

AN ORDINANCE AMENDING ORDINANCE NO. 4788, “THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI”, IS HEREBY AMENDED BY REPEALING CHAPTER 415, SIGN REGULATIONS AND ADOPTING NEW CHAPTER 415: SIGN REGULATIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. CHAPTER 415: SIGN REGULATIONS, of the Municipal Code of the City of Richmond Heights, Missouri, is hereby repealed.

SECTION 2. The Municipal Code of the City of Richmond Heights, Missouri, new CHAPTER 415, SIGN REGULATIONS is hereby adopted as follows:

ARTICLE 1. GENERAL PROVISIONS

SECTION 415.010: INTENT

It is the intent of this Chapter to regulate and control the location, erection, number and maintenance of signs and matters relating thereto within the City of Richmond Heights in order to promote public safety, health and general welfare of the community, without infringing upon the rights granted by the First Amendment to the Constitution of the United States of America. These regulations are specifically designed to:

1. Provide for uniform regulation and orderly development of signs consistent with established policies and ordinances of the City;
2. Prohibit hazardous and dangerous signs; and
3. Provide a desirable and attractive living environment through harmonious and uniform signage.

SECTION 415.020: SCOPE

The provisions of this Chapter shall apply to all signs in the City. Every sign shall comply with all other applicable ordinances of the City. In case of a conflict between the provisions of this Chapter 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 Code Enforcement Officer consistent with Section 415.010’s stated intent, and the most closely applicable provisions of this Chapter. 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.

SECTION 415.030: RULES AND DEFINITIONS

A. *Rules Of Construction.* For the purpose of this Chapter, certain rules of construction shall apply to the text, as follows:

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
2. The terms "*shall*" and "*must*" are always mandatory and not discretionary; the words "*may*" or "*should*" are permissive.
3. Words or terms not interpreted or defined by this Section shall be used with a meaning of common or standard utilization.
4. The word "*person*" includes a firm, organization, association, partnership, trust, company or corporation, as well as an individual.
5. The words "*use*" or "*occupy*" shall include the words "*intended*", "*designed*", "*arranged to be used*" or "*occupied*".

B. *Definitions.* The following definitions shall apply in interpretation and enforcement of this Chapter unless otherwise specifically stated:

BANNER: A sign made of fabric, plastic, paper or other light pliable material, not enclosed in a rigid frame and characteristically suspended along or across a public street.

BUILDING FACE OR WALL: All window and wall area on the first (1st) floor of a building in one (1) plane or elevation; or, for multi-story single tenant buildings, all window and wall area in one (1) plane or elevation.

CANOPY: Any structure attached to a building at the inner end and supported on the other end, or a freestanding structure, with one (1) or more supports, meant to provide shelter from weather elements onto which signs may be affixed or incorporated.

CHANGEABLE COPY SIGN (MANUAL): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

CITY: The City of Richmond Heights, Missouri.

CODE ENFORCEMENT OFFICER: The Building Commissioner or other officially designated representative of the City of Richmond Heights responsible for the enforcement of the Sign Ordinance and other ordinances.

COPY: The wording or graphics on a sign surface.

COVERED MALL BUILDING: A building enclosing a number of occupancies which are typically served by a roofed-over common pedestrian area serving more than one (1) tenant.

DISTRICT: As defined under Chapter 405 of this Title.

ELECTION SEASON: The period from sixty (60) days prior to any election voted in by the residents of Richmond Heights until two (2) weeks after that election.

ELECTRONIC MESSAGE SIGN: Any sign, or portion of a sign, that displays an electronic image, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. Electronic message signs include computer programmable, microprocessor, or controlled electronic displays and the images can be produced from LED technology, fiber optics, light bulbs, or other illumination devices within the display area. Electronic message signs do not include projected images or messages projected onto buildings or other objects. Electronic signs are permitted only by attachment to or placement as a ground sign.

ERECT: To build, construct, reconstruct, attach, hang, rehang, alter, place, affix, enlarge, move or relocate, and includes the painting and repainting of existing sign structures.

FACADE: The front or main part of a building facing a street; for purposes of this Chapter, the facade is defined as measured from the ground elevation to the head beam.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

FRONTAGE: The length of the lot along the street side. The front of a lot bordering more than one (1) street is considered separately for each street.

GASOLINE AND OIL SERVICE STATIONS: Any business which dispenses, or is designed to dispense, gasoline and/or oil for use in motor vehicles or boats.

GROUND LEVEL: The level equivalent to that of the immediate surrounding grade.

HEIGHT OF SIGN: The vertical distance measured from the surrounding grade to the highest point of the sign.

ILLEGAL SIGNS: A sign which contravenes this Chapter or a non-conforming sign for which a permit required under a previous ordinance was not obtained.

LOGO: A letter, character or symbol used to represent a person, corporation or business enterprise.

LOT: A parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or

plat which is recorded in the office of the County Recorder of Deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one as determined by the Code Enforcement Officer.

MARQUEE: Any structure attached to a building at the inner end and supported on the other end or a freestanding structure, with one (1) or more supports, onto which signs may be affixed or incorporated.

OBSCENE: Material which deals with sex in a manner appealing to a prurient interest.

OWNER: A person reflected as such on official records and including duly authorized agent, purchaser, lessee, devisee, and any person having a vested or contingent interest in the property or business in question.

PERMIT: A building permit obtained from the Code Enforcement Officer/Building Commissioner.

PERSON: Any natural person, firm, partnership, association, corporation, company or organization of any kind.

PREMISES: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

READER BOARD: Any sign that has changeable or removable lettering.

REGIONAL MALL: A planned development containing a minimum of one million (1,000,000) square feet of floor space.

RIGHT-OF-WAY (R.O.W.): The proposed right-of-way as indicated on the City of Richmond Heights Comprehensive Plan and/or as set forth in the City of Richmond Heights Subdivision Ordinance, as well as all such other areas dedicated to the public for use as streets, roadways, walkways or alleys at the time of adoption of this Chapter and any such areas acquired subsequent thereto.

