



AGENDA
PLANNING AND ZONING COMMISSION MEETING
CITY OF CREVE COEUR, MISSOURI
MONDAY, AUGUST 17, 2015
7:00 PM

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.

CALL TO ORDER

ROLL CALL

ACCEPTANCE OF THE AGENDA

APPROVAL OF MINUTES

- 1. Draft Minutes from the July 20, 2015 Planning and Zoning Commission Meeting**

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.

UNFINISHED BUSINESS

1. Application #14-022: Approval of a Revised Site Development Plan at the Shoppes at Westgate Located at 12410-12428 Olive Boulevard. Request to Continue.

An application has been submitted to revise the site development plan for the Shoppes at Westgate including the renovation of the exterior of the building, new landscaping, and additional parking spaces. Included in the request is the location of artwork to be coordinated with the City's Arts Committee and the possible establishment of an "art on loan" program in consideration of site bonus coverage to 66.8%. Sufficient details of the agreement with the Art Committee regarding the loaned artwork have not been provided at this time. Therefore, Staff is requesting to continue the item to the September 8th meeting date.

NEW BUSINESS

1. Application #15-020: Minor Site Development Plan for a Fence Within the Front-Yard Setback for The Enclave Bellerive Subdivision.

Barry Simon, of Simon Homes, has submitted a request for a minor site development plan for a four-foot tall, masonry courtyard wall/fence that will project up to seven feet into the front setback. The request is for the entire subdivision, as well as specific to 324 Wythe House Court, as they would like to offer this as an option for all homes in the subdivision.

Applicant: Barry Simon
Simon Homes
632 Trade Center Boulevard
St. Louis, MO 63005

2. Application #15-021: Various Text Amendments to Article VIII Sign Regulations for Greater Clarification of Terms and Existing Concepts, General Corrections and Formatting. PUBLIC HEARING

The Planning Division has requested several minor amendment to the Article VIII Sign Regulation of the City of Creve Coeur Zoning Ordinance based upon recent ruling by the Supreme Court including emphasis of substitutability clause, as well as general corrections for formatting and typographical errors, clarification of existing concepts and deletion of extraneous text.

WORK AGENDA

DEPARTMENT REPORTS

ADJOURNMENT

Posted: _____

Whitney Kelly
City Planner

PLANNING AND ZONING COMMISSION MEETING

Monday, July 20, 2015
7:00 P.M.

A public hearing and regular meeting of the Planning and Zoning Commission of the City of Creve Coeur, Missouri was held on Monday, July 20, 2015, at the Creve Coeur Government Center, 300 North New Ballas Road. Chairman Beth Kistner called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Ms. Beth Kistner, Chair
Mr. Tim Carney
Mr. James Faron
Mr. Ken Howard
Mr. Charles Pullium
Mr. Gene Rovak

OTHERS PRESENT: Mr. Carl Lumley, City Attorney
Ms. Whitney Kelly, City Planner
Ms. Jessica Stutte, Planning Assistant
Deborah McLaughlin, Recording Secretary

1. Call to Order
2. Roll Call
3. ACCEPTANCE OF THE AGENDA
4. APPROVAL OF MINUTES
 - A. Draft Minutes for the Meeting of July 6, 2015.
Mr. Carney moved for approval. Mr. Faron seconded.
All voted aye.
5. PUBLIC COMMENT
None.
6. UNFINISHED BUSINESS
None.

7. NEW BUSINESS

A. Application #15-017: Approval of a Minor Site Development Plan for St. Louis Kolache Retail Bakery at 1300 N. Lindbergh Boulevard.

An application has been submitted for facade improvements to the existing structure and new landscaping at 1300 N. Lindbergh Boulevard for a retail bakery that specializing in kolaches. Retail Bakeries (NAICS 311811) are a permitted use in the GC District. Section 405.1080 requires minor site plan approval for any proposed alteration that would significantly affect the exterior of a building by the Planning and Zoning Commission.

Applicant: Russell Clark
St. Louis Kolachi, LLC
#1 Highfield Lane
Frontenac, MO 63131

Property Owner: Kenneth Goldberg
Lenette Realty & Investment Co.
1401 South Brentwood Blvd., #520
St. Louis, MO 63144

Brandon Harp, principal at Civil Engineering Design Consultants, spoke on behalf of St. Louis Kolache, LLC, which is a lessee under contract for the property at 1300 North Lindbergh.

The site is at the northeast corner of Schuetz and Lindbergh Boulevard. It's a .47 acre tract zoned GC, General Commercial. It's an old retail building. The site is existing developed currently as it is. St. Louis Kolache would love to open up a retail bakery at that location, which is a permitted use under the GC zoning district.

The site has an existing building on it, which is approximately 1300 square feet, and it has a parking lot that will be re-stripped for 14 parking spaces.

The hours of this retail bakery are 6 a.m. to 2 p.m. seven days per week. There's twelve seats on the interior.

Most of the sales are take-out. There's no drive-through.

Mr. Brandon indicated they are in receipt of staff's conditions, and are in agreement with those conditions.

Mr. Sharp indicated if the Commission had any questions, he'd be happy to answer them.

Mr. Faron questioned Mr. Harp on a couple of staff's conditions, and Mr. Sharp indicated they are in

agreement with staff's conditions.

Mr. Rovak asked about the paint on the building.

There was discussion concerning the color of the building and the appearance of the building.

Mr. Faron asked about signage.

Ms. Kelly indicated the main question before the Commission is in regard to the painting of the building.

While it may appear to be a better and less of an advertising than the former AT&T orange, it is still largely site-driven to attract clientele, and that needs your review.

We would look at, in order to further the project to the Design Guidelines, we might look for a more muted color scheme. That is for your review.

In regard to the sign, the signs are not reviewed at this level, they are staff approval for the sign regulations.

Mr. Faron asked when would we expect to get an additional permit for the sign that is expected to be presented. Ms. Kelly responded that all sign permits are under staff approval, not under Planning and Zoning review. Ms. Kelly indicated the main question before the Commission is in regard to the painting of the building.

Mr. Faron inquired about the staff's recommendation for the color of the building, other than a muted color. Ms. Kelly indicated that the applicant indicated if they could not get approval for white and red, they would look to do a more muted tone.

Mr. Faron moved to approve the minor site plan for the new retail bakery at 1300 North Lindbergh Boulevard subject to the conditions made in the staff report dated July 6th, 2015. The motion was seconded by Mr. Rovak.

There being no further discussion, the resultant vote was as follows:

Mr. Carney-aye	Mr. Faron-aye	Mr. Howard-aye
Mr. Pullium-aye	Mr. Rovak-aye	Chairman Kistner-aye

B. Application #15-018: Approval of Minor Site Plan for a Sports/Game Court and Eight and a Half Foot Tall Fence at 11363 Mosley Forest Drive.

Applicant: Dionna Helfers
Sports Court St. Louis
343 Great Oaks Drive
Labadie, MO 63055

Property Owner: Mike and Debbie Lefton
11363 Mosley Forest Drive
Creve Coeur, MO 63141

Mr. Austin Helfers indicated he represents Mike and Debbie Lefton, who want to install an outdoor game court. The dimensions are 26 by 46. At the two ends there will be 42-inch dasher boards that are consistent of a high impact fiberglass with the traditional hockey yellow kickplate at the bottom and blue cap. The framework behind the boards is aluminum, and from the top of the dasher boards up there will be a 5-foot ball containment netting bringing the total height to eight foot five. The netting is black UV treated nylon, similar to a batting cage net.

Mr. Carney asked if there was netting on the side or just the ends. Mr. Helfers indicated just the two shooting ends would have netting. There will be a concrete curb to keep the puck inside.

This court will be for basketball and hockey.

