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AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, SEPTEMBER 17, 2012
7:00 PM

1. ROLL CALL

Mr. Michael Barton
Mr. Gary Eberhardt
Mr. James Faron
Mr. Ken Howard
Ms. Cynthia Kramer
Mr. Tim Madden
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

Pursuant to Section 610.022 RSMO, the Planning and Zoning Commission 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.

Reports, documents, plans, and related materials are available for examination at the Creve Coeur Government Center, 300 North New Ballas Road, prior to the meeting.

Special disabled service may be arranged by contacting the Office of the City Administrator in advance.

2. ADDITIONS TO – ACCEPTANCE OF THE AGENDA

3. APPROVAL OF MINUTES

A. Draft minutes from the meeting of Tuesday, September 4, 2012.

4. PUBLIC COMMENT

An opportunity for members of the public to address the Planning and Zoning Commission regarding issues or concerns not already on the agenda for this meeting. Those wishing to speak will be asked to limit comments to three minutes and to complete a speaker card.

5. **UNFINISHED BUSINESS**

A. Application #12-001: Approval of text amendments for comprehensive revisions to Article VIII Sign Regulations of the Zoning Ordinance.

Applicant/Agent: Paul Langdon, AICP
Director of Community Development
City of Creve Coeur

6. **NEW BUSINESS**

A. PUBLIC HEARING

Application #12-028: Approval of a text amendment to allow "Post-Discharge Surgical Recovery Clinics" in the "PO" Planned Office District.

Applicant/Agent: Mike Brandon
HCP, Inc.
3000 Meridian Blvd
Suite 200
Franklin, TN 37067

Applicant's Representative: Kevin P. McLaughlin
Balke Brown Transwestern
1001 Highlands Plaza Dr. West, Suite 150
St. Louis, MO 63110

7. **WORK AGENDA**

8. **OTHER BUSINESS**

- A. Planning Division Report**
- B. City Attorney Report**

9. **ADJOURNMENT**

Posted: _____
Whitney Kelly
City Planner



**CITY OF CREVE COEUR - MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, SEPTEMBER 4, 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 Tuesday, September 4, 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. James Faron
 Mr. Ken Howard
 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 August 20, 2012

Mr. Faron moved approval of the draft minutes as written, and Mr. Howard seconded the motion, which 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.

Mr. Langdon asked the Commission for a continuance to the next Planning and Zoning meeting on September 17th, 2012.

Mr. Schnarr motioned application #12-001 be continued to the next Planning and Zoning meeting of September 17, 2012. Mr. Faron seconded the motion with resultant vote as follows:

Mr. Faron – aye
Chair – aye

Mr. Schnarr – aye

Mr. Howard – aye

Ms. Cynthia Kramer arrived after this vote.

6. **NEW BUSINESS**

A. **PUBLIC HEARING**

Application #12-023: Request for approval of a revised master sign plan for the Barnes Jewish West County Hospital at 12634 Olive Boulevard.

Applicant/Agent: Diane Glen
Barnes Jewish West County Hospital
12634 Olive Boulevard
Creve Coeur, MO 63141

Applicant's Representative: Mr. Jon Krone
Warren Sign Company
2955 Arnold Tenbrook Road
Arnold, MO 63010

Mr. Jon Krone, Warren Sign, 2955 Arnold Tenbrook Road, presented on behalf of Barnes Jewish West County Hospital. Mr. Krone explained there were three points they wanted to talk about, which is the main entrance signage, the emergency room signage, and intersection signage on campus that BJC would like to upgrade. Mr. Krone showed the Commission illustrations of where signs will be located and how they will be updated.

Mr. Faron asked if the illuminated signs were kept on 24 hours a day, to which Mr. Krone replied yes.

Ms. Whitney Kelly, City Planner, explained the application and stated Staff finds all signs compatible and recommends approval of the application.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Faron motioned to approve the amended Master Signage Plan for the Barnes Jewish West County Hospital Campus, submitted with Application #12-023, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of September 4, 2012. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye
Mr. Howard – aye

Ms. Kramer – aye
Chair – aye

Mr. Schnarr – aye

B. **PUBLIC HEARING**

Application #12-024: Request for site development plan and conditional use permit approval for St. Timothy's Episcopal Church at 808 N. Mason Road.

Applicant/Agent: Ron Batty
St. Timothy's Episcopal Church

808 N. Mason Road
Creve Coeur, MO 63141

Applicant's Representative: Christopher Chiodini
Chiodini Associates
1401 S. Brentwood Blvd.
Suite 425
Saint Louis, MO 63144

Mr. Chris Chiodini, Chiodini Associates, 1401 S. Brentwood, presented on behalf of St. Timothy's, and explained the application. Mr. Chiodini showed the Commission a site map showing the proposed plans and explained the landscape plan.

Mr. Schnarr asked what the trash enclosure was going to be made of and Mr. Chiodini stated it was to be made of masonry.

Ms. Kelly spoke to the Commission about the applicant proposing this in December of 2010, however too much time lapsed in between that project and now and the scope of work has been scaled down, that is why they are seeking new approval.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Faron motioned to approve the Conditional Use Permit and Site Development Plan Amendment for the St. Timothy's Episcopal Church, submitted with Application #12-024, subject to the conditions contained in the draft ordinance attached to the staff report dated September 4, 2012. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye

Ms. Kramer – aye

Mr. Schnarr – aye

Mr. Howard – aye

Chair – aye

C. PUBLIC HEARING

Application #12-025: Request for conditional use permit amendment to allow a Jaguar/Land Rover showroom at the former Reuther Chrysler/Jeep dealership.

Applicant/Agent: Asbury Automotive St. Louis L.L.C.
c/o Asbury Automotive Group
2905 Premiere Parkway, Suite 300
Duluth, GA 30097

Applicant's Representative: Jerry Patterson
Plaza Motors Company
11830 Olive Boulevard
Creve Coeur, MO 63141

Mr. Jerry Patterson, Plaza Motors, 11830 Olive Boulevard, presented the Commission members with updated plans for the application. Mr. Patterson stated the plan is to move their Rover/Jaguar store over to the former Reuther site. Mr. Craig James, Praxis Three Architects, 1776 Peachtree Street, Atlanta, Georgia, explained the site picture and where access points to the building are located and showed several visuals from different views of the building.

Mr. David Caldwell, 257 Brooktrail Court, asked what provisions are there for bus stops and public transit. Mr. Langdon answered he did not believe so.

Mr. David Lang, Millbradt Lawn Equipment, 11700 Olive Boulevard, stated Ham Avenue is his company's driveway, not a public street. Mr. Lang opposes it being used as an entrance to the proposed project. Mr. Lang also stated Ham Avenue belongs to his company. Mr. Patterson explained the Ham Avenue access was not the main entrance; the main entrance is off of Olive Boulevard. Mr. Lang asked what the Ham Avenue entrance was going to be used for, and Mr. Patterson replied for circulation and the eighteen wheeler access. Mr. Lang wanted to know if there was any possibility of not using Ham Avenue at all. Mr. Langdon explained the information from St. Louis County Recorder's Office shows Ham Avenue as a public right-of-way, but the pavement goes on and off the right-of-way, it is substandard, which is part of the applicant's request, is to dedicate ground for additional right-of-way. Mr. Langdon stated he was not sure if Mr. Lang had information regarding Ham Avenue that the City did not, but if he did they would request a copy of it for City records. Mr. Langdon showed the Commission the St. Louis County website showing Ham Avenue listed as a public right-of-way. Mr. Lang explained some history of Ham Avenue. Mr. Lang stated Creve Coeur does not maintain the street as one of theirs. Mr. Carl Lumley, City Attorney, stated testimony from any party is not adequate, not siding with anyone in the matter, but stating the back and forth will not solve the issue. Ms. Kramer asked if Mr. Lang had documentation in regards to the land ownership question, and Mr. Lang said he believed so. Mr. Mike Merritt, Attorney, 725 Old Ballas Road, was a lawyer in a lawsuit where Reuther was awarded access to use Ham Avenue, and Mr. Merritt can provide documentation. Mr. Merritt also stated he believed the judgment would carry to all property owners of the site.

Mr. Langdon presented the application, on behalf of Staff, and showed pictures of the site to show Commission how the property looks today. Mr. Langdon also showed the site map pointing out access points and the street views. Mr. Langdon stated the objective is to create a street wall, giving pedestrians the feel of private use in a public space. Mr. Langdon also stated under the conditional use permit requirements; the site is conventional and well funded.

Mr. Schnarr asked about the detention basin, how big it is, and will it be a complete rebuild. Mr. Lenny Meers, Grimes Consulting, answered they will be complying with MSD's requirements.

Mr. Lumley clarified the draft ordinance, referring to the different dates on the plans, and wanted to know if the Grimes Consulting plans were revised with all the others. Mr. Meers stated no, they are still dated 8/10/12.

Mr. Langdon also addressed and discussed pedestrian use and bicycle use along Olive Boulevard.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Lumley stated conditions of approval need to be revised.

Mr. Faron motioned approval of the of a new conditional use permit for the Plaza Jaguar-Land Rover dealership as presented tonight and according to the draft ordinance attached to

the staff report on application #12-025, dated September 4, 2012, with a change from Landscape Tracts and Praxis with a date of September 4, 2012 on their documents to be submitted. Ms. Kramer seconded the motion with the resultant vote as follows:

Mr. Faron – aye

Ms. Kramer – aye

Mr. Schnarr – aye

Mr. Howard – aye

Chair – aye

D. PUBLIC HEARING

Application #12-026: Request for approval of a revised master sign plan for Mercy Hospital Campus at 615 S. New Ballas Road.

Applicant/Agent: Donald Kalicak
Mercy
615 S. New Ballas Road
Creve Coeur, MO 63141

Applicant's Representative: Bill Behrens
Warren Sign Company
2955 Arnold Tenbrook Road
Arnold, MO 63010

Mr. Donald Kalicak, Mercy Hospital, explained why they were requesting a revision to the Master Sign Plan, which was to make their branding all the same. Mr. Behrens showed a presentation of the new logo and showed the old signs next to the new signs and pointed out they were simple modifications of what already exists.

Ms. Kelly presented the Commission the application and stated the designs were well done and consistent in their design, therefore recommending approval of the application.

(This ends the Public Hearing; see verbatim transcript for further information)

Mr. Faron motioned approval of the Master Signage Plan for the Mercy Campus, submitted with Application #12-026, subject to the conditions contained in the draft ordinance attached to the staff report for the meeting of September 4, 2012. Mr. Howard seconded the motion with the resultant vote as follows:

Mr. Faron – aye

Ms. Kramer – aye

Mr. Schnarr – aye

Mr. Howard – aye

Chair – aye

7. WORK AGENDA

None

8. OTHER BUSINESS

A. Planning Division Report

Mr. Langdon stated all the items passed at this meeting will be moving forward to City Council for first reading on Monday, September 10th, 2012.