ROOF LINE: The highest point of the coping on a flat roof, false mansard, or parapet wall; the decline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge for a gable or hip roof.

SETBACK: The minimum horizontal distance between either the face of curb, the edge of pavement, or the right-of-way line and the sign structure as specified in a particular Section of this Chapter.

SHOPPING CENTER: A building containing four (4) or more shops, stores, and other places of business and providing off-street parking facilities for all of the businesses and their customers.

SIGN: Any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public right-of-way or is located on private property and exposed to the public right-of-way and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign structures. For the purposes of this Chapter this definition shall include those signs painted directly upon a building or other structure.

SIGN AREA: The area of the sign face. The "*sign area*" of a multi-faced sign is the sum of the sign areas of each face, excluding structural trim and supports, provided there is no advertising copy on such trim or supports. If a sign is attached to a building or suspended in any manner whereby there is no apparent trim or confining border, the sign area shall be computed by drawing an imaginary straight line around a generally rectangular margin and measuring the area so encompassed upon a building or other structure.

SIGN, ATTACHED: A sign erected or placed upon the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

SIGN, BILLBOARD: An off-premises sign, any part of the contents of which is visible from any point on the travelled ways of the interstate or primary road system.

SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction.

SIGN, FACE OF: The area of a sign on which the copy may be placed. The area of a sign visible from one (1) direction as projected on a plane.

SIGN, DIRECTIONAL INFORMATION: A sign which is designed and erected for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed including entrance and exit signs.

SIGN, FLUTTERING: A sign which moves with the wind or by some artificial means.

SIGN, GROUND: Any detached on premises sign which has its bottom portion erected upon or supported by the ground, a ground planter box, or other supports.

SIGN, HANGING: Any sign hanging entirely beneath the canopy, portico or marquee.

SIGN, ILLUMINATED: Any sign which is illuminated by light sources mounted on or in the sign or at some other location.

SIGN, INCIDENTAL: A sign which is too small to be legible from a position off the premises.

SIGN, NON-CONFORMING: A sign legally erected under the previously existing ordinances of the City, but which does not conform to the provisions of this Chapter.

SIGN, OFF-PREMISES: A sign located on property not owned or leased by the owner of the sign.

SIGN, ON-PREMISES: A sign located on property owned or leased by the owner of the sign.

SIGN, POLE: Any detached on premises sign which is supported by one (1) or more stationary columns taller than ten (10) feet above the mean grade line of the ground at its base, provided that this shall not include a permitted ground sign.

SIGN, PROJECTING: A sign, other than a flat attached sign, which is attached to and projects from a building wall or other structure.

SIGN, ROOF: Any sign erected on a roof but excluding marquee and canopy signs and wall signs. The generally vertical plane of a mansard-type roof shall be interpreted the same as a wall of a building.

SIGN STRUCTURE: The sign and all parts associated with its construction.

SIGN SUPPORTS: All structures by which a sign is held up including, for example, poles, braces, guys and anchors.

SIGN, TEMPORARY: Any sign intended for a limited or intermittent period of display.

SIGN, VEHICLE: Any sign attached to or painted on vehicles not used for transportation purposes in the normal day-to-day operations of the business that are parked and visible from the public right-of-way.

SIGN, WINDOW, TEMPORARY: A temporary sign affixed to the inside of an exterior window or glass door.

STREET: A public thoroughfare which affords the principal means of access to abutting property.

USE: The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

ZONING ORDINANCE: The Zoning Ordinance of the City of Richmond Heights and the current Zoning District Map related thereto. (CC 1984 §3-3; Ord. No. 4362 §1, 9-4-90; Ord. No. 4398 §1, 6-3-91; Ord. No. 4455 §1, 8-17-92; Ord. No. 4812 §1, 2-19-02; Ord. No. 5109 §2, 8-17-09; Ord. No. 5199 §1, 6-4-12)

SECTION 415.040: ADMINISTRATION AND ENFORCEMENT

A. Administration.

1. Except where herein otherwise stated, the provisions of this Chapter shall be administered by the Code Enforcement Officer, or by deputies of his/her department, as the City Manager may designate to enforce provisions of this Chapter.

2. The Code Enforcement Officer (or his/her authorized representative) is hereby empowered in his/her performance of City functions to enter upon any land in the City for the purpose of making inspections, examinations and surveys or to place and maintain thereon markers, notices or signs required to effect provisions of this Chapter. The above authorized person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Chapter.

B. Duties Of Code Enforcement Officer.

1. The Code Enforcement Officer shall have the power to grant permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Chapter.

2. The Code Enforcement Officer shall have the authority to review and approve plans or issue any permits or certificates relative to any sign permit application in conformity with the provision of this Chapter. The Code Enforcement Officer shall have all necessary discretion to enforce the provisions of this Chapter in a manner consistent with its stated intent.

3. If the Code Enforcement Officer shall find that any of the provisions of this Chapter are being violated, he/she may order discontinuance of illegal use of land, buildings or structures; removal of illegal signage; discontinuance of any illegal work being done; or may take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions.

C. Permit Required.

1. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension or moving of any sign or sign structure or any portion thereof without first having applied in writing to the Code Enforcement Officer for a permit to do so and a permit has been granted therefor except as allowed under Section 415.120 (signs not requiring permits). Primary responsibility for securing the necessary permits shall be the property owner's. The Code Enforcement Officer shall act on the permit application within thirty (30) days of receipt by either granting approval or denying the application and stating, in writing to the applicant, the grounds for denial.

2. Forms shall be provided by the Code Enforcement Officer for the use of those applying for permits as provided in this Chapter. Any permits issued by the Code Enforcement Officer shall be on standard forms for such purpose. There shall be a separate permit for each sign to be constructed, altered or erected.

3. Any permit under which no construction work has been commenced within six (6) months after the date of issuance of such permit or under which proposed construction has not been completed within one (1) year of the time of issuance shall expire by limitation. An expired permit may be reinstated upon payment of one-half (½) of the original fee.