Mr. Faron indicated that lighting would have to come before us if that ever came to be. Mr. Faron said he thinks there's a resident that's a little concerned that that could happen, and I guess they were under the impression that one time there was going to be netting all around it. Mr. Helfers indicated that the netting at the ends are where the goals are going to be. If they miss the one end, it goes into a hill and there's 85 feet to their property line from the end of the court. And the other way, if they miss, it's going into their garage, so it's not visible from the street.

Mr. Faron indicated that he noticed that there's a siltation design or plan, and asked if that would be along the side in between the property line by the building line. Mr. Helfers believes there's already existing drainage system in between the driveway and where the court is going.

Ms. Kelly indicated the applicant submitted for a sport

court to be located behind the main building, which is the home, and a corresponding fence of eight and a half feet tall, brings it to your review.

Ms. Kelly indicated that the city did receive an email from a neighbor, and her main concern was the amount of green space and the night lighting, as well as the design in the fence.

Ms. Kelly indicated that the front driveway has permeable pavers, so they are under site coverage for this proposal. Ms. Kelly spoke with the neighbor and assured her that there was no night lighting proposed for this application. Any future night lighting would require coming back to the Planning Zoning Commission. And the fence, only the 4-foot tall part is opaque, and the black netted to blend in with the natural surrounding. That was her the neighbor's main concern.

Chairman Kistner indicated that this particular neighbor, herself, put fence in quotation marks because she didn't consider the netting to be an actual fence. Chairman Kistner asked Ms. Kelly to speak to why this is considered to be a fence.

Ms. Kelly indicated that a fence is dividing open space or providing containment within an area. It is the design of the fence that is the distinction here. If it was eight and a half feet tall and solid, it's a fence. If it's a chain link, it's a fence. Under the code, anything that's a fence requires Planning & Zoning Commission approval. If there's any fence or wall over 6 feet tall, requires Planning and Zoning Commission approval. It just so happens that this one meets with the Design Guidelines, blends in as well, but it is considered a fence at eight and a half feet tall.

Mr. Lumley indicated it's consistent with the treatment of our applications. We did have one where they contended that because the netting can go up and down, it was actually a series of flag poles. We said no it's a fence.

Chairman Kistner indicated that it might bear consideration at some future date whether or not netting really belongs as a fence requiring our approval.

Ms. Kelly said it could be a discussion of any future amendments for accessories uses and structures.

Mel Klearman questioned if this is a subdivision where the

sport court is going in. Chairman Kistner indicated it's a residential subdivision. Mr. Klearman asked if the applicant produced any restriction, covenants or something of that nature. Chairman Kistner indicated they would not typically ask anything about subdivision indentures.

Mr. Rovak moved to approve the site plan for a sports court and the corresponding eight and a half foot at either end of the facility, 11363 Mosley Forest Drive, submitted with Application 15-018, subject to the conditions listed in the staff report as presented to the Planning and Zoning Commission on July 20th, 2015.

Mr. Faron seconded the motion.

There being no further discussion, the resultant vote was as follows:

Mr. Rovak-aye	Mr. Pullium-aye	Mr. Howard-aye
Mr. Faron-aye	Mr. Carney-aye	Chairman-aye

8. Work Agenda

A. Comprehensive Plan Update General Project Timeline.

Staff proposes to schedule the Public Workshops for the Comprehensive Plan Update on the following dates that would correspond with the regularly scheduled Planning and Zoning Commission meetings, where such workshop would be the only business for the meetings. Staff would hold regular business items to a following meeting or schedule an extra meeting on a 5th Monday, if necessary. The workshops would be held in the downstairs Multi-Purpose Room.

Public Workshop #1: Monday, September 21. The consultant has indicated that they may have a conflict for that evening, and if necessary, City would postpone the Monday meeting to Tuesday, September 22 or Wednesday, September 23.

Public Workshop #2: Monday, December 7, 2015

Public Workshop #3: Monday, February 1, 2016

Public Workshop #4: Monday, March 7, 2016

Ms. Kelly indicated that we've entered into the contract with the consultants, and we're looking to schedule the public workshops. We would like to correspond those with regular P&Z meeting nights so that we all are here. The consultant has indicated that the first one on Monday, September 21st, may have a conflict, so if that is true,

we would look to cancel that night and move to the meeting to either the 22nd or 23rd, if that's okay. There was discussion concerning the 23rd. There was also discussion concerning the start times.

DEPARTMENT REPORTS

A. City Planner

Ms. Kelly indicated they have notice that there will be a lack of quorum on the 3rd, so the project that would come before you then will get moved to August 17th. They included a text amendment for minor changes to the Sign Code based upon recent Supreme Court ruling; a minor site plan for Bellerive Enclave for a little courtyard fence that was within the front yard setback, and the site development plan for the Shoppes at Westgate. They're still coordinating with the Art Commission on public art as a public benefit for increased site.

B. City Attorney

None.

10. ADJOURNMENT

There being no further business to come before the Planning & Zoning Commission, the meeting was adjourned at 7:27 p.m.

Beth Kistner, Chairman

Produced by: Deborah K. McLaughlin, Court Reporter

APPLICATION TO PLANNING AND ZONING COMMISSION
#15-020 A MINOR SITE DEVELOPMENT PLAN FOR A FENCE WITHIN
THE FRONT-YARD SETBACK FOR
THE ENCLAVE BELLERIVE SUBDIVISION

SUBJECT PROPERTY LOCATION: Enclave at Bellerive Subdivision, north of the intersection of Mason Road and Ladue Road. The subject property is zoned “B” Single-Family Residential with an “RDD” Residential Design Development.

REQUEST: Barry Simon, of Simon Homes, has submitted a request for a minor site development plan for a four-foot tall, masonry courtyard wall/fence that will project up to seven feet into the front setback. The request is for the entire subdivision, as well as specific to 324 Wythe House Court, as they would like to offer this as an option for all homes in the subdivision.

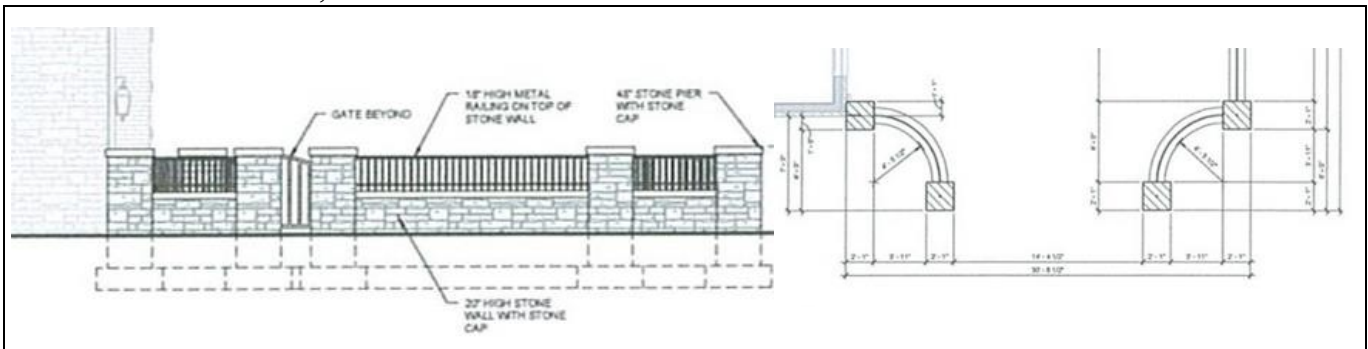
ADDITIONAL INFORMATION: The City of Creve Coeur's Zoning Ordinance Section 405.640 (C) *Fences Within The Front Yard Section And Along Street Right-Of-Way* states that no fence shall be located within the front yard setback or along street right-of-way, within the area equivalent to the front yard setback of the applicable zoning district, unless approved by site development plan approval by the Planning and Zoning Commission. City Council action is not required.