Mr. Langdon informed the Commission at the next Planning and Zoning meeting they would be presenting the sign code in form of an ordinance, and there will be a public hearing for a text amendment, to bring in a new use, which is a recovery facility for people discharged from elective surgery.

B. City Attorney Report

None

9. 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 8:32 p.m.

Timothy Madden, Chair

Julie Lowery, Recording Secretary



city of CREVE COEUR

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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: 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

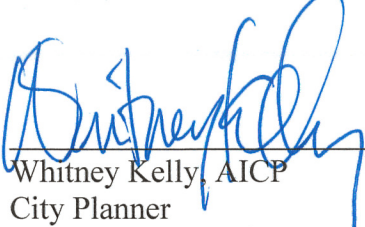
- Design Guidelines

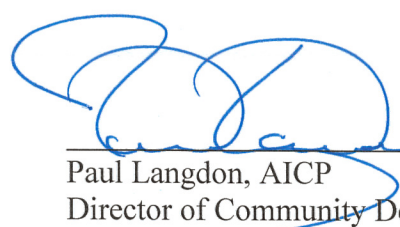
Zoning Code References

- 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
City Planner Date

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

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

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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.

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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:

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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

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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.

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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

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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>

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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>c. 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

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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. b. <i>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. c. <i>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. 2. <i>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. 3. <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 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. 5. <i>Portable signs.</i> In all commercial districts, one (1) portable sandwich board sign limited to six (6) square feet and no

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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

Current Code Language	New Code Language
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	

Current Code Language	New Code Language
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.

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ORDINANCE NO. _____

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~~

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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

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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.

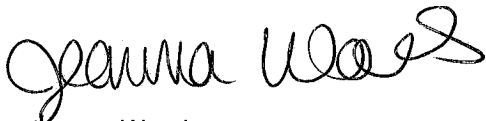
The Creve Coeur-Olivette Chamber of Commerce (the "**Chamber**") appreciates that the City has requested input on these follow up discussions. The Chamber's committee on this issue has reviewed the matters discussed at the August 20, 2012 planning and zoning commission meeting. While several important 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", with a stylized flourish at the end.

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

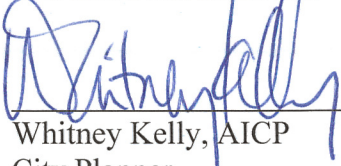
- Design Guidelines

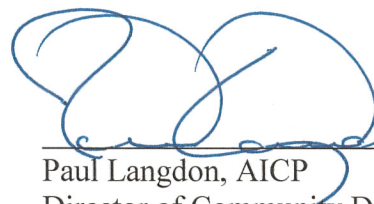
Zoning Code References

- 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 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.

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 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 [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 signs as allowed by [Section 405.930\(F\)\(2\)](#); and signs in [Section 405.950\(5\)](#) (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\(3\)\(b\)](#) located above the ground floor.

16. Back-lit awnings and lighted canopies.

17. Portable signs except as allowed by Section 405.950(F)(4).
18. Inflatable signs, tethered balloons, banners, pennants, flags, wind-driven spinners, or streamers, except as otherwise provided in Section 405.950 (3)(b) *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

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 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. 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.

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\(3\)](#) 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 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 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\(2\)\(e\)](#), 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\(5\)\(e\)](#).
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.

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.
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

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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: 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

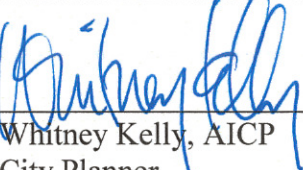
- Design Guidelines

Zoning Code References

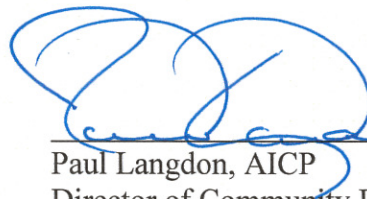
- Article VIII, Sign Regulations

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

REPORT PREPARED BY:


Whitney Kelly, AICP
City Planner


Date


Paul Langdon, AICP
Director of Community Development


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.

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

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?

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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 --

31

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

34

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.

36

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.

37

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

38

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.

39

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.

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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.

oOo

I, Deborah K. McLaughlin, Registered Professional

Reporter, Missouri Certified Court Reporter, Illinois

Certified Shorthand Reporter and Kansas Certified Court

Reporter, do hereby certify that I reported the Planning

and Zoning Public Hearing stenographically and later

reduced to typewriting; and that this is a true and

accurate transcript of the public hearing.

_____, RPR, MO-CCR, IL-CSR, KS-CCR

Deborah K. McLaughlin, RPR, MO-CCR, IL-CSR, KS-CCR

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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~~bs~~ 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)~~ four (4) 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~~ 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 ~~to~~ 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 ~~g~~round graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area ~~a~~ allowed is required ~~s~~ 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>
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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 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 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).

e3. *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



city of CREVE COEUR

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

#12-028 TEXT AMENDMENT TO AMEND THE ZONING CODE TO ALLOW "POST-DISCHARGE SURGICAL RECOVERY CLINICS" IN THE "PO" PLANNED OFFICE DISTRICT

FOR THE MEETING OF: September 17, 2012

LOCATION: "PO" Planned Office District

REQUEST:

Laurie Carson, of Gray Design Group and Kevin P. McLaughlin, of Balke Brown Transwestern, on behalf of HCP, Inc., property owner of 450 N. New Ballas, have submitted a request to amend the "PO" Planned Office zoning district to allow "Post-discharge Surgical Recovery Clinics," as defined by Industry 62149 of the 2012 North American Industry Classification System (NAICS), as a permitted use where it is currently not allowed.

ADDITIONAL INFORMATION:

A post-discharge surgical recovery clinic is an independent medical establishment that houses patients in a private room for a maximum of 72 hours after they have been discharged from an ambulatory surgery center. Per the applicants' submittal, a recovery clinic is an optional service that includes 24 hour nursing care, rehabilitation, physician oversight and education in transitioning from surgery to home.

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

- Residential Preservation and Economic Development

Zoning Code References

- Section 405.320: "PO" Planned Office District

APPLICANT: Mike Brandon
HCP, Inc.
3000 Meridian Blvd
Suite 200
Franklin, TN 37067

**APPLICANT'S
REPRESENTATIVE:**

Kevin P. McLaughlin
Balke Brown Transwestern
1001 Highlands Plaza Dr.
West, Suite 150
St. Louis, MO 63110

REPORT PREPARED BY:

Whitney Kelly, AICP
City Planner

9/14/2012
Date

Paul Langdon, AICP
Director of Community Development

9/14/2012
Date

ATTACHMENTS: Draft Ordinance

Applicant's Memo, submitted on August 20, 2012
Letter from Missouri Hospital Association dated September 6, 2012
Letter from SSM Health Care dated September 13, 2012
Letter from BJC HealthCare dated September 14, 2012

INTRODUCTION

The "PO" Planned Office District is located in the following areas: on N. New Ballas Road just north of Magna Carta Drive; the area north of the Creve Coeur Golf Course along Olde Cabin Road, Craig Road, and Office Parkway; and the area west of Mason Road along Executive Parkway.

The property owner of 450 N. New Ballas is requesting a text amendment to the Planned Office District to include post-discharge surgical recovery clinics as a permitted use where it is currently not allowed in the district. Such use, as proposed would be categorized as "Other Outpatient Care Center" (NAICS Code 62149).

The requested action would read as follows under Section 405.320.B *Permitted Uses* in the "PO" Planned Office District:

11. Health services including only the following:
 - a. Offices and clinics of doctors of medicine (all uses within SIC Code 801).
 - b. Offices and clinics of dentists (all uses within SIC Code 802).
 - c. Offices and clinics of doctors of osteopathy (all uses within SIC Code 803).
 - d. Offices and clinics of other health practitioners (all uses within SIC Code 804).
 - e. Post-discharge surgical recovery clinics (all uses within 2012 NAICS Industry 62149 Outpatient Care Centers).

DEFINITION OF USE

The applicants have requested that the current list of permitted uses in the "PO" district be amended to include a new category called "Post-discharge Surgical Recovery Clinics, as defined by Industry 62149 of the 2012 NAICS." Given that the Planning Commission has already begun studying the adoption of the NAICS, in lieu of the 1987 Standard Industry Classification (SIC) system, it is pertinent to review what other uses would be included with NAICS Industry 62149. One finds the following:

62149 Other Outpatient Care Centers

This industry comprises establishments with medical staff primarily engaged in providing general or specialized outpatient care (except family planning centers and outpatient mental health and substance abuse center). Centers or clinics of health or clinics of health practitioners with different degrees from more than one industry practicing within the same establishment (i.e. Doctor of Medicine and Doctor of Dental Medicine) are included in this industry.

Illustrative Examples:

- Dialysis centers and clinics
- Outpatient biofeedback centers and clinics
- Freestanding ambulatory surgical centers and clinics
- Outpatient community health centers and clinics
- Freestanding emergency medical centers and clinics
- Outpatient sleep disorder centers and clinics
- Health maintenance organizations (HMO) medical centers and clinics

Under the SIC, all of these uses are permitted in one or more zoning districts but, in some instances, under different industry groups. Indeed, the draft use table already presented to the Planning Commission would include 62149 and its constituent industries as permitted uses in at least one zoning district. As a result, listing the applicants' use as part of Industry 62149 would

suggest that it too is permitted in the same places as the "Illustrative Examples" above. In the main, this would not be a concern except for one substantial difference between the proposed use and the others in this group: the proposed use allows stays up to 72 hours, whereas the others are all under 24 hours. That is, it appears to not be an *outpatient* clinic. For reasons given below in the "Zoning Discussion," staff believes the extended stay brings with it unique concerns that are not congruent with the body of uses in NAICS Industry 62149. To this end, staff recommend that the Planning Commission amend the application to consider the proposed use on its own with a unique definition to be included in the Zoning Code, separate from other SIC use groups and future NAICS industries. The subsequent discussion will, therefore, evaluate this new use on its own, separate from the characteristics of the other uses in Industry 62149.

DISCUSSION

Comprehensive Plan Review:

The Comprehensive Plan does not provide much direction regarding the proposed use, other than to say that the City should preserve and protect single-family residential areas from intrusions of non-residential uses. Since the "PO" Planned Office District areas are located next to substantial residential areas this is applicable. The 24-hour nature of the use will bring with it regular overnight use of parking facilities, additional food service support, and a greater risk of ambulance calls during hours that would not be expected in an office setting. It is likely that these additional activities would not be welcome by residents who have an expectation of an office environment next door with the associated limited hours and very low noise production. Like any potential impact, it also stands to reason the more of the activity that is allowed, there greater the potential impact. That is, the use could have a greater impact on the surrounding community as it increases in size. The applicants have not suggested that they would pursue a large facility, if the use is approved, but the Commission must consider this as a possibility with future operators.

Zoning Code Review:

The purpose of the "PO" Planned Office district is stated as follows:

The "PO" Planned Office District is intended to provide by site development plan approval for the construction of planned developments comprised of office uses and appropriate accessory retail uses and services.