D. *Voiding Of Permit.* A permit may be revoked by the Code Enforcement Officer at any time prior to the completion of the sign for which the same was issued when it shall appear to him/her that there is departure from the plans, specifications or conditions required under terms of the permit, that the same was procured by false representation, or that any provisions of this Chapter are being violated. Written notice of such revocation shall be served upon the owner, his/her agent or contractor, or upon any person employed on the building or structure for which such permit was issued, via a stop work order, which shall be posted in a prominent location on the building or structure for which such permit was issued, and thereafter no such construction shall proceed.

E. *Compliance With Permits.* Permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in the approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter as provided herein.

F. *Violations.* Any person who violates any of the provisions of this Chapter shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00), or to imprisonment for not more than three (3) months or both, and may be adjudged to pay the costs of prosecution. Each act of violation and every day upon which a violation occurs or continues shall constitute a separate offense.

SECTION 415.050: PROHIBITED SIGNS

The following signs and advertising devices are hereby declared to be unlawful:

1. A sign with flashing, blinking characters, scrolling text, or continuous movement;
2. Any sign erected in a location prohibited by this Chapter;
3. Any sign erected in a public easement or right-of-way, except as allowed under Section 415.120.
4. Any sign erected so as to prevent free ingress to or egress from any door or window, or any other exitway required by the building or fire codes of the City;
5. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property, except as allowed under Section 415.120 or Section 415.210;

6. Any sign erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal or other traffic control device. Nor may any sign, by reason of its shape, position or color, interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way.
7. 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, including the sign structures, shall be removed within thirty (30) days of written notification to the owner of the premises. Nothing herein shall be construed so as to prohibit signs permitted under Section 415.140(F);
8. Any sign such as banners and pennants affixed on poles, wires or streamers, wind-operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and "A" frames or other portable signs of like nature not permanently affixed to the ground, and other similar contraptions or techniques;
9. Vehicle signs, except those which are painted on the factory surface of a vehicle, and where such vehicle sign is parked in a properly designated parking space, or where such parking is not available, the vehicle sign is parked as far from the right-of-way and in the least visible area reasonably possible;
10. Off-site or off-premises signs except as provided in this Chapter;
11. Any additional sign permitted during the election season, which is not removed after the end of the election season;
12. Signs which contain characters, cartoons, or contain statements or words or pictures of an obscene nature, including but not limited to anything depicting child pornography;
13. Roof signs;
14. Signs painted directly upon a building wall.
15. Reserved. (CC 1984 §3-5; Ord. No. 4362 §1, 9-4-90; Ord. No. 4374 §1, 11-19-90; Ord. No. 4566 §1, 11-7-94; Ord. No. 4586 §1, 4-17-95; Ord. No. 5199 §1, 6-4-12)

SECTION 415.060: NON-CONFORMING SIGNS

- A. Any sign legally existing prior to enactment of this Chapter but which shall violate any provision of this Chapter may continue to be maintained and used after passage of this Chapter subject to the following provisions:
 1. *Enlargement.* No non-conforming sign shall be enlarged, expanded or extended to occupy a greater square footage or height than was occupied on the date of adoption or amendment of this Chapter;

2. *Relocation.* No non-conforming sign shall be moved, in whole or in part, to any other portion of the lot, parcel or building not so occupied on the date of adoption of this Chapter;

3. *Discontinuance.* If the business or service advertised or identified by a non-conforming sign ceases to be conducted for a period exceeding thirty (30) calendar days, the non-conforming sign, including the sign structure, shall be classified as a prohibited sign under Section 415.050(7) of this Chapter.

4. *Destruction.* Should any non-conforming sign be destroyed by any means to an extent of up to fifty percent (50%) of its surface area or structure, it shall not be reconstructed except in conformance with the requirements of this Chapter. (See Section 415.040(C) "Permit Required")

B. *Violations Not Made Valid.* Any sign which is prohibited by this Chapter and which was erected in violation of the requirements of the City's previous sign shall not be considered to be granted non-conforming status by passage of this Chapter.

C. *Determination Of Non-Conformance.* As of the effective date of this Chapter, should any existing sign be enlarged, replaced or reconstructed, it shall be considered a new sign. If an existing sign is repainted or the sign panels replaced in connection with or subsequent to a change in the occupancy of the property on which the sign is located, it shall be considered a new sign. However, the repainting of a sign for ordinary maintenance or the repair or restoration of an existing sign to a safe condition after being damaged by storm or other accidental act as shown in accordance with the original permit shall not constitute such a change as to classify the sign as a new sign, subject to the provisions of Subsection (A)(4) above.

In any instance, in cases of doubt or on the specific question raised, whether a non-conforming sign exists shall be a question of fact and shall be determined on appeal to the City Board of Adjustment and Appeals, following the procedure set forth under Section 405.540 of the Zoning Regulations.

D. *Non-Conforming Signs Relocated In The Public Interest.* Notwithstanding any other provision of this Chapter, any signage, which is relocated at the request of the City in the public interest and general welfare of the citizens of Richmond Heights, may be permitted to be restored with the same heights, size, spacing, and relative location of the previous sign faces, provided that the relocated sign shall be within five hundred (500) feet of the previous sign and a permit for the erection of the relocated sign shall be granted by the Code Enforcement Officer. (CC 1984 §3-11; Ord. No. 4362 §1, 9-4-90; Ord. No. 4493 §§1--2, 3-15-93; Ord. No. 4649 §1, 9-16-96)

SECTION 415.070: APPEALS

A. Any aggrieved person may appeal a decision of the Code Enforcement Officer before the Board of Adjustment as established and in conformance with the requirements of Section 405.520 et seq., of the Zoning Regulations, subject to the further requirements of this Section.

