on, and I guess this is
17 going to take some work. Larger signs for multistory
18 buildings, which sit back a considerable distance from
19 public road, and that was talked about and how they appear
20 in relationship to the size of the building.

21 But, again, there's a kind of a perceived size
22 when something is further back or something is closer up,
23 similar to how high can a building be depending on how
24 close it is, you know, in certain areas.

25 The last thing, which I don't recall hearing, I

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1 might have missed it, but two wall signs for multistory
2 building which front more than one road.

3 Again, the geometry of the situation, just
4 something that a building owner at a corner is faced with
5 the fact that if he can only allow one of those roads, one
6 of those approaches, to show what is in that building or
7 what that building offers, he's kind of -- of hamstrung
8 really that both faces, both sides should be viewed.

9 This is not an exclusive list, but it does
10 identify the scope and extent of the changes which appear
11 to be somewhat extreme measures to control content.

12 We also note that the changes may inadvertently
13 restrict a property owner's statutory rights to advertise
14 for their property for sale or lease.

15 Section 67.317 of the Revised Statutes of
16 Missouri prohibits a political subdivision from enacting
17 or enforcing an ordinance which forbids or restricts the
18 right of a property owner to display a sign on their
19 property advertising property for sale or lease. And that
20 was touched on, so it is an issue, we recognize it; we
21 understand that the City recognizes it.

22 As business professionals and entrepreneurs, the
23 Chambers' members are all acutely aware of the economic
24 decline suffered across the country, and this decline has
25 undeniably influenced our City.

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1 Without the -- without the ability to properly
2 or effectively advertise or market vacant properties,
3 Chamber members and property managers will be unable to
4 attract new tenants.

5 These proposed changes will unquestionably cause
6 the local business economy, which is so important to the
7 City's growth and development, to suffer.

8 The proposed changes would also put the City's
9 local businesses at a competitive disadvantages to
10 enjoining St. Louis County areas which will not be subject
11 to these restrictions.

12 The Chamber recognizes and sympathizes with the

13 City's concerns about preventing inappropriate, obscene or
14 offensive language or language on signage.

15 The Chamber would appreciate the opportunity to
16 explore all opportunities to address the above concerns so
17 as to protect the City while not hampering the legitimate
18 business needs of the City's retail and commercial
19 property owners.

20 And that's signed by Janet Woods, the President
21 of the Creve Coeur-Olivette Chamber of Commerce.

22 Thank you.

23 CHAIRMAN MADDEN: Thank you.

24 Celeste Rueter.

25 MS. RUETER: Good evening, Commission Members.

40

1 My name is Celeste Rueter, and I am the Governmental
2 Affairs Director at the St. Louis Association of Realtors,
3 12777 Olive Boulevard.

4 On behalf of our 7,000 members, including 700
5 commercial division members, I wish to thank you for the
6 opportunity to speak this evening regarding the proposed
7 sign code revisions.

8 And I also wanted to thank the Planning
9 Department specifically for seeking input from interested
10 parties in Creve Coeur.

11 As a member of the Creve Coeur-Olivette Chamber
12 of Commerce, the Realtor Association supports the views
13 expressed in the letter submitted and just discussed by

14 Mr. Rovack.

15 And this evening I'd just like to expand briefly
16 on a couple of points that are maybe a little bit more
17 specific to the realtors.

18 Many of the issues perceived by our members,
19 both commercial and residential, could sort of just be
20 wrapped up into the idea that if the proposed changes are
21 adopted as they currently stand that they're concerned
22 they wouldn't be able to effectively perform the job that
23 they're hired to do, which is to represent property
24 owners, to market those properties, and obtain the highest
25 value that the market will bear when they're either

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1 leasing those commercial spaces or selling a residence.

2 The general consensus of our members is that a
3 limitation of for lease signage on commercial properties
4 and open house signage on residential will hinder their
5 efforts and cause properties to stay on the market longer,
6 and, therefore, drive down values of both commercial space
7 and homes in Creve Coeur. And, of course, this in turn
8 will result in fewer tax dollars being collected by the
9 City.

10 Limitation on signage -- of signage on
11 multi-floor buildings will also affect lease rates in
12 those buildings. In addition the proposed changes will
13 place property owners in Creve Coeur at a disadvantage
14 when compared to neighboring municipalities and

15 unincorporated St. Louis County, especially in areas where
16 the jurisdiction is just across the street, such as some
17 spots on Olive and other areas.

18 And then, secondly, this has been brought up a
19 couple of times already, but our association attorney has
20 reviewed the proposed changes, and certainly appreciates
21 the City's efforts to comply with the recent Eighth
22 Circuit Court ruling for a content neutrality. But he's
23 of the opinion that the changes regarding real estate
24 signs are unnecessary.

25 Real estate advertising, including signs, has

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1 special statutory status under Missouri law and, in fact,
2 cities are prohibited from enacting ordinances which
3 forbid or restrict the right of a property owner to
4 display a sign advertising a property for sale or for
5 lease.

6 So the proposal doesn't forbid real estate
7 signs, obviously, but it certainly could be argued that it
8 restricts them.

9 And due to the special status given to real
10 estate advertising, the opinion of our association is that
11 separate real estate signs could still be allowed, you
12 know, especially in the non-residential situation, without
13 necessitating that other types of second signs be allowed.

14 And I did submit a letter, both from our
15 association and from our association counsel, more fully

16 explaining that.

17 Finally, just in an effort to bring feedback
18 directly to you from real estate practitioners in your
19 City, I've submitted numerous emails from realtor members.
20 I think you mentioned those. A lot of those were
21 regarding the open house signage. And in some additional
22 discussion with Ms. Kelly, I think there maybe is some
23 remedy to that in the -- in the proposal as it's worded.

24 But you can see, just from the emotion in the
25 emails that they really -- the realtors really feel, I

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1 think their owners do too, the sellers, feel those are
2 essential in marketing a property that's for sale.

3 I did receive one additional letter this
4 afternoon from one of our commercial members, and I'd like
5 to submit that this evening as well.

6 So, once again, I just appreciate the
7 opportunity to present our concerns. I look forward to
8 working with the City to find alternatives for sign code
9 revisions, which will allow the City to comply with the
10 court ruling without impairing the ability of property
11 owners to effectively market their properties.

12 Thank you.

13 CHAIRMAN MADDEN: Thank you.

14 Tom Stern.

15 MR. STERN: Good evening. I'm Tom Stern, 233
16 Brooktrail Court. I've been a resident of Creve Coeur for

17 28 years.

18 My day job is president of Solon Gershman, Inc.
19 Commercial Real Estate. Our firm manages, leases and
20 provides maintenance for more than a dozen properties in
21 the City of Creve Coeur, which contain more than a quarter
22 of a million square feet.

23 The vast majority of -- of new tenants that we
24 work with are brought to us because of signage. It's not
25 because of newspaper advertising as it once was; it's not

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1 because of multi-list with other brokers; it's not because
2 of the internet. It's because of the real estate signs
3 that we have, and to limit those in any way would
4 certainly adversely affect both the -- the real estate
5 companies that work on them, as well as the property
6 owners.

7 Creve Coeur signage currently are among the most
8 stringent in the area. They require permanent concrete
9 foundations, framing and inspections, and to assume that
10 those -- those signs could only be up when a property has
11 a vacancy, not only would provide a administrative
12 headache for the City, but it's very costly to put up one
13 of those signs which met the approval of the -- of the
14 board just recently, and then have to take it down if
15 we're fortunate enough to fill up a property, and then put
16 it up again when we have a vacancy. So I think that would
17 pose a problem.

18 Now the fact that you're proposing to leave
19 existing real estate signs up is -- is nice, but it
20 doesn't answer the question of what do you do when the
21 property sold and a new real estate company or leasing
22 agent is brought in to handle that situation.

23 So that property, in that instance, would be at
24 a disadvantage against its competitors because it wouldn't
25 be allowed to have signage.

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1 Not all properties have monument signs to be
2 able to put a for lease sign on it. West Oak has a
3 monument sign, and it's completely full with the names of
4 tenants, so would you have to take one of the tenant's
5 names off in order to put leasing information up?

6 Paul indicated, with one of his pictures, the
7 Westgate Center, which our company manages, and is under
8 the Planned Community Zoning category. We're not allowed
9 a monument sign, but we do have currently about a 25 foot
10 vertical sign. There's no place to put a "for lease" sign
11 on that that would look appropriate. Or if you had a
12 single tenant building, such as the American Orthodontic
13 Association building that we manage. You couldn't put a
14 single sign on there without making it look rather silly.

15 I think, lastly, you should be aware that
16 property owners have in almost all instances the right to
17 approve the content of a sign.

18 It's in their lease, and I think you need to

19 give property owners a little credit for what might be on
20 their individual signs.

21 I really believe that we're dealing with a
22 problem that isn't broke and we're trying to fix it. But
23 if we need to revise and update the sign code, that's
24 fine, but to eliminate real estate signs and for lease or
25 for sale signs will adversely affect property values in

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1 the City of Creve Coeur.

2 Thank you.

3 CHAIRMAN MADDEN: Thank you.

4 Okay. That was the last of people that filled
5 out cards, so if you want to raise your hands, I'll take
6 one from each side each as we go.

7 Mr. Caldwell.

8 MR. CALDWELL: David Caldwell, 257 Brooktrail
9 Court, and I only have a couple of anecdotal stories to
10 present.

11 I did purchase a building, and I looked at the
12 sign, so I understand what Mr. Stern said, that I got my
13 original contact information from the sign. But that was
14 twelve years ago.

15 And I do not really think that the signs are as
16 effective nowadays. And I disagree with the Chamber's
17 letter that property management, quote, unable to attract
18 new tenants. I think they may have to adapt to the
19 environment and -- and -- and find other ways, but I don't

20 think that this is -- the -- I support the one monument
21 approach from the standpoint that I think that that is
22 less visually -- less visual clutter.

23 And I say that because my other anecdotal story
24 is I recently visited Santa Barbara, California.

25 Now we have so darn many grandfathered signs,

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1 that, oh, we could never even hope to achieve the pleasant
2 environment that I saw there with respect to signs.

3 I couldn't find anything because you couldn't
4 see the familiar logos that you were accustomed to blaring
5 out in big signs.

6 In fact, one place I was looking for, main
7 reason -- thinking back, the main reason that I could not
8 find it was because they, apparently, do not allow signs
9 on -- when there's a building on a corner, and the
10 building I was looking for, I was on the wrong street to
11 see the sign. They only had a sign on one -- on one
12 street. They could not -- apparently, could not have a
13 sign on the other street that they face. And I'm driving
14 back and forth down that street, and I couldn't see what I
15 was looking for.

16 But anyway, my overall reaction, even though I
17 was a little bit frustrated when I was there and I
18 couldn't see -- couldn't find things as easily, but when I
19 left I thought about, gee, it really was a more pleasant
20 environment not to have all these signs staring you in the

21 face.

22 So, I guess my bottom line is, I don't see a
23 problem with a one monument sign. Perhaps there's some
24 creative solutions like allowing an appendage to the
25 monuments, or in the cases of where appendages don't work,

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1 a temporary sign similar to those used in the residential
2 situations.

3 But I don't think you really have to have a
4 large monument sign for -- for commercial real estate
5 these days. All you need is a telephone number or a
6 website, and the potential purchaser can take it from
7 there.

8 CHAIRMAN MADDEN: Thank you.

9 Somebody on this side?

10 Yes, sir. Mr. Kling.

11 MR. KLING: I wasn't sworn in.

12 (Stephen Kling was sworn by the court reporter.)

13 MR. KLING: For the record, my name is Stephen
14 L. Kling, Jr. I'm an attorney with Jenkins & Kling, P.C,
15 offices at 150 North Meramec Avenue in Clayton, Missouri
16 63105.

17 And I have some brief procedural comments.

18 I'm legal counsel to the Chamber of Commerce,
19 and I also represent Hutkin Development Company, and I
20 just want to confirm that both of their letters, which are
21 part of your packet, will be accepted into the public

22 record here tonight.

23 And, secondly, with respect to Hutkin
24 Development Company, their letter, I think, speaks for
25 itself, but they wanted me to make sure, if there were any

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1 questions in that regard, I would be happy to answer them.

2 CHAIRMAN MADDEN: Thank you.

3 MR. KLING: Thank you.

4 CHAIRMAN MADDEN: Over here, anybody on this
5 side?

6 Okay. Sir.

7 (Mr. Ray was sworn by the court reporter.)

8 MR. RAY: I'm Tom Ray. I'm an office leasing
9 broker with CBRE, Inc., formally known as CB Richard
10 Ellis. And while I don't live in the City of Creve Coeur,
11 I have focused on this submarket since 1995, is really the
12 core of my office leasing practice.

13 I don't focus on retail, and I don't focus on
14 industrial, but I really do focus on office, so this issue
15 sort of strikes at the heart of not only my practice, but
16 also my clients' practice, and so I had a few thoughts I
17 wanted to relay to you tonight as succinctly as possibly.

18 One of the things that strikes me with regard to
19 our office buildings is that those buildings that are
20 situated on a corner are currently entitled, as I
21 understand the rules, to two building signs.

22 Over the years, not just five or seven years,

23 but even over a decade's worth of practice, that signage
24 aspect actually does confer additional value to, shall we
25 say, Building A located on a corner versus Building B,

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1 which just has one building facing -- or just one side
2 facing the road.

3 When these buildings are traded, that is a point
4 of added value and amenity that is -- that is marketed by
5 the selling broker to the purchaser.

6 So to a very real extent, when the purchaser --
7 when the ultimate purchaser buys that building, they are
8 paying for the value that comes to that sign. So to
9 remove that amenity, at this point in time, to me seems to
10 depriving them of something that they've literally paid
11 for.

12 At a minimum, this strikes me as something that
13 ought to be grandfathered in for existing buildings.

14 Beyond that point, monument signs in the place
15 of existing leasing signs or with regard to that, many
16 buildings currently lack monument signs simply because
17 they sit back in existing office parks, and while they
18 have signage to a minor side street, they don't have that
19 signage to a major road like Mason Road, as an example, in
20 which they feel that it's really worthwhile to put a
21 monument sign up, and they don't have the -- the pressure
22 from their existing tenants to do so.

23 At the same time, they're also looking at the

24 cost of that and saying, well, maybe it'd be a good thing
25 to do, but at a cost for many monument signs in excess of

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1 \$10,000, it's an expensive amenity to create if you don't
2 have to create it in the first place, or if it isn't going
3 to add real value.

4 So -- so the idea, to me, of putting in a
5 \$10,000 monument sign whose primary purpose is to replace
6 the current \$1,000 leasing sign strikes me as an undue
7 burden on an owner, which, in this current economy, and,
8 frankly, over the last ten years, has been challenged by a
9 number of headwinds in the Creve Coeur submarket, and,
10 therefore, it strikes me as an undue burden that could be
11 placed upon them with little added value.

12 The last point that I wanted to make was that
13 leasing signs serve value, both to the public and the
14 owners -- and the owners of the buildings for situations
15 beyond just reletting existing vacant space. It also
16 serves directly to market available space in the building,
17 which has not gone vacant, but could be going vacant.

18 As a leasing broker, I spend a significant
19 portion of my time talking with perspective tenants about
20 space, which is currently occupied and paying rent, but
21 that tenant has either, perhaps, not responded to the
22 ownership about what their long-term plans are for
23 renewing lease or are shopping the market, and there's an
24 ongoing negotiation going on.

25 In that case, that ownership group is looking to

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1 me, as their broker, to be marketing the space as
2 aggressive as possible, and signage is, in Creve Coeur, an
3 excellent way to do that.

4 And so to the extent that -- so the view that a
5 sign is there on a temporary basis to relet an existing
6 vacant space is really less than half the story.

7 The other probably -- perhaps, 60 or 70 percent
8 of that story is to -- is to market available space to
9 tenants as that space is going to become available, but
10 not necessarily yet vacant.

11 In the case of an existing large tenant, let's
12 say 25,000 feet, owners are looking to have those
13 discussions twelve, eighteen, perhaps twenty-four months
14 in advance. Office leases routinely take nine months to
15 get done.

16 So, starting that early, again, for an office
17 space as opposed to other types of space -- space, which I
18 don't consider myself to be an expert in, nine, twelve
19 months in advance even for a 3,000 square foot space is
20 the norm, and is certainly the norm for 10, 15 or 20,000
21 square feet.

22 So there really are two sides to be said for the
23 purpose of the existing leasing signs, and, therefore, the
24 permanency of those signs in a building has five, eight,
25 even fifteen tenants really makes sense.

1 I think one of the reasons that leasing signs
2 have lasted so long is they really do serve so many
3 different portions of the public, both tenants looking for
4 space and owners looking to advertise space.

5 Creve Coeur has done an excellent job with
6 the -- with enhancing our current monument signs to make
7 them look better over the long term, and I really would
8 recommend minimal changes, aside from what I've discussed
9 tonight.

10 Thank you so much.

11 CHAIRMAN MADDEN: Thank you.

12 Anybody else? Okay.

13 MR. LUMLEY: Mr. Chairman, I offer the following
14 exhibits into the record of this public hearing:
15 Documentation in possession of the City Clerk reflecting
16 the notice provided to the public regarding the hearing;
17 the staff report that was presented by Mr. Langdon this
18 evening; the various letters and emails that have been
19 submitted commenting on the proposed changes, including
20 those presented this evening; City's Code of Ordinances
21 and Charter, the City's Comprehensive Plan and public file
22 regarding the application and development of the proposed
23 changes.

24 CHAIRMAN MADDEN: Okay. That'll close that
25 public hearing.

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MEMORANDUM

Subject: Revisions to the Article VIII Sign Regulations, Non-Residential Signs, of the Zoning Ordinance.

Prepared by: Whitney Kelly, AICP, City Planner

Attachments: **Draft of the City's Proposed Non-Residential Sign Regulations**

Introduction

Staff has been reviewing the sign regulations to facilitate the permitting process, and reduce or eliminate points of confusion, as well as comply with recent court ruling regarding the content neutrality of the sign regulations. This memo outlines the major changes to the ordinance being proposed.

Wall signs

Proposed changes for wall signs include eliminating the allowance based on the distance from the road to simply a one to one ratio based on the lineal foot of the tenant space with a minimum of 20 square feet and a maximum of 50 square feet. Each use is allowed one wall sign, while end uses or buildings that directly abut two or more public streets may apply for a second wall sign:

On-premises permanent signs:

- a. *In-line or mid-block uses.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.
- b. *Corner units, single uses on corner lots, or out-lot buildings within a shopping center.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two or more public streets and is the closest building thereto. If the sign consists of a boxed

display, the negative space must be dark and opaque, or clear and show the surface of the building façade.

Office building signs, in addition to ground floor tenant signs, will be limited to three or more floors, as not to overwhelm the façade of the building with signage:

Attached signs for multi-floor office buildings.

(1) Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three (3), up to a maximum of one hundred and fifty (150) square feet.

Portable Signs

Staff is working to allow for blade signs and small portable sandwich board signs in the downtown area.

Low Monument Signs

Due to a recent Missouri 8th Circuit Court decision on the City of St. Louis Sign Code, differentiating sign regulations based on content, including real estate signs, is unconstitutional. Local governments can make restrictions on speech based on its time, place and manner, so long as the restrictions do not relate to the content of the speech. Thus, the multi-tenant real estate signs that are permitted as a ground sign could be used for any message, including commercial advertising. Those properties that have a low monument sign identifying tenants, and one for leasing information, now have two ground signs that could contain any message. Therefore, the proposed changes include allowing for more properties to receive a ground sign, provided that there is a minimum of 150 lineal feet of frontage, and that any ground sign is a minimum of 150 feet from any other signs on the same side of the street. All real estate information will have to be incorporated into the allowable ground monument sign. Those properties that do not have the minimum of 150 lineal feet of frontage will have to incorporate the real estate information into the allowable wall signs or window signage. The currently permitted multi-tenant real estate signs would therefore become legally pre-existing, non-conforming signs. The allowable square footage of the low monument sign face has been increased for varying sizes of property, as follows:

Low monument signs.

- (1) A project or development with at least one hundred and fifty (150) linear feet of lot frontage on a street or highway may be permitted a single low monument sign that contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, that is not more than four (4) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any ground sign on other property on the same side of the street.
- (2) A project or development with at least 30,000 sq. ft. but less than three and one-half (3.5) acres, and with at least three hundred (300) feet of lot frontage on a street or highway, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from

- the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
- (3) A project or development with at least three and one half (3.5) acres but less than five (5) acres shall be permitted a single low monument sign that contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
 - (4) A project or development with more than five (5) acres shall, by site development plan approval in accordance with Section 405.1080, be permitted a single low monument sign that contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, that is not more than twelve (12) feet in height, that is setback at least fifteen (15) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
 - (5) A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area allowed is required for all low monument signs.