The proposed use is clearly not an office, nor is it an accessory to an office. Indeed, it is fairly debatable whether or not the permitted outpatient surgery center truly fits within this purpose statement. However, the outward appearance or characteristics of the facility are that of a typical physician office, hence its inclusion. It is on this basis that the current application is also made.

Unlike office uses, the proposed facility will have more activity after normal business hours than the existing offices, even allowing for the presence of conventional outpatient clinics. Additional kitchen and meal services would be required and a higher risk of over-night emergency response seems likely. Issues such as 24-hour traffic and lighting, and the introduction of architecturally incompatible building systems, would also be unavoidable. As cited above, the concern that arises is that the use, if not limited in its intensity, could begin to dominate the character of a given "PO" Planned Office district and have increasing impacts upon the surrounding residences. As a result, the proposal strays further and further from the intended purpose of the "PO" district. In the extreme, it becomes more like the "PH" Planned Hospital district. Allowing such a *de facto* rezoning, albeit an extreme result, is not appropriate public

policy nor does it adequately protect the interests of the true office property owners in the district.

The best way to prevent this scenario is by limiting the number of beds and the overall size of the facility, in combination with site controls over lighting and 24-hour access. This, in turn, is best achieved through the conditional use permit process, and therefore Staff recommends that the use should be considered as a conditional use rather than a permitted use.

CONCLUSION

As described above, there are key differences between the proposed use and the already-permitted uses (office and clinics of a physician, etc.) that could have potential impacts on surrounding properties, especially those that are residential. This is particularly true where unregulated expansion is allowed to occur. Therefore, the Planning Department staff suggest that the request be amended to allow the use in the "PO" district only as a unique conditional use and subject to the definition that would also be adopted. Assuming the Planning Commission will support this analysis, the listing in the draft ordinance appears as follows:

Section 405.320. "PO" Planned Office District:

- C. *Conditional Uses.* The City Council may authorize the following uses by conditional use permit as provided in Section 405.1070, based on the criteria in Section 405.470, after receipt of the recommendation of the Planning and Zoning Commission and subject to such other restrictions and conditions as are deemed necessary.
 - 5. Post-discharge surgical recovery clinics as defined in Article II of this Chapter.

ACTION AND MOTION

The Planning and Zoning Commission is required to provide a recommendation to City Council on text amendments. Action on the text amendments will be in the form of approval, approval as modified, or denial. The following is an example motion for this application:

"I move to recommend approval of Application #12-028 to allow "Post-discharge Surgical Recovery Clinics," as defined by the draft ordinance, as a conditional use in the "PO" Planned Office zoning district as described in the staff report for the meeting of September 17, 2012." (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.

AN ORDINANCE AMENDING CHAPTER 405, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR, MISSOURI, BY ADDING POST-DISCHARGE SURGICAL RECOVERY CLINICS AS A CONDITIONAL USE IN THE "PO" PLANNED OFFICE ZONING DISTRICT AND ESTABLISHING DEFINITION FOR SUCH USE

WHEREAS, Laurie Carson, of Gray Design Group and Kevin P. McLaughlin, of Balke Brown Transwestern, on behalf of HCP, Inc., property owner of 450 N. New Ballas, to amend the "PO" Planned Office zoning district to allow "Post-discharge Surgical Recovery Clinics," as a permitted use where it is currently not allowed; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for an amendment to the 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, September 17, 2012, beginning at 7:00 p.m., or immediately following the close of the previous public hearing; 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: 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 to include a new definition for a Post-discharge Surgical Recovery Clinics as follows:

SECTION 405.120 DEFINITION OF TERMS

POST-DISCHARGE SURGICAL RECOVERY CLINIC: An independent medical establishment that houses patients in a private room for a maximum of seventy-two (72) hours after they have been discharged from an ambulatory surgery center. The

BILL NO. _____

ORDINANCE NO. _____

recovery clinic is an optional service that includes twenty-four (24) hour nursing care, rehabilitation, physician oversight and education in transitioning from surgery to home.

SECTION 2: Section 405.320 shall be amended by adding a new subsection C. 5 to include Post-discharge surgical recovery clinics, and renumber the following subsections accordingly, as follows:

SECTION 405.320: "PO" PLANNED OFFICE DISTRICT

C. *Conditional Uses.* The City Council may authorize the following uses by conditional use permit as provided in Section 405.1070, based on the criteria in Section 405.470, after receipt of the recommendation of the Planning and Zoning Commission and subject to such other restrictions and conditions as are deemed necessary.

5. Post-discharge surgical recovery clinics as defined in Article II of this Chapter.

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

Description of Request:

450 N New Ballas is a 102,847 SF multi-tenant medical office building comprised of (2) full floors and partial lower level in the Planned Office District. Reference figure 1.1 for existing building site plan.. Current and past tenants of this building include heart and vascular care, imaging, dental offices, breast care center, surgery centers with 23 hour outpatient recovery, sleep centers and several other specialized clinics. At this time 52% of the building is vacant and some suites have been vacant for as many as 7 years. In order to improve marketability of 450 N New Ballas, the building owner would like to broaden the zoning classification of the Planned Office District to include post-discharge surgical recovery clinics as a permitted use.

A post-discharge surgical recovery clinic is an independent medical establishment that houses patients in a private room for a maximum of (72) hours after they have been discharged from an ambulatory surgery center. The recovery clinic is an optional service that includes 24 hour nursing care, rehabilitation, physician oversight and education in transitioning from surgery to home. Reference figure 1.2 for a typical post-discharge surgical recovery clinic layout.

The building owner at 450 N New Ballas is requesting a text amendment to the Planned Office District to include post-discharge surgical recovery clinic's as a permitted use of section 62149 of the 2012 NAICS . According to the Creve Coeur planning staff, the City of Creve Coeur will be transitioning to the 2012 NAICS use classification. The referenced section is outlined below;

2012 NAICS Sector 62- Healthcare and Social Assistance; 62149 Other Outpatient Care Centers reads, *This industry comprises establishments with medical staff primarily engaged in providing general or specialized outpatient care (except family planning centers and outpatient mental health and substance abuse centers). Centers or clinics of health practitioners with different degrees from more than one industry practicing within the same establishment (i.e., Doctor of Medicine and Doctor of Dental Medicine) are included in this industry.*

Illustrative Examples:

Dialysis centers and clinics

Outpatient biofeedback centers and clinics

Freestanding ambulatory surgical centers and clinics

Outpatient community health centers and clinics

Freestanding emergency medical centers and clinics

Outpatient sleep disorder centers and clinics

Health maintenance organization (HMO) medical centers and clinics

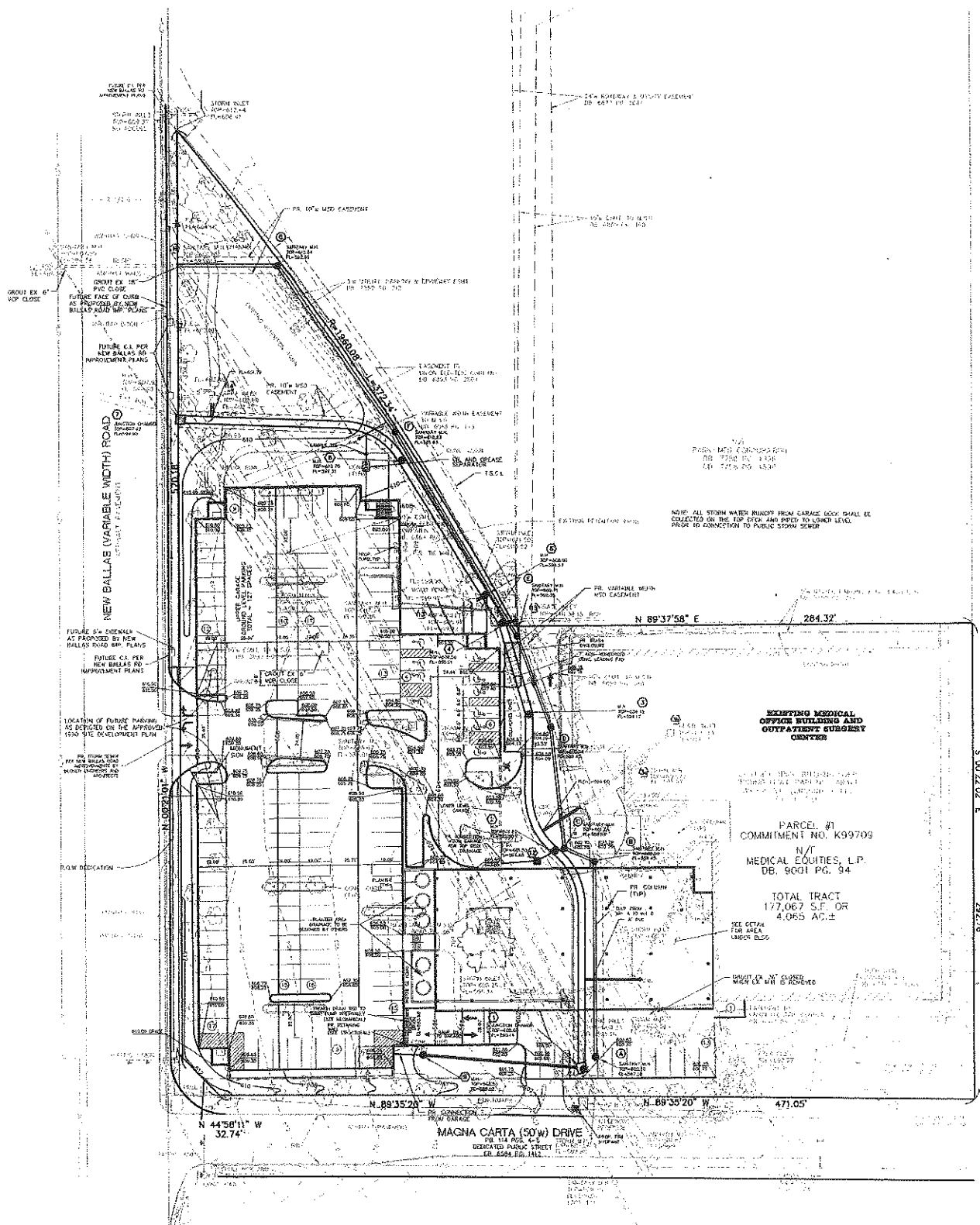
Affected Sections of the Zoning or Subdivision Code:

1. Section 405.320: "PO" Planned Office District
2. 2012 NAICS Sector 62- Healthcare and Social Assistance; 62149 Other Outpatient Care Centers

Proposed Ordinance Language:

The Planned Office District lists the following as current permitted uses under section 11;

- a. Offices and clinics of doctors of medicine (all uses within SIC Code 801)
- b. Offices and clinics of dentists (all uses within SIC Code 802)
- c. Offices and clinics of doctors of osteopathy (all uses within SIC Code 803)
- d. Offices and clinics of other health practitioners (all uses within SIC Code 804)
- e. Post-discharge surgical recovery clinics (all uses within 2012 NAICS Sector 62 – Healthcare and Social Assistance; 62149 Outpatient Care Centers)



Project Name	Sitc Plan	Drawing	Figure I.1
Project No.	27112270.00	Date	08.16.12
Description	450 N New Ballas	Revisions	

gray
©Copyright 2012, Gray Design Group, Inc.