B. *Grounds For Granting A Variance.* The Board of Adjustment may grant variances from this Chapter for any permitted form of signage where it is found that strict compliance with this Chapter would subject the applicant to undue hardship and/or practical difficulties, and to grant such a variance would:

(1) be in harmony with the general purpose and intent of this Chapter; and

(2) not be detrimental to the public welfare.

C. Appeals from decisions of the Board of Adjustment shall be to the Circuit Court of St. Louis County in conformance with the requirements of Chapter 405.

D. Sign Review Committee is hereby created to hear, at the petitioner's request, an appeal from the decision of the code enforcement office. The Sign Review Committee may grant variances, using the grounds specified under Subsection (B), provided the intent of this Chapter is preserved. Any aggrieved person may, within ten (10) days of the Committee's decision, appeal to the Board of Adjustment as described in Subsection (A). The membership of the Sign Review Committee shall consist of the City Manager, Building Commissioner and Zoning Administrator or of such composition as chosen by the City Manager.

SECTION 415.080: GENERAL SIGN REQUIREMENTS

A. *Permit Displayed.* Any permit hereafter issued following passage of this Chapter shall be maintained upon the same premises as the erected sign and shall be available, upon request, for inspection by the Building Inspector.

B. *Structural Requirements.* All signs shall comply with the pertinent requirements of the Richmond Heights Building Code. Projecting, marquee and pole signs shall have drawings and calculations signed and sealed by a structural engineer; this provision shall also be required for ground-mounted signs over twenty-five (25) square feet.

C. *Safety.* Any existing sign which is or becomes an immediate danger or hazard to persons or property because of being in an unsafe condition, or which obstructs any fire escape, window or door, or any sign erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal or other traffic control device, or any sign erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way, is subject to immediate removal by the Code Enforcement Officer without notice and at the expense of the property and/or sign owner.

D. *Maintenance.* Each sign shall be maintained in a safe, presentable and good condition. All existing signs shall be painted every two (2) years except where the sign is of a non-corroding material, galvanized, or otherwise treated to prevent rust. Broken panels, missing characters, flaking or peeling paint and other visual damage to a sign shall be repaired within forty-five (45) days of occurrence or within ten (10) days of notification by the Code Enforcement Officer.

E. *Illumination.* Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

F. *State Right-Of-Way Requirements.* All signs erected within the jurisdiction of State right-of-way requirements shall meet both State and City requirements.

G. *Visibility At Intersections.* On a corner lot in any zoning district, the placement of ground-mounted and pole signs shall conform to the requirements of the sight triangle in which no signs shall be erected, or placed in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points thirty (30) feet from their point of intersection or at equivalent points on private streets or drives.

H. *Non-Conforming Signs.* With the exception of incidental signs, as defined in this Chapter, new or additional signage shall not be installed on buildings, premises or tenant spaces on which previously existing non-conforming signs are present until all such previously existing non-conforming signs are removed.

I. *Reserved.*

J. *Referral Of Application To The Planning And Zoning Commission.* Every application for a permit which, in the opinion of the Code Enforcement Officer, is detrimental to the stability of value and welfare of the community, shall be submitted by the Code Enforcement Officer to the Planning and Zoning Commission in accordance with Section 505.020 of this Code.

K. Unless otherwise noted, no sign may be erected within a public right-of-way.

Cross Reference--As to unsafe structures, see Ch. 510 of this Code.

SECTION 415.090: SEVERABILITY

If any Section, Subsection, sentence, clause, phrase or portion of this Chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Chapter.

SECTION 415.100: FEES

A. For each sign erected, the permit fee shall be seventy-five cents (\$.75) per square foot of area with a minimum fee of twenty-five dollars (\$25.00). The permit fee for multi-faced signs shall be based on the total area of all faces.

B. For each temporary sign permit issued for a specific period, the permit fee shall be twenty dollars (\$20.00) each. (CC 1984 §3-15; Ord. No. 4362 §1, 9-4-90; Ord. No. 5106 §1, 7-20-09)

SECTION 415.110: MESSAGE SUBSTITUTION CLAUSE

Whenever a commercial sign would be permitted under this Chapter, subject to the landowner's consent, a non-commercial opinion sign may be installed in its place, or vice versa provided it otherwise complies with this Chapter. 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 Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or vice versa. This provision does not create a right to increase the total signage on a parcel, nor does it affect the requirements that the sign comply in all other respects with the provisions of this Chapter.

ARTICLE 2. REGULATORY PROVISIONS

SECTION 415.120: SIGNS ALLOWED IN ALL ZONING DISTRICTS -- (UNLESS NOTED OTHERWISE) NO BUILDING PERMIT REQUIRED

While the following signs require no permit, they must conform to all Sections of this Chapter regulating health, safety or general welfare of the community and may not be erected in the public right-of-way unless noted otherwise:

1. The erection, construction and maintenance of official traffic signs, signals and devices and signs of the Federal, State, County or City Government;
2. Signs for the control or direction of traffic and other authorized public purposes, including on private property, related to the promotion of the health, safety and welfare of the general public as permitted or required by the City or other governmental authority;
3. One (1) ground sign of six (6) square feet or less in all residential districts, sixteen (16) square feet or less in commercially zoned "C-1" and "C-2" Districts, and of the dimensions permitted for any other signs in Planned Development-Commercial and Planned Development- Mixed Use Districts, provided in each instance that any such sign is located on private property with the owner's permission. Additional ground signs are permitted under this subsection during the election season, not to exceed the total number of questions or candidates on the ballot for the ensuing election. Any additional sign permitted during the election season, which is not removed after the end of the election season, shall be considered a prohibited sign;

4. In accordance with Section 67.317 RSMo, properties that are for rent, for sale or for lease, may have an additional sign not exceeding six (6) square feet per sign face. One (1) such sign shall be allowed per street frontage. All such additional signs shall be removed upon receipt of a temporary or permanent occupancy permit;

5. Construction signs of six (6) square feet or less in residentially zoned property and twelve (12) square feet or less in commercial or industrially zoned. Such signs may be allowed for a maximum of thirty (30) days. Such sign shall not be erected in a public right-of-way and shall be removed ten (10) days after 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;

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

a. Residential address number.

b. Commercial address numerals, which are required to be prominently displayed on each building. Larger address numerals may be permitted elsewhere in this Chapter and would be subject to the provisions and regulations of the particular Section.

c. No trespassing signs.