The purpose of the minimum of 150 feet between signs is to allow for at least three to four seconds of detection time between signs, without the signs competing with or conflicting with each other or potentially creating a hazardous traffic situation. At average vehicle speeds of less than 40 miles per hour, a distance between signs of approximately 150 feet is recommended by the American Planning Association.

Common Signage Plans and Master Signage Plans

Staff is proposing eliminating the common signage plan provision from the Sign Regulations, and revising the Master Sign Plan provision to encourage all large scale projects and campuses to seek approval for a sign package that is unique to the project and site development plan, as well as to provide better review criteria. Those signs already approved under the Common Sign Plan would then become non-conforming. Any physical changes to the non-conforming sign would then require compliance with the new regulations, or the development could seek approval of a master sign plan by the City Council.

Definition of Gross Sign Area

The City's definition of gross sign area allows for increased square footage in the case of individual letter signs. The revisions to the definitions under consideration will eliminate this provision as follows:

SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; ~~except that in the case of an individual letter symbol sign, only two-thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign.~~ Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

Note that a restriction has been added to each sign type such that the background or “negative space” must be opaque or simply the building façade (in the case of channel letters). This reduces the amount of light emanating from the sign and increases readability.

Light Pole Banners

Staff considers that the use of such non-commercial seasonal decorations is best handled in the public right-of-way by the City only or as regulated through a Master Sign Plan. Light Pole Banners will not be allowed except under approval of a master sign plan. The definition of Light Pole Signs would change as follows:

~~SIGN, LIGHT POLE ARTWORK-SIGN: A sign consisting of a banner fabricated from a durable fabric with a design applied through silkscreening or similar application method affixed to a light pole; the content of such signs shall be civic or seasonal in nature. Such signs shall not include commercial advertising, business slogans or logos or the names of individual businesses, groups, organizations, shopping centers or office parks.~~

SECTION 405.950: SIGNS IN NON-RESIDENTIAL DISTRICTS

- A. *General Limitations.* It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any non-residential use or in a non-residential zoning district unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein. All signs permitted by this Section shall require the issuance of a sign permit, except for allowed temporary, incidental and portable signs.
- B. *On-premises permanent attached signs.*
1. *In-line or mid-block uses.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.
 2. *Corner units, single uses on corner lots, or out-lot buildings within a shopping center.* Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of the use's front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two or more public streets and is the closest building thereto. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.
 3. *Rear entrances.* A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the on-premises permanent signs should maintain uniformity in location, height and general design.
- C. *Low monument signs.*
1. A project or development with at least one hundred and fifty (150) linear feet of lot frontage on a street or highway may be permitted a single low monument sign that contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, that is not more than four (4) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any ground sign on other property on the same side of the street.
 2. A project or development with at least 30,000 sq. ft. of site area but less than three and one-half (3.5) acres, and with at least three hundred (300) feet of lot frontage on a street or highway, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign

- area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
3. A project or development with at least three and one half (3.5) acres but less than five (5) acres shall be permitted a single low monument sign that contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
 4. A project or development with more than five (5) acres shall, by site development plan approval in accordance with Section 405.1080, be permitted a single low monument sign that contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, that is not more than twelve (12) feet in height, that is setback at least fifteen (15) feet from the right-of-way, and that is located a minimum of one hundred and fifty (150) feet from any other ground sign on other property on the same side of the street.
 5. A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area allowed is required for all low monument signs.
- D. *Attached signs for multi-floor office buildings.* Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three (3), up to a maximum of one hundred and fifty (150) square feet. If the sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building façade.
- E. *Address Signs.* For fire protection and traffic safety and efficiency, each freestanding single or multi-tenant office building shall have one (1) set of address numerals per building frontage. These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:

Height of Sign on Building	Distance from R.O.W. (feet)	Allowable Square Footage per Numeral (square feet)
1	0--100	2
1	101--250	3
1	over 250	4
2	0--100	3
2	101--250	4
2	over 250	5
3	0--100	4
3	101--250	5
3	over 250	6
4	0--100	5
4	101--250	6
4	over 250	7
5	0--100	6
5	101--250	7
5	over 250	8
6	0--100	7
6	101--250	8
6	over 250	9
over 6	0--100	8
over 6	101--250	9
over 6	over 250	10

F. *Temporary or incidental signs.* The following signs are permitted as temporary or incidental to a given ground floor business or use and are not to be included in calculating the allowable gross sign area for on-premises permanent signs:

1. *Window signs.* The total gross sign area of all window signs as defined in [Section 405.120](#), Definition of Terms, shall not exceed twenty percent (20%) of the area of any individual window located in the lowest eleven (11) feet of the storefront as measured from the adjacent exterior grade. For the purposes of this Section, panes of glass separated by a structural column or portion of exterior finished wall shall be considered individual windows. Further, glass located within a door, whether or not it is used as an entrance/exit, is not an eligible location for a window sign. No window signs are allowed more than eleven (11) feet above the adjacent grade.
2. *Temporary displays and signs.* Temporary displays such as banners or posters shall be permitted for ground floor retail sales and service uses. These special promotions shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage

for on-premises permanent signs. Permitted balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low monument signs, and shall be no more than 18 feet above the ground elevation.

3. *Other Temporary signs.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary signs may be allowed with the owner's permission in addition to the permitted signage allowed on any non-residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced sign although no single sign face shall exceed **twenty-four (24) square feet**. The number of such temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot.
4. *Portable signs.* In all commercial districts, one (1) portable sandwich board sign limited to six (6) square feet and no more than four (4) feet in height shall be allowed per business address, without a permit, provided no part of such sign is more than four (4) feet from the building front near the main entrance, the sign does not obstruct pedestrian movement, and the sign does not obstruct or otherwise pose a hazard to motor vehicle traffic. Such signs must be stored inside between dusk and dawn.
5. *Signs on converted residential structures in commercial zoning districts.* Each residential structure which has been converted to a commercial use by approval of a site development plan by the Planning and Zoning Commission may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area not to exceed twenty-five (25) square feet. A rear entrance to such business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door.

Comment [CL1]: Update election sign brochure

G. *Special purpose signs.* Signs authorized in this Subsection are not to be included in calculating the allowable gross sign area for on-premises permanent signs.

1. *Parking and other direction signs.* One (1) freestanding parking direction sign per direction, which may be internally illuminated, shall be required for each driveway, provided the sign shall not exceed three (3) square feet in gross sign area per face, the sign height shall not exceed three (3) feet and no portion of the sign shall extend into the public right-of-way. If the sign is located at a private driveway, for enhanced traffic directional purposes it may contain the name, address and/or logo of the business in addition to messages providing directional information. Other directional signs shall be installed as may be required by the City.
2. *Marquee signs.* Marquee signs for theaters, cinemas, exhibition centers and similar public assembly uses shall be permitted only upon the specific authorization of the Planning and Zoning Commission, subject to such restrictions and conditions as the Commission may deem necessary after a site development plan is reviewed under the provisions of Section 405.1080.

3. *On-site construction signs.* When the property is under construction pursuant to an issued building permit, an additional sign, not to exceed thirty-two (32) square feet in gross sign area per face with a maximum of two (2) faces and not to exceed ten (10) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall be erected out of the public right-of-way and shall be removed ten (10) days after completion of a project and not later than 10 days after issuance of occupancy permit.
4. *Covered walkway signs.* A sign not to exceed two (2) square feet in gross sign area may be hung from the ceiling of a covered walkway that is attached to the front of a retail store. Such a sign shall not exceed eighteen (18) inches in drop from the bottom of the said sign to the ceiling surface of the covered walkway, nor shall the bottom of said sign be less than seven (7) feet above the sidewalk surface it is hanging over. Only one (1) covered walkway sign per business shall be allowed. Such a sign shall be hung perpendicular to the retail storefront so as to be beneficial to pedestrian traffic.

H. *Automobile service stations.*

1. Signs located on property used for automobile service stations shall be subject to the provisions and limitations set forth in this Section. Additional retail signs, unless specifically provided for herein, advertising the sale of specific products shall be prohibited.
2. No sign shall be attached to any pole, light standard or gasoline tank vent pipe. No sign shall be attached to a gasoline pump excepting those provided for in Section 405.950(5)(e).
3. *Wall signs.*
 - a. Not more than one (1) wall sign shall be permitted for each automobile service station. This wall sign shall not exceed twenty-five (25) square feet in gross sign area.
 - b. In instances where the washing of motor vehicles is an accessory service being offered on a property used for an automobile service station, one (1) additional wall sign shall be permitted. This wall sign shall not exceed ten (10) square feet in area. Further, one (1) sign designating the entrance to and one (1) sign designating the exit from the washing area shall be affixed directly to the structure near such entrance or exit for traffic safety and efficiency. The gross sign area of such signs shall not exceed twelve (12) square feet. One additional sign may be erected no closer than seventy-five (75) feet from any public right-of-way. Such a sign shall not exceed ten (10) square feet in gross

sign area or eight (8) feet in height from top of sign to top of grade. Said sign shall be permanently anchored to a wall, canopy support or a freestanding pole.

4. *Service station canopy signs.* An automobile service station with a canopy shall be permitted one (1) service station canopy sign, in addition to a wall sign, per street frontage. This service station canopy sign shall not exceed thirty (30) square feet in gross sign area per street frontage. This sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy. This sign shall be illuminated by internal and non-intermittent light sources. Any business logo, inclusive of striping or other symbols, appearing on this canopy sign shall count as part of the gross sign area allowable for said sign.
 5. *Pump signs.* Signs shall be posted on gasoline pumps so as to provide the required information to the public regarding "octane rating", "price" and "type of fuel". As the trade name of the business is often incorporated into the different types of fuels, said trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in area per sign face (four (4) square feet in aggregate) per pump. "Self-service" or "full-service" signs shall identify each pump island on the service station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than eight (8) feet above the ground, located at each end of the pump island. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in area.
 6. *Gasoline price signs.* For purposes of traffic efficiency and safety, one (1) gasoline price sign shall be allowed per service station property street frontage. This sign must be freestanding and permanently anchored. Such a sign shall not exceed sixteen (16) square feet in sign area per face and shall not exceed six (6) feet in height from top of sign to top of grade. Illumination shall be by internal and non-intermittent light sources. This sign shall identify the actual unit price being charged for gasoline being sold.
- I. *Master signage plans--"CB" Core Business District, "PH" Planned Hospital District, "HE" Higher Education District properties of campus style developments of multiple buildings with a minimum of fifteen (15) contiguous acres and residentially-zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres).* The provisions set forth in the preceding [Sections 405.910, et seq.](#), shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially- zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). However, in keeping with the intent to allow flexibility in the design of planned developments and large campus development of contiguous multi-acre areas, not separated by major highways or public right-of-ways (i.e. Olive Boulevard), the following options may be available for signs accessory to uses in the "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially- zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres):

1. As an alternative to what would otherwise be allowed, signs may be permitted in accordance with a Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of [Sections 405.1060\(D\)\(3\)](#) and [405.1120](#) of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown.
 2. Any application submitted pursuant to Subsection (6)(a) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written and notarized statement signed by the record owners of such properties which indicates their endorsement of the application.
 3. The above-cited signage options shall be exercised in accordance with the standards for all planned developments as set forth in [Section 405.1080](#). All proposed signs shall be reviewed based on the following criteria
 - a. Proposed signs are consistent with the purpose of this ordinance;
 - b. Proposed signs are compatible with the theme, visual quality, and overall character of the surrounding area.
 - c. Proposed signs are in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban design elements.
- J. *Existing signs not conforming to common signage plan.* If any common signage plan has been approved under previously effective ordinances for a property on which existing signs were located, with a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed plan or to the requirements of this Chapter in effect on the date of submission, such schedule shall be met notwithstanding elimination of the common signage plan ordinance.
- K. *Billboards.*
1. *Not permitted.* Billboards shall not be permitted in the City. This prohibition shall be effective as of July 1, 2009. Any billboard permitted prior to that date shall be deemed a non-conforming sign, but shall not be enlarged.
 2. *Lighting and landscaping of billboards.* All lighting and landscaping of billboards shall comply with the following:
 - a. Prior to issuance of a City permit for erection of a billboard, the

- applicant shall submit and receive approval of a landscape plan depicting the landscaping, billboard lighting and fencing around the proposed billboard to ensure that the structure will be aesthetically compatible with its surroundings and the aesthetic standards of the community and neighboring property. Said landscaping shall consist of a circular base with a minimum radius measured from the center of the sign base. Said radius shall be no less than the total height of the sign, measured from ground grade at the sign structure base to the highest point of the total sign and structure. Such plans shall comply with the provisions of [Section 405.540](#), shall be reviewed and approved by the Planning and Zoning Commission and shall comply with all standards in this Section;
- b. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature or similar information, will be permitted;
 - c. External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or primary highway 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 and such lights shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjacent residential property;
 - d. No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal;
 - e. The maximum average lighting intensity level for such sign shall be twenty (20) foot-candles.
- 3. *Obstruction of official highway signs.* No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness or visibility of an official traffic sign, signal or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.
 - 4. *Annual inspection and certification.* Owners of all billboards shall be required to submit, to the Zoning Administrator, an inspection report from a Missouri licensed engineer as to the sign's structural integrity. Such certification shall be done on or before July first (1st) of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.
 - 5. *Nuisances.* Any billboard which, because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris or the deterioration of landscaping, lighting or fencing, becomes unsightly or unsafe, as determined by the Zoning Administrator, is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner all other nuisances on private property.



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MEMO TO PLANNING AND ZONING COMMISSION

Meeting Date: Monday, May 7, 2012

Subject: Revisions to the Article VIII Sign Regulations of the Zoning Ordinances

Memo Prepared by: Whitney Kelly, City Planner

Attachments:

1. **Memo on 8th Circuit decision on City of St. Louis Sign Code**
2. **Draft strike-through of the City's Sign Regulations Definitions of Terms that relate to content**

Introduction

Staff has been reviewing the sign regulations to facilitate the permitting process, and reduce or eliminate points of confusion. During the previous discussion with the Commission, members were generally supportive of the following changes:

- For first floor office/retail uses
 - In-line or mid-block uses. Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning with a total gross sign area of one (1) square foot per linear foot of front façade or twenty (20) square feet, whichever is greater, up to a maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance.
 - Corner units, single uses on corner lots, or out-lot buildings within a shopping center. Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of building frontage, up to a maximum of fifty (50) square feet in area to be placed on the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size regulations above, where the building abuts two or more public streets.

It was Staff's understanding that the Commission were not receptive to the proposed statement of: "The total allowable square footage may be divided among the total allowable number of signs as long as the sign area in combination does not exceed the allowable total gross sign area, (for example: a building on a corner lot may receive two wall signs at 50 sq. ft. each, or one sign at 100 sq. ft., or any division thereof)" and therefore will not be included with the changes.

- Attached signs for multi-floor office buildings.
 - (1) Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three (3), up to a maximum of one hundred and fifty (150) square feet.
- Allowing for blade signs and small portable message board signs in the downtown area.
- Clarifying, and making consistent, language regarding prohibited moving signs and those allowed for temporary display.

Discussion also included revising the ground monument sign regulations. However, a recent Missouri court ruling regarding the City of St. Louis Sign Code has brought up several questions that Staff needs further direction from the Commission Members in order to proceed with the draft changes. Please refer to the memo from the City Attorney (Attachment 1) regarding the 8th Circuit decision on the City of St. Louis Sign Code.

The main point of the decision is that signs must be content neutral. Local governments can make restrictions on speech based on its time, place, and manner, so long as the restrictions do not relate to the content of the speech. Many of Creve Coeur's definitions for various signs, and in several cases, the type of sign permitted, are based on content. Attachment 2 is a preliminary strike-through of the City's Sign Regulations, Definitions of Terms, identifying content that will need to be addressed with the revisions to the Code. Please note that Staff is still reviewing these changes and in some instances the signs may remain as currently written if the content is specific to public safety, such as traffic directional signage, where the content is indicating an entrance or exit.

Real Estate Signs and Ground Monument Signs

A significant concern is how the court ruling might be applied to real estate ground signs, versus low monument signs that identify businesses on the property. Based on the recent ruling, Staff believes that the multi-tenant real estate signs that are permitted as a ground sign could be used for any message, including commercial advertising. Thus those properties that have a low monument sign identifying tenants, and one for leasing information, now have two ground signs that could contain any message.

The key questions before the Commission are:

- Should the City allow for every property to have one ground sign?
- For those that already have a low monument sign under the existing ordinance (i.e. sites of 30,000 sq. ft., and have a minimum lot frontage of 200 on Lindbergh or 300 feet for all other streets) should two ground signs be allowed, or should they be limited to one ground sign, with the presumption that real estate information will be included on the permitted ground sign? If all of the allowable square footage is taken up by the tenant signage, leasing information would then be limited to window signs, or wall signs.
- If real estate information should be limited to the existing ground sign, should the size of the allowable square footage be increased from 30 sq. ft.?
- How does the City want to limit ground signs for those properties that did not qualify for a ground signs under the current regulations (properties with less than frontage)?

- If all properties are allowed a ground sign, then what is the square footage that the City should consider, for example (12 sq. ft.)? Or should those properties with less linear feet of frontage be limited to only window signs, or incorporated in some way as part of the building wall signs?
- Based on this discussion, the current multi-tenant real estate signs could become legally pre-existing, non-conforming signs.

Common Signage Plans and Master Signage Plans

During previous discussions, Staff proposed eliminating the common signage plan provision from the Sign Regulations, and revising the master sign plan provision to encourage all large scale projects and campuses to seek approval for a sign package that is unique to the project and site development plan, as well as to provide better review criteria.

Staff is seeking direction on how to treat those properties that currently have common signage plans (West Oak, Bellerive Plaza, Pavilion, and West Park Shopping Centers):

- Should Staff convert approved Common Signage Plans to approved master sign plans through separate ordinances?
- Should any those signs that no longer meet with the proposed regulations be non-conforming signs once the changes are adopted? Any changes to the non-conforming sign would then require compliance with the new regulations, or the development could seek approval of a master sign plan by the City Council.

Definition of Gross Sign Area

The City's definition of gross sign area allows for increased square footage in the case of individual letter signs. However, the revisions of the definitions under consideration will change as follows:

SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; except that in the case of an individual ~~letter~~ symbol sign, only two-thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign. Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

Thus a sign could have a total square footage of 75.76 sq. ft. and still meet the 50 sq. ft. limitation once the 2/3 calculation is taken into the equation. An example of a sign that used the 2/3 bonus is CVS, where the current wall sign is 3 feet by 25 feet for 75 sq. ft. of signage, but once the 2/3 of this is applied, the square footage is just under 50 sq. ft. of signage.



- Does the 2/3 bonus provide too much additional signage and should the bonus be eliminated, or reduced?

- With the change in the definition to indicate “individual symbol” versus “individual letter”, what would constitute an individual symbol, and how should the 2/3 of the sign area calculation then be applied when the entire sign could be a boxed symbol, or how many individual symbols would constitute what was an “individual letter signs?”

For example: Would the following signs qualify for the 2/3 bonus square footage as an individual symbol? When does the individual symbol become different than a general canned sign? It could be argued that any boxed sign is an individual symbol.



In the example of the CVS/pharmacy sign, the City was contacted about revising the current signage to include a 24 hour box logo, as it was part of the CVS trademark. Does the box 24 hour sign constitute an individual symbol?

- How complex could an “individual symbol” sign be in order to qualify for the 2/3 bonus square footage?

Light Pole Banners

The definition of Light Pole Signs would change as follows:

~~SIGN, LIGHT POLE ARTWORK-SIGN: A sign consisting of a banner fabricated from a durable fabric with a design applied through silkscreening or similar application method affixed to a light pole, the content of such signs shall be civic or seasonal in nature. Such signs shall not include commercial advertising, business slogans or logos or the names of individual businesses, groups, organizations, shopping centers or office parks.~~

Staff has a concern that if the City continues to allow these signs, then they will become additional commercial signage. Staff considers that the use of such non-commercial seasonal decorations is best handled in the public right-of-way by the City only or as regulated through a master sign plan.

- Should the use of light pole banners be eliminated from the City’s Sign Regulations?

Conclusion

Based on prior discussions outlined in the introduction, and feedback from the May 7th meeting, Staff will prepare a draft ordinance and schedule the text amendment public hearing for the second meeting in June.