APPLICANT: Barry Simon
Simon Homes
632 Trade Center Boulevard
St. Louis, MO 63005

- Does the request further the goals and/or implement the Comprehensive Plan?
- Maintaining open green spaces

- Residential Neighborhoods
- Design Guidelines

- Section 405.260: B Single Family Residential
- Section 405.450 (C) Residential Designed Development
- 405.640: Fences within the Front Yard Section and along Street Right-of-Way



REPORT PREPARED BY:	Whitney Kelly, AICP, City Planner
DATE:	August 11, 2015
ATTACHMENTS:	Applicant's materials submitted on July 2, 2015

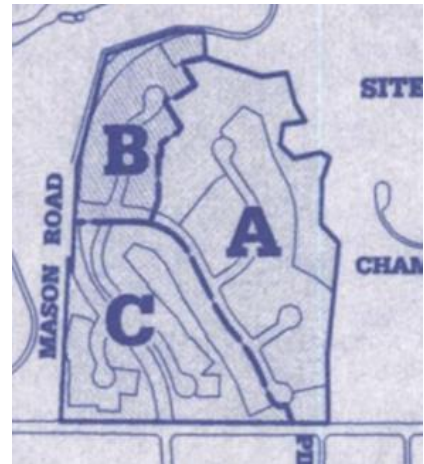
LAND USE AND ZONING OF SURROUNDING PROPERTIES

The adjacent zoning and land uses are as follows:

Direction	Use	Zoning District	Separated by
North	Single-family residences	"A" Single-family Residential	N/A
South	Single-family residences	"A" Single-family Residential	Ladue Road
East	Single-family residences	"A" Single-family Residential	N/A
West	Bellerive Country Club	Town and Country Zoning	Mason Road (partial)

SUBDIVISION AND ZONING HISTORY

The Planning and Zoning Commission recommended approval of the preliminary subdivision plat on January 3, 2005. The City Council subsequently approved the development of Enclave Bellerive on January 24, 2005, when the property was rezoned from "A" to "B" Single-Family Residential with an "RDD" Residential Design Development preliminary plat. A site development plan was also approved at that time for fifty-five (55) houses. The final plats were reviewed and approved as lots were being sold with the final plat for all of the remaining properties being approved in May 2014



The subdivision reviewed by the Planning and Zoning Commission and approved by the City Council had the entire development divided into three villages "Village A", "Village B", and "Village C" (see map at right).

Below is the table with the setbacks for each of the Villages.

	Front	Side	Rear
Village A	30 feet	10 feet	30 feet
Village B	15 Feet	10 feet	30 feet
Village C	15 Feet	15 feet between structures	30 feet

During the approval process for the subdivision, the styles of homes were discussed and example drawings included a courtyard fence/wall. However the location of the fence was not part of the discussion. Three homes were built with low walls enclosing the courtyard as shown in the picture below, and only two extended beyond the front of the home. However, at the time of the building permit in 2006, the walls were not depicted on the site plan, and therefore didn't receive proper approval by the Planning and Zoning Commission.



Figure 1: Photo of exiting home within the subdivision

FENCE PLACEMENT AND DESIGN

The current developers of the properties would like to offer a similar design as those that were already built for any future home. The courtyard fence/wall design would be a mix of masonry that is consistent with the home, and a decorative metal, open slatted design for a total height of four feet that will project up to seven feet into the front yard setback.

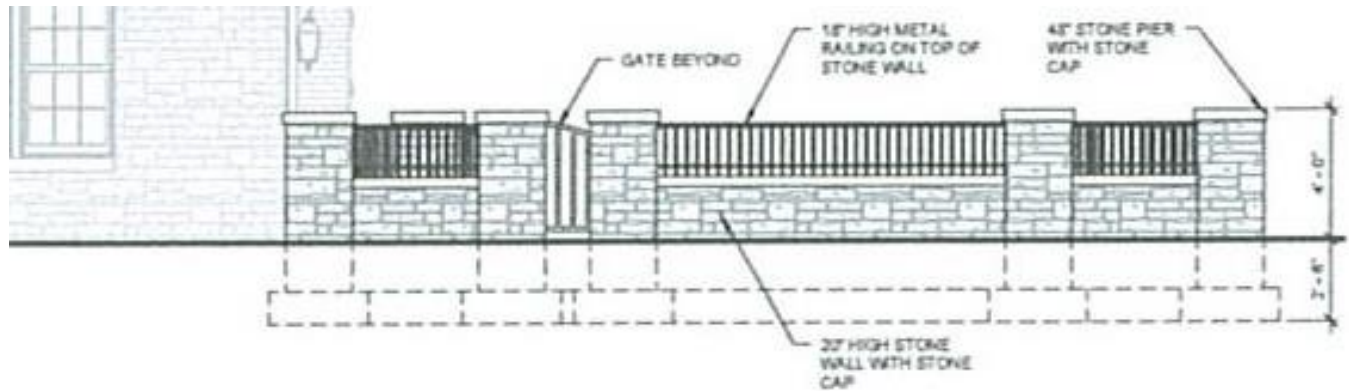


Figure 2: Detail of Front Drive Court Elevation

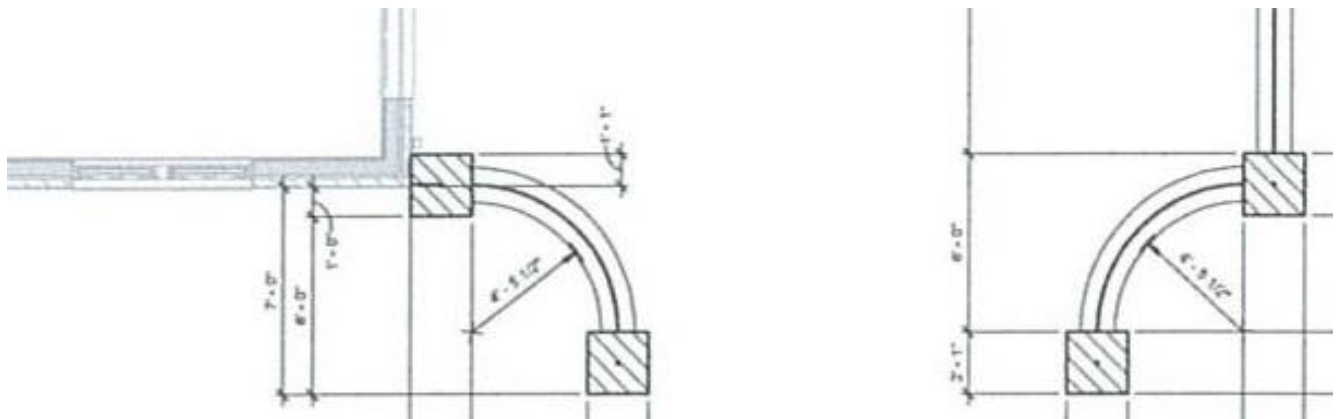


Figure 3: Detail of the Drive Court Plan

The Zoning Code does not provide guidance in evaluating requests for fences and walls within the setback, except that no fence shall exceed six feet in height.

The Comprehensive Plan and Design Guidelines provide further direction for review of fences with the following:

Comprehensive Plan: Residential Preservation and Economic Development

2. Encourage the continued preservation of the suburban landscape character of the area, its open green spaces, and stream corridors. New development or redevelopment should protect and enhance stream channels, preserving remaining riparian corridors, preserve trees and encourage re-establishment of natural streams, where feasible. The use of pervious paving materials and vegetated swales to manage storm water in new development and redeveloping areas is encouraged.
6. Require that new development or redevelopment be compatible with the character of the surrounding neighborhood with regard to lot frontage, building setbacks, building lines, building scale, and lot coverage. (p.44-45)

Design Review Guidelines: F. Screening (Fences and Walls)

1. All new sound walls, masonry walls or fences are to be designed to minimize visual monotony through changes in plane, height, material, texture or significant landscape massing.
2. The design of fencing, sound walls, trash enclosures, and similar site elements is to be compatible with the architecture of the main buildings and should use similar materials.
3. All fencing should be designed as an integrated part of the site, rather than as a separate fence, such as a planter wall or continuation of an architectural wall feature.
5. In highly visible public areas where fencing is needed, decorative fencing is encouraged. (p.18-19)

Further, the Design Guidelines recommend the use of natural “green” materials, and discourage the use of synthetic, and highly reflective materials. The overall design of the courtyard fence is consistent with the design of the home and adds a decorative element that is limited to only enclosing the courtyard/driveway of the home, and does not act to obstruct views of open greenspaces. Further, as all of the homes within the subdivision are internal to the subdivision any perceived public impact would be negligible. Thus, the overall proposal is in keeping with the Comprehensive Plan and Design Guidelines.