7. Signs affixed to the interior of a window. The total gross sign area of all window signs shall not exceed twenty percent (20%) of the total window surface area; (Note no such sign shall be allowed on any residentially zoned property.)

8. Incidental signs.

9. Signs not visible from a public right-of-way;

10. Non-profit, charitable, religious or educational institutions or organizations may erect temporary signs, a maximum size of thirty-two (32) square feet, for a total of no more than 30 days each calendar year ;

11. Signs, no larger than two (2) square feet with a maximum height of two (2) feet above grade, may be erected in the tree lawn area of the public right-of-way, with the City's Code Enforcement Officer's permission. Such signs must be erected and removed in accordance with the direction of the City's Code Enforcement Officer. Any sign that is placed without the City's Code Enforcement Officer's permission, or remains on display after it is required to be removed, may be removed and disposed of by the City. (CC 1984 §3-20; Ord. No. 4362 §1, 9-4-90; Ord. No. 4374 §2, 11-19-90; Ord. No. 4455 §2, 8-17-92; Ord. No. 5109 §4, 8-17-09)

SECTION 415.130: RESIDENTIAL SIGNAGE -- SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS

A. *Subdivision/Project Signs.* Two (2) permanent signs, not exceeding thirty-two (32) square feet in size per face, shall be allowed per development. Exception: Where the development has access to two (2) or more streets, or has more than one (1) entrance on one (1) street, such signs shall be allowed at each entrance.

1. Signs may not exceed eight (8) feet in height from the surrounding grade to the highest point of the sign.

B. Churches, synagogues, public or semi-public buildings, and parks shall be allowed one (1) ground-mounted sign not exceeding thirty-two (32) square feet in size per face per street frontage, with a maximum height of eight (8) feet to the surrounding grade, and must be at least ten (10) feet from the property line; also, one (1) attached sign not exceeding five percent (5%) of the total building face upon which it is attached.

C. *Construction/Residential Project Sign (Temporary Sign).*

1. No more than one (1) sign per street frontage, not exceeding thirty-two (32) square feet in size per face;

2. Maximum height of eight (8) feet above surrounding grade;

3. These signs must be removed within either two (2) years from the date of issuance of the building construction permit or when the project has received an approved final inspection;

4. Project sites which erect a sight-proof fence along an entire street frontage of the site may, upon approval, apply signage or graphics on the fence. Signage or graphics will be allowed for the purposes of visually improving the appearance of the fence and to create an interest in the project. Council approval shall be by a majority vote.

D. *Off-Premises Residential Construction Sign (Temporary Sign).*

1. Owners of property that have had building construction permits issued for residential construction, may have any number of off-premises signs not exceeding sixteen (16) square feet per face, provided they have obtained the permission of the owner of the property on which any such sign is located. Such signs may include such information as the developer's name, directions to the development, and name of the development. Such signs may only be applied for by those having residential construction projects located within the City of Richmond Heights;

2. Maximum size of sign shall be sixteen (16) feet per face;

3. These signs must be removed within two (2) years from the date of issuance of the building construction permit, or when all of the lots and/or development units have been sold, whichever occurs first. (CC 1984 §3-21; Ord. No. 4362 §1, 9-4-90; Ord. No. 4751 §1, 2-7-00)

**SECTION 415.140: COMMERCIAL SIGNAGE -- SIGNS PERMITTED IN
COMMERCIAL ZONED "C-1" AND "C-2"**

A. Signs permitted under Sections 415.120 and 415.130.

B. *Attached Signs.*

1. *Maximum number of signs.* One (1) or more signs, provided the aggregate area of signage does not exceed the limit set in Subsection (B)(3) below.

2. *Location.* Only on the building face fronting the public right-of-way.

3. Maximum size not to exceed five percent (5%) of the total square footage of the building face upon which it is placed. *Exception:* The allowable size will be reduced if used in conjunction with a pole- or ground-mounted sign. (For multiple-tenant buildings, see Section 415.150)

4. Shall not project more than twelve (12) inches perpendicular from the face of the building.

5. Shall not project beyond the top or sides of the building face.

6. May be painted or placed upon an awning or canopy, generally parallel to the adjacent building face. Attached signs may be placed upon the generally perpendicular ends of the canopy or awning only if the building face is less than twenty-five (25) feet from the street right-of-way. Size of awning or canopy signs shall be determined by the method of allowing a maximum size of five percent (5%) of the total square footage of the face of the adjacent wall upon which the awning or canopy is mounted.

7. Attached signs adjacent to a paved walking surface shall be a minimum of seven and one-third (7 1/3) feet above grade.

C. *Ground-Mounted Signs.*

1. A ground-mounted sign may be used in lieu of an attached sign. If a ground-mounted sign is installed, one (1) attached sign, a maximum of eight (8) square feet in size or up to two percent (2%) of the total square footage of the building face, is permitted. The attached sign may be increased in size by one (1) square foot for each one (1) square foot reduction in the allowed size of the ground-mounted sign up to a maximum of four percent (4%) of the building face for the attached sign. (See Subsection (B) of this Section for attached sign requirements.)

2. A ground-mounted sign shall be limited to a maximum size of twenty-five (25) square feet per face, except that it may be increased one (1) square foot for each two (2) linear feet of street frontage over fifty (50) feet up to a maximum of eighty-five (85) square feet.

3. Ground-mounted signs shall have a maximum height of six (6) feet above surrounding grade.
4. Ground-mounted signs shall be located no closer than three (3) feet to a property line.
5. Ground-mounted signs must observe the sight triangle distance specified under Section 415.080 (G) of this Chapter.
6. Double-faced ground-mounted signs must have faces of equal size and shape; each face limited to twenty-five (25) square feet.
7. For multiple tenant buildings, see Section 415.150.