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To: Paul Langdon, City of Creve Coeur, Director of Community Development

From: Carl Lumley, Brian Malone

Date: March 30, 2012

Re: 8th Circuit decision on City of St. Louis Sign Code

MEMORANDUM

The City of St. Louis (City) and its Board of Adjustment (Board) were sued in federal court by Jim Roos, Neighborhood Enterprises, Inc., and Sanctuary in the Ordinary (SITO) (Collectively "Property Owners"). The suit alleged that the City's zoning code provisions relating to signs violated their constitutional rights to free speech. The sign in question is the "End Eminent Domain Abuse" sign painted on the side of a building near the intersections of Highways 44 and 55. The City had issued a citation asserting that the image was a "sign" as defined by the City's code and a permit was required. Property Owners filed an application for a permit and were denied because it did not comply with several limitations on signs for the relevant zoning designation. Property Owners appealed to the Board. At the Board hearing, Property Owners asserted that no permit was required because the sign was a "work of art" or "civic symbol" or "crest" and, therefore, by the terms of the ordinance was not a sign subject to the requirements of the sign code. Property owners also argued that, if the sign was prohibited, it violated their right to free speech. The Board upheld the denial of the permit. Property Owners then filed suit in federal court.

Local governments can make restrictions on speech based on its time, place and manner, so long as the restrictions do not relate to the content of the speech. The City attempted to justify its restrictions on signs principally based upon traffic safety and aesthetic concerns. The U.S. District Court ruled in favor of the City and the Board, finding that the Board's decision was not arbitrary, capricious, unreasonable, or in excess of the Board's jurisdiction. However, the Eighth Circuit Court of Appeals ruled that the City's ordinances violated Property Owners' constitutional rights and that the City's stated concerns with traffic safety and aesthetics were insufficient to justify curtailing the rights of Property Owners. The Court was primarily concerned that, in order to determine whether a permit was required under the ordinance, one would have to look at the content of the sign. Because works of art, civic symbols, and crests, were exempt, the analysis would necessarily be based on the content of the sign. The City would allow the display if it qualified as any of these "non-signs." Further, making these exceptions for

non-signs undercut the City's rationale for the restrictions. Non-signs, the court reasoned, are just as likely to implicate traffic safety and aesthetics as any sign. The Court of Appeals remanded to the District Court to determine whether the unconstitutional definitions of "sign" and its exceptions can be severed from the remainder of the sign code, or whether the entire sign code must be struck down.

In light of this decision, it would appear that many local sign codes contain unconstitutional content-based restrictions on speech. Regulation must address signs in general and cannot differentiate between signs based on their content. Also, it would be particularly difficult for an ordinance based on traffic safety and aesthetics to survive if any exceptions are contained therein, unless those exceptions exist because they do not implicate traffic safety or aesthetics. Simply stated, it appears that any exception to a restriction on a particular kind of sign must be consistent with the underlying purpose of the restriction itself. For instance, if a city ordinance provides that there are no signs permitted in the city's right of way, but an exception is created for real estate signs, such an ordinance would not survive under this decision because the content of the sign determines whether the sign is permissible and the exception for real estate signs does not relate to traffic safety or aesthetics.

SIGN: Any device, material, fixture, placard or structure, or part thereof, composed of lettered, numbered, symbolic and/or pictorial matter that is placed or located when in use outside of or on the exterior of or in the windows or other transparent surfaces of any building for display of a message, announcement, notice, direction, information or name that uses any color, form, graphic illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public, but not including a church steeple or other religious symbol affixed to a church structure.

SIGN, ALTER (AS APPLIED TO A SIGN): A physical change in a sign or sign supports or an addition to a sign or sign supports. The term "alter" includes renovation, modification, rehabilitation or restoration, but does not include changing the copy on a ~~bulletin board sign, marquee sign or other~~ legal changeable copy sign.

SIGN, BANNER: Any sign of lightweight fabric or other non-rigid material that is mounted to a pole or a building by a frame at one (1) or more edges. ~~National flags, State or municipal flags or the official flag of any institution or business shall~~ Flags are not be considered banners.

SIGN, BILLBOARD OR OUTDOOR ADVERTISING: ~~An off-premises outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary systems.~~

~~*SIGN, BULLETIN BOARD SIGN, INSTITUTIONAL*: A sign attached to a building or freestanding which identifies a place of worship or school and which contains the name of the institution and changeable copy information such as the names of individuals connected with the institution, general announcements of events or activities occurring at the institution or similar messages.~~

SIGN, CANOPY SIGN: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY SIGN: A sign on which message copy is changed manually or automatically through the utilization of attachable or integrally automated letters, numbers, symbols and other similar characters of changeable pictorial panels, ~~but not including an institutional bulletin board sign, gasoline station price sign or marquee sign.~~

SIGN, COMMERCIAL MESSAGE: Any sign ~~wording, logo or other representation~~ that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity, but not including a sign offering a residential dwelling for sale, lease or rent.

SIGN, CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, ~~indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners,~~

~~financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.~~

~~SIGN, DIRECTIONAL SIGN: A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed including entrance and exit signs.~~

~~SIGN, DIRECTORY SIGN: A sign listing the name and/or use and/or location of the various businesses or activities conducted within a building or group of buildings.~~

SIGN, FACE: The area or display surface used for the message.

SIGN, FLASHING SIGN: A sign which contains an intermittent flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Also, any sign in which any part of the light source varies in intensity and/or hue and flashes or appears to flash or turn on and off; or a sign in which a message constantly flashes or turns on and off or alternates with other copy by means of rotating or otherwise moving portions of the sign.

SIGN, FREESTANDING SIGN: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure including, without limitation, a low monument sign.

SIGN, FRONTAGE: The length along the front of the ground floor of a building occupied by a separate and distinct use and the length along the side of the ground floor of a building occupied by a separate and distinct use when the side of such building faces a street; or the width of a tenant space measured along the ground floor of a building occupied by a separate and distinct use which does not face a street but faces a parking lot.

SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; except that in the case of an individual ~~symbol~~letter sign, only two-thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign. Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

SIGN, HEIGHT: The vertical distance measured from the elevation of the centerline of the adjacent right-of-way at the point closest to the sign to the highest point of the sign.

~~SIGN, INCIDENTAL SIGN: A sign which is too small to be generally informational and has a purpose secondary to the use of the premises on which it is located, such as "credit cards accepted here", "loading only", "telephone" or similar information. No sign with a commercial message legible from a position off the premises shall be considered incidental.~~

SIGN, LIGHT POLE ~~ARTWORK~~ SIGN: A sign ~~consisting of a banner fabricated from a durable fabric with a design applied through silkscreening or similar application method~~ affixed to a light

~~pole, the content of such signs shall be civic or seasonal in nature. Such signs shall not include commercial advertising, business slogans or logos or the names of individual businesses, groups, organizations, shopping centers or office parks.~~

SIGN, LOW MONUMENT SIGN: A freestanding sign not more than six (6) feet high which is located adjacent to a road right-of-way.

SIGN, MARQUEE SIGN: Any sign attached to in any manner or made a part of a marquee and which may include changeable copy.

SIGN, MOVING SIGN: Any sign or part of a sign which changes physical position by any movement or rotation, but not including rotating panels which are integrated within an outdoor general advertising device.

~~*SIGN, NAME PLATE:* A non-illuminated sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.~~

SIGN, NON-CONFORMING SIGN: Any sign that was lawfully erected but no longer conforms to the requirements of this Chapter.

SIGN, OFF-PREMISES SIGN: Any sign, ~~except a billboard as defined herein,~~ which advertises or identifies a property, business or address, other than the property, business or address where the sign is displayed.

SIGN, ON-PREMISES PERMANENT SIGN: A sign pertaining only to the premises on which the sign is located, ~~and containing any of the following information:~~

- ~~1. The name of the owner, occupant, management, business or building;~~
- ~~2. The address;~~
- ~~3. The type of business, profession, service or activity;~~
- ~~4. The type or types of products offered; and~~
- ~~5. Other similar information.~~

SIGN, PAPER SIGN: A sign normally for temporary use made of paper, cardboard or similar material.

~~*SIGN, PARKING DIRECTION SIGN:* A sign indicating the entrance or exit to a parking lot.~~

~~*SIGN, PARKING REGULATION SIGN:* A sign stating the regulations for use of a parking lot.~~

SIGN, PERMANENT SIGNS: All signs which are not temporary signs.

Formatted: Normal (Web)

SIGN, PERMIT: A document certifying that the plans for the proposed sign comply with all applicable City ordinances and requirements.

SIGN, PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, which is designed to be transported including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs and ~~hot air~~ balloons used as signs.

SIGN, PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than fourteen (14) inches beyond the surface of such building or wall but not including a sign suspended from a canopy and mounted perpendicular to a wall.

~~*SIGN, REAL ESTATE SIGN:* Any sign pertaining to the sale, lease or rental of real estate.~~

~~*SIGN, RESIDENTIAL SIGN:* A sign not exceeding six (6) square feet per sign face and not having more than two (2) sign faces, which is located in a residential zoning district and that contains no commercial message other than advertising the premises for sale, lease or rent.~~

SIGN, ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

SIGN, SNIPE SIGN: A ~~temporary~~ sign ~~or poster~~ affixed to a utility pole, tree, fence, or similar structure~~etc.~~

~~*SIGN, TEMPORARY PROMOTIONAL DISPLAY:* A temporary sign or signs displayed so as to attract attention to the sale of merchandise or services or a change in policy or in the status of a business.~~

SIGN, TEMPORARY SIGN: A sign which is not illuminated and is not permanently installed or affixed to any sign, structure or building.

SIGN, UNSIGHTLY OR UNKEMPT SIGN: A sign that is clearly in disrepair, is missing part of its copy, has letters or other copy that are broken, missing or so faded that they are difficult to read from the street, is not securely affixed to either the ground or some other supporting structure, ~~contains an illegible message,~~ contains rust or peeling or flaking paint or has damage to its face which is clearly visible from the street.

SIGN, WALL SIGN: Any sign attached parallel to, but within fourteen (14) inches of, a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign face.

SIGN, WINDOW SIGN: A sign ~~made of die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal neon depicting the tenant's identity or product graphics~~ placed on the surface or within

three (3) feet of the inside of a window or other transparent surface and is visible from the exterior of the window or surface.



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MEMO TO PLANNING AND ZONING COMMISSION

Meeting Date: February 6, 2012

Subject: Revisions to Article VIII Sign Regulations

Memo Prepared by: Whitney Kelly, AICP
City Planner

Attached: Table of Current Code Language and Proposed New Language

Based upon the previous memo discussed during the December 19, 2011 Planning Commission work session, Staff is seeking the Commission Members' comment regarding changes to Article VIII, Sign Regulations, in the effort to create sign regulations that are easier to understand and administer, without vastly changing what is generally already allowed. Staff reviewed sign regulations from Columbus, IN, Tempe, AZ, Schaumburg, IL Overland Park, KS, Gainesville, FL, Flagstaff, AZ, and Wilmington, NC, where all provide an easier to read regulation, than what the City current has. Attached is a table of the current language of the key areas under consideration, and new language that Staff is considering (along with general comments regarding the change).

Future discussions will include revising the Master Sign Plan provision of the Code to encourage all large scale projects and campuses to seek approval for a sign package that is unique to the project and site development plan, as well as provide better review criteria. Further revisions will include creating specific language for signs that would be unique to the downtown area, including sandwich board signs and blade signs, and larger address numerals for building identification purposes.

Finally, with all of the proposed modifications taken the Common Signage Plan provision will probably be superfluous and could be deleted from the Code. However, Staff and the Commission will have to consider how to address those centers that have entered into a Common Signage Plan for the future.

On February 6, Staff will seek your input on the proposed changes as an initial step. Staff will incorporate your comments and changes into the next draft. Once the Commission is satisfied with the draft, Staff will send out the document to the business community for comment, as well as invite them to the an open house in March for discussion, with possible Public Hearing on the text amendment soon after any additional changes.

painted on canopies or awnings with a total gross sign area per sign frontage not to exceed one (1) square foot per linear foot of sign frontage upon which the sign is to be located, up to a maximum of twenty-five (25) square feet in area; except that the total gross sign area per sign frontage may increase by twelve and one-half (12.5) square feet for each fifty (50) feet an individual business or use sets back from the edge of street pavement up to a maximum of one hundred twenty-five (125) square feet in area, provided said individual business or use has the required sign frontage to allow such an increase. A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the on-premises permanent signs shall maintain uniformity in location, height and general design and shall be compatible in color.	maximum of fifty (50) square feet in area. The sign shall be located on the front façade which shall also be the same façade as the main entrance. b. <i>Corner units, single uses on corner lot, or out-lot buildings within a shopping center.</i> Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy or awning with a total gross sign area of one (1) square foot per linear foot of building frontage, up to a maximum of fifty (50) square feet in area to be placed on the same façade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size regulations above, where the building abuts two or more public streets. The total allowable square footage may be divided among the total allowable number of signs as long as the sign area in combination does not exceed the allowable total gross sign area, (for example: a building on a corner lot may receive two wall signs at 50 sq. ft. each, or one sign at 100 sq. ft., or any division thereof). c. <i>Rear entrances.</i> A rear entrance to a building or use used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door.	A building or use on a corner lot that could receive the max sign area for each sign may elect to optimize the signage allowed along a main thoroughfare, therefore, they could apply sq. ft. of one sign to another. Rear entrance signage allowance remains the same, but is given its own paragraph. Delete the statement regarding uniformity within a shopping center because lack of review criteria leads to inconsistent enforcement.
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<i>b. Low monument signs.</i> An individual building or use occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign provided such sign contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in Section 405.670 of this Chapter and the site meets one (1) of the following criteria: (1) The site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard; (2) The site has at least two hundred (200) feet of frontage on Lindbergh Boulevard; or (3) The site has at least two hundred (200) feet of frontage on a street or highway other than Lindbergh Boulevard and the sum of the total gross sign area of the site's wall signs, window signs and signs affixed and/or painted on canopies or awnings is at least twenty (20) square feet less than the maximum allowed in Subsection (2)(a) above or in Subsection (2)(d) Office Building Signs.	<i>b. Low monument signs.</i> (1) A project or development of at least 30,000 sq. ft. to three and one-half (3.5) acres and where: (a) the site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard; or, (b) the site has at least two hundred (200) feet of frontage on Lindbergh Boulevard, may be permitted a single monument sign provided such sign contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height, and set back at least ten (10) feet from the right-of-way. (2) A project development of three and one half (3.5) acres to five (5) acres may be permitted a single monument sign provided such sign contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, is not more than eight (8) feet in total height, and set back at least ten (10) feet from the right-of-way. (3) A project or development of over five (5) acres may, by site development plan approval in accordance with Section 405.1080, be permitted a single monument sign provided such sign contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, is not more than twelve (12) feet in height, and is setback at least fifteen (15) feet from the right-of-way.	Revise to combine monument signs for individual buildings, shopping center and office park signs. Individual tenants may now be identified within the allowable square footage of the sign face.
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c. Shopping center or office park sign. A shopping center, office park or institutional complex occupying a site in excess of five (5) acres in size may, by site development plan approval in accordance with Section 405.1080, have a single, freestanding, on-premises permanent sign identifying the center, park or complex (individual tenants shall not be identified on this sign unless the development has received approval of a common signage plan) in accordance with the following standards: (1) Maximum sign area. One hundred (100) square feet. (2) Maximum area per sign face. Forty (40) square feet. (3) Maximum height. Sixteen (16) feet above prevailing base grade. (4) Setback from right-of-way. Fifteen (15) feet. d. Office building signs. (1) Each freestanding, single or multi-tenant office building may have one (1) wall sign per sign frontage. This sign shall be affixed parallel to the facade of the building with no part of this sign projecting more than fourteen (14) inches from the building surface it is attached to. No part of this sign shall extend above the roof line or parapet of a building. The gross sign area of said sign shall not	c. <i>Attached signs for multi-floor office buildings.</i> (1) Each freestanding, single or multi-tenant office building of three or more floors of leasable space may have one (1) attached sign affixed parallel to the building, with a sign area of up to fifty (50) square feet for a three (3) story building, with an additional ten (10) square feet of sign area allowed for each additional floor over three	Revise to limit office building signs to buildings of three or more above-grade floors (would not include parking located below the building where the grade falls away from the major arterial). Also, provides allowance for height of the building, rather than distance from the street. Large scale development will be encouraged to seek signage to their specific needs through the Master Sign Plan.
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exceed thirty-five (35) square feet per sign frontage; except that the total gross sign area per sign frontage may increase by twelve and one-half (12.5) square feet for every fifty (50) feet an office building sets back from the edge of street pavement, up to a maximum of one hundred twenty-five (125) square feet in area, provided said office building has the required sign frontage (one (1) square foot of gross sign area per lineal foot of sign frontage) to allow such an increase. (2) Each freestanding single or multi-tenant office building shall have one (1) set of address numerals per building frontage. These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:...	(3), up to a maximum of one hundred and fifty (150) square feet.	Staff will seek to revise the allowable square footage for address numerals, so that it may become the building identifier for the two story buildings that have office space above ground floor tenants, and would not qualify for office signage under the proposed changes.
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city of CREVE COEUR

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MEMO TO PLANNING AND ZONING COMMISSION

Meeting Date: December 19, 2011

Subject: Revisions to Article VIII Sign Regulations

Memo Prepared by: Whitney Kelly, AICP
City Planner

Attached: Article VIII Sign Regulations

Staff administers all signs through the permitting process under Article VIII Sign Regulations of the City's Code of Ordinances. The wording of the current ordinance is often confusing for businesses to determine what signs are allowed, as well as for staff to offer direction on the permitted square footage of signs. An example of such, is the allowance for tenant signage in non-residential districts:

Section 405.950.2. On-premise permanent signs.

- a. *Individual or freestanding business or use. Each individual business or use located at ground floor level with its own entrance at street level or a second (2nd) story retail business, either of which has frontage as defined in Section 405.120, may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area per sign frontage not to exceed one (1) square foot per linear foot of sign frontage upon which the sign is to be located, up to a maximum of twenty-five (25) square feet in area; except that the total gross sign area per sign frontage may increase by twelve and one-half (12.5) square feet for each fifty (50) feet an individual business or use sets back from the edge of street pavement up to a maximum of one hundred twenty-five (125) square feet in area, provided said individual business or use has the required sign frontage to allow such an increase. A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the on-premises permanent signs shall maintain uniformity in location, height and general design and shall be compatible in color.*

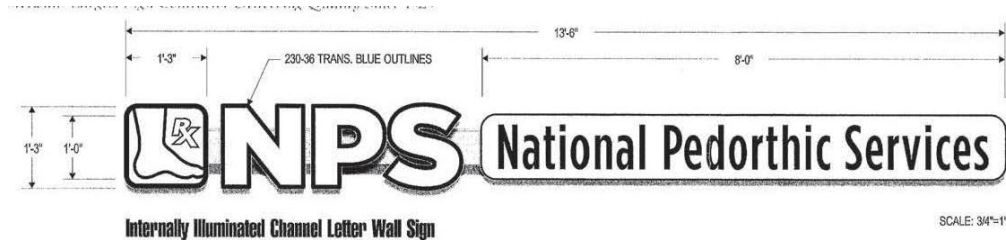
Where, in Section 405.120 Definition of Terms, "sign frontage" and "gross sign area" are defined as:

SIGN, FRONTAGE: The length along the front of the ground floor of a building occupied by a separate and distinct use and the length along the side of the ground floor of a building occupied by a separate and distinct use when the side of such building faces a street; or the width of a tenant space measured along the ground floor of a building occupied by a separate and distinct use which does not face a street but faces a parking lot.

SIGN, GROSS SIGN AREA: The area within a single rectangle or circle enclosing the extreme limits of the sign, but not including structural supports which are not an integral part of the sign; except that in the case of an individual letter sign, only two-thirds (2/3) of the area of the enclosing rectangle or circle shall be counted as the gross area of the sign. Where a sign has two (2) or more faces which can be viewed from a single location, the gross area of all such faces shall be included in determining the total gross area of the sign.

Questions that frequently arise are:

- How is the gross sign area calculated when the sign is composed of various elements (when does 2/3 rule apply)? We often see signs that use a logo, with individual letters, and with a boxed in tag (an example of such a sign is below). When the individual letters make up only a portion of the sign, should the 2/3 rule be allowed if it is not just an individual letter sign?