CONCLUSION AND ACTION

If the members of the Planning Commission find the Applicant’s fence design and purpose sufficiently compelling, they can approve the location of the four-foot tall, masonry wall, to project up to seven feet into the front yard setback. As the Applicant is wishing to offer the courtyard fence as an option for any of the homes within the subdivision, and as the homes are all internal to the subdivision, Staff is recommending that the approval of the fence, as proposed, be allowed for the entire subdivision, without the need to seek individual approval for each home. This would then permit the existing homes as conforming, rather than currently non-conforming status with regard to the front-yard encroachment. While the current proposal is for a specific site (Lot 12) that includes both a masonry element, and an 18” open slatted metal element, other options could include an all masonry design, but would be limited to a maximum of four feet, and may only project up to seven feet within the front yard setback for the corresponding “village”.

If the Commission members would prefer allowing the courtyard fence as proposed, for only Lot 12 (324 Wythe House Court), but are not comfortable with approving such design elements on future homes within the subdivision without further review by the Planning and Zoning Commission, or would like to further specify the design, a different motion than is set forth below would be needed. If the request is denied, the applicant may construct the courtyard fence at the appropriate setback line for each of the “villages” up to a maximum height of six feet.

MOTION

The motion for a four-foot tall, masonry courtyard fence, that may project up to seven feet into the front setback of the street right-of-way for the entire Enclave Bellerive subdivision, as shown in the enclosed site plan will be in the form of approval, approval with conditions, denial or deferral. The following is an example motion for this application:

“I move to approve the site plan to allow for a four-foot tall masonry courtyard fence that is consistent with the design style of the related home, that projects up to a maximum of

seven feet into the front-yard setback, for each of the properties within the Enclave Bellerive subdivision submitted with Application #15-020, as presented to the Planning and Zoning Commission on August 17, 2015” (conditions may be added by separate motion).

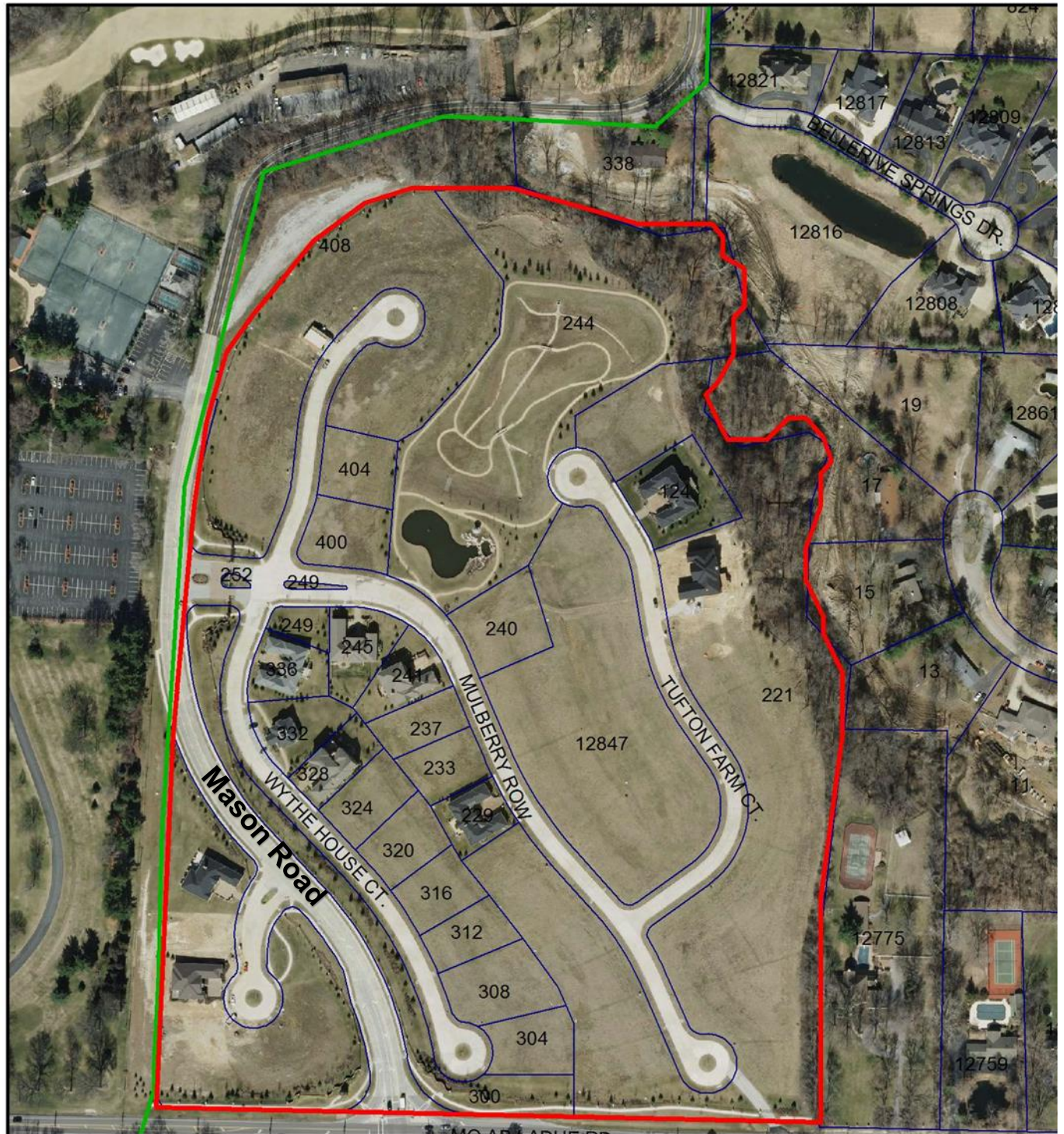
APPENDIX 1: COMPREHENSIVE PLAN

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

APPENDIX 2: ZONING CODE

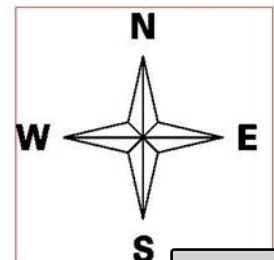
Included and attached by reference. See body of report for specific excerpts.

APPENDIX 3: AERIAL MAP



Attachment: Staff Report (1458 : #15-020 Enclave Bellerive Courtyard Fence)

- Municipal Boundary
- Property Lines
- Enclave at Bellerive Subdivision



APPENDIX 4: SITE PHOTOGRAPHS	Photo Date: 08/12/2015
	Description: View looking north along Mason Road at the existing subdivision fence.
	Description: View looking west across Mason Road toward the Nomini Court area of the subdivision.
	Description: View of an existing home on Nomini Court with a pre-existing courtyard wall.



Description: View of the home at 324 Wythe Court under construction of the area for the proposed courtyard wall.



Description: View from in front of the home looking west toward Mason Road.



Description: View of an existing home on Tufton Farm Court with a pre-existing courtyard wall.



File No. _____

Planning and Zoning Commission Agenda Application
City of Creve Coeur, Missouri

Title of Project: MINOR SITE PLAN FOR FRONT YARD- COURTYARD WALL

Location of Project: ENCLAVE BELLERIVE Locator # _____

Subject for Agenda: _____

REPRESENTATIVE: Name Barry Simon

Company SIMON HOMES

Address 632 TRADE CENTER BLVD.