D. Projecting Signs.

1. Projecting signs may be substituted for the allowed attached sign only when the building face is located less than twenty-five (25) feet off the public right-of-way.
2. Projecting signs must be of non-combustible construction.
3. *Maximum number of signs.* One (1) sign per qualifying street frontage.
4. *Maximum size.* Shall not exceed sixteen (16) square feet per sign face.
5. Projecting signs, including structural supports, shall not project more than six (6) feet from the building face.
6. Projecting signs shall maintain a two (2) foot setback from the public right-of-way.
7. Projecting signs shall maintain a minimum ten (10) feet clearance to surrounding grade required.
8. Projecting signs shall not extend above building face.
9. Double-faced signs shall be constructed with faces of equal size and configuration, with faces parallel.
10. Projecting signs shall be erected with faces at right angles to the building face.
11. For multiple tenant buildings, see Section 415.150.

E. Marquee Signs.

1. Marquee signs are permitted only for use group A-1, Theatre, as defined in the City's Building Code.

2. Marquee signs shall be limited to three (3) sign faces per marquee.
3. Each sign face shall be limited to a maximum of five percent (5%) of the square footage of the adjacent building face.
4. There shall be a minimum clearance of ten (10) feet from grade to the lowest projection of the marquee.
5. The minimum horizontal setback of a marquee sign from a street curb shall be two (2) feet.
6. Marquee signs shall not extend past the marquee's perimeter nor more than six (6) inches from the marquee face.

F. Billboard Signs.

1. No permit to allow a device to be newly erected shall be issued without a permit issued by the Missouri Highways and Transportation Commission. Billboards may be permitted in the City provided that such signs are located within six hundred sixty (660) feet of the nearest edge of the right-of-way of an interstate or primary highway (as defined by the Missouri Highway and Transportation Department), that such locations are on lands zoned "C-2 General Business District", and provided that such proposed sign complies with all provisions of this Subsection (F) which is consistent with the intent of Sections 226.500 through 226.600 of the Missouri Statutes.

2. Lighting.

a. No revolving or rotating beam or beacon of light that simulates an 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

b. 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 Federal-aid 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; provided the light source is effectively shielded so as to prevent beams or rays of light from shining on any lot which is used or zoned residential.

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

3. Size of signs.

- a. The maximum area per face for any one (1) sign shall be seven hundred fifty (750) square feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members, with a maximum vertical dimension of thirty (30) feet and a maximum horizontal dimension of sixty (60) feet.
- b. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back-to-back or in a V-type construction with not more than two (2) displays to each facing.
- c. The maximum height of any sign shall not exceed thirty-five (35) feet from the highest point on the sign structure to the grade of the highway from which the sign is intended to be read nor exceed fifty (50) feet above the surrounding grade where the sign is installed.

4. *Spacing and location of signs.*

- a. No sign structure shall be erected within two thousand five hundred (2,500) feet of an existing sign on the same side of the highway.
- b. No sign structure shall be erected within two hundred (200) feet, or within a distance equal to the height of the sign structure, whichever is greater, from any lot which is used or zoned residential, nor shall any sign structure be located:
 - (1) Within fifty (50) feet of any property line of the lot on which the sign is located;
 - (2) Within fifty (50) feet of the nearest building;
 - (3) Within one hundred (100) feet of any on-premises sign;
 - (4) In or within three hundred (300) feet of any park, playground, school, library, hospital, church, historic district, landmark, or an area on the National Register of Historic Places.
- c. The spacing between structure provisions of subparagraph (4)(a) of this Subsection (F) do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such manner that only one (1) sign facing located within such distance is visible at any one time.
- d. No sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness 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.
- e. The measurements in this Subsection shall be the minimum distances between outdoor advertising sign structures measured along the nearest edge of the pavement

between points directly opposite the signs along each side of the highway and shall apply only to outdoor advertising sign structures located on the same side of the highway involved.

f. No sign shall be located adjacent to or within one thousand five hundred (1,500) feet of an interchange, intersection or grade, or safety rest area. Such distances shall be measured from beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

g. No sign shall be located on the roof of a building or non-sign structure.

G. Electronic Messaging Signs. Electronic messaging signs are permitted only in the locations described in this Section and only after site plan approval from the Plan and Zoning Commission. Clocks and thermometers which only indicate the time or temperature shall be permitted, 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 is constant except for periodic changes in the information display, which occur not more frequently than once every fifteen (15) seconds

1. Electronic messaging signs are permitted in the "C-2" General Business and "PD" Planned Development Zoning Districts. They are prohibited in the "C-1" Neighborhood Business and residential zones, except that electronic messaging signs may be used by elementary and secondary public and private schools; churches and other non-profit and governmental buildings provided the signs meet the following criteria:

a. Must be set back one hundred fifty (150) feet from a residential dwelling unit.

The Commission may during site plan review make some adjustments to the setback requirements if there are practical difficulties.

b. The signs must be programmed to provide only a static display from dusk to 10:00 P.M. and shall be turned off between 10:00 P.M. and 7:00 A.M.

2. Electronic messaging signs shall abide by the size and placement requirements of Sections 415.130(B); 415.140; 415.150 and 415.160 with the exception that electronic messaging signs shall not be allowed as attached signs or off-premises advertising devices. Electronic messaging signs shall only be ground-mounted signs. Further, the maximum size of an electronic messaging sign shall be fifty (50) square feet.

3. *Duration of display.*

a. Animation is allowed, but limited to a duration of two (2) seconds followed by a static display of at least eight (8) seconds. No flashing, blinking or scrolling text is permitted.