- What is the best application for “... **separate and distinct use which does not face a street but faces a parking lot**”? In several cases a building could be located at the intersection of two streets, and have parking lots on the other two sides of the building. Should these buildings be entitled to signage on all sides of the building when the building is clearly not providing any presence to the street, or is clearly not intended to have an entrance into the business, when other in-line retail tenants are limited to one, possibly two, wall signs at the most? In many cases, the parking for a tenant on the sides or rear of the building is limited to a few parking spaces. Should this then qualify to allow for additional signage, as it is adjacent to “a parking lot”?



The second portion of Section 405.950.2(a) states “...A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door.” Should the rear of the building in all cases be limited to the 2 sq. ft. whether or not it faces a street, or parking?

Should the definition for sign frontage be more closely associated with the definition of building frontage?

Section 405.120: Definition of Terms:

BUILDING FRONTAGE: The developed length of that portion of the building which faces a right-of-way or which faces a publicly accessible parking lot containing not less than twenty (20) parking spaces and serving the building.

This would provide clarification on the number of parking spaces necessary to qualify for signage. Should this definition also include a requirement that signs be limited to the front entrance of the business, or in the case of adjoining a street to the side of the entrance?

Boulevard. Should a business be allowed a sign simply because the tenant space is visible from the road, whether or not another property blocks it from directly abutting the street?

In the case of Bellerive Plaza and West Oak, the largest tenants (Dierbergs and Schnucks) don't face a street, but face a large parking area. In the case of Dierbergs, the approximately 400 sq. ft. sign at the top building received a variance from the Board of Adjustment. Do the Commission Members want to allow bonus area depending on the setback, or just allow for a percentage of the wall for allowable signage?

Many cities include a special category for signage within in a retail shopping center. For example: Schaumburg, IL, Sign Regulations allow for up to two signs per use if on a street corner, for outlots within shopping centers an additional wall sign may be approved, provided that the total area of all wall signage shall not exceed the area allowed as determined by the number of streets the building abuts. All other business signs are limited to one wall sign, with the exception that additional signage could be approved if the tenant or use abuts two or more streets.

Office Building Signs vs. Tenant Signs:

Similar to the tenant signage, office building signage follows the same format for determining allowable square footage, where similar questions of how to apply the bonus allowance have come up:

Section 405.950.d. Office building signs.

(1) Each freestanding, single or multi-tenant office building may have one (1) wall sign per sign frontage. This sign shall be affixed parallel to the facade of the building with no part of this sign projecting more than fourteen (14) inches from the building surface it is attached to. No part of this sign shall extend above the roof line or parapet of a building. The gross sign area of said sign shall not exceed thirty-five (35) square feet per sign frontage; except that the total gross sign area per sign frontage may increase by twelve and one-half (12.5) square feet for every fifty (50) feet an office building sets back from the edge of street pavement, up to a maximum of one hundred twenty-five (125) square feet in area, provided said office building has the required sign frontage (one (1) square foot of gross sign area per lineal foot of sign frontage) to allow such an increase.

(2) Each freestanding single or multi-tenant office building shall have one (1) set of address numerals per building frontage.

Again, many of the same questions discussed above, often come up for office building signs. In particular, should an office building be allowed a sign, and the bonus square footage, if it is simply visible from Olive Boulevard, whether or not another property or building blocks it from the adjoining the street?



In several cases multi-floor buildings qualify for first floor tenant signs, as well as office building signs, on the same level, such as on irregular shaped buildings, where grade change allows for lower level offices. Many businesses often allow for a single tenant to become the identifier of the building (an example is Microsoft.) In the picture to the left, American Eagle Credit Union is a tenant and building owner. Therefore the office building signage was

assigned to the Credit Union, and the Lasik Plus tenant was granted a sign as the tenant associated with that space. Should there be a minimum distance, or minimum number of stories between office building signs and tenant signs?

Master Sign Plans and Common Sign Plans

In addition to all of these signs, the Sign Regulations allow for a deviation from the size requirements through the use of a common sign plan or master sign plan provisions within Section 405.950:

6. *Master signage plans--"CB" Core Business District, "PH" Planned Hospital District, "HE" Higher Education District and residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). The provisions set forth in the preceding Sections 405.910, et seq., shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). However, in keeping with the intent to allow flexibility in the design of planned developments and campuses, the following options may be applicable to signs accessory to uses in the "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres):*

- a. *As an alternative, signs may be permitted in accordance with a Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of Sections 405.1060(D)(3) and 405.1120 of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs, as well as the nature of the information to be displayed on the signs. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown.*

7. *Common signage plan--all non-residential districts. If the owners of two (2) or more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one (1) building (not including any accessory building) file with the Zoning Administrator for such lots a common signage plan conforming with the provisions of this Section, a twenty percent (20%) increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.*

- a. *Provisions of common signage plan. The common signage plan shall contain the information in paragraph (1) below and shall also specify standards for consistency as required by paragraph (2) below.*
 - (1) *The common signage plan shall contain the following:*
 - (a) *An accurate plot plan of the lot, at such scale as the Zoning Administrator may reasonably require;*
 - (b) *The location of buildings, parking lots, driveways and landscaped areas on such lot;*
 - (c) *Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this Chapter; and*
 - (d) *An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.*
 - (2) *The common signage plan shall specify standards for consistency among all signs on the lots affected by the plan with regard to:*
 - (a) *Lettering or graphic style;*
 - (b) *Lighting;*

- (c) Location of each sign on the buildings;
 - (d) Material; and
 - (e) Sign proportions.
- b. *Window signs on common signage plan.* A common signage plan or master signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.
- c. *Limit on number of freestanding signs under common signage plan.* The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs. Individual tenants may be identified on freestanding signs.

- The intent of both of these provisions within the Sign Regulations is to allow flexibility in the design of planned developments and campuses, yet no acreage requirement was included for developments in non-residential districts. (The acreage requirements are included for institutions and schools in residential districts). Therefore, Staff believes that the use of master signage plans and campus settings are not defined narrowly enough. In some cases, a single building could qualify for a common sign plan, or developments that have no connection with one another, or are not contiguous with any other part of a development could obtain additional signage under a Master Sign Plan. Such is the case with the St. Luke's Urgent Care Building and McDonald's inclusion with CityPlace; these properties would not normally qualify for a ground sign. Does this allow for a fair representation of a unified campus setting, and an equitable allowance of additional signs, when other properties do not qualify? Similarly, what is to stop all large development from seeking a custom approval?
- In addition to a minimum acreage, could Common Sign Plans be more narrowly defined to include number of tenants, or to be for shopping centers only, and should a smaller percentage of the wall sign be given up in order to qualify for the 20% bonus?
- Is there enough design specification requirements provided to create a unifying theme to qualify for a common sign plan? In many cases the only common theme is that they are all channel letters with the maximum size allowed under Section 405.050.2. No specific design or font is specified that creates a theme. (An example is the different tenant signage within the West Oak Shopping Center.) Should a bonus be granted in these instances? Should the proposed monument sign utilizing the bonus allocation include greater design review, when currently none is provided?
- Should the 20% be limited to a 20% increase in the allowable ground signage, and not based on the total signage for all tenants within the shopping centers? The Dierbergs West Oak sign (the photo to the right) of was allowed under



the common sign plan, with a 20% increase of all signs applied to the ground signs. Is this too much signage?



- Both Common Sign Plans and Master Sign Plans could allow any signage even when prohibited under other regulations. Should restrictions be limited to signs generally allowable under the existing regulations? Plaza Motors received approval for its monument sign under the Master Sign Plan.
- Are Master Sign Plans really needed in addition to Common Sign Plans?

Other Sign Regulations:

Another comment that Staff has received, is that it is often difficult to locate the address of buildings, as the address gets lost in the amount of signs on the building and along Olive Boulevard. Should address numbers be regulated by the size per digit rather than total? Or should they not be regulated at all, as they don't advertise a particular commercial use and item? Most people, when searching for a business try to find the address and then look for the business name. Therefore, should ground signs be further limited, but allow for property address signs? Currently, ground signs are limited to:

Section 405.950.2. On-premises permanent signs.

- b. *Low monument signs. An individual building or use occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign provided such sign contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in Section 405.670 of this Chapter and the site meets one (1) of the following criteria:*
- (1) The site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard;*
 - (2) The site has at least two hundred (200) feet of frontage on Lindbergh Boulevard; or*
 - (3) The site has at least two hundred (200) feet of frontage on a street or highway other than Lindbergh Boulevard and the sum of the total gross sign area of the site's wall signs, window signs and signs affixed and/or painted on canopies or awnings is at least twenty (20) square feet less than the maximum allowed in Subsection (2)(a) above or in Subsection (2)(d) Office Building Signs.*

Other Sign Code Changes for Unique Designs

Staff is also seeking to provide additional sign regulations that allow for unique design for the proposed City Center area that are currently prohibited. These include hanging or blade signs that project from the façade of the building that is often found in downtown areas.

Additionally, portable signs are not allowed. Should sandwich boards and the display of products on the sidewalk be considered, as long as those signs are brought in at night, and enough clearance is provided to allow for a wide passage of pedestrians?

Summary

Staff will be seeking your feedback on the issues with the City's Sign Regulations addressed in this report during the Planning and Zoning Commission Meeting, as well as any other concerns and thoughts regarding signs not addressed above. A summary of the discussion items and questions are below. If there are other areas of the Sign Regulations you would like addressed, please feel free to discuss them during the work session.

1. How should the gross sign area be calculated when the sign is composed of various elements and not just an individual letter sign (when does 2/3 rule apply)?
2. What is the best application for "... separate and distinct use which does not face a street but faces a parking lot"?
3. Should the definition for sign frontage be more closely associated with the definition of building frontage? And, should this definition also include a requirement that signs be limited to the front entrance of the business, or in the case of adjoining a street to the side of the entrance?
4. Should we allow for bonus area depending on the setback, or just allow for a percentage of the wall, or percentage based on linear width of the tenant space, for allowable signage?
5. Should a business be allowed a sign simply because the tenant space is visible from the road, whether or not another property blocks it from directly abutting the street?
6. Should an office building be allowed a sign, and the bonus square footage, if it is simply visible from Olive Boulevard, whether or not another property or building blocks it from the adjoining the street?
7. Should there be a minimum distance, or a minimum number of stories between office building signs and first floor tenant signs?
8. Do Master Sign Plans allow for a fair representation of a unified campus setting, and an equitable allowance of additional signs, when other properties do not qualify?
9. Could Common Sign Plans be more narrowly defined to include number of tenants, or to be for shopping centers only, and should a smaller percentage of the wall sign be given up in order to qualify for the 20% bonus? Is there enough design specification requirements provided to create a unifying theme to qualify for a common sign plan?
10. Should the 20% be limited to a 20% increase in the allowable ground signage, and not based on the total signage for all tenants within the shopping centers?
11. Should restrictions be limited to signs generally allowable under the existing regulations?
12. Are Master Sign Plans really needed in addition to Common Sign Plans?
13. Should ground signs be further limited, but allow for property address signs?
14. Should the Code allow for unique designs for the proposed City Center area that are currently prohibited, include hanging or blade signs that project from the façade of the building that is often found in downtown areas, and sandwich board signs that are placed on the sidewalk?

ARTICLE VIII. SIGN REGULATIONS

SECTION 405.910: PURPOSE AND INTENT

These regulations encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic appearance of the City and to facilitate and improve pedestrian and vehicular traffic safety. These regulations are intended to promote the public health, safety and general welfare through a comprehensive set of reasonable standards and requirements. These regulations allow for the identification of places of commerce, the communication of public and commercial information necessary for efficient and safe traffic movement; to allow for freedom of speech subject to reasonable restrictions as to time, place and manner; to protect the public from the dangers of unsafe signs; to lessen hazardous situations, confusion and visual clutter caused by a proliferation of signs competing for the attention of pedestrian and vehicular traffic; and to enhance the attractiveness and economic well-being of the City of Creve Coeur. (R.O. 2008 §26-100; Ord. No. 1903 §1, 11-24-97)

SECTION 405.920: SIGN PERMITS

A. It shall be unlawful for any person to erect, perform major repair, alter, move, replace or otherwise change a sign requiring a sign permit in the City of Creve Coeur without first obtaining a sign permit from the Zoning Administrator or Planning and Zoning Commission as provided by this Article. An application for a sign permit shall be submitted to the Zoning Administrator and shall include and be accompanied by plans that show the size and shape of the sign, the location of the proposed sign, the setbacks from surrounding properties, the type of illumination and proposed lighting, the colors to be used in the sign, the materials used to construct and the method used to support the sign or attach it to a building. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, the application shall comply with and be in accordance with the format and procedures adopted by the Planning and Zoning Commission and shall be filed with the Zoning Administrator in both paper format and electronic format in a commonly used medium such as diskette or CD-ROM and in a format that can be read by a word processing program used by the Zoning Administrator. The filing party shall certify that the electronic copy has been scanned for viruses and that it is virus-free.

B. If the proposed sign is one that may be approved by the Zoning Administrator, then, within twenty-one (21) days after the application for a sign permit has been received by the Zoning Administrator, he/she shall respond to the applicant advising said applicant whether or not the sign requested conforms with this Article. If no response is received within twenty-one (21) days, the application shall be deemed to have been approved. If the proposed sign is one that must be reviewed and approved by the Planning and Zoning Commission, then the Planning and Zoning Commission shall respond to the applicant within sixty (60) days after receipt of the application by the Zoning Administrator advising said applicant whether the sign requested has or has not been approved. If no response is received

within sixty (60) days, the application shall be deemed to have been approved. Upon denial, the applicant may appeal to the Board of Adjustment pursuant to Sections [405.1040](#) and [405.1110](#) of the zoning ordinance. The Zoning Administrator shall maintain a record of all sign permits issued, which records shall show date of application and date of issuance of permits. (R.O. 2008 §26-101; Ord. No. 1903 §1, 11-24-97; Ord. No. 5165 §7, 12-13-10)

SECTION 405.930: GENERAL PROVISIONS

A. *Scope.* The provisions of this Section shall apply to all signs in the City, unless a sign is specifically exempted by [Section 405.930\(E\)](#) of this Article. Every sign shall comply with all other applicable ordinances of the City. In case of a conflict between the provisions of this Section and other applicable provisions, the more restrictive shall govern. Any sign not specifically provided for herein as a permitted sign or a prohibited sign shall be designated as a permitted sign or a prohibited sign by the Zoning Administrator consistent with [Section 405.910](#), Purpose and Intent, and the most closely applicable provisions of this Article. If said sign is designated as a permitted sign, then said sign shall be subject to all limitations and provisions stated herein for a permitted sign which is most similar to said sign.

B. *Maintenance And Safety.*

1. All signs and related structures shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked surfaces and broken or missing letters.

2. All signs and related structures shall be maintained in a safe and clean condition. Whenever the Zoning Administrator determines that a sign has become structurally unsafe or endangers life or property or is not being maintained in good repair, a notice shall be sent to the owner or person in charge of the sign that the sign be made safe, repaired or removed. The owner or person in charge of the sign shall have ten (10) days from receipt of such notice in which to comply.

C. *Non-Conforming Signs.*

1. No new or existing sign may be constructed, altered in structure, relocated or replaced after the effective date of this Article, unless the sign conforms to all the provisions of this Article and any required sign permit has been issued by the Zoning Administrator or unless the sign is specifically exempted from the provisions of this Article. Nothing in this Section shall relieve the owner or user of a non-conforming sign from the provisions of this Article regarding safety, maintenance and repair of signs specified in [Section 405.930\(B\)](#) Maintenance and Safety.

2. Any existing sign that is destroyed, deteriorated or damaged to the extent of fifty percent (50%) or more of its replacement cost, exclusive of the foundation, after the effective date of this Article, shall not be rebuilt, repaired or replaced unless in conformity with the provisions of this Chapter.

D. *Prohibited Signs.* The following types of signs are specifically prohibited in the City:

1. *Affixing of advertisements to public places.* No person shall paint, post, place, hang, suspend or affix any advertisement, card, poster, sign, banner or streamer, of any nature or for any purpose or cause the same to be done on or to any curbstone, flagstone or any other portion of any street or sidewalk or upon any tree or lamppost standing or erected on any public street or right-of-way or other public place or upon any pole erected upon any public street or right-of-way or other public place, which pole is used to carry telephone wires or cables, electric light wires or other electric conductors, or to any hydrant, bridge or other public structure within the City; provided however, that nothing contained in this Section shall apply to any official notice required by law or ordinance to be posted by public officers of the City or any other governmental agency.

2. Signs visible from a public right-of-way that imitate, blend or conflict with or that may be confused with traffic signals and signs. Such signs shall include, but not be limited to, signs that are imitations of "stop", "go", "caution", "danger" or "warning".

3. Signs that are of a size, location, movement or illumination as may be confused with or construed as a traffic control device or which might obstruct from view any traffic or street sign or signal.

4. Signs that advertise an activity, business, product or service no longer sold or conducted on the premises upon which the sign is located. Such signs shall be removed within thirty (30) days of written notification to the owner of the premises.

5. Signs on public land, except those erected at the direction of or with the permission of an appropriate public authority.

6. Vehicular signs which are not painted directly on or affixed flat against the factory surface of a vehicle or which convey information other than the corporate logo, identity, address and phone number of a business operating within the City limits. This provision does not permit appendages or modifications to a vehicle for advertising purposes. Exempted from this Section are vehicular signs affixed to vehicles that identify or advertise businesses not operating within the City limits when said vehicles park only to make immediate deliveries or pickups.

a. Any vehicle displaying permitted vehicular signs and representing a business operating within the City limits shall park said vehicle behind the front building line within a properly designated parking space. Where such parking is not available, said vehicle shall park as far from the right-of-way and in the least visible area possible.

b. Any vehicle which displays a permitted commercial vehicle sign shall not park between 2:00 A.M. and 5:00 A.M. within residential zoning districts including "A", "B", "C", "D", "AR" or in a residential development in any zoning district within the corporate limits of Creve Coeur, unless such vehicle is parked within an enclosed

garage. Governmental and public safety vehicles shall be exempt from this provision, as well as construction-related vehicles parked on property under construction.

7. Strips or strings of lights used to call attention to a use or occupancy by outlining property lines, sales area, roof lines, doors, windows, wall edges or other architectural features of a building site. Exempted from this provision are holiday lighting displayed from November first (1st) through January fifteenth (15th) and lights which are an integral architectural feature of the original design of a structure as approved by the Planning and Zoning Commission. (The use of exposed neon is governed by [Section 405.930\(F\)\(6\)](#) and [\(7\)](#).)

8. Moving signs including those of which all or any part of the sign moves or appears to move. This prohibition against moving signs shall extend to devices including strings of light bulbs and rotating signs, whether part of any signs or maintained as an independent feature. This prohibition does not apply to tri-vision billboards or exempted governmental and official signs. "*Tri-vision billboard*" means a sign face having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which is capable of displaying a total of three (3) separate message copies, one (1) message copy at a time.

9. Snipe signs.

10. Unkempt or damaged signs.

11. Roof signs.

12. Projecting signs, except those permitted by [Section 405.950\(4\)\(g\)](#) of this Article.

13. *Any sign structure which no longer supports a sign.* Exempted from this Section is a sign structure which is temporarily void of a sign due to a permitted alteration or repair. A sign permit or an application for a sign permit for this alteration or repair must be on file with the Department of Public Works and said alteration or repair must be completed within one (1) month of the issuance of the approved sign permit.

14. *Changeable copy signs (manual or automated).* Exempted from this provision are: tri-vision billboards as defined in Subsection (D)(7) above; bulletin board signs; marquee signs; signs defined in [Section 405.930\(E\)\(1\)\(a\)](#) (governmental and official signs); [Section 405.930\(F\)\(2\)](#) (illuminated signs); and signs in [Section 405.950\(5\)](#) (gasoline price signs).

15. Permanent or temporary window signs above the second (2nd) floor including lettering painted or applied to glass and temporary promotional displays as defined in [Section 405.950\(3\)\(b\)](#) located above the ground floor.

16. Back-lit awnings and lighted canopies.

17. Portable signs.
18. Inflatable signs and tethered balloons.
19. Signs extending over a roadway.
20. Off-premises signs, except for permitted temporary open house signs and except for billboards installed before July 1, 2009.

