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Planning Commission Staff Report

Meeting Date: April 26, 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. This is an opportunity for the Planning Commission 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.

A Public Hearing was held on March 22, 2021. At that meeting a few items were brought up by the Commission for staff to research, clarify and bring back before the Planning Commission. The following report details those items brought forward at the Public Hearing. 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.

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 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 It is important to note the dates outlined within the “Historical Reference” column below are not a singular point in time, but an estimated time period based on research of both previous zoning ordinance and the City’s Unified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: Historical Regulation

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 window. 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.

PUBLIC HEARING

A Public Hearing was held on March 22, 2021. At that meeting a few items were brought up by the Commission for staff to research, clarify and bring forward.

Summary Table:

The Commission requested staff bring forward a table that made for an easy/generalized comparison between the current regulations in code and the proposed language brought forward by Staff. Below is a table reflecting a general comparison between the current and proposed language for window signs. Be advised this is not the specific language in code or to be added, but for a general comparison between the two.

| Window Sign Criteria | Current Regulation | Proposed Regulation |
|----------------------|----------------------------|---|
| Number of signs | Unlimited | 2 per tenant unless the tenant is the sole occupant of a building located with double frontage then 3 are permitted |
| Location | Every window on all floors | 2 per tenant on the first 2 floors |
| Size | 40% of any window | 40% of any window |
| Permit Required | No | No |

Table 2: Comparison between current and proposed regulation

Interior Signs:

The Planning Commission discussed the potential regulation of signs inside the building. The question was brought forward to see if there is a certain distance from a window in which the City has the ability to regulate. Although some municipalities do regulate interior signs seen through windows, there does not appear to be a consistent distance or threshold to be applied. Furthermore, the ability to regulate by a certain distance may be difficult in practice. One item to note is that the new technology of window signs allows for light to penetrate the sign but be seen from the exterior. If an applicant were to place a sign on a structure a certain distance back from the window (barring this structure was made from another transparent material like glass), the applicant would most likely not be able to still retain the visibility that makes the adhered to signs so attractive.

Implementation of the new window sign language:

There was discussion at the Public Hearing on the implementation of new window sign language if approved. As stated previously in the report, the City has been intentionally relaxed on items such as temporary signage to promote business during the COVID 19 pandemic. This has corresponded to an abundance of additional site signage across the City including temporary signs and attention getting devices. Communication would most likely be needed to inform the City when the suspension of temporary sign regulations that is currently permitted during the pandemic is concluded. One approach to an awareness of updated sign language in code would be to implement a mass communication to businesses of any changes to the window sign regulations in conjunction with the temporary signage communication.

Input from the City of Chesterfield Police Department:

Staff was asked to contact the Police Department for any safety guidelines pertaining to how much of a window should not be covered by signage. In response, the police department does not regulate the amount of windows that a particular business has. From a crime prevention standpoint, the more signs on a window, the more difficult it is to see inside the business. The police department provides these tips to businesses within the community to help improve the security of their facility, but they do not see a direct need to regulate it.

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 shown below.

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. A Public Hearing was held on March 22nd, 2021 as 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.

Staff is requesting that the Planning Commission vote on these amendments in order for them to move forward to the Planning and Public Works Committee.

Links:

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