ST. LOUIS, MO. 63005

Telephone # 636-537-8700 Fax # 636-537-8705

Email BSIMON@SIMONHOMES.NET

OWNER: Name Barry Simon

Address SAME AS ABOVE

Telephone # 636-537-8700 Fax # 636-537-8705

APPLICANT:

Architect _____ Engineer _____ Contractor ☒ Agent _____ Owner ☒

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 7:00 P.M. on Monday, _____, 20__.

Signature Barry Simon

Title PRESIDENT

Date 6-30-15

Paul Langdon, AICP, Director of Community Development
Whitney Kelly, AICP, City Planner
Jessica Stutte, Administrative Assistant (872-2501)



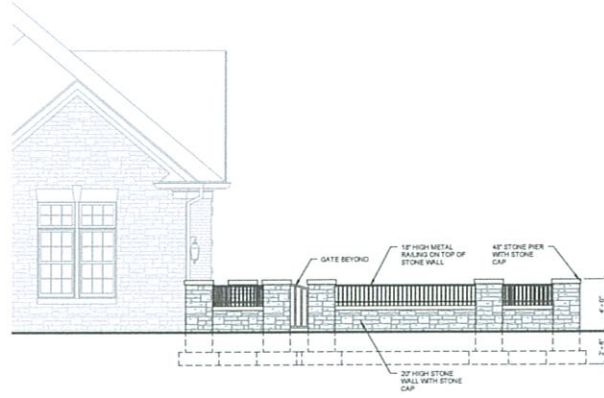
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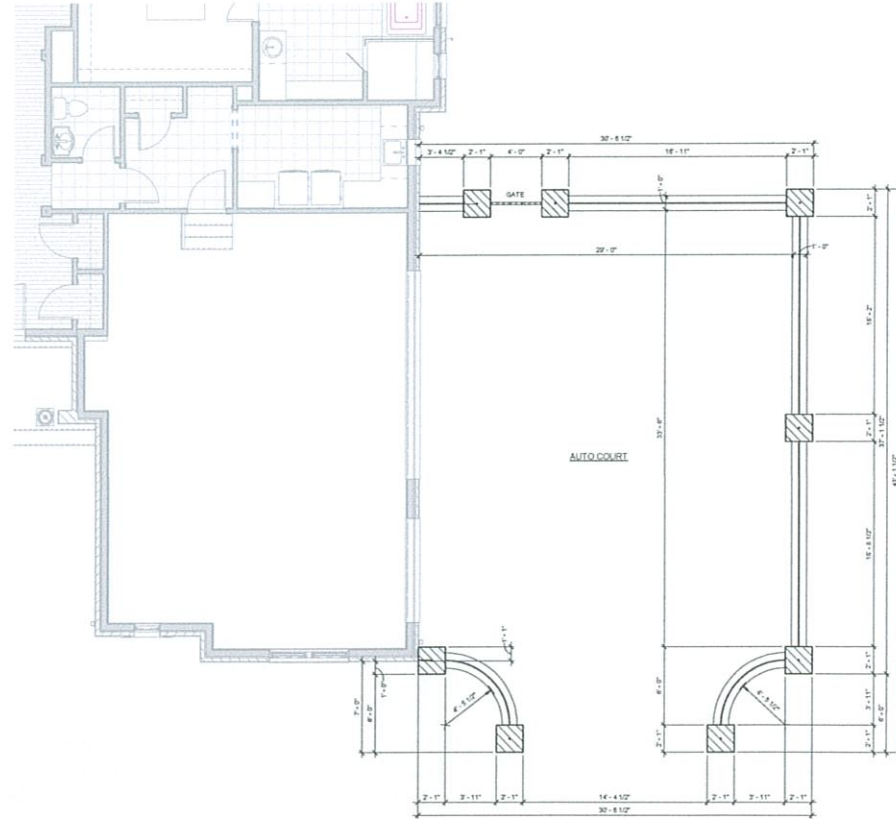
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LINE NUMBER	14027
DATE	06-20-2017
ORDER NO	25-2548879
ORDERED BY	SS

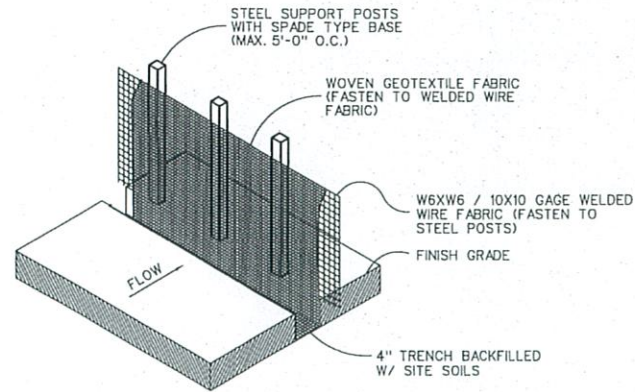
A1.0



3
A1.0 Front Elev.- Drive Court
1/4" = 1'-0"

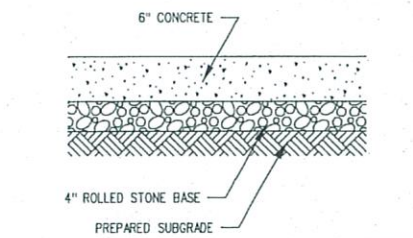


1
A1.0 Drive Court Plan
1/4" = 1'-0"



SILT FENCE DETAIL

NTS



6" CONCRETE PAVEMENT

NTS

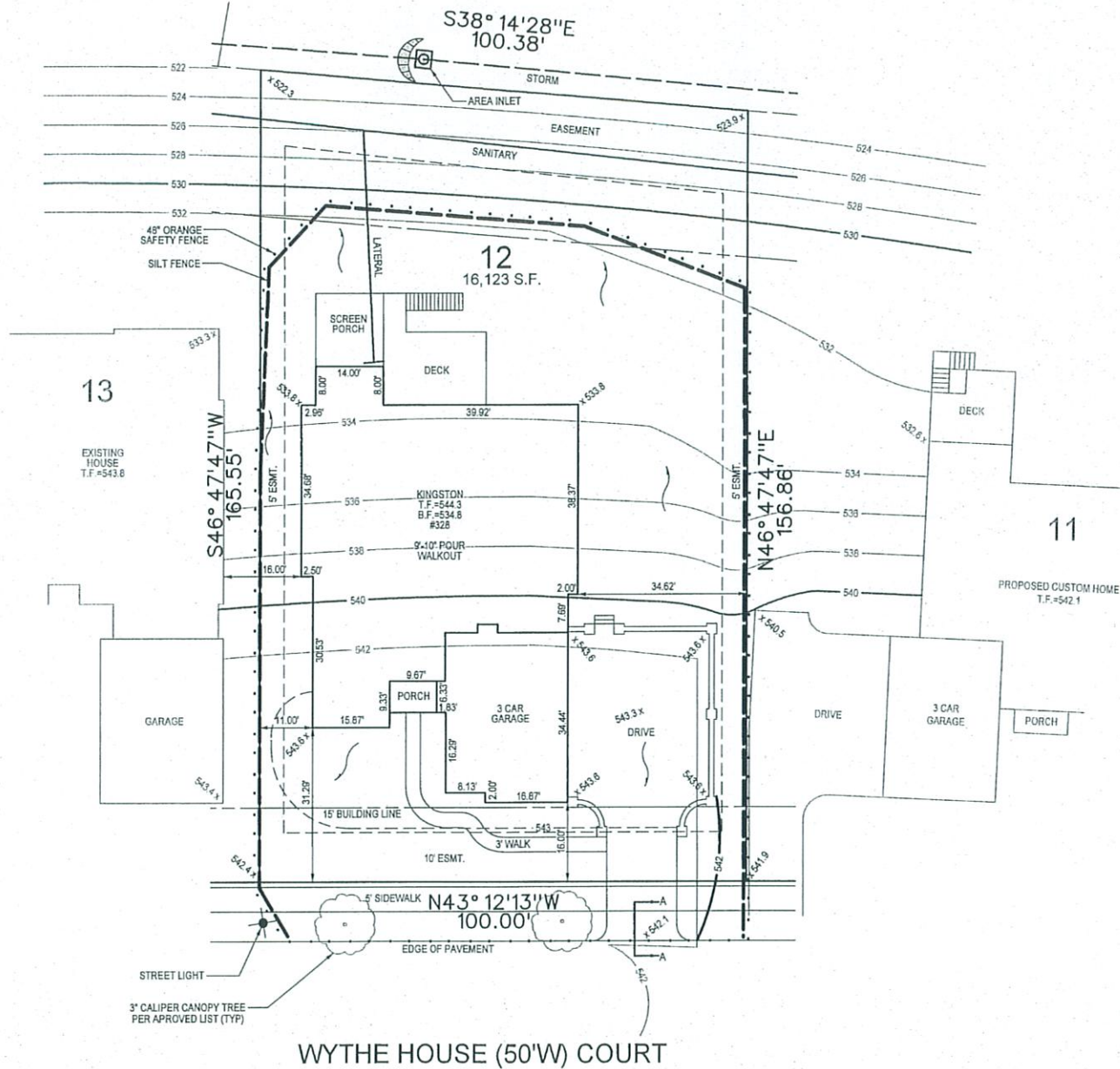
VILLAGE C YARD REQUIREMENTS:
15' FRONT YARD
30' REAR YARD
15' MIN. BETWEEN STRUCTURES