E. *Exempted Signs.* With the exception of [Sections 405.930\(B\)](#) (Maintenance and Safety), [405.930\(D\)](#) (Prohibited Signs) and [405.930\(G\)](#) (Miscellaneous Requirements), the provisions and regulations of this Article shall not apply to the following signs:

1. Governmental and official signs including, but not limited to, the following:
 - a. Public notices and official notices posted or authorized by government officials in the performance of their duties including changeable copy signs not exceeding thirty (30) square feet of sign area per face.
 - b. Signs for the control or direction of traffic and other authorized public purposes.
2. No parking and no trespassing signs that are no larger than one (1) square foot in gross sign area.
3. Signs not exceeding two (2) square feet in sign area including, but not limited to, the following:
 - a. Name plates, attached to a structure and not exceeding two (2) square feet in area, used to identify a professional service or home occupation permitted in the single-family residential zoning district in which the sign is located.
 - b. Residential address number located on a sign not larger than one (1) square foot in gross sign area.
 - c. Commercial address numerals, which are required to be prominently displayed on each building, not to exceed two (2) square feet in area. Larger address numerals may be permitted elsewhere in this Article and would be subject to the provisions and regulations of the particular Section.

F. *Illuminated Signs.* The following requirements shall apply to illuminated signs:

1. The light from any illuminated sign shall be so shaded, shielded and/or directed in such a manner that the light intensity or brightness will not be a substantial nuisance to the residents or occupants of surrounding areas.

2. No sign shall have blinking, flashing or fluttering lights or other illuminating device of variable light intensity, brightness or color. Clocks and thermometers which only indicate the time or temperature shall not be considered flashing signs, provided that the gross area of such devices is not greater than sixteen (16) square feet per face (maximum of two (2) faces), the vertical dimension of any letter or number is not greater than twenty-four (24) inches and the color or intensity of light is constant except for periodic changes in the information display, which occur not more frequently than once every fifteen (15) seconds. Beacon lights are not permitted, except by approval of a temporary permit, not to exceed five (5) days for a building opening or special event.

3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles on public thoroughfares.

5. No exposed reflective-type bulb or incandescent lamp which exceeds forty (40) watts shall be used on the exterior surface of any sign in such manner as to expose the face of the bulb, light or lamp to any public street or adjacent property.

6. The use of exposed neon in a window sign(s) with aggregate area larger than six (6) square feet must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of such sign(s).

7. The use of exposed neon as an illumination source for identification or an architectural feature must be reviewed and approved by the Planning and Zoning Commission prior to installation or erection of the exposed neon.

G. *Miscellaneous Requirements.* All signs shall comply with the following general requirements:

1. *Sign faces.* When a sign is allowed two (2) sign faces, the sign faces shall be parallel to one another and not more than fourteen (14) inches apart unless specifically authorized to deviate from this requirement by an applicable portion of this Article.

2. *Projections.* No sign shall project beyond a property line or into a public right-of-way, except traffic control signs as authorized pursuant to the traffic code and public information signs as approved by the City Council.

3. *Life safety code compliance.* All signs shall comply with all applicable life safety codes including the structural and fire safety provisions of the Building Code and the electrical provisions of the Electric Code of the City of Creve Coeur.

4. *Obstruction to exit ways.* No sign shall be erected, displayed or maintained so as to obstruct any fire escape, any required exit way, window or door opening used as a

means of egress or to obstruct any other means of egress required by the Building Code of the City of Creve Coeur.

5. *Obstruction of ventilation.* No sign shall be erected, displayed or maintained in a manner that interferes with any opening required for ventilation under the Building Code of the City of Creve Coeur.

H. *Flags.* Flags shall be permitted in any zoning district without a permit. Each lot or parcel of land in the City shall be limited to the display of not more than four (4) flags. Parcels of land in excess of five (5) acres in size, however, may display additional flags, provided that there are not more than four (4) flags displayed per five (5) acres of land area. Within five (5) days prior to and three (3) days following a national holiday such as Independence Day, Memorial Day or Veterans Day, there shall be no limitation on the number of U.S. flags displayed on any parcel of land within the City. Flagpoles shall not exceed twenty-five (25) feet in height in residential districts and thirty-five (35) feet in height in non-residential districts.

I. *Sign Setbacks.* All permanent signs shall be set back from property lines according to the regulations specified in this Article or as otherwise required by any other applicable City ordinance. Temporary signs shall be set back at least five (5) feet from the edge of pavement of any road and shall be located outside of the right-of-way of any State or County road.

J. *Substitutability.* Whenever a commercial sign would be permitted under this Article, a sign bearing a political or other non-commercial message may be installed in its place, provided it otherwise complies with this Article. Subject to the landowner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any other duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. (R.O. 2008 §§3-1; 26-102; Ord. No. 513 §49, 12-23-68; Ord. No. 1903 §1, 11-24-97; Ord. No. 5001 §1, 9-6-07; Ord. No. 5021 §1, 1-28-08)

SECTION 405.940: SIGNS IN RESIDENTIAL DISTRICTS

A. *General Limitations.* It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with a residential use or in a residential zoning district, unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein.

B. *Residential Development Signs.* Permanent signs designating a subdivision, neighborhood or multi-family development shall be approved by the Planning and Zoning Commission through the site development plan approval process as defined in [Section 405.1080](#). Such signs shall be limited to twelve (12) square feet per sign face with a maximum of two (2) sign faces.

C. *Exempt Signs In All Residential Districts.*

1. *Residential signs.* Any lot in a residentially zoned area shall be permitted one (1) sign with a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces. Such sign may contain any non-commercial message or advertise the premises for sale, lease or rent. No permit shall be required for such a sign provided that the sign is erected by the owner or with the owner's permission.

2. *Temporary open house signs.* In addition to a residential sign containing information advertising a premises for sale, lease or rent, each such lot or parcel shall be allowed two (2) temporary open house signs with one (1) such sign on site and the other allowed off site on private property with owner permission. Open house signs shall be limited to a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces and shall be permitted for up to three (3) consecutive days. A minimum of four (4) days shall transpire prior to posting any open house sign on the same lot or parcel for a second (2nd) or subsequent time. No permit shall be required for such a sign.

D. *Single-Family Lots Fronting On A Numerically Designated State Highway.* Any lot in a single-family residentially zoned area which fronts on and has direct access available from a numerically designated State highway which has received site development plan approval for an office, day care center or retail service uses, as provided by [Section 405.450\(E\)](#), may have a combination of one (1) low monument sign, wall signs, window signs or signs affixed or painted on canopies or awnings. Because these lots are within residential areas, the total gross sign area shall be consistent with that of other lots in residentially zoned areas and shall not exceed twelve (12) square feet, except, however, that the allowable square footage of signs may be increased by two (2) square feet for each fifty (50) feet the building is setback from the roadway pavement of the numerically designated State highway to a maximum of sixteen (16) square feet to enhance the ability of motorists to see the signs. An additional rear entrance to such a business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. Permits shall be required for all signs allowed by this paragraph.

E. *Institutional Uses In Residential Districts.*

1. Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size, except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. The permanent sign may be a bulletin board sign with changeable copy or may be an on-

premises permanent sign. In addition, such uses shall be permitted one (1) temporary sign not exceeding twelve (12) square feet in size, provided that the display of such sign shall be limited to a period of ninety (90) days and a minimum of ninety (90) days shall elapse prior to posting another temporary sign on the premises.

2. *Low monument signs.* An institutional use occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign used primarily for identification or as a bulletin board sign, provided such sign contains not more than twelve (12) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in [Section 405.670](#) of this Chapter and the site meets one (1) of the following criteria:

- a. The site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard; or
- b. The site has at least two hundred (200) feet of frontage on Lindbergh Boulevard.

3. *Campus monument sign.* An institutional use occupying a site in excess of five (5) acres may, by filing a plan with the Zoning Administrator, have a single, freestanding, on-premises permanent sign identifying the institutional campus or complex in accordance with the following standards:

- a. *Maximum sign area.* Sixty (60) square feet.
- b. *Maximum area per sign face.* Twenty-four (24) square feet.
- c. *Maximum height.* Six (6) feet above prevailing base grade.
- d. *Setback from right-of-way.* Fifteen (15) feet.

4. *Parking direction signs.* One (1) freestanding parking direction sign, which may be internally illuminated subject to [Section 405.930\(F\)](#) shall be permitted for every one hundred fifty (150) parking spaces with not more than two (2) sign faces, provided the sign does not exceed fifteen (15) square feet in gross sign area per face, the sign height does not exceed four (4) feet in height and no portion of the sign shall extend into the public right-of-way. The sign shall be placed within the parking lot and may contain the name and logo of the institution in addition to messages providing directional information.

F. *Temporary Signs In Residential Districts.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary non-commercial signs may be allowed with the owner's permission in addition to the permitted signage allowed on any

residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced signs although no single sign face shall exceed twelve (12) square feet. Not more than one (1) temporary sign per individual candidate and/or proposition on the election ballot shall be permitted per lot.

G. *On-Site Construction Signs.* Only one (1) such sign per entire development denoting the owner, architect, engineer, consultant, developer, lender and/or contractor, not to exceed twelve (12) square feet in gross sign area and not to exceed ten (10) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall not be erected in a public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development or ten (10) days after the completion of the work if no occupancy permit is required. (R.O. 2008 §26-103; Ord. No. 1903 §1, 11-24-97; Ord. No. 1966 §1, 11-23-98; Ord. No. 2287 §1, 6-28-04; Ord. No. 5033 §3, 3-24-08)

SECTION 405.950: SIGNS IN NON-RESIDENTIAL DISTRICTS

It shall be unlawful to erect, permit the erection of, display or permit the display of any sign in connection with any non-residential use or in a non-residential zoning district unless such sign is expressly permitted by this Section, subject to all of the limitations and provisions stated herein.

1. *Classification of signs.* Signs shall be classified as on-premises permanent signs, temporary or incidental signs and special purpose signs.

a. On-premises permanent signs as defined in [Section 405.120](#).

b. Temporary or incidental signs as provided in this Section.

c. Special purpose signs are limited to directory signs, parking direction signs, parking regulation signs, directional signs, marquee signs, on-site construction signs and light pole artwork signs.

2. *On-premises permanent signs.*

a. *Individual or freestanding business or use.* Each individual business or use located at ground floor level with its own entrance at street level or a second (2nd) story retail business, either of which has sign frontage as defined in [Section 405.120](#), may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area per sign frontage not to exceed one (1) square foot per linear foot of sign frontage upon which the sign is to be located, up to a maximum of twenty-five (25) square feet in area; except that the total gross sign area per sign frontage may increase by twelve and one-half (12.5) square feet for each fifty (50) feet an individual business or use sets back from the edge of street pavement up to a maximum of one hundred twenty-five (125) square feet in area, provided said individual business or use has the required sign frontage to

allow such an increase. A rear entrance to an individual or freestanding business used for delivery purposes may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. In locations where individual businesses or uses are grouped together in a shopping center, the on-premises permanent signs shall maintain uniformity in location, height and general design and shall be compatible in color.

b. *Low monument signs.* An individual building or use occupying a site of at least thirty thousand (30,000) square feet may also be permitted a single, low monument sign provided such sign contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, is not more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, is set back at least ten (10) feet from the right-of-way of said fronting street or highway, is not located within the site distance triangle described in [Section 405.670](#) of this Chapter and the site meets one (1) of the following criteria:

(1) The site has at least three hundred (300) feet of frontage on a street or highway other than Lindbergh Boulevard;

(2) The site has at least two hundred (200) feet of frontage on Lindbergh Boulevard; or

(3) The site has at least two hundred (200) feet of frontage on a street or highway other than Lindbergh Boulevard and the sum of the total gross sign area of the site's wall signs, window signs and signs affixed and/or painted on canopies or awnings is at least twenty (20) square feet less than the maximum allowed in Subsection (2)(a) above or in Subsection (2)(d) Office Building Signs.

c. *Shopping center or office park sign.* A shopping center, office park or institutional complex occupying a site in excess of five (5) acres in size may, by site development plan approval in accordance with [Section 405.1080](#), have a single, freestanding, on-premises permanent sign identifying the center, park or complex (individual tenants shall not be identified on this sign unless the development has received approval of a common signage plan) in accordance with the following standards:

(1) *Maximum sign area.* One hundred (100) square feet.

(2) *Maximum area per sign face.* Forty (40) square feet.

(3) *Maximum height.* Sixteen (16) feet above prevailing base grade.

(4) *Setback from right-of-way.* Fifteen (15) feet.

d. *Office building signs.*

(1) Each freestanding, single or multi-tenant office building may have one (1) wall sign per sign frontage. This sign shall be affixed parallel to the facade of the building with no part of this sign projecting more than fourteen (14) inches from the building surface it is attached to. No part of this sign shall extend above the roof line or parapet of a building. The gross sign area of said sign shall not exceed thirty-five (35) square feet per sign frontage; except that the total gross sign area per sign frontage may increase by twelve and one-half (12.5) square feet for every fifty (50) feet an office building sets back from the edge of street pavement, up to a maximum of one hundred twenty-five (125) square feet in area, provided said office building has the required sign frontage (one (1) square foot of gross sign area per lineal foot of sign frontage) to allow such an increase.

(2) Each freestanding single or multi-tenant office building shall have one (1) set of address numerals per building frontage. These numerals must be affixed flat against the facade of the building and no part of the numerals shall project above the roof or parapet line of the building. The square footage shall be determined by measuring the rectangle formed by outlining the numeral. Each numeral shall not exceed the sign limitations listed in the following table:

Height of Sign on Building (story)	Distance from R.O.W. (feet)	Allowable Square Footage per Numeral (square feet)
1	0--100	2
1	101--250	3
1	over 250	4
2	0--100	3
2	101--250	4
2	over 250	5
3	0--100	4
3	101--250	5
3	over 250	6
4	0--100	5
4	101--250	6
4	over 250	7
5	0--100	6
5	101--250	7
5	over 250	8
6	0--100	7
6	101--250	8
6	over 250	9
over 6	0--100	8
over 6	101--250	9

over 6	over 250	10
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e. *Multi-tenant real estate information signs.* Each multi-tenant building or complex (where more than one (1) building is in the same development) may be permitted one (1) permanent real estate information sign, subject to the following:

(1) The gross sign area shall not exceed twenty-four (24) square feet per face with a maximum of two (2) sign faces. Decorative edge treatments shall not be included in the gross sign area.

(2) The sign shall not be more than six (6) feet in total height above the elevation of the centerline of the adjacent right-of-way or the adjacent finish grade, shall be set back at least ten (10) feet from the right-of-way of said fronting street or highway and shall not be located within the site distance triangle as defined in [Section 405.120](#), Definitions, of this Chapter.

(3) The sign shall be permanently affixed to the ground with rot- and insect-resistant materials without use of supporting wires, cross-bracing or stanchions.

(4) The aggregate visible width of the supporting legs or monument shall be at least one-quarter ($\frac{1}{4}$) of the width of the sign.

(5) The edges of the sign shall be boxed-in, framed or otherwise enclosed to eliminate visible gaps or spaces between the sign panels.

(6) The sign copy shall be applied and protected with weather-resistant materials and finishes.

(7) Any attached "riders" (e.g., available floor area) on the sign shall be incorporated within the external dimensions of the sign and are limited to one (1) rider per sign face.

(8) These provisions shall not be applicable to single-tenant or owner-occupied properties which are subject to [Section 405.950\(3\)](#) Temporary or incidental signs for single-tenant properties.

3. *Temporary or incidental signs.* The following signs are permitted as temporary or incidental to a given ground floor business or use and are not to be included in calculating the allowable gross sign area for on-premises permanent signs:

a. *Window signs.* The total gross sign area of all window signs as defined in [Section 405.120](#), Definition of Terms, shall not exceed twenty percent (20%) of the area of any individual window located in the lowest eleven (11) feet of the storefront as measured from the adjacent exterior grade. For the purposes of this Section, panes of glass separated by a structural column or portion of exterior finished wall shall be considered individual windows. Further, glass located within a door, whether or not

it is used as an entrance/exit, is not an eligible location for a window sign. No window signs are allowed more than eleven (11) feet above the adjacent grade.

b. *Temporary promotional displays and signs.* Temporary promotional displays such as banners, posters, pennants, ribbons, streamers and balloons shall be permitted for ground floor retail sales and service uses to announce grand openings, special sales or events. These special promotions shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary promotional displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage for on-premises permanent signs. Permitted balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low monument signs.

c. *Temporary signs.* Within forty-five (45) days prior to and ten (10) days after any election held within Creve Coeur, temporary non-commercial signs may be allowed with the owner's permission in addition to the permitted signage allowed on any non-residentially zoned lot or parcel of land in the City. Each lot or parcel of land shall be permitted one (1) or more single- or double-faced sign although no single sign face shall exceed twenty-four (24) square feet. Not more than one (1) temporary sign per individual candidate and/or proposition on the election ballot shall be permitted per lot.

d. *Temporary real estate signs on single-tenant/occupant properties.* In addition to the permitted signage on any single-tenant/occupant non-residential premises, temporary real estate signs are allowed offering the premises for sale, lease or rent. Such signs shall be limited to advertising the premises on which they are located, shall be a maximum of six (6) feet tall and shall be limited to twenty-four (24) square feet per sign face with a maximum of two (2) sign faces. Temporary real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased or rented. These provisions shall not apply to multi-tenant/occupancy properties and if the property is subsequently converted to multi-tenant occupancy, the requirements of [Section 405.950\(2\)\(e\)](#), Multi-tenant real estate information signs, shall be enforced on the property.

e. *Signs on converted residential structures in commercial zoning districts.* Each residential structure which has been converted to a commercial use by approval of a site development plan by the Planning and Zoning Commission may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area not to exceed twenty-five (25) square feet. A rear entrance to such business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door. All signs permitted by this Section shall require the issuance of a sign permit.

4. *Special purpose signs.* Signs authorized in this Subsection are not to be included in calculating the allowable gross sign area for on-premises permanent signs.

a. *Parking direction signs.* One (1) freestanding parking direction sign per direction, which may be internally illuminated, shall be permitted for each driveway, provided the sign does not exceed three (3) square feet in gross sign area per face, the sign height does not exceed three (3) feet and no portion of the sign shall extend into the public right-of-way. If the sign is located at a private driveway, the sign may contain the address of the business or institution on the premises.

b. *Directional signs.* Directional signs, other than parking direction signs, may be located on a project, site or development exceeding twenty (20) acres in size, provided that the total area of such signs located on any site shall not exceed twelve (12) square feet in gross sign area and no sign should be more than ten (10) feet in height or located closer than fifty (50) feet to a public or private right-of-way.

c. *Parking regulation signs.* One (1) non-illuminated parking regulation sign, not exceeding five (5) square feet in gross sign area and not exceeding ten (10) feet in sign height, shall be permitted for each commercial or public parking lot. Parking lots with more than twenty (20) parking spaces shall be permitted one (1) such sign for each twenty (20) parking spaces or fraction thereof.

d. *Marquee signs.* Marquee signs for theaters, cinemas, exhibition centers and similar public assembly uses shall be permitted only upon the specific authorization of the Planning and Zoning Commission, subject to such restrictions and conditions as the Commission may deem necessary after a site development plan is reviewed under the provisions of [Section 405.1080](#).

e. *On-site construction signs.* Only one (1) such sign per entire development denoting the owner, architect, engineer, consultant, developer, lender and/or contractor, not to exceed thirty-two (32) square feet in gross sign area per face with a maximum of two (2) faces and not to exceed ten (10) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall be erected out of the public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development.

f. *Light pole artwork signs.* Light pole artwork signs shall be permitted on light poles in public surface parking lots accommodating a minimum of two hundred (200) vehicles. All light poles supporting these signs must be located a minimum of fifteen (15) feet from the front curb line of the parking lot. The bottom of such sign shall not be lower than twelve (12) feet from the base of the light pole. In addition, temporary light pole artwork signs may be permitted on light poles or similar utility poles adjacent to a public street to announce special events. The gross sign area of each light pole artwork sign shall not exceed eighteen (18) square feet with a maximum of two (2) signs per light pole. No part of this sign shall project more than

three (3) feet beyond the vertical centerline of the light pole. These signs shall be attached to the light pole in such a manner so as to minimize any sign movement. Any torn, frayed or faded light pole artwork sign must be repaired, replaced, removed entirely within ten (10) days of written notification.

g. *Covered walkway signs.* A sign not to exceed two (2) square feet in gross sign area may be hung from the ceiling of a covered walkway that is attached to the front of a retail store. Such a sign shall not exceed eighteen (18) inches in drop from the bottom of the said sign to the ceiling surface of the covered walkway, nor shall the bottom of said sign be less than seven (7) feet above the sidewalk surface it is hanging over. Only one (1) covered walkway sign per business shall be allowed. Such a sign shall be hung perpendicular to the retail storefront so as to be beneficial to pedestrian traffic.