4. *Intensity of light.* The maximum luminance produced by the sign shall not exceed three-tenths (0.3) foot-candles greater than the ambient light level, except as further regulated under Subparagraph (1) above. The maximum luminance produced by the sign shall not exceed three-tenths (0.3) foot-candles greater than the ambient light level, except as further regulated under Subparagraph (1) above. The light level produced by the sign shall be measured at the property line nearest an adjacent dwelling; or for signs in a commercial zoning district the light level shall be measured at a point perpendicular from the sign at a distance from the sign equal to the size of the sign measured in square feet. Automatic dimming capability shall adjust the sign's illumination to the ambient light at all times of the day or night. Automatic dimming capability shall adjust the sign's illumination to the ambient light at all times of the day or night.

5. *Default control.* The sign shall be equipped to freeze the display in one (1) position if a malfunction occurs. The sign must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the display when notified by the City that the sign is not complying with the standards of this Chapter. (CC 1984 §3-22; Ord. No. 4362 §1, 9-4-90; Ord. No. 4374 §3, 11-19-90; Ord. No. 4398 §2, 6-3-91; Ord. No. 4566 §2, 11-7-94; Ord. No. 4574 §1, 2-21-95; Ord. No. 4590 §1, 6-5-95; Ord. No. 4727 §1, 11-16-98; Ord. No. 5199 §1, 6-4-12)

SECTION 415.150: MULTIPLE-TENANT BUILDINGS -- SPECIAL REQUIREMENTS

A. Attached Signs.

1. The maximum size of attached signs shall not exceed five percent (5%) of the total square footage of the building face for the respective leased unit. Exception: Maximum size will be reduced if used in conjunction with a permitted ground-mounted or pole sign.
2. All other requirements of Subsection (B) of Section 415.140 (attached signs) shall be observed.

B. Projecting Signs.

1. The maximum size of projecting signs shall not exceed six (6) square feet.
2. Projecting signs shall be located over the respective leased space.
3. All other requirements of Subsection (D) of Section 415.140 (projecting signs) shall be observed.

C. Pole Signs.

1. Pole signs may be used only on multiple-tenant buildings on lots with over one hundred fifty (150) feet of frontage, on a County arterial road, and the lot is under one (1) ownership or entity.

2. Maximum size of the sign shall be fifty (50) square feet per face including any air space between sign panels, if used.
3. Maximum of one (1) pole sign per lot.
4. When a pole sign is installed, each tenant may have one (1) attached sign of eight (8) square feet or two percent (2%) of the total square footage of the building face of their respective leased units; all other requirements of Subsection (B) of Section 415.140 (attached signs) shall be observed.
5. Pole signs shall be no higher than twenty (20) feet above the adjacent street curb grade. Pole signs must be of non-combustible construction.
6. Pole signs shall be set back a minimum of ten (10) feet from the nearest property line, and no part of the sign face shall be closer than two (2) feet to a public right-of-way.
7. Pole signs shall have a minimum clearance of ten (10) feet from the lowest projection of the sign face to the surrounding grade.
8. Double-face pole signs shall be constructed with faces parallel and of equal size and configuration.
9. While pole signs are required to meet all structural requirements of the City's Building Code, the structural supports shall have the minimum cross-section area to minimize the visual impact.

D. *Ground Mounted Signs.* A ground-mounted sign may be used in lieu of a pole sign; if used, the following requirements shall apply:

1. Ground-mounted signs may be used only on multiple-tenant buildings, including shopping centers, on lots with over one hundred fifty (150) feet of frontage, on a County arterial road, and the lot is under one (1) ownership or entity.
2. A maximum size of twenty-five (25) square feet is allowed, except that the size may be increased by one (1) square foot for each two (2) linear feet of street frontage over fifty (50) feet, up to a maximum of eighty-five (85) square feet.
3. The maximum height above the surround grade shall be six (6) feet.
4. In addition, each tenant may have one (1) attached sign of eight (8) square feet or signage equal to two percent (2%) of the total square footage of the building face of their respective leased units. All other requirements of Subsection (C) of Section 415.140 (Ground-mounted signs) shall be observed.
5. Maximum of one (1) ground-mounted sign per lot.

SECTION 415.160: SIGNAGE ALLOWED IN PLANNED DEVELOPMENT -- COMMERCIAL AND PLANNED DEVELOPMENT -- MIXED USE ZONING DISTRICTS

A. All signage allowed under Sections 415.120, 415.130 and 415.140 is permitted in Planned Development -- Commercial and Planned Development -- Mixed Use zoning districts. These signs shall be allowed pursuant to the provisions and restrictions set forth under their respective Sections, Subsections and paragraphs.

B. The following alternative signage may be substituted for the signage allowed under Section 415.140 (Commercial signage "C-1" and "C-2" Districts) provided the Planned Development -- Commercial and Planned Development -- Mixed Use Districts meet the following minimum area requirements:

1. Each development shall contain a minimum of ten (10) acres and have a minimum of eight hundred (800) feet of street frontage.

2. For developments meeting these requirements, the following signage is permitted:

a. *Ground-mounted signs.*

(1) *Quantity.* Two (2) signs, provided a minimum frontage distance of four hundred (400) feet shall be maintained between signs.

(2) Maximum size of one hundred (100) square feet per sign face.

(3) Maximum width of fifteen (15) feet per sign face.

(4) Maximum height of twenty (20) feet per sign face.

(5) For planned developments with over eight hundred (800) feet of street frontage, one (1) additional ground-mounted sign, complying with provisions of (1), (2), (3) and (4) above, shall be permitted for each additional four hundred (400) feet of frontage.

(6) In lieu of the two (2) permitted ground signs allowed under item (1) above, one (1) ground-mounted sign may be erected with a maximum area per face of one hundred fifty (150) square feet. The maximum height shall remain the same.

(7) All other applicable provisions of Section 415.140 (C) (ground-mounted signs) shall apply.

b. *Attached signs.*

(1) Occupancies which contain a minimum of sixty-five thousand (65,000) square feet of floor area within a Planned Development District may have one (1) or more attached signs per street frontage, which signs shall not exceed five percent

(5%) of the building face of their respective leased spaces upon which it is applied. Such occupancies may also each have attached signs, not exceeding five percent (5%) of their respective building face, on building faces with a major entry to customer parking areas.