PROPOSED IMPERVIOUS COVERAGE	
LOT AREA	16,123 sf
House/Garage	3,961
Patio/Porch/Deck	664
Driveway	1,421
Total	6,046 sf
Proposed Impervious %	37%

- NOTES
1. ALL EXCAVATED SOIL TO BE HAULED OFF SITE AND DISPOSED OF PROPERLY.
 2. STORM WATER PIPES CANNOT ANY CLOSER THAN 10 FEET TO A PROPERTY LINE.
 3. STREET TREES TO BE A MIN. 3" CALIPER. ACCEPTABLE SPECIES ARE RED MAPLE, PIN OAK, SYCAMORE, BALD CYPRESS, OR GREEN ASH.
 4. THE CREVE COEUR GRADING INSPECTOR MAY REQUEST MINOR CHANGES TO THE FINISH GRADE AND/OR STORM WATER RUNOFF DESIGN.
 5. ALL DISTURBED AREAS TO BE SEEDED AND STRAWED.
 6. A 48" ORANGE SAFETY FENCE IS TO BE INSTALLED AROUND THE ENTIRE PROJECT SITE AND SUPPORTED WITH REBAR AT 10' O.C.
 7. SILTATION CONTROL TO BE INSTALLED AS SHOWN PER STCOO 806-70.00.
 8. GAS PIPING MUST NOT ENTER THE BUILDING BELOW GRADE.
 9. MINIMUM GRADE ELEVATIONS:
8" BELOW TOP OF FOUNDATION WALL
4" BELOW BASEMENT DOORS OPENING ONTO GRADE
1" PER FOOT SURFACE SLOPE DOWNWARD AWAY FROM FOUNDATION FOR A DISTANCE OF 8' UNLESS RESTRICTED BY A PROPERTY LINE.

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THE UNDERGROUND UTILITIES SHOWN HEREIN WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, OR NONEXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE OR OTHER UTILITIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD, SHOWN OR NOT SHOWN, PRIOR TO ANY GRADING, EXCAVATION, OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319, RSMO.



WYTHE HOUSE (50'W) COURT

Timothy J. Meyer
Professional Engineer
E 24665

Eric J. Kirby
Professional Land Surveyor
MO P.L.S. #2005000074

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328 WYTHE HOUSE CT
ENCLAVE BELLERIVE PLAT 1
CREVE COEUR, MO

PLOT PLAN

Design By: TELJ
Drawn By: TELJ
Checked By: TJM
H:\LOT\200807-Enclave Bellerive (Simon)\20087_012.dgn

06-30-2015
1



city of CREVE COEUR

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APPLICATION TO PLANNING AND ZONING COMMISSION #15-021 FOR VARIOUS TEXT AMENDMENTS TO ARTICLE VIII SIGN REGULATIONS FOR GREATER CLARIFICATION OF TERMS AND EXISTING CONCEPTS, GENERAL CORRECTIONS AND FORMATTING

FOR THE MEETING OF: August 17, 2015

LOCATION: City-wide.

REQUEST: The Planning Division has requested several minor amendment to the Article VIII Sign Regulation of the City of Creve Coeur Zoning Ordinance based upon recent ruling by the Supreme Court including emphasis of substitutability clause, as well as general corrections for formatting and typographical errors, clarification of existing concepts and deletion of extraneous text.

Additional Information: The City has reviewed such sign regulations and confirmed compliance with *Reed v. Town of Gilbert*, United States Supreme Court 13-502 (June 18, 2015). This opinion emphasizes that content-based sign regulations are unconstitutional. The Eighth Circuit Court of Appeals had issued a similarly strong ruling several years ago, and the City made significant changes to its sign regulations. The City Attorney reviewed the regulations again in light of the latest Supreme Court opinion, and did not find any significant changes are needed. However, a few corrections were identified as a result of this additional close review.

APPLICANT: Whitney Kelly
City Planner
City of Creve Coeur
300 N. New Ballas Road
Creve Coeur, MO 63116

Key Issues:

- Is this a reasonable exercise of zoning authority?
- Is this consistent with the purposes of the Zoning Code
- Is this consistent with the purposes of the Comprehensive Plan

Comp. Plan References

- NA

Zoning Code References

- Article VII Sign Regulations

Attachment: Staff Report (1459 : #15-021 Text Amendment to Sign Regulations)

DATE: August 12, 2015
ATTACHMENTS: Draft Ordinance

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE UPDATING THE SIGN REGULATIONS, SECTIONS 405.910 TO 405.970, AND SOME RELATED DEFINITIONS IN SECTION 405.120, IN CHAPTER 405, ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF CREVE COEUR.

WHEREAS, Sections 405.910 to 405.970 establish sign regulations, with related definitions in Section 405.120, in the Zoning Code, Chapter 405 of the City Code of Ordinances; and

WHEREAS, the City has reviewed such sign regulations and confirmed compliance with *Reed v. Town of Gilbert*, United States Supreme Court 13-502 (June 18, 2015); and

WHEREAS, in the course of such review certain technical corrections and clarifications were identified as necessary; and

WHEREAS, an application by the City of Creve Coeur was submitted to make such technical corrections and clarifications; and,

WHEREAS, the Planning and Zoning Commission of the City of Creve Coeur, Missouri has recognized the need for such technical corrections and clarifications as set forth herein, to more effectively implement the goals of the Comprehensive Plan and the purposes of the Planning Ordinance and the Zoning Ordinance; 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 _____, 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 August 17, 2015; 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: Certain definitions related to sign regulations set forth in Section 405.120 of the Code of Ordinances are hereby amended to read as follows:

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 substitution of messages on a permanent sign or changing the copy on a legal changeable copy sign.

SIGN, SNIPE SIGN

A sign affixed to a utility pole, tree, fence, or similar object~~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.

Section 2: Sections 405.910 to 405.970 of the Code of Ordinances are hereby amended to read as follows:

Section 405.910. Purpose and Intent.

[R.O. 2008 §26-100; Ord. No. 1903 §1, 11-24-1997; Ord. No. 5280 §2, 10-22-2012]

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 ; ~~and 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.