5. *Automobile service stations.*

a. Signs located on property used for automobile service stations shall be subject to the provisions and limitations set forth in this Section. Additional retail signs, unless specifically provided for herein, advertising the sale of specific products shall be prohibited.

b. No sign shall be attached to any pole, light standard or gasoline tank vent pipe. No sign shall be attached to a gasoline pump excepting those provided for in [Section 405.950\(5\)\(e\)](#).

c. *Wall signs.*

(1) Not more than one (1) wall sign shall be permitted for each automobile service station. This wall sign shall not exceed twenty-five (25) square feet in gross sign area. This sign may include the name of the firm, the business being conducted on the premises or the principal product being offered for sale on the premises or a combination of same. A business logo may appear as a part of this wall sign.

(2) In instances where the incidental washing of motor vehicles is an accessory service being offered on a property used for an automobile service station, one (1) additional wall sign shall be permitted. This wall sign shall not exceed ten (10) square feet in area. This sign may include the product being offered for sale on the premises. One (1) sign designating the entrance to and one (1) sign designating the exit from the washing area shall be affixed directly to the structure near such entrance or exit. The gross sign area of such signs shall not exceed twelve (12) square feet. Instances where a full-service car wash is part of a property used for an automobile service station, a sign advertising the variety of car wash services being offered, along with their respective costs, may be displayed. Such a sign may be erected no closer than seventy-five (75) feet from any public right-of-way. Such a sign shall not exceed ten (10) square feet in gross

sign area or eight (8) feet in height from top of sign to top of grade. Said sign shall be permanently anchored to a wall, canopy support or a freestanding pole.

d. *Service station canopy signs.* An automobile service station with a canopy shall be permitted one (1) service station canopy sign, in addition to a wall sign, per street frontage. This service station canopy sign shall not exceed thirty (30) square feet in gross sign area per street frontage. This sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy. This sign shall be illuminated by internal and non-intermittent light sources. A business logo, inclusive of striping or other symbols, may appear on this canopy sign as part of the gross sign area allowable for said sign.

e. *Pump signs.* Signs shall be allowed on gasoline pumps so as to provide the required information to the public regarding "octane rating", "price" and "type of fuel". As the trade name of the business is often incorporated into the different types of fuels, said trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in area per sign face (four (4) square feet in aggregate) per pump. "Self-service" or "full-service" signs shall identify each pump island on the service station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than eight (8) feet above the ground, located at each end of the pump island. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in area.

f. *Gasoline price signs.* No more than one (1) gasoline sign shall be allowed per service station property street frontage. This sign must be freestanding and permanently anchored. Such a sign shall not exceed sixteen (16) square feet in sign area per face and shall not exceed six (6) feet in height from top of sign to top of grade. Illumination shall be by internal and non-intermittent light sources. This sign shall identify the actual unit price being charged for gasoline being sold. The business's name and/or logo may be displayed on this sign, provided it does not occupy more than four (4) square feet of the total sign area per face.

6. *Master signage plans--"CB" Core Business District, "PH" Planned Hospital District, "HE" Higher Education District and residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres).* The provisions set forth in the preceding [Sections 405.910, et seq.](#), shall be applicable as stated therein to signs accessory to uses in "CB" Core Business District, "PH" Planned Hospital District and "HE" Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres). However, in keeping with the intent to allow flexibility in the design of planned developments and campuses, the following options may be applicable to signs accessory to uses in the "CB" Core Business District, "PH" Planned Hospital District and "HE"

Higher Education District and signs accessory to residentially zoned institutions (schools and places of worship with a minimum tract area of twenty (20) acres):

- a. As an alternative, signs may be permitted in accordance with a Comprehensive Plan of signage subject to the recommendation of the Planning and Zoning Commission and approval of the City Council following a public hearing conducted in accordance with the provisions of [Sections 405.1060\(D\)\(3\)](#) and [405.1120](#) of the Zoning Code. The Comprehensive Plan of signage shall show the location, size, height and extent of all proposed signs, as well as the nature of the information to be displayed on the signs. In addition, the geographic limits of the area to be covered by the Comprehensive Plan of signage must be shown.
 - b. In addition, a plan for off-site directional signs in commercial districts which identify commercial centers and institutional campuses may be recommended by the Planning and Zoning Commission and approved by the City Council following a public hearing conducted in accordance with the provisions of [Sections 405.1060\(D\)\(3\)](#) and [405.1120](#) of the Zoning Code. The plan for off-site signs shall show the location, size, height and extent of all signs encompassed within the signage plan, as well as the nature of the information to be displayed on each sign. All such signs shall be located within the "CB" Core Business District, "PH" Planned Hospital District or "HE" Higher Education District. Off-site signage is not permitted in residential districts.
 - c. Any application submitted pursuant to Subsection (6)(a) or (b) above may be made by any property owner, owner of an easement, lessee, contract purchaser or their agent. Such application shall be accompanied by a statement setting forth the names of the record owners of the properties upon which such signs are proposed to be located and the notarized agreement of each record owner to the placement of such signs on their property. When an application requests permission to erect a sign on property owned by someone other than the applicant, then such application shall be accompanied by a written and notarized statement signed by the record owners of such properties which indicates their endorsement of the application.
 - d. The above-cited signage options shall be exercised in accordance with the standards for all planned developments as set forth in [Section 405.1080](#). All proposed signs shall be in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban design elements.
7. *Common signage plan--all non-residential districts.* If the owners of two (2) or more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one (1) building (not including any accessory building) file with the Zoning Administrator for such lots a common signage plan conforming with the provisions of this Section, a twenty percent (20%) increase in the maximum total sign

area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.

a. *Provisions of common signage plan.* The common signage plan shall contain the information in paragraph (1) below and shall also specify standards for consistency as required by paragraph (2) below.

(1) The common signage plan shall contain the following:

(a) An accurate plot plan of the lot, at such scale as the Zoning Administrator may reasonably require;

(b) The location of buildings, parking lots, driveways and landscaped areas on such lot;

(c) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this Chapter; and

(d) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

(2) The common signage plan shall specify standards for consistency among all signs on the lots affected by the plan with regard to:

(a) Lettering or graphic style;

(b) Lighting;

(c) Location of each sign on the buildings;

(d) Material; and

(e) Sign proportions.

b. *Window signs on common signage plan.* A common signage plan or master signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.

c. *Limit on number of freestanding signs under common signage plan.* The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots

included in the plan have frontage and shall provide for shared or common usage of such signs. Individual tenants may be identified on freestanding signs.

d. *Other provisions of common signage plans.* The common signage plan may contain such other restrictions as the owners of the lots may reasonably determine.

e. *Consent.* The common signage plan shall be signed by all owners or their authorized agents in such form as the Zoning Administrator shall require.

f. *Procedures.* A common signage plan shall be included in any site development plan or other plan required by the City for the proposed development and shall be processed simultaneously with such other plan.

g. *Amendment.* A common signage plan may be amended by filing a new common signage plan that conforms with all requirements of the ordinance then in effect.

h. *Existing signs not conforming to common signage plan.* If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this Chapter in effect on the date of submission.

i. *Binding effect.* After approval of a common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan and such plan may be enforced in the same way as any provision of this Chapter. In case of any conflict between the provisions of such a plan and any other provision of this Chapter, the ordinance shall control.

8. *Billboards.*

a. *Not permitted.* Billboards shall not be permitted in the City. This prohibition shall be effective as of July 1, 2009. Any billboard permitted prior to that date shall be deemed a non-conforming sign, but shall not be enlarged.

b. *Lighting and landscaping of billboards.* All lighting and landscaping of billboards shall comply with the following:

(1) Prior to issuance of a City permit for erection of a billboard, the applicant shall submit and receive approval of a landscape plan depicting the landscaping, billboard lighting and fencing around the proposed billboard to ensure that the structure will be aesthetically compatible with its surroundings and the aesthetic standards of the community and neighboring property. Said landscaping shall consist of a circular base with a minimum radius measured from the center of the sign base. Said radius shall be no less than the total height of the

sign, measured from ground grade at the sign structure base to the highest point of the total sign and structure. Such plans shall comply with the provisions of [Section 405.540](#), shall be reviewed and approved by the Planning and Zoning Commission and shall comply with all standards in this Section;

(2) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature or similar information, will be permitted;

(3) External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or primary highway 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 and such lights shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjacent residential property;

(4) No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal;

(5) The maximum average lighting intensity level for such sign shall be twenty (20) foot-candles.

c. *Obstruction of official highway signs.* No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness or visibility of an official traffic sign, signal or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

d. *Annual inspection and certification.* Owners of all billboards shall be required to submit, to the Zoning Administrator, an inspection report from a Missouri licensed engineer as to the sign's structural integrity. Such certification shall be done on or before July first (1st) of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.

e. *Nuisances.* Any billboard which, because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris or the deterioration of landscaping, lighting or fencing, becomes unsightly or unsafe, as determined by the Zoning Administrator, is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner all other nuisances on private property. (R.O. 2008 §26-104; Ord. No. 1903 §1, 11-24-97; Ord. No. 1919 §1, 1-26-98; Ord. No. 1977 §§1--5, 1-11-99; Ord. No. 2236 §1, 10-27-03; Ord. No. 2287 §1, 6-28-04; Ord. No. 5073 §§3--4, 1-8-09)

SECTION 405.960: ENFORCEMENT AND SIGN REMOVAL

A. *Sign Code Violations And Enforcement.* Any sign which is not in compliance with all the provisions of this Article is declared to be unlawful. The City, through the Zoning Administrator, may initiate injunction or abatement proceedings or other appropriate action in the courts against any person who violates or fails to comply with any provisions of this Article or against the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located to prevent, enjoin, abate or terminate the erection, use of display of an unlawful sign. Any person who violates or fails to comply with any of the provisions of this Article or the erector, owner or user of an unlawful sign or the owner of property on which an unlawful sign is located shall be subject to the penalties set forth in [Section 405.1150\(D\)](#) of this Chapter.

B. *Removal Of Unlawful Sign.* Any unlawful sign which has not been removed within thirty (30) days after conviction of violation or imposition of civil penalty may be removed by the City and the costs charged to the violator. If removal costs have not been paid and the sign reclaimed within thirty (30) days of its removal by the City, the City may sell or otherwise dispose of the sign and apply the proceeds toward costs of removal. Any proceeds in excess of costs shall be paid to the owner of the sign.

C. *Immediate Removal Of Unlawful Or Unsafe Signs.* Signs which the Zoning Administrator finds upon public streets, sidewalks, rights-of-way or other public property or which wheresoever located present an immediate and serious danger to the public because of their unsafe condition may be immediately removed by the Zoning Administrator without prior notice. (R.O. 2008 §26-105; Ord. No. 1903 §1, 11-24-97)

SECTION 405.970: VARIANCES

A. *Practical Difficulties Or Unnecessary Hardship.*

1. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the provisions of this Article, the Board of Adjustment may vary or modify the application of specific regulations for any permitted form of signage so that the spirit of this Article shall be observed, public safety and welfare secured and substantial justice done.

2. A variance from this Article may be granted for any permitted form of signage where it is found that because of the limitations on character, size, number or dimensions of signs or the regulations controlling the erection or installation of a sign, the applicant would be subject to practical difficulties or unnecessary hardship. Unnecessary hardship is not considered the loss of possible advantage, economic loss or gain or mere inconvenience to the applicant.

B. *Procedures And Criteria.* The procedures and criteria for granting a variance from the regulations in this Article shall be as set out in [Section 405.1040](#) of this Chapter. (R.O. 2008 §26-106; Ord. No. 1903 §1, 11-24-97)

SECTIONS 405.980--405.990: RESERVED



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
MONDAY, SEPTEMBER 17, 2012
7:00 P.M.**

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, September 17, 2012, at the Creve Coeur Government Center, 300 North New Ballas Road. Vice-Chair Gary Eberhardt called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: *Mr. Gary Eberhardt, Vice-Chair*
 Mr. James Faron
 Mr. Ken Howard
 Mr. Jim Schnarr

OTHERS PRESENT: *Mr. Ed Sluys, Attorney*
 Mr. Paul Langdon, Director of Community Development
 Ms. Whitney Kelly, AICP, City Planner

In the absence of the City Attorney, Carl Lumley, Attorney Ed Sluys represented the City.

2. UNFINISHED BUSINESS

A. Application #12-001: An application to consider a text amendment for comprehensive revisions to Article VIII Sign Regulations of the Zoning Ordinances.

Mr. Langdon explained Staff has been working with the Commission all year. Mr. Langdon also pointed out that the City Attorney recommended some last minute changes and those were handed out to the Commission. They changes are about how to handle billboards. Mr. Langdon stated there has been an effort in the billboard industry to pull in issues of content regulation as means of invalidating municipal sign regulations, but there are no consistent results that would guide our actions now. Mr. Langdon pointed out that the City has exercised its rights under state law, as much as possible, and cannot make the billboard go away, but we can say we will not allow any more and can place reasonable restrictions on it. Mr. Langdon spoke of changes made to billboard regulations.

Mr. Langdon continued, stating that related to this issue is the notion of whether a city regulates on-premise versus off-premise signage and whether that is also a means of content regulation. He stated Mr. Lumley's suggestion that the code should not reference either and, instead, the City should simply create an across-the-board size limit on any signs that might arise from a successful third-party interpretation of the Sign Code. While there are specific allowances for larger signs, specifically office building signs, the standard is set at 50 square-feet. Mr. Howard asked if 50 feet was the largest allowed, and Mr. Langdon stated it was, except for office towers.

Mr. Langdon went over the table containing current code language and how it compares to the new code language.

Mr. Eberhardt asked why there could not be time limits on real estate signs. Mr. Langdon replied the Zoning Code used to have time limits but they were extremely hard to enforce and there is testimony before the Commission from an area commercial realtor stating that larger properties generally can show a need for their so-called temporary sign, all of the time. Mr. Langdon gave examples of such and talked about the reasoning for permitting them as permanent signs as opposed to temporary signs.

Mr. Langdon pointed out political signs still do fall under a “time limit” aspect of the code and then concluded with a discussion of the changes made to office building signs and how the new language will allow for larger signs in most instances, especially where the building is close to the street.

Mr. Steven L. Kling Jr., 150 N. Meramec Avenue, on behalf of the Olivette and Creve Coeur Chamber of Commerce, wanted to address the Commission on some concerns they have with the draft code. First, Mr. Kling would like to see the 150 foot space requirement have built-in exceptions. Mr. Kling stated the code language recognizes the issues, but only says there will be variances available for practical difficulties for undue hardships without any degree of certainty. In the examples Mr. Kling showed, they would all be considered practical difficulties, a key finding for a non-use variance such as these. However, the statute states you have to go before the Board of Adjustment to receive a variance for a practical difficulty. Mr. Kling stated they were looking for enumeration of specific instances where the variance is automatic and does not require a finding by the Board of Adjustment. The specific instances where an automatic relief is provided, included signs that are too close to neighboring property signs, instances where topography interferes with the placement of a sign or instances where the pre-existence of a neighbor’s sign forces an applicant into a compromised location. In all three of those situations, Mr. Kling would like to see more certainty with respect to having relief from the strict application.

Mr. Kling also spoke about an issue with maximum sign size on office buildings and, lastly, raised a concern with not being able to have two signs if your office building sits on a corner and has frontage on two streets. Mr. Langdon addressed the topography/obstacle issue by stating there is a 25 foot administrative variance in the draft language, but that that can be increased if the Commission believes more flexibility is in order. Regarding office buildings, Mr. Langdon said the only circumstance where a building might lose out, under the 150 foot provision, if it is a low rise building set way back from the street, however there are very few in the City of Creve Coeur.

Mr. Gene Rovak, 776 Gascogne, addressed the notion of having greater certainty for what they believe should be hard-wired adjustments to the sign separation requirements.

Mr. Howard asked Mr. Langdon if he was comfortable that paragraph six in the low-monument sign section covers what Mr. Kling and Mr. Rovak are taking issue with. Mr. Langdon replied he understood with what Mr. Kling was saying in regards to wanting greater certainty, but that the intent of the code was to leave the discretion with the Board of Adjustment for the most arduous circumstances rather than have a pre-determined outcome. In response to a follow-up comment from Mr. Eberhardt, Mr. Langdon pointed out that

softening the standards any more would largely invalidate the regulation; a regulation that the staff still believe has merit for reasons of visual clutter and motorist safety. Mr. Kling responded he would like to see the administrative variance broadened, if the Commission is uncomfortable with the requests he presented.

Mr. David Caldwell, 257 Brooktrail Court, agreed with Mr. Kling.

Mr. Tom Ray, 1301 Kiefer Bluffs Drive, expressed his desire to be allowed two wall signs for an office building that has two sides of frontage. He stated it is important for his clientele to continue to be able to have two signs on the different frontages. Mr. Ray gave some examples. Mr. Ray also submitted a letter, for the record, from the owner of West Park One, a building that would fit this scenario.

Mr. Eberhardt motioned to recommend amending the draft ordinance to include language for allowing a second wall sign if an office building has two or more frontages. Mr. Schnarr seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Chair – aye

Mr. Howard – aye

Mr. Schnarr – aye

Mr. Eberhardt motioned to recommend amending the draft ordinance to include language for allowing 50 feet instead of 25 feet variance to be at the discretion of the Administrator with regards to all low monument signs. Mr. Faron seconded the motion with resultant vote as follows:

Mr. Faron – aye
Chair – aye

Mr. Howard – aye

Mr. Schnarr – aye

Mr. Langdon pointed out he would like to require stronger wording in terms of the staff ability to require good evidence for granting such variances, and asked if it was the intent of the motion to include that wording or not. Mr. Eberhardt stated it was his intention to include. Mr. Eberhardt called for a vote on the clarification with results as follows:

Mr. Faron – aye
Chair – aye

Mr. Howard – aye

Mr. Schnarr – aye

Mr. Howard motioned to include the changes in the memorandum dated September 17, 2012 from Carl Lumley, City Attorney, as amendments to the draft ordinance. Mr. Faron seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Chair – aye

Mr. Howard – aye

Mr. Schnarr – aye

Mr. Faron motioned to recommend approval of the draft text amendment ordinance attached to the September 17, 2012, staff report on Application #12-001 for comprehensive changes to the Article VIII, Sign Regulations, and Chapter 405.120, Definition of Terms, as discussed by the Planning Commission this day, with conditions already included in previous motions. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Chair – aye

Mr. Howard – aye

Mr. Schnarr – aye

5. **ADJOURNMENT**

There being no further business to come before the Planning and Zoning Commission, upon motion being made and duly seconded, the meeting was adjourned at 9:30 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary

RESOLUTION NO. 1026

**A RESOLUTION APPROVING THE FISCAL YEAR 2013
CONTRIBUTION TO THE EMPLOYEE PENSION FUND IN THE
AMOUNT OF \$1,204,193**

WHEREAS, THE CITY OF CREVE COEUR PROVIDES A DEFINED BENEFIT (DB) PENSION PLAN FOR ITS EMPLOYEES, AND

WHEREAS, THE PENSION PLAN IS FUNDED THROUGH ANNUAL CONTRIBUTIONS BY THE CITY, AND

WHEREAS, THE ANNUAL ACTUARIAL STUDY HAS RECOMMENDED A CONTRIBUTION OF \$1,204,193 AS OF JULY 1, 2012, AND

WHEREAS, THE CONTRIBUTION WILL BE MADE IN EQUAL INSTALLMENTS ON A QUARTERLY BASIS, AND

WHEREAS, STAFF IS RECOMMENDING A CONTRIBUTION OF \$1,204,193 ON A QUARTERLY BASIS WITH 7.5% INTEREST, AND

WHEREAS, IT IS IMPORTANT TO MAINTAIN THE ANNUAL REQUIRED FUNDING FOR THE PLAN, AND

WHEREAS, THE ANNUAL CONTRIBUTION WAS INCLUDED IN THE FISCAL YEAR 2013 BUDGET.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI THAT:

SECTION 1. THE DIRECTOR OF FINANCE IS HEREBY DIRECTED TO MAKE A CONTRIBUTION IN THE AMOUNT OF \$1,204,193 IN EQUAL QUARTERLY PAYMENTS, PLUS INTEREST BASED UPON AN ANNUAL RATE OF 7.5% STARTING JULY 1, 2012 ON THE UNPAID BALANCE AT THE TIME OF EACH QUARTERLY CONTRIBUTION TO THE CITY EMPLOYEE DEFINED BENEFIT (DB) PLAN AS APPROPRIATED IN THE FISCAL YEAR 2013 BUDGET. THE DIRECTOR OF FINANCE SHALL MAKE THE FIRST SUCH QUARTERLY PAYMENT PROMPTLY UPON PASSAGE OF THIS RESOLUTION AND THE SUBSEQUENT PAYMENTS ON DECEMBER 31, 2012, MARCH 31, 2013 AND JUNE 30, 2013.

