

Memorandum

Department of Planning



To: Planning and Public Works Committee
From: Mike Knight, Assistant City Planner *JMK*
Date: August 5, 2021

RE: **P.Z. 01-2021 City of Chesterfield (Unified Development Code—Article 4 and Article 10):** An ordinance amending Article 4 and Article 10 of the Unified Development Code to revise regulations pertaining to window signs.

Summary

The Unified Development Code (UDC) was approved and adopted by the City of Chesterfield City Council in June of 2014. The purpose of this petition is to discuss and potentially revise these regulations where they pertain to window signs in Article 4, Section 405.04.050 Sign Requirements and the associated definition of a window sign in Article 10, Section 405.10.040 Signage Terms.

This petition is the result of a request received by the Planning and Public Works Committee at the February 18, 2021 meeting. The Committee formally directed staff to review the current regulations of window signage. The Committee identified potential concerns and directed staff to research the current regulations, as well as bring forward potential updates to the window sign requirements within the City's Unified Development Code.

The first concern of the Planning and Public Works Committee is that window signs are currently permitted on multiple floors of buildings. The Unified Development Code states that window signs may be placed on any window in addition to other permitted signs. The outline area of said signs, whether temporary or permanent, shall occupy no more than (40%) of the outline area of any window on the ground or first floor level of the building and no more (20%) of any window on any other level of the building.

Currently there are very few window signs above the first floor of buildings. Although it may be unlikely in the current environment of Chesterfield, if a building did utilize window signs on a high floor, it could easily conflict with the Purpose delineated in municipal code, specifically conforming to the character of the community and not overloading the public's capacity to receive information.

A minor adjustment to the code could be made to alleviate the concern. Staff proposes to remove the language referencing other levels, solely permitting window signs on the first floor and second floor of a building. Currently there are not many, if any, businesses that have window signs above the first floor and none known above the second. Although this may have minimal impact on the current conditions, it will

prevent a full glass office building from having numerous signs on numerous tenant floors above the first and second level. This alleviates one of the primary concerns of the Planning and Public Works Committee.

The second concern is that there is no maximum on the total number of window signs. A few alternatives to abate this concern were proposed by staff within the March and April 2021 Planning Commission meetings. Ultimately the Planning Commission expressed the desire to move forward with calculating Window Signage by a defined window area vs a finite number of signs within individual windows. Staff researched appropriate language utilizing this calculation metric.

Below is a red-line version of the Unified Development Code incorporating the recommendations above.

Section 405.04.050 G.2.f.

Window Signs.

- 1) Window Signs shall not occupy more than twenty five percent (25%) of any single window area. The window area may include multiple panes of glass separated only by supporting framing materials but not separated by architectural elements. Such signs are solely permitted on a window of that particular tenant space and solely on a façade that has an entrance to said tenant space.
- 2) Window Signs are solely permitted on the first and second floor of a building.
- 3) A sign permit shall not be required for any window sign.

It is important to note that when considering the regulations of window signs, items such as hours of operation, open/closed, and other messages that cannot be understood from a position off-site are considered “incidental” and are exempt signs in the City’s Unified Development Code.

It is also important to note that the City of Chesterfield approved Ordinance 3151. This Ordinance acknowledges the economic impact on business due to the COVID 19 pandemic and allows the reasonable temporary suspension for various development criteria including regulation on temporary signs. The potential updates to code would in no way prohibit or retract from the intent of Ordinance 3151.

Staff also recommends some minor changes within code for consistency in Article 4 as they relate to window signs and a change to the definition of a window sign in Article 10 of the City's Unified Development Code for clarification purposes. The draft red-line change in definition is shown below.

Section 405.10.040 Signage Terms.

SIGN, WINDOW

A sign placed on the surface of a window or other transparent surface and is visible from the exterior of the window or surface.

The changes herein are recommended by Staff in order to effectively administer the UDC as originally intended and to implement revised language as directed by the Planning and Public Works Committee. A Public Hearing was held on March 22nd, 2021 as an opportunity for Staff to communicate the current regulations on Window Signs, give an opportunity for the public to provide input, and for the Planning Commission to review the current and potentially future regulations and identify whether this language is in line with the purpose of the overall sign requirements for the city. This petition is now presented before the Planning and Public Works Committee for a recommendation to the entire City Council.