[R.O. 2008 §26-101; Ord. No. 1903 §1, 11-24-1997; Ord. No. 5165 §7, 12-13-2010; Ord. No. 5280 §2, 10-22-2012]

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. (But see 405.930.J regarding substitutability of messages). 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.

[R.O. 2008 §§3-1; 26-102; Ord. No. 513 §49, 12-23-1968; Ord. No. 1903 §1, 11-24-1997; Ord. No. 5001 §1, 9-6-2007; Ord. No. 5021 §1, 1-28-2008; Ord. No. 5280 §2, 10-22-2012]

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 official "stop", "go", "caution", "danger" or "warning" signs.

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 on parked vehicles 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, rooflines, 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 exempted governmental and official signs.

9.

Snipe signs.

10.

Unightly or unkempt or damaged signs.

11.

Roof signs.

12.

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

13.

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

14.

Changeable copy signs (manual or automated). Exempted from this provision are: manually changeable bulletin board signs as allowed by Section 405.940(E); marquee signs, if approved pursuant to Section 405.950(H)(2); signs defined in Section 405.930(E)(1) (governmental and official

signs); illuminated devices as allowed by Section 405.930(F)(2); and signs in Section 405.950(I)(6) (gasoline price signs).

15.

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

16.

Back-lit awnings and lighted canopies.

17.

Portable signs except as allowed by Section 405.950(G)(5).

18.

Inflatable signs, tethered balloons, banners, pennants, flags, wind-driven spinners, or streamers, except as otherwise provided in Section 405.950(G)(2) Temporary Displays and Signs.

19.

Individuals dressed in costume ~~intended to attract attention~~ as human signs to distract motorists ~~business for advertising purposes~~ in violation of Chapter 610.

20.

Signs extending over a roadway.

21.

Except as may otherwise be expressly authorized by this Article VIII, signs exceeding fifty (50) square feet in gross sign area.

E.

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

1.

Governmental and official signs including, but not limited to, the following:

a.

Public notices and official notices posted or authorized by government officials in the performance of their duties including changeable copy signs not exceeding thirty (30) square feet of sign area per face.

b.

Signs for the control or direction of traffic and other authorized public purposes, including on private property as required by the City or other traffic authority.

2.

~~No parking and no trespassing signs that are no larger than one (1) square foot in gross sign area.~~

3.

Signs not exceeding two (2) square feet in sign area individually and not exceeding six (6) square feet in the aggregate, including, but not limited to, the following:

a.

Nameplates, 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.

d.

No parking and no trespassing signs that are no larger than one (1) square foot in gross sign area.

34.

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.

8.

Temporary signs shall not be illuminated.

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.

7.

If a sign consists of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building facade.

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 requirements that a sign otherwise comply with this Article and that a sign structure or mounting device be properly permitted.

Section 405.940. Signs in Residential Districts.

[R.O. 2008 §26-103; Ord. No. 1903 §1, 11-24-1997; Ord. No. 1966 §1, 11-23-1998; Ord. No. 2287 §1, 6-28-2004; Ord. No. 5033 §3, 3-24-2008; Ord. No. 5280 §2, 10-22-2012]

A.

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

B.

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

C.

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

1.

Any lot in a residentially zoned area shall be permitted one (1) sign with a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces, except that if the lot is on the market for sale or lease, then it shall be permitted one (1) additional sign of six (6) square feet per sign face and a maximum of two (2) sign faces. ~~[Zoning Administrators note: (Temporary open house signs.)~~ Because the foregoing Section allows a residentially zoned lot to have two (2) signs if it is on the market for sale or lease, ~~for example~~ 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 (1) sign, that allows for an additional open house sign off site on other 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 otherwise allowed on a residentially zoned lot or parcel of land in the City. Each such 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~~additional temporary signs on a lot shall not exceed the total number of candidates and propositions on the election ballot.

D.

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

E.

Institutional Uses In Residential Districts.

1.

Permanent attached signs. Institutional uses in residential districts such as schools and places of worship shall be allowed one (1) permanent sign not exceeding twelve (12) square feet in size,

except, however, that any such use which has a minimum of two (2) street frontages which each exceed three hundred (300) lineal feet shall be permitted two (2) such signs. One (1) permanent sign may be a bulletin board sign with manually changeable copy.

2.

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

a.

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

b.

The site has at least two hundred (200) feet of lot frontage on Lindbergh Boulevard.

3.

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

a.

Maximum sign area. Sixty (60) square feet.

b.

Maximum area per sign face. Twenty-four (24) square feet.

c.

Maximum height. Six (6) feet above prevailing base grade.

d.

Setback on 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.

[R.O. 2008 §26-104; Ord. No. 1903 §1, 11-24-1997; Ord. No. 1919 §1, 1-26-1998; Ord. No. 1977 §§1 — 5, 1-11-1999; Ord. No. 2236 §1, 10-27-2003; Ord. No. 2287 §1, 6-28-2004; Ord. No. 5073 §§3 — 4, 1-8-2009; Ord. No. 5280 §2, 10-22-2012]

A.

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

B.

Permanent Attached Signs.

1.

In-line or mid-block uses. Each individual use located at ground floor level with its own entrance at street level may have one (1) attached sign, affixed or painted on a wall, canopy, or awning, with a total gross sign area of one (1) square foot per linear foot of the use's front facade 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 facade which shall also be the same facade as the main entrance. Where the use has a storefront facade without the main entrance, the user may allocate a portion of the total gross sign area allowed by this paragraph to one (1) additional sign located on the storefront. No use shall be permitted more than two (2) permanent attached signs under this paragraph. ~~If the sign(s) consist(s) of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building facade.~~

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 facade 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 facade which shall also be the same facade as the main entrance. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two (2) or more public streets and is ~~not separated from the streets by any other building, the closest building thereto. If the sign(s) consist(s) of a boxed display, the negative space must be dark and opaque, or clear and show the surface of the building facade.~~

3.

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

C.

Low Monument Signs.

1.

A project or development with a site area of at least thirty thousand (30,000) square feet 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 fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator

may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.

2.

A project or development with a site area of at least thirty thousand (30,000) square feet but less than three (3.0) acres, and with at least three hundred (300) feet of lot frontage on a street or non-interstate highway, shall be permitted a single low monument sign that contains not more than thirty (30) square feet of sign area per face with not more than two (2) faces, that is not more than six (6) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.

3.

A project or development with a site area of at least three (3.0) acres but less than five (5) acres shall be permitted a single low monument sign that contains not more than thirty-five (35) square feet of sign area per face with not more than two (2) faces, that is not more than eight (8) feet in total height, that is set back at least ten (10) feet from the right-of-way, and that is located a minimum of one hundred fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.

4.

A project or development with a site area of more than five (5) acres shall, by site development plan approval in accordance with Section 405.1080, be permitted a single low monument sign that contains not more than forty (40) square feet of sign area per sign face, with not more than two (2) sign faces, that is not more than twelve (12) feet in height, that is set back at least fifteen (15) feet from the right-of-way, and that is located a minimum of one hundred fifty (150) feet from any other ground sign on other property on the same side of the street. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.

5.

A landscaped area located around the base of the ground graphic equal to two and one-half (2.5) square feet for each square foot of ground graphic area allowed is required for all low monument signs.

6.

In instances where the required one hundred fifty (150) foot separation from a pre-existing sign on one (1) 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.

[Ord. No. 5417 §1, 2-9-2015]

1.

Each freestanding, single or multi-tenant office building of two (2) 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, provided it is the only sign on that elevation. One (1) additional attached sign may be permitted, subject to the same size and location limitations above, where the building faces two (2) or more public streets and is not separated from the streets by any other building, 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 facade.~~

2.

