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Public Hearing Report

Meeting Date: March 22, 2021

From: Mike Knight, Assistant City Planner

Location: City of Chesterfield

Petition: **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, to review window signage. The Committee formally directed staff to review the current regulation 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 Unified Development Code defines a purpose for sign requirements within the City of Chesterfield. The purpose of the Public Hearing is an opportunity for Staff to communicate the current regulation on Window Signs and give an opportunity for the public to provide input on window sign regulation. Additionally, this public hearing gives the Planning Commission an opportunity to review the current and potential future regulations for window signs and identify whether this language is in line with the purpose of the overall sign requirements for the city.

HISTORY

Window signs are currently permitted and have been permitted since before the City was incorporated. The table below outlines a history of window sign regulations in the City of Chesterfield. The window sign regulation has been largely consistent, with two minor amendments, most notably a 10% decrease in signage outline area allowed per window in 1997. It is important to note the dates outlined within the “Historical Reference” column are not a singular point in time, but an estimated time period based on research of both previous zoning ordinance and the City’s Unified Development Code.

Historical Reference	Window Sign Regulation
Pre-1988 -1997 Zoning Ordinance	Signs may be placed on any window in addition to other permitted signs. However, the outline area of the signs shall occupy no more than 50% of the outline area of any window on the ground floor and no more than 20% of any window on any other level of the building.
1997 Zoning Ordinance - Present Unified Development Code	Window signs may be placed on any window in addition to other permitted signs. However, 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. A sign permit shall not be required for any window sign.

Table 1

REQUEST

At the February 18th, 2021 Planning and Public Works Committee meeting, a Window Sign discussion was included in new business. Following the discussion, the Committee formally directed staff to review the current regulation of window signage and address concerns from City Council. There are two primary concerns. The first concern is that window signs are currently permitted on multiple floors of buildings, in which some office buildings consist mostly of glass windows. The second concern is that unlike monument and wall signs, there is no maximum allowed amount of window signs, and thus every window of a building could be covered under the current allowable percentage (Table 1).

PURPOSE

Section 405.04.050 of the City of Chesterfield Unified Development Code identifies the purpose of sign regulations for the City. The purpose is separated into two parts and transcribed below.

- 1. The purpose of the sign regulations provided herein is to encourage excellence in design of signs, fostering economic viability of the community, and provide safe and concise directional information designed to facilitate traffic flow. Signs shall be designed so as to protect motorists, bicyclists, and pedestrians from distractions that may cause crashes or other detrimental impacts.*
- 2. Signs shall not overload the public's capacity to receive information or cause visual confusion by interfering with pedestrian or vehicular traffic. Signs shall conform to the character of the community, enhance the visual harmony of development, and preserve the public health, convenience, welfare and/or safety within the City of Chesterfield by maintaining the high aesthetic quality of the community.*

RESEARCH

In accordance with the request by the Planning and Public Works Committee, staff reviewed the window signage regulations of a number of surrounding municipalities. Additionally, staff spoke to Planners in surrounding municipalities about review and enforcement of window signage, and also discussed the topic of window signage with nearby sign companies. After this thorough review, it was determined that window sign regulation varies widely between each municipality. In some cases, no additional signage is allocated for windows, while some are only approved for a temporary length in time, and in other cases, it is a percentage of the total window area of a façade vs. an individual widow. The City of Chesterfield regulations were not unique, but there is a definite lack of consistency about window signage regulation between municipalities.

In anticipation of the Public Hearing scheduled for March 22nd, 2021, staff brought the items/concerns forward to Planning Commission on March 8th, 2021 for discussion purposes. During discussion, the Commission asked how the current window signage regulations are being upheld around town. It was acknowledged that the City has been intentionally relaxed on items such as temporary signage to promote business during the COVID 19 pandemic.

Staff visited multiple commercial corridors between the March 8th and the March 22nd meeting. The result of the site inspections were there is an abundance of additional site signage across the City including temporary signs and attention getting devices. Although there were businesses currently operating with more window signage than what currently is allowed by code, each

individual shopping center or commercial building is quite unique in how they use window signage. A small percentage of the business community had no window signs, a small percentage were near the top or exceeding what the City's code allows, and many developments had window signs but not near the maximum allowable amount.

RECOMMENDATION

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 reads that outline area of window signs, whether temporary or permanent, shall occupy no more than twenty percent (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 our 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. An adjustment could be made to alleviate the concern. One solution is to draft similar regulation as the permitted quantity of wall signs within code. Each tenant will be allowed one window sign on any two windows of a building or particular tenant space, unless the tenant business is the sole occupant of a building located on a corner lot or double frontage, then the business may have one window sign on any three windows. This proposed change allows for consistency within the sign code and guarantees each ground floor or second floor tenant of a building the opportunity to have a window sign, assuming they have a window.

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

Section 405.04.050 F.8.c.

Window Signs.

- 1) Subject to the specific regulations set out below, each business occupying a tenant space or being the sole occupant of a freestanding building shall have no more than one (1) window sign on any two (2) windows of a building that are exterior windows of the particular building or tenant space solely on the ground/ first floor or second floor of the building. Window signs may be in addition to other permitted signs.
- 2) For a business being the sole occupant of a building located on a corner lot or a lot with double frontage, said business may have one (1) window sign on any three (3) windows of a building.
- 3) The outline area of said signs, whether temporary or permanent, shall occupy no more than forty percent (40%) of the outline area of any window on the ground/ first or second floor level of the building.
- 4) A sign permit shall not be required for any window sign.

If the Commission felt 2-3 window signs per tenant space on the first and second floor was too restrictive and additional signs may be appropriate, establishing a maximum on the number of signs could be a solution to maintaining the high aesthetic quality of the community.

It is important to note that when considering the regulations of widow 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 3124. 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 3124.

Staff also recommends a minor 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 is on the following page.

Section 405.10.040 Signage Terms.

SIGN, WINDOW

Any sign, including paint, placed ~~inside a window or~~ upon ~~the window a single pane~~ ~~s or~~ of glass that is visible from the exterior of the window.

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. The Public Hearing scheduled for March 22nd, 2021 is an opportunity for Staff to communicate the current regulation on Window Signs, give an opportunity for the public to provide input, and for the Planning Commission to review the current and potentially future regulation and identify whether this language is in line with the purpose of the overall sign requirements for the city. After a vote is taken by the Planning Commission, this project will be presented before the Planning and Public Works Committee for a recommendation to the City Council.

No vote is requested at this time. Input received will be incorporated into the draft regulations which will then be presented at a future Planning Commission meeting.

Links:

1. [UDC Article 04-05 Sign Requirements](#)
2. [UDC Article 10-04 Signage Terms](#)