Attached to this report please find a copy of the proposed changes to Section 405.04.050 G of the City's Unified Development Code.

Attachments: Proposed Red-line Changes

Article 04
Development Requirements And Design Standards

Section 405.04.050 Sign Requirements.

G. Sign Regulations: Temporary Signs And Attention-Getting Devices. The provisions of this Section shall govern the erection of all temporary signs and attention-getting devices, together with their appurtenances, with respect to size, height, location, and construction.

1. General.

- a. A sign not permanently affixed to a vehicle or trailer which is parked or located such that the primary purpose is to display such sign is prohibited. This prohibition shall not apply to signs or lettering on buses, trucks, or other vehicles while in use in the normal course of business.
- b. For the purpose of these regulations, a temporary sign shall be considered any sign permitted for a duration not to exceed one (1) year.

2. Advertising Or Informational Signs (On-Premises). The following provisions shall govern the erection of all temporary advertising/informational signs and appurtenances with respect to size, height, location and construction.

- a. Banners. Commercial banners, except those used for real estate leasing, affixed to a fence or wall or similar structure are allowed in conjunction with a special promotion or grand opening with a temporary sign authorization. The use of a banner in conjunction with a grand opening shall be limited to a fifteen-day period. Banners used for special promotions shall be limited to thirty (30) days per calendar year for each business. Said banner shall not exceed fifty (50) square feet in outline area.
- b. Flags. One (1) commercial flag incorporating a business name and/or logo may be flown in conjunction with a flag display in all commercial, industrial and mixed use development districts. One (1) commercial flag incorporating a business name and/or logo used in conjunction with a flag display may be flown in the NU Non-Urban District, AG Agricultural and all residential districts operating under a conditional use permit. A minimum of three (3) flags, including a local, State or national flag in addition to one (1) permitted commercial flag shall constitute a flag display. All flag lengths, excepting the national flag, shall not exceed ten (10) feet, with a pole height not to exceed forty (40) feet. An MZA and building permit

is required prior to erecting any flagpole.

- c. Garage Sale. Garage sale signs may be erected on premises in the NU Non-Urban District, AG Agricultural and all residential districts only. A temporary sign authorization is not required for garage sale signs.
- d. Public Information Signs. Freestanding public information signs are allowed in any zoning district with a temporary sign authorization. Said signs shall not exceed thirty-two (32) square feet nor extend more than ten (10) feet above the elevation of the street adjacent, or the average existing finished grade at the base of the sign, whichever is higher. The height of any public information sign shall not exceed six (6) feet when located in the minimum front yard setback of a particular zoning district.
- e. Sandwich Boards. Sandwich boards, not to exceed eight (8) square feet per face, may be used to convey commercial messages in all commercial districts, Industrial districts and MXD Mixed Use Development Districts. A sandwich board shall be considered as an incidental sign and therefore should not be visible from off site. At no time shall a sandwich board block a public walkway. An MZA is not required for a sandwich board.
- f. Window Signs. ~~Window signs may be placed on any window in addition to other permitted signs. However, the outline area of the signs, whether temporary or permanent, shall not exceed forty percent (40%) of the window in which it is placed on the first floor and shall not exceed twenty percent (20%) of any window for which it is placed on any other level of the building. The method for calculating area shall be as provided for in Section 405.04.050(F)(3) of this Article. An MZA shall not be required for window signs.~~
 - 1) Window Signs shall not occupy more than twenty five percent (25%) of any single window area. The window area may include multiple panes of glass separated only by supporting framing materials but not separated by architectural elements. Such signs are solely permitted on a window of that particular tenant space and solely on a façade that has an entrance to said tenant space
 - 2) Window Signs are solely permitted on the first and second floor of a building.
 - 3) A sign permit shall not be required for any window sign.

- g. Living or human signs associated with a commercial or retail business or activity are permitted on the premises of the business for which the advertising is for. The maximum size of a sign that may be held by an individual is three (3) square feet. These signs do not require an MZA and are not permitted off-site or within the right-of-way.