September 6, 2012

Creve Coeur Planning and Zoning Commission
c/o Paul Langdon, AICP
Director of Community Development
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, MO 63141

Dear Creve Coeur Planning and Zoning Commission Members:

The Creve Coeur Planning and Zoning Commission is slated to consider a proposed zoning application — No. 12-028 Text Amendment to Allow Post-Discharge Surgical Recovery Clinics at 450 N. New Ballas Road — which seeks authorization for development of a medical treatment arrangement for housing and providing medical care to surgical patients.

It is the Missouri Hospital Association's understanding that the developers of this project propose a medical facility at which patients would be housed and treated for as long as 72 hours following a surgical procedure. Missouri law (subsection 2 of section 197.020, RSMo) defines a hospital as "*a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated individuals.*" A plain reading of this state law indicates that the proposed facility will need to be licensed as a hospital.

The Missouri Hospital Association understands that the City of Creve Coeur's primary focus is on zoning and land use. However, it seems prudent to bring these state licensure issues to the Planning and Zoning Commission's attention. The state's licensure decision will have implications for the city's planning and zoning. Primarily, numerous variances from hospital licensure standards will be required to fit within the project description proposed to the City of Creve Coeur. Construction standards are much different for hospitals than for the typical medical office or ambulatory surgical center. Structures not built to hospital standards cannot be licensed as hospitals without major structural changes.

On behalf of its member hospitals, the Missouri Hospital Association encourages the Creve Coeur Planning and Zoning Commission to consider the implications of state licensure decisions in reviewing this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Landon", with a long horizontal flourish extending to the right.

Daniel Landon
Senior Vice President of Governmental Relations

dl/cml

- c Teresa Generous, Director, Division of Regulations & Licensure, Department of Health & Senior Services
Whitney Kelly, AICP, Creve Coeur City Planner



September 13, 2012

Paul Langdon, Director of Community Development
Whitney Kelly, City Planner
City of Creve Coeur
300 North New Ballas Road
Creve Coeur, MO 63141

RE: Development/Redevelopment at 450 North New Ballas/"Post-Discharge Surgical Recovery Clinic"

Dear Mr. Langdon and Ms. Kelly:

It is my understanding that the City of Creve Coeur has been approached about changes in the zoning or subdivision code for property located at 450 North New Ballas Road.

Based on my understanding, which includes materials submitted to you by the owners or occupiers of this property, it is being proposed to house "a post-discharge surgical recovery clinic" with overnight stays of a maximum of 72 hours in length.

While I understand that the city's primary concern is zoning and questions of land use, it is important for the city to consider whether the planned use is in compliance with state law.

The question that immediately arises is whether this proposed use requires a license under Chapter 197, Revised Statutes of Missouri.

Inasmuch as a facility for the "diagnosis, treatment or care for not less than 24 consecutive hours in any week" (for three or more individuals unrelated to the care giver) is defined in Missouri law as a hospital and since hospitals require a license to operate, the proposed use at 450 North New Ballas Road would require a hospital license in order to operate legally. §197.010, RSMo.

Revised Statutes of Missouri 197.010.2: "'Hospital' means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for

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three or more nonrelated individuals. The term 'hospital' does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198."

Of course, the operation of a hospital without a license is a misdemeanor in the state of Missouri.

197.120. 1. Any person establishing, conducting, managing or operating any hospital without a license under this law shall be guilty of a misdemeanor.
2. The attorney general shall represent the department of health and senior services, who may institute an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital without a license under this law.

Furthermore, health care facilities that are required to be licensed but are not are subject to legal action to restrain the illegal operation of such a facility. *State ex rel. Eagleton vs. Patrick*, 370 S.W.2d 254 (Mo. 1963) (in which a facility operating without a nursing home license was enjoined from further operation).

At one level of analysis, the project might avoid licensure if there were never more than two people staying overnight at any one time since licensure is only required when three or more people are being provided the services identified in §197.010, RSMo. However, the materials submitted to the City of Creve Coeur do not indicate how many patients will be in care at the same time.

Since the facility acknowledges that, at least, some of its patients will be staying for 24+ hours, the concept of an ambulatory surgical center is excluded because ASCs are only for stays of 23 hours or less. §197.200, RSMo.

It will not serve anyone's interest for a facility to be developed with the thought that licensure is not required when, in the fullness of time, licensure is found to be necessary and changes to the zoning or subdivision code still do not allow the intended use. Certainly, the many construction requirements peculiar to hospitals would render even this structure, which apparently had been used as a medical office building or perhaps an ambulatory surgical center at one time, unusable as a hospital in the absence of radical changes to the building.

The reason(s) that I bring these concepts to your attention on behalf of SSM Health Care is that, in any medical facility, the primary concern must be for the safety and quality of care for the patients who are served. Even in the best of medical facilities unexpected, and untoward, events can occur. Underlying and undetected conditions

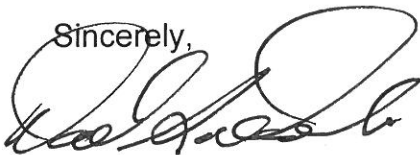
Paul Langdon, Director of Community Development
Whitney Kelly, City Planner
September 13, 2012
Page 3

can manifest themselves in ways that are harmful to the patient. When that happens, the patient, the patient's family, and the public will want to know who was providing oversight to the medical facility. In this case, patients, indeed the public, may ask how the facility was allowed to commence and continue operations.

What provisions (and oversight) have been made for emergencies such as fire, utility interruption, inclement weather, and the like. Licensed medical facilities must demonstrate plans to meet all of these exigencies—not to mention staffing and other plans to meet the needs of patients. The plan submitted to the city talks of “24 hour nursing care, rehabilitation, physician oversight, and education in transitioning from surgery to home.” All of this makes it a hospital. And, yet, there is no discussion of how this medical facility would meet the many other requirements of a licensed hospital including, but not limited to, medication services (under the director of a licensed pharmacist), food services (under appropriate dietary supervision), and emergency services.

Indeed, the documents discuss a “post-discharge surgical recovery clinic” as if that is a recognized category of medical facilities in the state of Missouri. While the North American Industry Classification System may have a category relating to what is proposed at this location, there is no recognized, non-licensed use of this type in the state of Missouri. There is a well-respected legal principle that “the law does not require resort to a futile or useless act,” *State v. Barnett*, 628 S.W.2d 917, 920 (Mo. App. 1982) – sometimes expressed as “the law abhors a futile act.” Unless, and until, the proponent of this zoning or subdivision code amendment can demonstrate how this proposed facility would meet licensure requirements in the state of Missouri, any amendment of the zoning or subdivision code would be a futile act. The city should deny this requested amendment.

Sincerely,



David S. Durbin
Director, Research & Regulatory Affairs
SSM Health Care
314-994-7868
David_Durbin@ssmhc.com

September 14, 2012

Paul Langdon, Director & Whitney Kelly, City Planner
City of Creve Coeur Community Development & City Planning
300 N. New Ballas Rd.
Creve Coeur, MO 63141

Dear Mr. Langdon and Ms. Kelly:

A proposal to amend the permitted uses within a Planned Office District is before the city's Planning and Zoning Commission. It seeks to allow patients to stay up to three nights in a medical office building. An alternative proposal would allow over-night stays as a conditional use.

We, among others, believe either idea to be duplicative. The city has followed a traditional process to create the zoning category called Planned Hospital District. A good deal of effort and research went into this process, such that the zoning takes into account the numerous safety issues associated with keeping people overnight, and also accounts for the escalated use of the property. The proposal before the city seeks to circumvent this ordinance.

The only request being made is to allow overnight stays in a Planned Office District for medical reasons. Regardless of what the facility might be called or what type of licensing ultimately is required, the act of keeping people overnight for a medical reason compels certain responsibilities and requirements. Compliance with these requirements is mandated by the agency responsible for Medicare and Medicaid, is required by the state for any medical facility keeping people over 24 hours, is mandated by international building codes, and is implicit in the city's own ordinances. Attached is an advisory letter from CMS, which administers the Medicare and Medicaid programs. The essential message is contained in three short summaries on pages 3 and 4—housing patients overnight necessitates the most stringent codes. Also attached is an advisory letter from Code Consultants, who are experts in the fields of fire safety and life safety. They have explored, in detail, the differences between Business use and two categories of medical use: Ambulatory and "regular" Health Care. Again, the key differentiating characteristic is overnight accommodation, and the act of keeping patients overnight mandates the highest levels of safety.

Overnight use creates other issues identical to those addressed in the Planned Hospital District. Ambulatory patients do not typically have visitors, but people spending three

nights after a medical procedure do receive visitors, sometimes many visitors. Office buildings typically are active from 8:00 to 5:00, while a place keeping people overnight will operate around the clock, with shift-changes each day for nurses, cleaning staff, support staff, etc. Offices do not need linen service, or plan for meal service other than lunch, or deal with medical and traditional waste in any volume. Any place keeping patients overnight deals with all of these. Indeed, the only land-use intrinsic to a “hospital” that would not be a regular issue for the proposed “recovery clinic” is ambulance traffic...and given the clear language of the state’s hospital definition, this is something the proposed entity cannot avoid (see the letter from MHA for more about what the state will require).

In short, whatever the proposed facility might be called, it has the same characteristics of a hospital. The average length of stay for all of Missouri’s general service hospitals in 2011 was 3.88 days—very near the requested stay of 3.00 days. By any other name, this is a hospital request. That being the case, why would a community create two zoning categories to accommodate the same use, or put differently, create a loophole around one of its own ordinances?

Respectfully,



Greg Bratcher
Director, Policy Analysis



Center for Medicaid, CHIP, and Survey & Certification/Survey & Certification Group

Ref: S&C-11-05-LSC

REVISED 02.18.2011

DATE: December 17, 2010

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Hospital and Critical Access Hospital (CAH) Facility Life Safety Code (LSC)
Occupancy Classification Update

*******Language is added in the memo and guidance (blue font and italics) clarifying that a facility may qualify as a business occupancy if, among other criteria, *most* [not all] of its current and potential patients are capable of self-preservation. *******

Memorandum Summary

- ***Hospital/ CAH LSC Occupancy Classification:*** Hospital and CAH component facilities may be classified as new or existing Health Care, Ambulatory Health Care, Business, or other occupancies, as allowed by provisions of the LSC.
- ***Hospitals/CAHs with multiple component facilities may have various occupancy classifications.***
- ***State Operations Manual (SOM) Appendices A, I & W*** are being updated accordingly.