ADOPTED THIS 8TH DAY OF OCTOBER 2012.

BARRY GLANTZ
MAYOR

ATTEST:

DEBORAH RYAN, MPCC
CITY CLERK



MEMORANDUM

DATE: October 3, 2012

TO: Mark Perkins, City Administrator

FROM: Daniel Smith, Director of Finance

SUBJECT: FY13 Pension Contribution

We have received the completed actuarial study for FY 2013 for the Creve Coeur Employee Pension Plan. The recommended contribution is \$1,204,193 if made on July 1, 2012. There is \$1,212,000 budgeted for the pension contribution in FY 2013.

Staff would recommend making the pension contribution on a quarterly basis. This method is slightly more expensive since the actuarial study recommends paying an additional amount based on the plan investment assumption (7.5%) for the time the contribution is made after July 1, 2012. However, the quarterly contribution would somewhat reduce the effect of any dramatic drop in market values on such a large contribution. It is estimated that the additional cost of the quarterly contribution will be approximately \$35,000.

City staff has tentatively scheduled a joint work session for City Council with the Employee Pension Board for November 12, 2012. At that meeting the full actuarial report will be presented to City Council by Steve Siepmann of Buck Consultants. In addition other topics concerning the pension plan can also be discussed.

I would be pleased to respond to any questions.

RESOLUTION NO. 1027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CREVE COEUR, MISSOURI AUTHORIZING THE EXECUTION OF A CONTRACT INCREASE WITH M & H CONCRETE CONTRACTORS, INC. FOR THE 2012 CONCRETE PAVEMENT REPLACEMENT PROJECT FOR THE AMOUNT OF \$124,906.50.

WHEREAS, the City provides safe public rights of way for its commercial and residential communities;

WHEREAS, the 2012 Concrete Pavement Replacement Project was competitively bid per the requirements, as outlined in the City of Creve Coeur Code of Ordinances;

WHEREAS, M&H Concrete Contractors, Inc., submitted the lowest and best bid for the project and has a reputation for providing quality services;

WHEREAS, the City Council of the City of Creve Coeur approved funding for the 2012 Concrete Pavement Replacement Project, with a sum of \$ 452,967.00, through Resolution 1015 on July 9, 2012;

WHEREAS, due to changes in project scope a change order in the amount of \$124,906.50 is needed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CREVE COEUR, AS FOLLOWS:

Section 1. The Contract change order between **M & H Concrete Contractors, Inc.**, and the City regarding the City's annual concrete pavement replacement program, attached hereto as "Change Order #1," with a **sum of \$ 124,906.50**, is hereby approved and the City Administrator is hereby authorized and directed to enter into and execute that Contract change order. The Contract change order as executed shall be in substantially the form of "Change Order #1," with such changes therein as shall be approved by the officers of the City executing same, consistent with the provisions and intent of this Resolution. The City Administrator and his designated representatives are hereby authorized and directed to take any and all actions necessary, desirable, convenient, or proper in order to carry out the intent of this Resolution, the matters herein authorized, and the rights and duties of the City under the Contract.

Adopted this 8th day of October, 2012.

Barry Glantz
Mayor

Attest:

Deborah Ryan
City Clerk

CHANGE ORDER #1**2012 CONCRETE PAVEMENT REPLACEMENT PROJECT
CITY OF CREVE COEUR, MISSOURI**Date of Issuance: October 8, 2012 Effective Date: October ~~XX~~, 2012Contractor: M&H Concrete Contractors, Inc.

The City hereby directs the Contractor to make the following changes to the Contract Documents.

Description of Change: The change in the Work involves the increased scope of work for concrete replacement on several of the project roadways.

Reason for Change Order: Additional work was found to be necessary after the existing asphalt pavement was removed from the concrete base.

Attachments: 1. Department of Public Works Memorandum dated Oct. 3, 2012.
2. Creve Coeur City Council Resolution ~~XXX~~ that authorizes increasing the scope of work for this change order.

CHANGE IN CONTRACT PRICE:Original Contract Price: \$ 452,967.00Net changes from previous Change Orders
(Number 0 to Number 0): \$ 0.00Contract Price Prior to this Change Order:
\$ 452,967.00Net increase/(decrease) of this Change
Order: \$ 124,906.50Contract Price with all approved Change
Orders:..... \$ 577,873.50**CHANGE IN CONTRACT TIMES:**Original Contract Times
Substantial Completion: 150 days
(days or dates)Net changes from previous Change Orders
(Number 0 to Number 0): 0 days
(days or dates)Contract Times prior to this Change Order:
Substantial Completion: 150 days
(days or dates)Net increase/(decrease) of this Change
Order:..... 0 days
(days or dates)Contract Times with all approved Change
Orders:
Substantial Completion: 150 days
(days or dates)**RECOMMENDED:****ACCEPTED:****APPROVED:**By: _____
DIRECTOR OF PUBLIC WORKS
(Authorized Signature)By: _____
CONTRACTOR
(Authorized Signature)By: _____
CITY ADMINISTRATOR
(Authorized Signature)



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: October 3, 2012

TO: Mark Perkins, City Administrator

CC: Jim Heines, Director of Public Works

FROM: Matt Wohlberg, P.E., City Engineer

SUBJECT: Discussion of Scope Increase in Change Order #1
2012 Concrete Pavement Replacement Project

The 2012 Concrete Pavement Replacement Project included several streets composed of a concrete base with an asphalt overlay, commonly referred to as “combination” streets. Concrete base repairs on these streets far exceeded the anticipated amount of work, and City staff now seeks a change order for the project to increase the scope of work to match the actual repairs.

Concrete Replacement Project Summary

Concrete slab replacement on nine combination streets made up a significant portion of the 2012 concrete program. In fact, the anticipated concrete slab replacement on the combination streets represented over half of this year’s concrete program. The weighting of the 2012 program toward these nine streets came as a result of commitments made in previous years, planning for future work, and poor pavement conditions on these streets.

The remaining portion of the project generally involves replacement of curbing, sidewalks, and curb ramps to prepare for future asphalt resurfacing and micro-surfacing work.

Estimation of Concrete Repairs

A common challenge for resurfacing a combination street is accurately estimating the concrete replacement necessary to address the failures in the concrete base pavement. With the asphalt surface in place, the concrete base pavement is generally hidden from view. Staff must rely upon past experience and the visible pavement conditions to estimate the concrete replacement when the contract is developed. It is only after the projects are underway and the asphalt is removed from the street that the actual scope of the concrete replacement can be determined.

Several of the streets in this year’s pavement program began to disintegrate during or immediately after the asphalt surface was milled off. Kingshill Drive, Princetowne Drive, Templar Drive, and part of Marford Drive were the streets that exhibited the worst deterioration, with some areas showing no cohesive base material and others impassible to traffic. Simply put, the concrete base was in poor condition, and much worse in areas than anticipated.

Increase in Scope

The concrete base pavement could not be adequately repaired using the replacement quantities in the original contract. Significantly more concrete replacement was needed, and this was identified in late August after the asphalt pavement had been removed. A decision needed to be made at that time: either replace all of the failed concrete or limit the replacement to the scope

of the contract. City staff chose to make the necessary repairs and to determine the impact to the contract upon completion.

The concrete replacement is now substantially complete along the combination streets. The table below summarizes the difference between the actual concrete replacement on each street and the estimated values included in the contract. A spreadsheet is attached that provides a more detailed account of the concrete replacement for each street.

Street	Concrete Area (Actual – Contract)	% Difference	Additional Cost
Marford Drive	405 SY	96%	\$ 17,478.00
Staines Court	- 45 SY	- 5%	\$ (3,577.50)
Templar Drive	766 SY	163%	\$ 35,344.80
Ladue Oaks Circle	- 133 SY	- 42%	\$ (6,221.70)
Ladue Oaks Court	29 SY	6%	\$ 1,421.30
Ladue Woods Court	- 170 SY	- 18%	\$ (8,032.80)
Kingshill Drive	1,039 SY	142%	\$ 48,753.60
Princetowne Drive	862 SY	196%	\$ 39,730.80
Total	2,752.9 SY		\$ 124,906.50

Notes: 1. "SY" is the abbreviation for square yards
2. The unit price for concrete may appear to fluctuate in the table above. Two different types of concrete were used on this project, and the areas have been combined to simplify the discussion.

Fiscal Impact

The Capital Improvements Fund for the 2013 fiscal year identifies \$1,350,000 for the Street and Sidewalk Maintenance Program. This program funds various roadway projects, several of which are underway or complete, as detailed below.

Project	Estimated Project Cost
2012 Micro-Surfacing Project (complete)	\$ 175,000
2012 Asphalt Pavement Resurfacing Project (active)	\$ 260,000
2012 Concrete Pavement Replacement Project (active)	\$ 578,000
Total	\$ 1,013,000

Chasselle Lane Reconstruction. Chasselle Lane is scheduled to be partially reconstructed in the spring of 2013. Given the project costs listed above, the remaining capital budget available for Chasselle Lane is approximately \$ 337,000. Considering that the concrete curb and gutter replacement for Chasselle is included in the concrete pavement replacement project, the remaining funding appears to be a reasonable amount for the Chasselle project. Unfortunately, the expansion of the concrete program will restrict the funding available for the Chasselle project (and others), and it will not be known until bids are received for the Chasselle project whether a budget adjustment will be necessary to complete this work as planned.

Recommendation

City staff requests the approval of a change order in the amount of \$124,906.50 to increase the contract scope to provide for the additional concrete replacement that has occurred. Staff determined that additional work (i.e. beyond that specified in the contract) would be necessary but the scope of this work could not be accurately quantified until it was complete.

The work involving curbing, sidewalks, and accessible curb ramps has generally remained within its original scope, and a contract adjustment involving this work has not been considered as part of the current discussion. Any additional adjustments are anticipated to be minor. If necessary, these will be resolved through a future change order or during the project close out.

Attachments: Combination Street Concrete Replacement Summary

Combination Street Concrete Replacement Summary

10/3/2012

2012 Concrete Pavement Replacement Project

Creve Coeur, Missouri

	Contract Estimate		Actual Replacement		Difference		
Street Name	Area (SY)	Cost	Area (SY)	Cost	Area (SY)	% Difference	Cost
Marford Drive	420	\$ 19,656.00	825	\$ 37,134.00	405	96%	\$ 17,478.00
Staines Court	870	\$ 40,716.00	825	\$ 37,138.50	-45	-5%	\$ (3,577.50)
Templar Drive	470	\$ 21,996.00	1236	\$ 57,340.80	766	163%	\$ 35,344.80
Ladue Oaks Circle	320	\$ 14,976.00	187	\$ 8,754.30	-133	-42%	\$ (6,221.70)
Ladue Oaks Court	470	\$ 21,996.00	499	\$ 23,427.30	29	6%	\$ 1,431.30
Ladue Woods Court	960	\$ 44,928.00	790	\$ 36,895.20	-170	-18%	\$ (8,032.80)
Kingshill Drive	730	\$ 34,164.00	1769	\$ 82,917.60	1039	142%	\$ 48,753.60
Princetowne Drive	440	\$ 20,592.00	1302	\$ 60,322.80	862	196%	\$ 39,730.80
Subtotals:	4680	\$ 219,024.00	7432.9	\$ 343,930.50	2752.9		\$ 124,906.50
TOTAL REQUIRED FOR CHANGE ORDER: \$ 124,906.50							



DEPARTMENT OF PUBLIC WORKS OFFICE MEMO

DATE: October 2, 2012
TO: Mark Perkins, City Administrator
FROM: Jim Heines, Director of Public Works
SUBJECT: Converting Public Works Fleet to Compressed Natural Gas

History

For a number of years, Public Works staff has explored options to convert our fleet to alternative fuels as well as improved drivelines and braking systems. The city began purchasing diesel powered 2-ton dump trucks with air brakes in 2008 as a means to improve truck quality, fuel mileage, and reduce maintenance costs. Since that time several pickup trucks have also been purchase with Flex Fuel capabilities. All of these purchases have assisted in improving the efficiency of our fleet.

Most recently staff has explored two new options as an energy source:

1. Electric powered vehicles

Electric powered trucks are now available to consumers; however they are only produced by a few companies worldwide. In addition, they do not offer a model comparable to a 2-ton dump truck, only over the road tractor trailer models are available at the time of research. This being said, the remainder of this alternative fuel report will focus on option #2.

2. Compressed Natural Gas

CNG (Compressed Natural Gas) vehicles are becoming more popular nationwide. Cars and trucks can be ordered with the necessary equipment to burn this fuel or conversion kits are available to modify existing gas or diesel burning vehicles to CNG as a fuel source.

CNG Properties and Comparisons

Natural gas, comprised mostly of methane gas, is one of the cleanest burning alternative fuels for cars and trucks. Almost 90% of this fossil fuel consumed in the United States is produce or harvested here in the United States.

Few models of cars and trucks designed to run on CNG are offered in the US, however, conversion kits to retrofit gasoline and diesel motors to burn CNG are available. According to manufacturers of the kits, the average CNG conversion kit can pay for itself within 4-5 years depending on the number of miles driven per year.

One of the biggest hurdles for CNG vehicle owners is the availability of fueling stations. Although there are several CNG stations planned to be constructed in the St. Louis area over the next few years, to date the only station I am aware of is located at the Laclede Gas Maintenance facility in Shrewsbury. Some of the pros and cons of CNG are listed on the table on the next page:

Advantages

- Minimum of 30 % reduction in greenhouse gas emissions
- Less expensive than gasoline or diesel fuel (about 30% savings)
- Lower HCL and CO2 emissions
- Safer than gasoline (if leaks occur vapor rises and dissipate rather than sink and concentrate)
- Burns cleaner so preventative maintenance cycles are significantly extended.

Disadvantages

- Reduced mileage
- Loss of performance
- Limited availability of fuel
- Loss of space to place CNG storage tanks
- Lower range of travel per tank
- Natural Gas prices can be volatile and 30% savings over gasoline may not continue.
- High pressure tank store onboard vehicles can be a safety concern

Fueling

As previously mentioned one of the biggest hurdles to overcome regarding the use of CNG is the refueling stations. With the city at times being a 24hour operation it is imperative to have a fueling station close by that is accessible at all times. Although there are plans to construct fueling stations in the metro area over the next few years, the closest proposed locations are St. Charles Rock Road north of I-270 or Parkway School District bus depot off of Hwy. 141. Even these locations will likely be too far to be cost effective for us. Due to the distance away from the city, the only way the use of CNG makes sense is to have a fueling station within the city.

I attended the APWA National Conference this summer and one of my objectives was to explore alternative fuel options such as CNG. I engaged in conversations with a representative of Clean Energy Fuels regarding the cost of fueling stations. Clean Energy Fuels is a designer/manufacturer of High Pressure CNG fueling stations and were able to provide valuable information regarding conversion to CNG as a fuel source as well as the cost of fueling stations.

Clean Energy Fuels confirmed that if gasoline, diesel, and natural gas prices stay steady, the costs to convert trucks to CNG can be paid off by the saving from fuel costs within 4-5 years. As for the fueling stations there are two options.

1. A low pressure fueling station can be installed for about \$15,000 per outlet. This type of fueling station takes about 8-12 hours to slowly fill the storage cylinder in one vehicle. This is a residential type application and would not service the city's fleet effectively.
2. High pressure fueling stations are also available for a cost of \$500,000 to \$1,500,000 depending on how many outlets are desired. This type of fueling station has high pressure pumps (4000 psi) which compress the natural gas to allow for a cylinder to fill up in about 20 minutes.

As mentioned above Option 1 would not be a good choice due to the expectations and needs of our emergency operations readiness. During a snow event, storm cleanup, or natural disaster response time is of the utmost importance and waiting extended periods of time for our CNG cylinders to fill could cause a great hardship on our ability to provide a rapid response.

Option 2 on the other hand would allow staff to fill up a truck almost as quickly as filling with gasoline or diesel. Unfortunately, the cost to construct such a fueling station is cost prohibitive. While discussing the fueling stations options with the representative from Clean Energy Fuels she mentioned that for the fueling station to break even you must currently pump about 30,000 gallons of gasoline and/or diesel fuel each month. The city currently dispenses about 12,000 gallons of gas and diesel collectively every 6-weeks and a good portion of this amount is dispensed to the police patrol vehicles which would not be recommended for fuel conversion due to reduced performance and loss of the entire trunk space to accommodate the fuel storage vessel.

Summary

It is very clear that CNG is a cleaner burning fuel which reduces emissions to the atmosphere as well as reduces maintenance on vehicles due to these properties. In addition the cost of CNG is currently about 70% to cost of Gasoline or Diesel so there is an opportunity for saving there too; however the availability of a high pressure fueling station is a significant problem.

Although the cost for the city to construct a fueling station for our own use is unaffordable at this time, it may open the door for either Public/Private partnerships or even interagency cooperative agreements to construct a nearby fueling station.

City staff will continue to collect information associated with alternative fuels and new opportunities regarding CNG fueling stations.

CURTIS, HEINZ, GARRETT & O'KEEFE, P. C.

ATTORNEYS AT LAW

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CARL J. LUMLEY
PRINCIPAL

CLUMLEY@LAWFIRMEMAIL.COM

2012 City Council Review of Creve Coeur Intersection Safety Automated Enforcement Program

I. History

A. General Background

- Use of automated traffic enforcement systems involving photography dates back to 1909
- Modern photo-radar equipment was first used in 1986
- Automated enforcement of intersection safety started in 1994
- Currently in use in about half of the states

[Source – Automated Traffic Enforcement Systems, American Law Reports, 26 ALR 6th 179]

B. Creve Coeur

- Ordinance initially adopted June 2006
- Contract with ATS to install and operate the camera system approved January 2007
- Program commenced at first intersections October 2007
- Now at four intersections, eight approaches, ten cameras
- Warnings issued at commencement of each new installation
- Press releases
- Permanent signs

II. Legal Structure

- Violation occurs when vehicle present in intersection and not supposed to be there

- Movement not an element of the offense, so non-moving violation, no points
- Vehicle owner/lessee responsible, presumed either driving or allowed someone else to drive
- Fine of \$100, set by judge
- No risk of incarceration
- Defenses can be raised – not “I was not driving”, but stolen car, malfunction, police direction, etc.
- Notice of violation sent by mail (see attached sample), can look at photos and video online, can pay (including online) and resolve, can send affidavit of defense to prosecutor, or can wait for summons, appear before municipal judge, present defenses in court
- If proceed to court hearing and found guilty, must pay fine and court costs (additional \$26.50)
- If totally ignore court summons, face same additional sanctions as for disregarding any other summons (additional fines, potentially incarceration)

III. System

- Technology (ATS representatives)
- No manipulation of light timing – MODOT standards – no trickery or entrapment
- No picture of driver, unlike some other cities
- ATS reviews images for potential violations, forwards to police
- Police review, supervision (Police Department)
- Department rejects about 25% of events forwarded by ATS for review

IV. Safety

- Distracted driving is a growing problem, program only part of solution
- Driving too fast for conditions likewise a problem, again program part of solution
- Creve Coeur Intersection Safety Program Analysis, September 2012
- System eliminates risks involved when police officer tries to follow violator through intersection against signal, or stands at roadside to issue ticket
- Impractical and inefficient to devote officers to constant monitoring of problem intersections
- Improves safety, also efficient traffic flow

V. Financial Aspects (Dan Smith)

- Public safety programs (police, court) are not “profitable”
- Fiscal year ended June 2011, audit complete
- Public safety and court programs, total expenses \$7,292,260 (includes fees paid to ATS)
- Total fines, all violations, and other department revenues such as grants, only \$2,050,683
- Automated enforcement fines \$738,416 (included in above figure)
- Down from prior years (see attached Table)
- Payment rate – calendar year 2011 - 85.3% of total issued, but effectively 89.5% after taking into account dismissal of erroneous notices (see attached report)
- Cost of single serious accident – potentially horrific impacts on the injured or killed and their families, plus collateral impacts on everyone on the roadway, police and fire/emergency teams, healthcare system

VI. Litigation

- Defendants that participate in municipal court have right to seek new bench trial at circuit court
- Some have done that, but typically with the mistaken belief that not being driver is defense, typically found guilty
- Several unsuccessful efforts to have the appellate courts discontinue the program by extraordinary writ
- *Nottebrok* case – after unsuccessful new trial, defendant appealed to Court of Appeals
- October 2011 – Court upheld Creve Coeur ordinance
- Specifically upheld owner/lessee responsibility, and status as non-moving violation with no points
- Recognized City authorized by statute to enact additional traffic regulations
- Missouri Supreme Court declined to review case further
- Attempted class action suit dismissed by Circuit Court, matter on appeal
- Other Missouri cities – some have similar ordinances, some have taken different approaches – most have withstood recent challenges, but not St. Louis (although also on appeal) which did not enact a separate intersection safety ordinance

- Confusion created by St. Louis ruling, by incomplete media reports, by intemperate public statements of public officials and personalities
- City sending letters to inform public that courts have upheld Creve Coeur ordinance and notices cannot be ignored

VII. Public Opinion

- 2008 Citizen Poll - Do you support the City's use of photo-enforcement cameras at intersections?