Each freestanding, single or multi-tenant office building of three (3) 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-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 fifty (150) square feet. One (1) additional attached sign may be permitted, subject to the same size limitations, where the building faces two (2) or more public streets and is ~~not separated from the streets by any other building, 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 facade.~~

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 Section 67.317, RSMo., 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 fifty (150) feet from any other ground sign on other property on the same side of the street and shall not be located within the site distance triangle as defined in Section **405.120**, Definitions, of this Chapter. The Zoning Administrator may authorize a variance from the separation requirement for good cause of up to fifty (50) lineal feet.

3.

The sign shall be permanently affixed to the ground with rot- and insect-resistant materials without use of supporting wires, cross-bracing or stanchions.

4.

The aggregate visible width of the supporting legs or monument shall be at least one-quarter ($\frac{1}{4}$) of the width of the sign.

5.

The edges of the sign shall be boxed-in, framed or otherwise enclosed to eliminate visible gaps or spaces between the sign panels.

6.

The sign copy shall be applied and protected with weather-resistant materials and finishes.

7.

Any attached "riders" (e.g., available floor area) on the sign shall be incorporated within the external dimensions of the sign and are limited to one (1) rider per sign face.

8.

These provisions shall not be applicable to single-tenant or owner-occupied properties which are subject to Section **405.950(G)(4)** Temporary ~~or incidental~~ signs for single-tenant properties.

9.

Nothing in these provisions shall be deemed to limit or alter in any way the provisions of Section **405.930(J)**, Substitutability, of this Chapter.

G.

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

1.

Window signs. The total gross sign area of all window signs as defined in Section **405.120**, Definition of Terms, shall not exceed twenty percent (20%) of the area of any individual window located in the lowest eleven (11) feet of the storefront as measured from the adjacent exterior grade. For the purposes of this Section, panes of glass separated by a structural column or portion of exterior finished wall shall be considered individual windows. Further, glass located within a door, whether or not it is used as an entrance/exit, is not an eligible location for a window sign. No window signs are allowed more than eleven (11) feet above the adjacent grade. Appropriate types of signage include die-cut vinyl, screen printing and/or gilding applied to or etched into the inside surface of the storefront glazing or composed of artistically rendered skeletal or product. Graphics painted directly onto the glass surface are prohibited.

2.

Temporary displays and signs. Temporary displays such as banners or posters shall be permitted for ground floor retail sales and service uses. These special displays shall be limited to two (2) times per year for up to three (3) weeks each period. A separate sign permit shall be required for each event. These temporary displays shall be constructed and lettered to a professional quality and the size of banners or posters shall not exceed the allowable square footage for permanent signs. Permitted

balloons shall not exceed two (2) feet in length or width. The items shall be secured in such a manner as to minimize movement and shall be attached to the main building or structure and not be erected as freestanding elements or attached to vehicles or low monument signs, and shall be no more than eighteen (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 Section 67.317, RSMo., in addition to the permitted signage on any single-tenant/occupant non-residential premises, temporary real estate signs are allowed offering the premises for sale, lease or rent. Such signs shall be limited to advertising the premises on which they are located, shall be a maximum of six (6) feet tall and shall be limited to twenty-four (24) square feet per sign face with a maximum of two (2) sign faces. Temporary real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased or rented. These provisions shall not apply to multi-tenant/occupancy properties and if the property is subsequently converted to multi-tenant occupancy, the requirements of Section **405.950(F)**, Multi-Tenant Real Estate Information Signs, shall be enforced on the property.

5.

Portable signs. In all commercial districts, one (1) portable sandwich board sign limited to six (6) square feet and no more than four (4) feet in height shall be allowed per business address, without a permit, provided that such sign is no more than four (4) feet from the front door entrance, the sign does not obstruct pedestrian movement, and the sign does not obstruct or otherwise pose a hazard to motor vehicle traffic. Such signs must be stored inside between dusk and dawn.

6.

Signs on converted residential structures in commercial zoning districts. Each residential structure which has been converted to a commercial use by approval of a site development plan by the Planning and Zoning Commission may have one (1) or more wall signs, window signs or signs affixed or painted on canopies or awnings with a total gross sign area not to exceed twenty-five (25) square feet. A rear entrance to such business may be identified by a sign not to exceed two (2) square feet in gross sign area. Such a sign shall be affixed directly to the rear entrance door.

H.

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

1.

Parking and other direction signs. One (1) freestanding parking direction sign per direction of traffic, 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 ten (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.

1.

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(1)(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 (1) additional sign may be erected no closer than seventy-five (75) feet from any public right-of-way. Such a sign shall not exceed ten (10) square feet in gross sign area or eight (8) feet in height from top of sign to top of grade. Said sign shall be permanently anchored to a wall, canopy support or a freestanding pole.

4.

Service station canopy signs. An automobile service station with a canopy shall be permitted one (1) service station canopy sign, in addition to a wall sign, per street frontage. This service station canopy sign shall not exceed thirty (30) square feet in gross sign area per street frontage. This sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy. This sign shall be illuminated by internal and non-intermittent light sources. Any business logo, inclusive of striping or other symbols, appearing on this canopy sign shall count as part of the gross sign area allowable for said sign.

5.

Pump signs. Signs shall be posted on gasoline pumps so as to provide the required information to the public regarding "octane rating", "price" and "type of fuel". As the trade name of the business is often incorporated into the different types of fuels, said trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in area per sign face (four (4) square feet in aggregate) per pump. "Self-service" or "full-service" signs shall identify each pump island on the service station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than eight (8) feet above the ground, located at each end of the pump island. A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in area.

6.

Gasoline price signs. For purposes of traffic efficiency and safety, one (1) gasoline price sign shall be allowed per service station property street frontage. This sign must be freestanding and permanently anchored. Such a sign shall not exceed sixteen (16) square feet in sign area per face and shall not exceed six (6) feet in height from top of sign to top of grade. Illumination shall be by internal and non-intermittent light sources. This sign shall identify the actual unit price being charged for gasoline being sold.

J.

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

1.

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

2.

Any application submitted pursuant to Subsection ~~(J)~~(1) 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 Article.

b.

Proposed signs are compatible with the theme, visual quality, and overall character of the surrounding area.

C.

Proposed signs are in scale and harmonious with the development and shall be so located and sized as to ensure convenience to the visitor, user or occupant of the development while not adding to street clutter or otherwise detracting from the planned unit nature of the development and the purposes of architectural and urban design elements.

K.

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

L.*Billboards.*1.

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

2.

Lighting and landscaping of billboards. All lighting and landscaping of grandfathered billboards shall comply with the following:

a.

Previously approved and required landscaping shall be maintained;

b.

No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature or similar information, will be permitted;

c.

External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or primary highway and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle or otherwise interfere with a driver's operation of a motor vehicle and such lights shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjacent residential property;

d.

No billboard shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal;

e.

The maximum average lighting intensity level for such sign shall be twenty (20) foot-candles.

3.

Obstruction of official highway signs. No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness or visibility of an official traffic sign, signal or

device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

4.

Annual inspection and certification. Owners of all billboards shall be required to submit, to the Zoning Administrator, an inspection report from a Missouri licensed engineer as to the sign's structural integrity. Such certification shall be done on or before July first (1st) of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.

5.

Nuisances. Any billboard which, because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris or the deterioration of landscaping, lighting or fencing, becomes unsightly or unsafe, as determined by the Zoning Administrator, is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner as all other nuisances on private property.

Section 405.960. Enforcement and Sign Removal.

[R.O. 2008 §26-105; Ord. No. 1903 §1, 11-24-1997; Ord. No. 5280 §2, 10-22-2012]

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.

Section 405.970. Variances.

[R.O. 2008 §26-106; Ord. No. 1903 §1, 11-24-1997; Ord. No. 5280 §2, 10-22-2012]

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.

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

ADOPTED THIS ____ DAY OF _____, 2015.

DAVID KREUTER
PRESIDENT OF CITY COUNCIL

APPROVED THIS ____ DAY OF _____, 2015

BARRY GLANTZ, MAYOR

ATTEST:

DEBORAH RYAN, CITY CLERK, MPCC