Discussion

We are updating guidance for hospitals and CAHs to assure alignment with the LSC occupancy classification provisions. In particular, we are providing clarification on determining the appropriate occupancy classifications for separated, non-contiguous or off-site facilities that are part of a certified Hospital or CAH. In accordance with 42 CFR 482.41(b) and §485.623(d), Medicare-participating hospitals and CAHs must meet the applicable provisions of the 2000 Edition of the National Fire Protection Association (NFPA) 101: LSC. The LSC permits certain hospital and CAH component facilities to be classified as occupancy types other than Health Care Occupancy, including Ambulatory Health Care, Business, and others. These other occupancy types have less stringent requirements. Accordingly, we are updating the interpretive guidance currently found in SOM Appendices A, I and W to ensure that it appropriately reflects the LSC requirements concerning occupancy classification. An advance copy of the updated Appendices is attached and may differ slightly from the final versions that will be released at a later date.

The LSC has a methodology for determining the appropriate occupancy classification that is required at a facility to ensure an adequate level of fire protection is present to protect patients and other building occupants. Allowing component facilities of a hospital or CAH to be surveyed as occupancy classifications other than Health Care, in accordance with the LSC, will

ensure both that an adequate level of fire protection is afforded and unreasonable hardship or burden is not imposed upon a hospital or CAH.

The following sections provide an explanation of the LSC occupancy classification determination for hospital and CAH facilities.

Mixed Occupancy Classifications

Hospital or CAH component facilities located in a building with more than one occupancy classification must be adequately separated from the other building occupancies, as required by the LSC, in order to be eligible for their own occupancy classification. If a hospital or CAH component facility is not adequately separated from other building occupancies, the most stringent occupancy classification must apply to the entire building.

In summary:

For Mixed Occupancy:

- Building houses mixed occupancies; and
- Hospital or CAH component facility is adequately separated from other building occupancies;
 - If adequately separated, occupancy classification is determined as explained below,
 - If not adequately separated, the most stringent occupancy classification of all the building occupants applies.

Health Care Occupancy (LSC Chapters 18 & 19)

A hospital or CAH component facility, regardless of whether it is located in a separate building on the main provider's campus or is located off the main provider's campus, ("campus" and "main provider" are defined in 42 CFR 413.65(a)(2)), must initially be considered as a new or existing Health Care Occupancy.

Section 3.3.134.7 of the LSC defines a Health Care Occupancy as, "[a]n occupancy used for the purpose of medical or other treatment or care of four or more persons where such occupants are mostly incapable of self-preservation because of age, because of physical or mental disability, or because of security measures not under the occupants' control." According to sections 18/19.1.1.1.3, "health care facilities regulated by these chapters provide sleeping accommodations for their occupants." Further, sections 18/19.1.1.1.7 provide that, "[f]acilities that do not provide housing on a 24-hour basis for their occupants shall be classified as other occupancies and shall be covered by other chapters of this Code." Therefore, hospital or CAH component facilities that provide sleeping accommodations and medical treatment or services on a 24-hour basis for patients *mostly* incapable of self-preservation must be classified as a Health Care Occupancy.

Section 1861(e) of the Social Security Act (the Act) defines "hospital" as being primarily engaged in providing care to inpatients and is not based upon a minimum number patients receiving treatment, care or services. CMS does not consider the number of patients in determining if a provider is a hospital or a CAH; therefore, a CMS-certified hospital or CAH does not need to have four or more inpatients at all times in order to be classified as a Health

Care Occupancy. Occupancy classification must be determined regardless of the number of patients served at a hospital's or CAH's component facility.

In summary:

For Health Care Occupancy:

- Facility provides sleeping accommodations;
- Facility provides medical treatment or services on a 24-hour basis; and
- Patients are *mostly* incapable of self-preservation.

Ambulatory Health Care Occupancy (LSC Chapters 20 & 21)

Section 3.3.134.1 of the LSC defines a Ambulatory Health Care (AHC) Occupancy as “[a] building or portion thereof used to provide services or treatment simultaneously for four or more patients that: (1) provides on an outpatient basis, treatment for patients that renders the patients incapable of taking action without the assistance of others; or (2) provides, on an outpatient basis, anesthesia that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others.” Considering the definition of an AHC provided in section 3.3.134.1 and the occupancy classification exemption provided in sections 18/19.1.1.1.7, a hospital or CAH component facility initially considered to be a Health Care Occupancy but which does not provide either sleeping accommodations or medical treatment or services on a 24-hour basis, may be classified as another occupancy type. For example, if it provides treatment or services to patients who are *mostly* incapable or rendered incapable by treatment or anesthesia provided by the facility, it must be classified as a new or existing AHC Occupancy.

CMS does not consider the number of patients treated when determining an AHC occupancy classification. Furthermore, CMS does not consider whether or not a patient has been “rendered” incapable of taking action for self-preservation by the facility; rather, the only consideration is whether the patient is capable or incapable of self-preservation. Therefore, occupancy classification must be determined regardless of the number of patients being served or whether or not a patient has been rendered incapable of self-preservation by a hospital or CAH component facility.

In summary:

For Ambulatory Health Care Occupancy:

- Facility does not provide sleeping accommodations;
- Facility does not provide medical treatment or services on a 24-hour basis;
- Facility provides anesthesia services; and
- Patients are *mostly* incapable of self-preservation.

Business Occupancy (LSC Chapters 38 & 39)

According to the Ambulatory Health Care section 20/21.1.1.1.4 of the LSC, “[b]uildings, or sections of buildings, that primarily house patients who, in the opinion of the governing body of the facility and the governmental agency having jurisdiction, are capable of judgment and appropriate physical action for self-preservation under emergency conditions shall be permitted

to comply with chapters of this code other than Chapter 20/21.” Therefore, a hospital or CAH component facility previously considered an AHC Occupancy, but which does not provide anesthesia services or serve patients who are *mostly* incapable of judgment and appropriate physical action for self preservation under emergency conditions, could be classified as a new or existing Business Occupancy.

A patient may be incapable of self-preservation due to many factors, including, but not limited to, age, physical or mental disability, medical or therapeutic interventions, medication reactions, etc. In addition, when determining the ability for self-preservation, consideration *should* be given to *both* the characteristics of current patients *and the characteristics of patients the facility is likely to provide medical treatment or services to in the future, as evidenced by the provider's own advertisement and clientele to which the provider holds itself out to serve.*

In summary:

For Business Occupancy:

- Facility does not provide sleeping accommodations;
- Facility does not provide medical treatment or services on a 24-hour basis;
- Facility does not provide anesthesia; and
- Patients are *mostly* capable of self-preservation.

Other Occupancy Classifications

Hospital and CAH component facilities to which patients are not expected to have access (i.e., patients have no “customary access”), which are non-contiguous or adequately separated from other hospital or CAH occupancies, as determined by the LSC, could be classified as other occupancies. Other occupancy classifications may include, but are not limited to, Assembly, Day Care, Mercantile, and Storage Occupancies.

In summary:

For Other Occupancy Types:

- Patients are not expected to access the facility for medical treatment or services; and
- Facility is non-contiguous or adequately separated from other occupancies.

Questions: If you have questions about hospital and CAH occupancy classification determinations, please contact LCDR Martin Casey via e-mail at Martin.Casey@cms.hhs.gov.

Effective Date: This guidance is effective immediately. Please ensure that all certification personnel are appropriately informed as to using this guidance within 30 days of this memorandum.

Training: The information contained in this letter should be shared with all survey and certification staff, their managers, and the State/RO training coordinators.

/s/

Thomas E. Hamilton

Page 5 – State Survey Directors

Attachment: (1)

cc: Survey and Certification Regional Office Management



CODE CONSULTANTS, INC.

2043 Woodland Pkwy
Suite 300
St. Louis, Missouri
63146-4235
314-991-2633 phone
314-991-4614 fax

**The Fire Protection and
Life Safety Experts**

- Code Consultation
- Fire and Egress Modeling
- Accessibility Consultation
- Fire Alarm Design
- Fire Sprinkler Design

September 14, 2012

Mr. Greg Bratcher
Director, Policy Analysis
BJC HealthCare

**RE: SURGICAL RECOVERY SUITE FACILITIES
CCI PROJECT NO. 120642.02.000**

Dear Greg:

In accordance with your request, we have researched the major fire protection/life safety requirements of the International Building Code (IBC), 2009 edition, and the NFPA 101 Life Safety Code, 2000 edition, for Business, Ambulatory Health Care and Health Care occupancies. The differences are significant. Health Care occupancies have much more restrictive requirements regarding fire protection and life safety than Business occupancies. These include construction type, automatic sprinklers, separation of uses, corridor wall construction, the inclusion of smoke barriers, smoke detection and means of egress.

Based on the CMS memo and the 2009 IBC, facilities that provide medical treatment/services on a 24-hour basis, provide sleeping accommodations and serve patients incapable of self-preservation are to be classified as I-2/Health Care occupancies.

The 2009 IBC is the Building Code adopted by the majority of St. Louis area jurisdictions. The 2000 NFPA 101 is adopted by the Centers for Medicare and Medicaid Services (CMS) and The Joint Commission (TJC). Although the 1981 edition of NFPA 101 is officially adopted by the Missouri Department of Health & Senior Services (DHSS), they permit the use of the 2000 edition, to be consistent with CMS.

Medical facilities that receive reimbursement from CMS are required to comply with CMS standards and thus the 2000 NFPA 101 Life Safety Code. Note that per the revised CMS memo dated February 11, 2011 (see attached), a facility that provides sleeping accommodations, provides medical treatment/services on a 24 hour basis, and has patients that are mostly incapable of self-preservation are to be classified as Health Care and must comply with the Health Care provisions of the 2000 NFPA 101 Life Safety Code.

Per the CMS memo, a Business use occupancy is one where the facility does not provide sleeping accommodations, does not provide medical treatment/services on a 24-hour basis, does not provide anesthesia, and has patients that are mostly capable of self preservation.

The definitions for Business, Ambulatory Health Care and Health Care per occupancies per the IBC and NFPA 101 are in Note 1 of the attached table. Per the 2009 IBC, there isn't a limit on the number of people receiving medical treatment/services on a 24-hour basis to be considered an I-2/Health Care occupancy. The IBC definition for Hospital is "Buildings or portions thereof used on a 24-hour basis for the medical, psychiatric, obstetrical or surgical treatment of inpatients who are incapable of self-preservation."

Note that per the 2006 and 2012 IBC editions, facilities with more than five people receiving such medical treatment/services who are incapable of self preservation require the I-2/Health Care classification. Facilities with five or fewer people are required to be classified as R-3/Residential and comply with the International Residential Code.

Mr. Greg Bratcher
September 14, 2012
Page 2



The State of Missouri statutes (RSMO Chapter 197) defines a Hospital as having diagnostic, treatment or care for not less than 24 consecutive hours in any week of 3 or more individuals.

The common theme in the codes referenced above is that accommodating people overnight, when mobility or alertness is compromised, requires a higher standard of safety. Conversely, the typical Business use requires an appropriate level of safety for the use, but one that is significantly less than that associated with the overnight accommodation of medical patients. The two are not interchangeable.