Yes 58%

No 31%

Not Sure 10%

Unfamiliar 1%

- 2011 Citizens Poll - Do you support the city's use of red light cameras at signalized intersections in Creve Coeur?

Yes 42%

No 45%

Not Sure 13%

Poll report notes that use of system favored least by those whose most recent contact with police was traffic stop or crime prevention (66%).

VIII. Future

- Police and staff recommend continuation of the program (Chief)
- Fine-tuning of ordinance – chance to make decision whether to continue, further codify details of the program, additional sanctions for disregard
- Public education
- Gamification/incentives
- ATS contract expires in September 2013
- Bid process for service contract



City of Creve Coeur, Missouri
C/O Photo Enforcement Program
300 N New Ballas
Creve Coeur, MO 63141

AUTOMATED TRAFFIC ENFORCEMENT DIVISION NOTICE OF VIOLATION

NOTICE #: 0790500001234
PIN: 0123
PLATE:

Amount Due: \$100.00
Due Date: 09/11/2007

JOHN B SMITH
123 N MAIN STREET
CREVE COEUR, MO 63141



ON/ABOUT (Date) 07/28/07	AT TIME 4:02 PM	HWY CLASS	UPON / AT OR NEAR (LOCATION) Jeffco Blvd NB @ S-R 141	
NAME John B Smith				
STREET ADDRESS 123 N. Main Street				
CITY Creve Coeur		STATE MO	ZIP CODE 63141	
VEHICLE YEAR 1998	MAKE Saturn	MODEL SC2	STYLE CP	COLOR
REGISTERED WEIGHT	L I C	NUMBER 591RKJ	STATE MO	YEAR
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE. THE FACTS SUPPORTING THIS BELIEF ARE AS FOLLOWS: "Violation of Public Safety at Intersection"				
IN VIOLATION OF: Ord. No. 315.140		☐ RSMo ☒ ORD.		
OFFICER SIGNATURE <i>Scott Ford</i>		DSN 0144	TRP: ZONE	DATE

Public Safety Violation

Please take notice that the vehicle described and pictured herein was photographed violating public safety at an intersection. Therefore, under Creve Coeur Ordinance No. 315.140, as the registered owner(s) or lessee you are liable for the Violation of Public Safety on Roadways. The penalty for this violation is \$100.00. No points will be assessed against your driver's license. Information on this program and the procedures are on the reverse. If you have any questions, please call 1-866-790-4111.



Mail your check or money order with this coupon to the address below.

NAME: JOHN B SMITH		DUE DATE: Issue Date + 30	
NOTICE #: 0790700000245	VERSION: 1	ISSUE DATE: 07/28/2007	
PLATE: 591RKJ	STATE: MO		

This is a non-moving violation and no points will be assessed against your drivers' license.

City of Creve Coeur, Missouri
C/O Photo Enforcement Program
300 N New Ballas
Creve Coeur, MO 63141

- ✓ Make your check or money order payable to the City of Creve Coeur.
- ✓ Payment before the due date will avoid the assessment of court costs
- ✓ DO NOT MAIL CASH.
- ✓ Write the Notice # on the front of your payment.
- ✓ Do not tape, staple or paperclip items.
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.
- ✓ Payment is an admission of a violation of Ordinance No. 315.140.

AMOUNT DUE: \$100.00

1 0790700000245 000000014841 060006

The City of Creve Coeur, Missouri has adopted regulations for the automated enforcement of traffic control signal regulations. Accordingly, pursuant to the terms of Ordinance No. 315.140, the Police Department is authorized to install and operate an intersection safety program which uses automated red light cameras to enforce public safety violations. It has been determined that your vehicle was present in an intersection in a direction of travel while the Traffic Control Signal for the intersection was emitting a steady red signal for that direction of travel through the intersection. Liability is based on ownership, without regard to whether the owner was operating the motor vehicle at the time of the violation. Red light violations damage the public by endangering vehicle operators and pedestrians alike. Please drive safely.

If your vehicle was making a right hand turn on a red light, the videotape shows that it did not come to a complete stop and therefore was present in the intersection and not making a lawful turn as required by Ordinance No. 315.140.

Payment before the due date of this notice will prevent this matter from being referred to the prosecutor for the filing of an information in the Creve Coeur Municipal Court. Upon the filing of an information, a summons for you to appear in the Creve Coeur Municipal Court will issue and court costs will be assessed and become payable in addition to the \$100.00 fine.

This is a non-moving violation and no points will be assessed against your drivers' license.

INSTRUCTIONS

PAYMENT BY MAIL: Mail your check or money order (payable to the **City of Creve Coeur**) in the enclosed envelope with the coupon printed at the bottom of the reverse side of this notice. **DO NOT MAIL CASH.** Be sure to put the Notice # (see reverse) on the face of your payment. If you have any questions, please call Customer Service at **1-866-790-4111**.

VIEW YOUR IMAGES AND VIDEO: In the event that this matter is filed in the Creve Coeur Municipal Court, the recorded images and video will be submitted as evidence in the Creve Coeur Municipal Court proceeding for prosecution of the violation. You may view your images and video online at www.ViolationInfo.com. You will need your Notice # and PIN printed on the front of this notice.

COURT PROCEEDING: If you do not wish to resolve this matter outside of the municipal court system, and you do not remit payment as herein requested, a summons will be issued for you to appear in Municipal Court. Please be advised that once this matter has been filed in the Municipal Court, court costs will be assessed in addition to the fine set forth herein.

QUESTIONS: If you have any questions, please contact Customer Service at **1-866-790-4111**.

RECOGNIZED EXCEPTIONS: If, at the time and place of the violation, ownership of the motor vehicle had been transferred or the license plate captured by the Recorded Image was stolen, the Owner may submit information to that effect by affidavit, on a form provided by the City of Creve Coeur at 300 N New Ballas Rd. A full list of the other recognized exceptions are set forth in the above referenced ordinance. You may submit the affidavit by mail prior to your due date. You may also obtain the form from www.ViolationInfo.com. You will need your Notice # and PIN printed on the front of this notice.

IF YOU ARE A RENTAL CAR COMPANY send your letter identifying the driver along with the copy of this Notice to the City of Creve Coeur, C/O Photo Enforcement Program, 300 N New Ballas, Creve Coeur, MO 63141.

[illegible]

Expenses:	FY08*	FY09	FY10	FY11
Public Safety	5,941,435	6,158,179	6,330,140	6,480,234
Municipal Court	548,656	815,408	861,541	812,026
	6,490,091	6,973,587	7,191,681	7,292,260

Program Revenues:				
Charges for services, grants and contributions	1,549,472	1,400,149	1,168,591	1,312,267
Intersection Safety Violation Fines	781,130	1,138,529	760,325	738,416
	2,330,602	2,538,678	1,928,916	2,050,683

Net Revenue(expenses)	(4,159,489)	(4,434,909)	(5,262,765)	(5,241,577)
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* 2008 Includes only a partial year for Intersection Safety revenues and expenses.

The program began in October of 2007

Payment Statistics Report

CITY OF CREVE COEUR
300 N NEW BALLAS
CREVE COEUR, MO 63141



Payment Statistics Year: 2011

Violation Type: ALL

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR TO DATE	PROGRAM TO DATE
First Notices														
Issued	450	579	626	637	636	806	1,028	978	914	765	817	346	8,582	51,519
Paid	295	400	410	402	481	723	910	869	823	671	713	290	6,987	36,171
%Paid on First Notice	65.6%	69.1%	65.5%	63.1%	75.6%	89.7%	88.5%	88.9%	90.0%	87.7%	87.3%	83.8%	81.4%	70.4%
Second Notices														
Issued	154	178	211	227	110	0	0	0	0	0	0	0	880	11,640
Undeliverable	0	0	0	0	0	0	0	0	0	0	0	0	0	112
Paid	104	127	147	160	83	0	0	0	0	0	0	0	621	7,687
Paid After Pre Collection	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Paid After Collection	0	0	0	0	0	0	0	0	0	0	0	0	0	0
%Paid on 2nd Notice	23.1%	21.9%	23.5%	25.1%	13.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	7.2%	15.0%
%Paid After Pre Collections	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
%Paid After Collections	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Hearing or Appeal														
Paid after Hearing or Appeal	0	0	0	0	0	0	0	0	0	0	0	0	0	12
%Paid after Hearing or Appeal	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dismissals														
Admin Dismissal or Hearing Dismissal	30	25	34	40	39	41	66	51	46	30	30	14	446	2,529
%Dismissed	6.7%	4.3%	5.4%	6.3%	6.1%	5.1%	6.4%	5.2%	5.0%	3.9%	3.7%	4.0%	5.2%	4.9%
Not Paid														
No Hearing - Not Paid	21	27	35	35	33	42	52	58	45	64	74	42	528	3,651
Hearing Held - Not Paid	0	0	0	0	0	0	0	0	0	0	0	0	0	1,357
Collections - Not Paid	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Not Paid	21	27	35	35	33	42	52	58	45	64	74	42	528	5,008
% Not Paid	4.7%	4.7%	5.6%	5.5%	5.2%	5.2%	5.1%	5.9%	4.9%	8.4%	9.1%	12.1%	6.2%	9.7%
Total Paid														
Total Paid	399	527	557	562	564	723	910	869	823	671	713	290	7,608	43,870
% Paid of Total	88.7%	91.0%	89.0%	88.2%	88.7%	89.7%	88.5%	88.9%	90.0%	87.7%	87.3%	83.8%	88.7%	85.3%



Creve Coeur, Missouri

Intersection Safety Program Analysis

September 2012

The purpose of Creve Coeur's Intersection Safety Camera (ISC) program is to improve safety at signalized intersections. This report is intended to provide a preliminary overview of the effectiveness of the Intersection Safety Cameras deployed in Creve Coeur. The impact of the ISC program on traffic collisions and injuries associated with safety violations is evaluated, as well as the frequency of safety violations by motorists.

Intersection Safety Cameras are intended to reduce the number of violations and as a result lower the probability of accidents.

On June 12, 2006, the City of Creve Coeur adopted regulations for the automated enforcement of Creve Coeur City Traffic Ordinance 16-398, Violation of Public Safety at Intersections. On January 22, 2007, the City Council of Creve Coeur passed an ordinance approving a Professional Services Agreement between Creve Coeur and American Traffic Solutions for ATS to provide services related to the automated enforcement. This agreement was fully executed on January 26, 2007.

Prior to issuing violations at the start of the program, warning notices were issued for 30 days to make the public aware that Creve Coeur would soon be using Intersection Safety Cameras to enforce traffic laws. Following the first phase of intersection implementation, warning notices were issued for 7 days prior to issuing violations at each subsequent approach. Additionally, with the rollout of each new intersection and in conjunction with issuing warning notices, the City issued a press release announcing the intersection(s) that will begin the Safety Program. The City also periodically issues press releases reminding the public of enforcement locations and the dangers associated with intersection safety violations.

Implementation of Intersection Safety Camera locations has been completed in three phases. Phase 1 installations included approaches on Ladue Road at Coeur De Ville Drive and at Emerson Road. These locations began issuing violations on October 12, 2007. Phase 2 installations included approaches at the I-270 Off Ramp and Olive Boulevard (Highway 340). These locations began issuing violations on December 10, 2007. The latest phase, Phase 3, installed a Intersection Safety Camera at Westbound Olive Boulevard at North New Ballas Road. This location began issuing violations on March 22, 2010. Since the latest camera was just recently put in to service, it was not included in this report.

The data used for this report was actual accident reports from the Police Department.

Police Review. The Creve Coeur Police Department thoroughly reviews every event that is a potential violation. Only upon their same discretion that is used on the road and the review of the evidence, do they determine if a violation did occur. Only if they approve is a citation issued. To date, the Police Department has rejected 25% of those events as not warranting a citation to be issued.

Fatalities. There were no fatalities reported at the monitored intersections since the installation of the intersection safety cameras.

Injuries from violations. There have been no injuries reported from intersection safety violations since the installation of the intersection safety cameras at I-270 and Olive or the I-270 and Ladue monitored intersections.

Accidents from violations. No accidents from intersection safety violations have been reported at the I-270 and Ladue area monitored intersections since the installation of the cameras.

There were no accidents from violations for the entire first 14 months of camera operation at I-270 and Olive. While other types of accidents, such as side swipes and lane changes, have increased, collisions caused by red light running have remained in check and stayed flat at I-270 and Olive on average of one per year since installation.

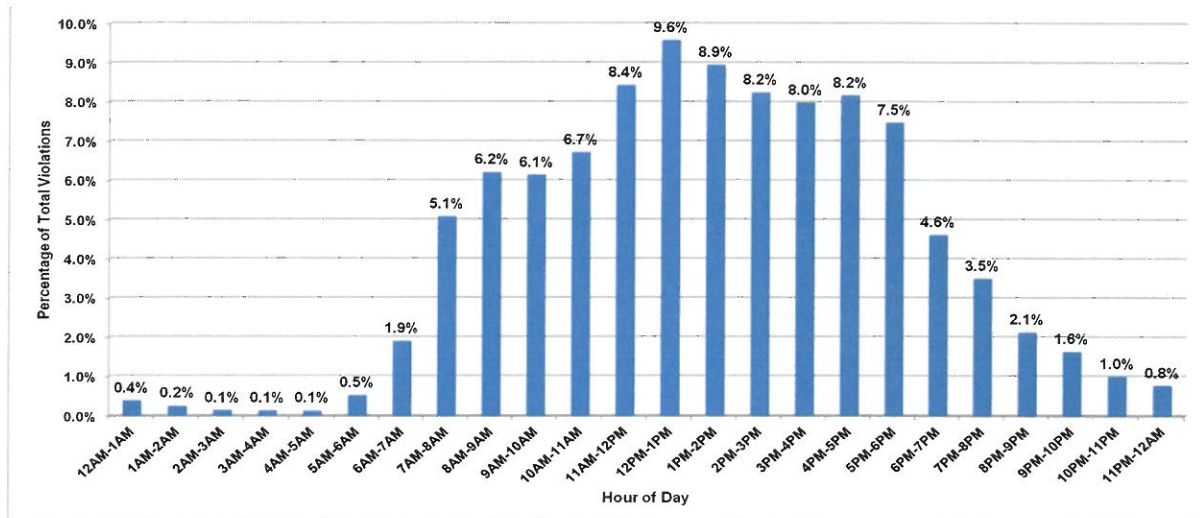
Citations Issued. The number of citations issued has significantly dropped. Comparing the first full month each camera was operational to December of 2011, citations issued have dropped 68%. The first nine cameras were fully deployed in January 1, 2008. Comparing citations issued in 2008 verses 2011, citations issued has dropped 55%.

Repeat Offenders. Over ninety-five percent (95.2%) of all owners receiving a citation for a violation only did so once. Of all violations captured by the City's intersection safety cameras, ninety-nine percent (99.5%) only received two or fewer citations. This low rate of repeat offenders indicates the program has had a positive impact.

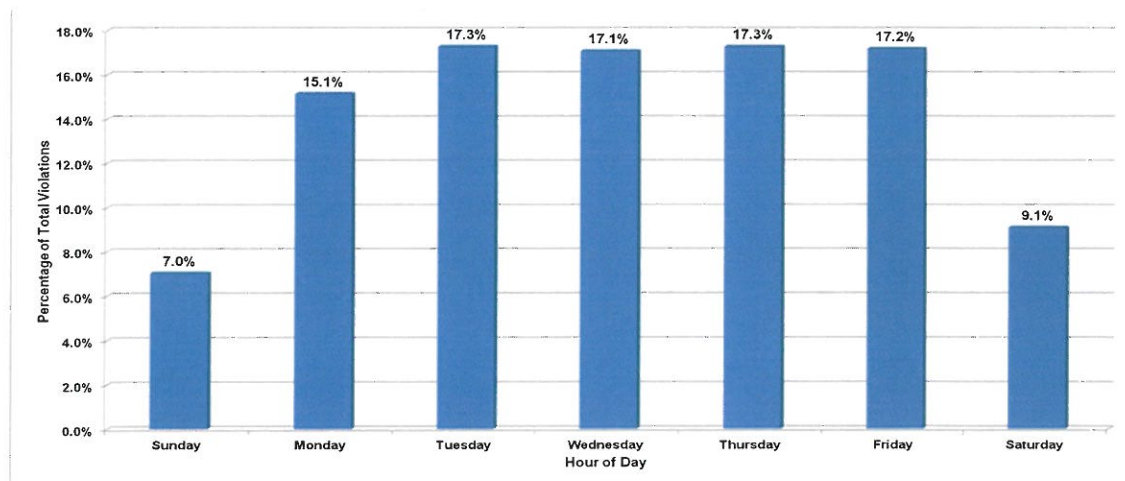
Creve Coeur - Percentage of Violators of Intersection Safety Camera Program based on License Plates		
Number of Violations Received	Number of Violators	Percentage of Total Violators
Violators Receiving 1 Violation	40,801	95.2%
Violators Receiving 2 Violations	1834	4.3%
Violators Receiving 3 Violations	189	0.4%
Violators Receiving 4+ Violations	49	0.1%
Total	42,873	100.0%

Amber Timing. Neither the city, nor the vendor, has access to the amber timing at any monitored intersections. The Missouri Department of Transportation (MoDOT) has this responsibility. In addition, the state legislature passed a law this year reaffirming that MoDOT sets the amber timing in accordance with federal standards.

Distribution of Citations Issued by Hour of the Day. The distribution of violations throughout the day is shown below. The largest percentage of violations since program inception through December 2011 has occurred between 12pm and 1pm. 51% of violations in the City occur between the hours of 11am and 5pm.



Distribution of Citations Issued by Day of the Week. The distribution of violations by day of week is also shown below. The largest percentage of violations during the week has occurred on Tuesdays. The number of violations during the work week is roughly the same for Tuesday through Friday. Mondays may have fewer violations than the other weekdays, perhaps since more holidays tend to fall on this day. In total, 83.9% of all violations occur during the work week.



Conclusion. The Creve Coeur intersection safety camera program has proven to be an effective traffic safety law enforcement and traffic calming tool. Since the inception of the program there have been ZERO fatalities and ZERO injuries from red light running at the intersections researched and equipped with the lifesaving technology. Some intersections reported no red light running accidents at all since the installation of intersection safety cameras. The message is getting through so clearly, that most people don't need to be told twice about intersection safety. Over ninety-five percent (95.2%) of all owners receiving a citation only did so once.

Creve Coeur Intersection Safety Camera Locations				
Location	Approach	Camera ID	Camera Description	Camera Citation Date
Ladue Road and Coeur De Ville Drive	EB Ladue Road at Coeur De Ville Drive	CR01	EB Ladue Road at Coeur De Ville Drive	10/12/2007
Ladue Road and Emerson Road	EB Ladue Road at Emerson Road	CR02	EB Ladue Road at Emerson Road	10/12/2007
	WB Ladue Road at Emerson Road	CR03	WB Ladue Road at Emerson Road	10/12/2007
I-270 On/Off Ramp and Olive Boulevard (Highway 340)	NB I-270 Off Ramp at Olive Boulevard (Highway 340)	CR04	NB I-270 Off Ramp at Olive Boulevard (Highway 340)	12/10/2007
	SB I-270 Off Ramp at Olive Boulevard (Highway 340) - West Side	CR05	SB I-270 Off Ramp at Olive Boulevard (Highway 340) - West Side	12/10/2007
	EB Olive Boulevard at I-270 On/Off Ramp	CR06	EB Olive Boulevard at I-270 Off Ramp (Straight Through Lanes)	12/10/2007
		CR07	EB Olive Boulevard at I-270 Off Ramp (Left Hand Turn Lanes)	12/10/2007
	WB Olive Boulevard at I-270 On/Off Ramp	CR08	WB Olive Boulevard at I-270 Off Ramp (Straight Through Lanes)	12/10/2007
		CR09	WB Olive Boulevard at I-270 Off Ramp (Left Hand Turn Lanes)	12/10/2007
Olive Boulevard and North New Ballas Road	WB Olive Boulevard at North New Ballas Road	CR10	WB Olive Boulevard at North New Ballas Road	3/22/2010