Note that the code requirements have been developed and have evolved over time and are based on extensive research, practical building experience, and lessons learned from tragic events. They represent the culmination of thought from Building and Fire Officials, consultants, building owners and operators, and others for the requirements necessary to create spaces that are safe. Different uses and occupancy types have different requirements that are specifically defined and necessary to provide a safe environment.

Should you have any questions please feel free to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Terry Schultz", is written over the word "Sincerely,".

Terry Schultz, PE
Principal

Enclosure

120642/02/Letters/120642.02.000 Code Requirement Cover Letter 2012-09-14.docx



Center for Medicaid, CHIP, and Survey & Certification/Survey & Certification Group

Ref: S&C-11-05-LSC
REVISED 02.18.2011

DATE: December 17, 2010

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Hospital and Critical Access Hospital (CAH) Facility Life Safety Code (LSC)
Occupancy Classification Update

*******Language is added in the memo and guidance (blue font and italics) clarifying that a facility may qualify as a business occupancy if, among other criteria, most [not all] of its current and potential patients are capable of self-preservation. *******

Memorandum Summary

- ***Hospital/ CAH LSC Occupancy Classification:*** Hospital and CAH component facilities may be classified as new or existing Health Care, Ambulatory Health Care, Business, or other occupancies, as allowed by provisions of the LSC.
- ***Hospitals/CAHs with multiple component facilities may have various occupancy classifications.***
- ***State Operations Manual (SOM) Appendices A, I & W*** are being updated accordingly.

Discussion

We are updating guidance for hospitals and CAHs to assure alignment with the LSC occupancy classification provisions. In particular, we are providing clarification on determining the appropriate occupancy classifications for separated, non-contiguous or off-site facilities that are part of a certified Hospital or CAH. In accordance with 42 CFR 482.41(b) and §485.623(d), Medicare-participating hospitals and CAHs must meet the applicable provisions of the 2000 Edition of the National Fire Protection Association (NFPA) 101: LSC. The LSC permits certain hospital and CAH component facilities to be classified as occupancy types other than Health Care Occupancy, including Ambulatory Health Care, Business, and others. These other occupancy types have less stringent requirements. Accordingly, we are updating the interpretive guidance currently found in SOM Appendices A, I and W to ensure that it appropriately reflects the LSC requirements concerning occupancy classification. An advance copy of the updated Appendices is attached and may differ slightly from the final versions that will be released at a later date.

The LSC has a methodology for determining the appropriate occupancy classification that is required at a facility to ensure an adequate level of fire protection is present to protect patients and other building occupants. Allowing component facilities of a hospital or CAH to be surveyed as occupancy classifications other than Health Care, in accordance with the LSC, will

ensure both that an adequate level of fire protection is afforded and unreasonable hardship or burden is not imposed upon a hospital or CAH.

The following sections provide an explanation of the LSC occupancy classification determination for hospital and CAH facilities.

Mixed Occupancy Classifications

Hospital or CAH component facilities located in a building with more than one occupancy classification must be adequately separated from the other building occupancies, as required by the LSC, in order to be eligible for their own occupancy classification. If a hospital or CAH component facility is not adequately separated from other building occupancies, the most stringent occupancy classification must apply to the entire building.

In summary:

For Mixed Occupancy:

- Building houses mixed occupancies; and
- Hospital or CAH component facility is adequately separated from other building occupancies;
 - If adequately separated, occupancy classification is determined as explained below,
 - If not adequately separated, the most stringent occupancy classification of all the building occupants applies.

Health Care Occupancy (LSC Chapters 18 & 19)

A hospital or CAH component facility, regardless of whether it is located in a separate building on the main provider's campus or is located off the main provider's campus, ("campus" and "main provider" are defined in 42 CFR 413.65(a)(2)), must initially be considered as a new or existing Health Care Occupancy.

Section 3.3.134.7 of the LSC defines a Health Care Occupancy as, "[a]n occupancy used for the purpose of medical or other treatment or care of four or more persons where such occupants are mostly incapable of self-preservation because of age, because of physical or mental disability, or because of security measures not under the occupants' control." According to sections 18/19.1.1.1.3, "health care facilities regulated by these chapters provide sleeping accommodations for their occupants." Further, sections 18/19.1.1.1.7 provide that, "[f]acilities that do not provide housing on a 24-hour basis for their occupants shall be classified as other occupancies and shall be covered by other chapters of this Code." Therefore, hospital or CAH component facilities that provide sleeping accommodations and medical treatment or services on a 24-hour basis for patients *mostly* incapable of self-preservation must be classified as a Health Care Occupancy.

Section 1861(e) of the Social Security Act (the Act) defines "hospital" as being primarily engaged in providing care to inpatients and is not based upon a minimum number patients receiving treatment, care or services. CMS does not consider the number of patients in determining if a provider is a hospital or a CAH; therefore, a CMS-certified hospital or CAH does not need to have four or more inpatients at all times in order to be classified as a Health

Care Occupancy. Occupancy classification must be determined regardless of the number of patients served at a hospital's or CAH's component facility.

In summary:

For Health Care Occupancy:

- Facility provides sleeping accommodations;
- Facility provides medical treatment or services on a 24-hour basis; and
- Patients are *mostly* incapable of self-preservation.

Ambulatory Health Care Occupancy (LSC Chapters 20 & 21)

Section 3.3.134.1 of the LSC defines a Ambulatory Health Care (AHC) Occupancy as “[a] building or portion thereof used to provide services or treatment simultaneously for four or more patients that: (1) provides on an outpatient basis, treatment for patients that renders the patients incapable of taking action without the assistance of others; or (2) provides, on an outpatient basis, anesthesia that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others.” Considering the definition of an AHC provided in section 3.3.134.1 and the occupancy classification exemption provided in sections 18/19.1.1.1.7, a hospital or CAH component facility initially considered to be a Health Care Occupancy but which does not provide either sleeping accommodations or medical treatment or services on a 24-hour basis, may be classified as another occupancy type. For example, if it provides treatment or services to patients who are *mostly* incapable or rendered incapable by treatment or anesthesia provided by the facility, it must be classified as a new or existing AHC Occupancy.

CMS does not consider the number of patients treated when determining an AHC occupancy classification. Furthermore, CMS does not consider whether or not a patient has been “rendered” incapable of taking action for self-preservation by the facility; rather, the only consideration is whether the patient is capable or incapable of self-preservation. Therefore, occupancy classification must be determined regardless of the number of patients being served or whether or not a patient has been rendered incapable of self-preservation by a hospital or CAH component facility.

In summary:

For Ambulatory Health Care Occupancy:

- Facility does not provide sleeping accommodations;
- Facility does not provide medical treatment or services on a 24-hour basis;
- Facility provides anesthesia services; and
- Patients are *mostly* incapable of self-preservation.

Business Occupancy (LSC Chapters 38 & 39)

According to the Ambulatory Health Care section 20/21.1.1.1.4 of the LSC, “[b]uildings, or sections of buildings, that primarily house patients who, in the opinion of the governing body of the facility and the governmental agency having jurisdiction, are capable of judgment and appropriate physical action for self-preservation under emergency conditions shall be permitted

to comply with chapters of this code other than Chapter 20/21.” Therefore, a hospital or CAH component facility previously considered an AHC Occupancy, but which does not provide anesthesia services or serve patients who are *mostly* incapable of judgment and appropriate physical action for self preservation under emergency conditions, could be classified as a new or existing Business Occupancy.

A patient may be incapable of self-preservation due to many factors, including, but not limited to, age, physical or mental disability, medical or therapeutic interventions, medication reactions, etc. In addition, when determining the ability for self-preservation, consideration *should* be given to *both* the characteristics of current patients *and the characteristics of patients the facility is likely to provide medical treatment or services to in the future, as evidenced by the provider’s own advertisement and clientele to which the provider holds itself out to serve.*

In summary:

For Business Occupancy:

- Facility does not provide sleeping accommodations;
- Facility does not provide medical treatment or services on a 24-hour basis;
- Facility does not provide anesthesia; and
- Patients are *mostly* capable of self-preservation.

Other Occupancy Classifications

Hospital and CAH component facilities to which patients are not expected to have access (i.e., patients have no “customary access”), which are non-contiguous or adequately separated from other hospital or CAH occupancies, as determined by the LSC, could be classified as other occupancies. Other occupancy classifications may include, but are not limited to, Assembly, Day Care, Mercantile, and Storage Occupancies.

In summary:

For Other Occupancy Types:

- Patients are not expected to access the facility for medical treatment or services; and
- Facility is non-contiguous or adequately separated from other occupancies.

Questions: If you have questions about hospital and CAH occupancy classification determinations, please contact LCDR Martin Casey via e-mail at Martin.Casey@cms.hhs.gov.

Effective Date: This guidance is effective immediately. Please ensure that all certification personnel are appropriately informed as to using this guidance within 30 days of this memorandum.

Training: The information contained in this letter should be shared with all survey and certification staff, their managers, and the State/RO training coordinators.

/s/

Thomas E. Hamilton

Page 5 – State Survey Directors

Attachment: (1)

cc: Survey and Certification Regional Office Management

CMS Manual System

Pub. 100-07 State Operations Provider Certification

Department of Health &
Human Services (DHHS)
Centers for Medicare &
Medicaid Services (CMS)

Transmittal

(Advance Copy)

Date:

SUBJECT: Revised State Operations Manual (SOM) Appendices A, I, and W

I. SUMMARY OF CHANGES: Clarification is provided in the SOM appendices pertaining to the appropriate occupancy classification of component facilities of hospitals and critical access hospitals, in order to determine compliance with the applicable portions of the Life Safety Code.

NEW/REVISED MATERIAL - **EFFECTIVE DATE*:** Upon Issuance
IMPLEMENTATION DATE: Upon Issuance

The revision date and transmittal number apply to the red italicized material only. Any other material was previously published and remains unchanged. However, if this revision contains a table of contents, you will receive the new/revised information only, and not the entire table of contents.

II. CHANGES IN MANUAL INSTRUCTIONS: (N/A if manual not updated.)
(R = REVISED, N = NEW, D = DELETED) – (Only One Per Row.)

R/N/D	CHAPTER/SECTION/SUBSECTION/TITLE
R	Appendix A/§482.41(b) Standard: Physical Environment/Life Safety Code
R	Appendix I, Life Safety Code Interpretive Guidance & Survey Procedures
R	Appendix W/§485.623(d) Standard: Life Safety from Fire

III. FUNDING: No additional funding will be provided by CMS; contractor activities are to be carried out within their FY 2011 operating budgets.

IV. ATTACHMENTS:

	Business Requirements
X	Manual Instruction
	Confidential Requirements
	One-Time Notification
	Recurring Update Notification

State Operations Manual

Appendix A - Survey Protocol, Regulations and Interpretive Guidelines for Hospitals

A-0710

(Rev. XX, Issued: XX-XX-XX, Effective/Implementation: XX-XX-XX)

§482.41(b)

(1) Except as otherwise provided in this section—

(i) The hospital must meet the applicable provisions of the 2000 edition of the Life Safety Code of the National Fire Protection Association. The Director of the Office of the Federal Register has approved the NFPA 101[®] 2000 edition of the Life Safety Code, issued January 14, 2000, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:

http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the Federal Register to announce the changes.

(ii) Chapter 19.3.6.3.2, exception number 2 of the adopted edition of the LSC does not apply to hospitals.

(2) After consideration of State survey agency findings, CMS may waive specific provisions of the Life Safety Code which, if rigidly applied, would result in unreasonable hardship upon the facility, but only if the waiver does not adversely affect the health and safety of the patients.

(3) The provisions of the Life Safety Code do not apply in a State where CMS finds that a fire and safety code imposed by State law adequately protects patients in hospitals.

Interpretive Guidelines §482.41(b)(1) –(3)

Medicare-participating hospitals, *including all component parts or facilities of the hospital*, must comply with the applicable Life Safety Code (LSC) requirements. *All hospital component facilities, including those located in a separate building on the main provider's campus, as well as those located off the main provider's campus, (see 42 CFR 413.65(a)(2) for the definitions of "main provider" and "campus"), may be classified as new or existing "Health Care," "Ambulatory Health Care," "Business," or other occupancy classifications, based upon their usage, as permitted under the provisions of the LSC. LSC requirements differ depending upon the component facility's occupancy classification. In addition, a hospital, including all of its component parts or facilities, must be in compliance with all other applicable NFPA codes cross-referenced in the LSC, such as, NFPA-99: Health Care Facilities.*

The following criteria summarize the LSC requirements for determining the occupancy classification for the various separate component facilities that may comprise the hospital:

- If patients receiving medical treatment or services are mostly incapable of self-preservation during an emergency, and are provided with sleeping accommodations or treatment and services on a 24-hour basis, the facility must be classified as a Health Care Occupancy.*
- If patients receiving medical treatment or services are mostly incapable of self-preservation during an emergency or receive anesthesia services, but are not provided with sleeping accommodations or treatment and services on a 24-hour basis, the component facility must be classified as a Ambulatory Health Care Occupancy.*
- If patients receiving medical treatment or services are mostly capable of self-preservation during an emergency, are not provided with sleeping accommodations or treatment and services on a 24-hour basis, and do not receive anesthesia, the facility must be classified as a Business Occupancy.*
- Hospital facilities to which patients are not expected to have access (i.e., "customary access") and are non-contiguous or adequately separated from other occupancies, as required by the LSC, may be surveyed as other occupancy classifications, as determined by the LSC.*
- If more than one occupancy classification exists within a hospital building and there is not adequate separation between them, as determined by the LSC, the most stringent occupancy classification must apply to the entire building.*

When determining whether or not a facility provides treatment or services to patients incapable of self-preservation, surveyors should consider:

- *Patients may be incapable of self-preservation due to many factors, including, but not limited to, age, physical or mental disability, medical or therapeutic interventions, medication reactions, etc.*
- *The characteristics of patients the facility is likely to provide medical treatment or services to in the future, as evidenced by the provider's own advertisement and clientele to which the provider holds itself out to serve.*

The aforementioned requirements for determining hospital facility occupancy classifications apply regardless of:

- *The location of the component facility (e.g., in a separate or adjoining building on the main campus, or in an off-campus location).*
- *The number of patients receiving medical treatment or service.*
 - *CMS does not consider the number of patients receiving treatment or services in the determination of occupancy classification.*
- *Whether or not a facility has "rendered" a patient incapable of self-preservation without the assistance of others under emergency conditions.*
 - *CMS does not consider whether a patient has been "rendered" incapable of taking action for self-preservation by the facility, only whether the patient is capable or incapable of self-preservation.*

A hospital that has been cited for LSC deficiencies may request a waiver from a provision of the LSC if the hospital can adequately justify that the application of a LSC requirement will result in unreasonable hardship and the waiver will not adversely affect the health and safety of the patients. The facility must submit a written request for a waiver (with supporting documentation) to the State survey agency or Medicare-approved national accreditation organization, in the case of a deemed, accredited hospital, as part of the hospital's plan of correction. The State Survey Agency or Medicare-approved national accreditation organization, as applicable, must forward the waiver request and supporting documentation to the CMS Regional Office, along with a recommendation whether to approve or deny the request. CMS Regional Offices will make the determination to approve or deny the waiver request.

Additional interpretive guidelines on LSC waivers can be found in the SOM, Chapter 2, Section 2480 – LSC Waivers.

A State's Fire Code may be utilized in lieu of the LSC if the State has made such a request to CMS and CMS has determined that the State has in effect a fire and safety code imposed by law that adequately protects patients in health care facilities. The State must submit a request to utilize its Fire Code in lieu of the LSC, and CMS Central Office will make the final determination as whether or not to accept the State Fire Code.

Additional interpretive guidelines on the substitution of State Fire Code for the LSC can be found in the SOM, Chapter 2, 2470E – Substitution of State Fire Code for the Life Safety Code (LSC).

Survey Procedures §482.41(b)(1) – (3)

- *Identify all hospital facilities, including separate component facilities that may be on-campus or off-campus, and determine the occupancy classification for each facility. A facility may assign an occupancy classification to its component facilities, but the surveyor is responsible for confirming the occupancy classification through document reviews, interviews, site visits, etc., as necessary.*
- *Survey all facilities in which inpatient or surgical services, including same-day surgery, are provided. The definition of “surgery” is broad and includes not only surgical procedures, but other invasive and diagnostic procedures. See the hospital guidelines A-0940 for a definition of what constitutes “surgery. Survey a sample (minimum of one component facility) of the remaining facilities, as well as any component facilities for which there are questions about the accuracy of the occupancy classification or concerns about the physical environment. The selected facilities and sample size above one should be determined on a case-by-case basis at the surveyor’s discretion. Factors to consider in determining sample size and selecting facilities may include, but are not limited to, results of previous surveys, number of similar hospital component facility occupancies, facility appearance, and customary access by patients.*

The hospital component facilities should be surveyed according to the most stringent occupancy classification of all the building occupancy(ies), unless the component facilities are adequately separated from other building occupancy(ies) by construction having a fire resistance rating, as required by the LSC.

The SOM, Appendix I – Life Safety Code, provides procedures for LSC surveys, including determining facility occupancy classification, applicability of LSC chapters, and determining which buildings to survey.

Survey form, (Form CMS-2786) *is* used by **CMS** surveyors to *assist in* evaluating compliance with the Life Safety Code.

- *In preparation for a survey, surveyors must review the facility file for existing waivers. In addition, the existence of any waivers should be confirmed by the surveyors when onsite. Assess existing waivers to determine if they are still applicable or if the related deficiency requires correction. Some instances that would render a waiver as being no longer applicable may include: the approved time-limit for the waiver has expired; the condition of “unreasonable hardship,” which was the basis of waiver approval, is no longer present; the waiver is adversely affecting the health and safety of the patients; or the facility has had the opportunity but has not corrected a waived deficiency.*

Survey procedures on LSC waivers can be found in the SOM, Appendix I – Life Safety Code, including waiver requirements, limitations, time-limits, recommendations, and applicability. In addition, SOM, Chapter 2, Sections 2472A and 2480, provide additional survey procedures, including the authority to grant waivers, meeting the intent of the LSC, and elements considered in determination of unreasonable hardship.

- *Determine if an approved State Fire Code is applicable in lieu of the LSC in advance of performing a survey. In instances when a CMS- approved State Fire Code is utilized in lieu of the LSC, the State Fire Code must be applied in its entirety.*

SOM Section 2470E – Substitution of State Fire Code for the LSC, provides additional survey procedures, including guidance regarding State Fire Code requirements, CMS approval process, and excluded facilities. In addition, the process by which CMS reviews a State’s request to use its State Code in lieu of the LSC is further addressed in Survey and Certification policy memorandum S&C-08-34, dated September 5, 2008.

Appendix I – Survey Procedures and Interpretive Guidelines for Life Safety Code Surveys

(Rev. XX, Issued: XX-XX-XX, Effective/Implementation: XX-XX-XX)

II. The Survey Tasks

Task 1 – Offsite Survey Preparation

The surveyor or survey team will review the facility file for:

- Recent licensure and/or certification surveys, including any deficiencies from the previous, bed capacity, change in ownership, facility waivers;
- Corrective action status (if applicable);
- Complaint investigations;
- Facility floor plans, including the location of individual rooms, exits and commons areas; and
- Correspondence to or from the SA and the facility.

If more than one surveyor is participating in the survey designate a team coordinator. The team coordinator will conduct a brief presurvey meeting with team members, such as the State Agency or State Fire Authority, to: review previous findings, make specific assignments, and discuss efficient approaches to surveying the facility.

Determine the occupancy or use of the facility such as a hospital, nursing home, ambulatory surgical center, etc. Then determine which chapters of the Life Safety Code (LSC) should be used in the survey process based on the occupancy or use of the building. The basic fire safety requirement for participating facilities at this time is compliance with the National Fire Protection Association (NFPA) 101, Life Safety Code, 2000 edition. *Interpretive Guidelines and survey procedures for determining the occupancy classification of hospital and Critical Access Hospital (CAH) facilities, including those components which are separated, non-contiguous or off-site, can be found in SOM Appendices A and W, respectively.*

Review the date the facility first applied for admission into the program. The use of the EXISTING or NEW chapters of the LSC depends on the date of plan approval or the date of construction (if there is no plan approval process) for the facility's building(s). If the facility's building plans were approved or a building permit was issued or construction

started after the effective date, (March 13, 2003), of the final regulation, the building or addition must be surveyed under 2000 NEW LSC.

If the facility's building plans were approved by a State Agency or building permit issued or construction started prior to the effective date, (March 13, 2003), of the final regulation, the building must be surveyed under 2000 EXISTING LSC.

CMS has defined the terms "major" or "minor" for alterations, modernization or renovation of buildings as follows: If the building has undergone a modification (usually more than 50 percent or more than 4,500 square feet, of the smoke compartment involved) it is considered "major," if the building has undergone a modification (usually less than 50 percent or less than 4,500 square feet, of the smoke compartment involved) it is considered "minor." If a building undergoes a "major" modification after March 13, 2003 then the building would be surveyed under 2000 NEW LSC. The replacement of a system such as a fire alarm system would be considered "major" for that system only. Thus, that system only would have to meet the LSC requirements for 2000 NEW, not the entire building.

Cosmetic changes such as painting and wallpapering by themselves would not constitute a "major" modification regardless of the size of the area involved.

A building, which is a conversion from an occupancy other than Health Care such as a hotel or apartment house, but NOT a hospital *or CAH*, must also meet NEW requirements. Changes within Health Care such as a hospital to a nursing home are not considered conversions.

If the building is a hospital *or CAH* and has a SNF located within or attached to it, then a determination has to be made as to whether the SNF is considered a "distinct part." If there is two-hour fire wall between the hospital and the SNF, then a LSC survey of the SNF section alone is allowed. A floor-ceiling assembly does not meet the separation requirements of a two-hour fire wall. If there is no fire wall, then a LSC survey of the complete building, hospital and SNF, is to be conducted. When there is no two-hour separation, then the complete building must be surveyed regardless of whether the hospital *or CAH* is accredited by *a CMS-approved hospital or CAH accreditation program*. All deficiencies found will be reported whether they were found in the *deemed* hospital portion or in the distinct part SNF.

Validation surveys of *deemed* hospitals *or CAHs* must use the appropriate chapters, NEW or EXISTING, of the 2000 LSC.

CMS, in its regulations adopting the 2000 edition of the LSC, did not adopt the paragraph 19.3.6.3.2 exception No.2 dealing with existing roller latches. The use of roller latches is no longer acceptable as a corridor door-latching device in existing health care facilities. This includes facilities that are both non-sprinklered and sprinklered. Facilities have until March 13, 2006 to remove roller latches from use. Emergency lighting lasting at least 1-1/2 hours is required by the LSC; facilities have until March 13, 2006 to meet this

requirement. CMS also adopted by regulation the requirement that any facility certified as an ASC is to meet the requirements of the LSC for ambulatory health care, without regard to the number of patients served by the ASC at any one time.

Determine whether or not a Fire Safety Evaluation Survey (FSES), has previously been conducted at the facility. The use of the FSES may be applicable when a facility has multiple deficiencies that may be cost prohibitive to correct. The facility should be informed that the use of the FSES is a certification option at the exit conference. It is up to the facility to decide if the FSES is to be used to achieve certification.

The State Agency, at its option, may complete the FSES for the facility or may act as a reviewer of an FSES submitted by the facility as part of the facility's Plan of Correction (POC).

NFPA 101A, Guide on Alternative Approaches to Life Safety, 2001 Edition, is to be used to complete all FSES's. An FSES evaluation is to be done in conjunction with the completion of the regular Fire Safety Survey form (CMS Form 2786). If the building is certified in compliance with the LSC on the basis of an FSES evaluation, an FSES evaluation must be completed each time a LSC survey is completed. To recertify the building using the FSES, a regular Fire Safety Survey form is completed before completing the FSES, this evaluation will take into account any changes in the facilities life safety features.

The FSES is only available for buildings surveyed using the Health Care Occupancies and Residential Board and Care Occupancies chapters. There is no FSES available for use when surveying ASCs, which are surveyed using the prescriptive requirements of the Ambulatory Health Care Occupancies chapter (20/21) of the LSC.

State Operations Manual

Appendix W - Survey Protocol, Regulations and Interpretive Guidelines for Critical Access CAHs (CAHs) and Swing-Beds in CAHs

C-0231

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§485.623(d) Standard: Life Safety *from* Fire

(1) Except as otherwise provided in this section, the CAH must meet the applicable provisions of the 2000 edition of the Life Safety Code of the National Fire Protection Association. The Director of the Office of the Federal Register has approved the NFPA 101 2000 edition of the Life Safety Code, issued January 14, 2000, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD and at the Office of the Federal Register, 800 North Capital Street NW, Suite 700, Washington, DC. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the Federal Register to announce the changes. Chapter 19.3.6.3.2, exception number 2 of the adopted edition of the Life Safety Code does not apply to a CAH.

Interpretive Guidelines §485.623(d)(1)

Medicare-participating CAHs, *including all component parts or facilities of the CAH*, must comply with the applicable Life Safety Code (LSC) requirements. *All CAH component facilities, including those located in a separate building on the main provider's campus, as well as those located off the main provider's campus, (see 42 CFR 413.65(a)(2) for the definitions of "main provider" and "campus"), may be classified as new or existing "Health Care," "Ambulatory Health Care," "Business," or other occupancy classifications, based upon their usage, as permitted under the provisions of the LSC. LSC requirements differ depending upon the component facility's occupancy classification. In addition, a CAH, including any of its component parts or facilities,* must be in compliance with all *other* applicable *NFPA* codes *cross-referenced* in the *LSC*, such as, NFPA-99: Health Care Facilities.

The following criteria summarize the LSC requirements for determining the occupancy classification for the various separate component facilities that may comprise the CAH:

- *If patients receiving medical treatment or services are mostly incapable of self-preservation during an emergency, and are provided with sleeping*

accommodations or treatment and services on a 24-hour basis, the facility must be classified as a Health Care Occupancy.

- If patients receiving medical treatment or services are mostly incapable of self-preservation during an emergency or receive anesthesia services, but are not provided with sleeping accommodations or treatment and services on a 24-hour basis, the component facility must be classified as a Ambulatory Health Care Occupancy.*
- If patients receiving medical treatment or services are mostly capable of self-preservation during an emergency, are not provided with sleeping accommodations or treatment and services on a 24-hour basis, and do not receive anesthesia, the facility must be classified as a Business Occupancy.*
- CAH facilities to which patients are not expected to have access (i.e., “customary access”) and are non-contiguous or adequately separated from other occupancies, as required by the LSC, may be surveyed as other occupancy classifications, as determined by the LSC.*
- If more than one occupancy classification exists within a CAH building and there is not adequate separation between them, as determined by the LSC, the most stringent occupancy classification must apply to the entire building.*

When determining whether or not a facility provides treatment or services to patients incapable of self-preservation, surveyors must consider:

- A patient may be incapable of self-preservation due to many factors, including, but not limited to, age, physical or mental disability, medical or therapeutic interventions, medication reactions, etc.*
- The characteristics of patients the facility is likely to provide medical treatment or services to in the future, as evidenced by the provider’s own advertisement and clientele to which the provider holds itself out to serve.*

The aforementioned requirements for determining CAH facility occupancy classifications apply regardless of:

- The location of the component facility (e.g., in a separate or adjoining building on the main campus, or in an off-campus location).*
- The number of patients receiving medical treatment or service.*
 - CMS does not consider the number of patients receiving treatment or services in the determination of occupancy classification.*
- Whether or not a facility has “rendered” a patient incapable of self-preservation without the assistance of others under emergency conditions.*

- *CMS does not consider whether a patient has been “rendered” incapable of taking action for self-preservation by the facility, only that the patient is capable or incapable of self-preservation.*

Survey Procedures §482.41(b)(1)

- *Identify all CAH facilities, including separate component facilities that may be on-campus or off-campus, and determine the occupancy classification for each facility. A facility may assign an occupancy classification to its component facilities, but the surveyor is responsible for confirming the occupancy classification through document reviews, interviews, site visits, etc., as necessary.*
- *Survey all facilities in which inpatient or surgical services, including same-day surgery, are provided. The definition of “surgery” is broad and includes not only surgical procedures, but other invasive and diagnostic procedures. See the hospital guidelines A-0940 for a definition of what constitutes “surgery. Survey a sample (minimum of one component facility) of the remaining facilities, as well as any component facilities for which there are questions about the accuracy of the occupancy classification or concerns about the physical environment. The selected facilities and sample size above one should be determined on a case-by-case basis at the surveyor’s discretion. Factors to consider in determining sample size and selecting facilities may include, but are not limited to, results of previous surveys, number of similar hospital component facility occupancies, facility appearance, and customary access by patients.*

The CAH component facilities should be surveyed according to the most stringent occupancy classification of all the building occupancy(ies), unless the component facilities are adequately separated from other building occupancy(ies) by construction having a fire resistance rating, as required by the LSC

The SOM, Appendix I – Life Safety Code, provides procedures for LSC surveys, including determining facility occupancy classification, applicability of LSC chapters, and determining which buildings to survey.

Survey form, (Form CMS-2786) *is* used by **CMS** surveyors to *assist in* evaluating compliance with the Life Safety Code.

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§485.623(d)(2) If CMS finds that the State has a fire and safety code imposed by State law that adequately protects patients, CMS may allow the State survey agency to apply the State’s fire and safety code instead of the LSC.

Interpretive Guidelines §485.623(d)(2)

A State's Fire Code may be utilized in lieu of the LSC if the State has requested this and CMS has determined that the State has in effect a fire and safety code imposed by law that adequately protects patients in health care facilities. The State must submit a request to utilize its Fire Code in lieu of the LSC, and CMS Central Office will make the final determination whether or not to accept the State Fire Code.

Additional interpretive guidelines on the substitution of State Fire Code for the LSC can be found in the SOM, Chapter 2, 2470E – Substitution of State Fire Code for the Life Safety Code (LSC).

Survey Procedures §482.41(b)(2)

Determine if an approved State Fire Code is applicable in lieu of the LSC in advance of performing a survey. In instances when a CMS- approved State Fire Code is utilized in lieu of the LSC, the State Fire Code must be applied in its entirety.

SOM Section 2470E – Substitution of State Fire Code for the LSC, provides additional survey procedures, including guidance regarding State Fire Code requirements, CMS approval process, and excluded facilities. In addition, the process by which CMS reviews a State's request to use its State Code in lieu of the LSC is further addressed in Survey and Certification policy memorandum S&C-08-34, dated September 5, 2008.

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§485.623(d)(3) After consideration of State survey agency findings, CMS may waive specific provisions of the Life Safety Code that, if rigidly applied, would result in unreasonable hardship on the CAH, but only if the waiver does not adversely affect the health and safety of patients.

Interpretive Guidelines §485.623(d)(3)

A CAH that has been cited for LSC deficiencies may request a waiver from a provision of the LSC if the CAH can adequately justify that the application of a LSC requirement will result in unreasonable hardship and the waiver will not adversely affect the health and safety of the patients. The facility must submit a written request for a waiver (with supporting documentation) to the State survey agency or Medicare-approved national accreditation organization, in the case of a deemed, accredited CAH, as part of the CAH's plan of correction. The State Survey Agency or Medicare-approved national accreditation organization, as applicable, must forward the waiver request and supporting documentation to the CMS Regional Office, along with a recommendation of whether to approve or deny the request. CMS Regional Offices will make the determination to approve or deny the waiver request.

Additional interpretive guidelines on LSC waivers can be found in the SOM, Chapter 2, Section 2480 – LSC Waivers.

Survey Procedures §485.623(d)(3)

In preparation for a survey, surveyors must review the facility file for existing waivers. In addition, the existence of any waivers should be confirmed by the surveyors when onsite. Assess existing waivers to determine if they are still applicable or if not, whether the related deficiency requires correction. Some instances that would render a waiver as being no longer applicable may include: the approved time-limit for the waiver has expired; the condition of “unreasonable hardship,” which was the basis of waiver approval, is no longer present; the waiver is adversely affecting the health and safety of the patients; or the facility has had the opportunity, but has not corrected, a waived deficiency.

Survey procedures on LSC waivers can be found in the SOM, Appendix I – Life Safety Code, including waiver requirements, limitations, time-limits, recommendations, and applicability. In addition, SOM, Chapter 2, Section 2472A and 2480, provide additional survey procedures, including the authority to grant waivers, meeting the intent of the LSC, and elements considered in determination of unreasonable hardship.