(2) Occupancies which contain less than sixty-five thousand (65,000) square feet within a Planned Development District and have a major entry facing customer parking areas may have attached signage which shall not exceed two and one-half percent (2.5%) of the building face of their respective leased space upon which it is applied, except that such percentage may be increased to five percent (5%) when the building face is set back a minimum of one hundred (100) feet from the public right-of-way.

(3) Occupancies within a covered mall building which contain at least seven thousand five hundred (7,500) square feet of floor area, and have a customer entrance facing a street or customer parking area, may have one (1) or more attached signs which shall not exceed two and one-half percent (2½%) of the covered mall face. When the covered mall face is set back from the public right-of-way a minimum of one hundred (100) feet, the size of the sign(s) may be increased to a maximum of five percent (5%).

For purposes of determining the allowable wall area for signage, the mall owner and tenant shall submit a drawing of the covered mall building elevation with the area to be used for calculating the mall face clearly delineated. This mall area may only be used in connection with the proposed attached signage and may not be considered as mall face for other proposed signs. The wall area must include the respective tenant exterior wall face and may not be interrupted by other buildings. The signage allowed under this Section shall be placed within the delineated wall area at any height.

(4) Signs described in (1) and (2) above shall comply with all applicable provisions of Section 415.140(B) (attached signs).

(5) Developments within a mixed use project of residential and commercial that exceeds one hundred thousand (100,000) square feet of retail use and has a parking garage with a wall face of more than four hundred (400) linear feet facing a Federal interstate highway may have one (1) or more attached signs on said wall face, which shall not exceed ten percent (10%) of the area of said wall face.

c. A maximum of two (2) ground-mounted signs are allowed per major development entrance.

(1) Maximum size is twenty (20) square feet.

(2) Maximum height of twelve (12) feet above the surrounding grade.

(3) All other applicable provisions of Section 415.140 (C) (ground-mounted signs) shall apply. (CC 1984 §3-24; Ord. No. 4362 §1, 9-4-90; Ord. No. 4398 §4, 6-3-91; Ord. No. 4812 §1, 2-19-02; Ord. No. 4940 §1, 6-6-05)

SECTION 415.165: SIGNAGE ALLOWED IN PLANNED DEVELOPMENT COMMERCIAL AND MIXED USE ZONING DISTRICTS WITH AN APPROVED DEVELOPMENT PLAN

A. All signage allowed under Sections 415.120, 415.130 and 415.140 is permitted in Planned Development Commercial or Mixed Use.

B. In lieu of the signage as specified in the above Sections, a developer may submit to the Plan and Zoning Commission a sign package or concept for the entire site in accordance with the following guidelines:

1. Character of the signage should be an integral part of the overall project design.
2. Sign materials such as brick, stone, brass, etc. are preferred. Large plastic box signs are prohibited.
3. No flashing, rotating, revolving, animated, changeable copy or bare bulb tubing is permitted.
4. While the amount and size of allowed signage is not limited by the specific Sections cited above, the intent of this Section is to provide flexibility and site-specific signage, while promoting the overall intent of this Chapter.

C. The petitioner shall submit for the Commission's review building elevations showing the desired sign package or concept, as well as detailed sign information describing proposed materials, lighting and sign placement. (Ord. No. 4880 §1, 11-17-03)

SECTION 415.170: TEMPORARY SIGNS ALLOWED IN "C-1", "C-2", PLANNED DEVELOPMENT -- COMMERCIAL AND PLANNED DEVELOPMENT -- MIXED USE ZONING DISTRICTS

A. *General.* Attached and ground-mounted signs allowed under this Section are subject to all the rules and regulations set out in this Chapter except as modified in this Section.

B. Properties subject to commercial development and construction may have temporary ground-mounted or attached signs subject to the following provisions:

1. They shall not exceed thirty-two (32) square feet in size per face.
2. Ground-mounted signs shall not exceed eight (8) feet in height above the surrounding grade.
3. They shall be limited to one (1) sign per street frontage.

4. Maximum display time is six (6) months unless an extension is granted by the Code Enforcement Officer and the building project is still under construction.

C. In accordance with Section 67.317 RSMo, and in lieu of the additional signage permitted by Section 415.120(4), properties containing new buildings that are for rent, for sale or for lease, may have additional signs, subject to the following provisions:

1. They shall not exceed fifty (50) square feet in size per face.
2. Ground-mounted signs shall not exceed eight (8) feet in height above the surrounding grade.
3. They shall be limited to one (1) sign per street frontage.
4. They shall be removed within ten (10) days following the date the property is no longer offered for rent, for sale or for lease.

D. In accordance with Section 67.317 RSMo, and in lieu of the additional signage permitted by Section 415.120(4), properties containing existing buildings that are for rent, for sale or for lease (either in whole or in part) may be erected subject to the following provisions:

1. They shall not exceed twenty-four (24) square feet in size per face.
2. Ground-mounted signs shall not exceed eight (8) feet in height above the surrounding grade.
3. They shall be limited to one (1) sign per street frontage.
4. They shall be removed within ten (10) days following the date the property (or the part thereof) is no longer offered for rent, for sale or for lease.

E. Additional temporary signs are permitted subject to the following provisions:

1. They shall not exceed thirty-two (32) square feet in size per face.
2. Ground-mounted signs shall not exceed eight (8) feet in height above surrounding grade.
3. Each location of a sign permitted by this Subsection (E) is limited to thirty (30) days display in any one (1) calendar year. Each permit shall be issued for a specific length of time not to exceed thirty (30) days for any one (1) sign. No more than one (1) sign may be displayed per street frontage at any one time.

F. *Construction Fences.* If a building or project under construction is enclosed with a sight-proof construction fence, the temporary signage covered under this Section 415.170 may be mounted, placed or painted upon the fence.

1. Additional graphics may be allowed upon the construction fence with prior approval by the City Council. Such approval shall be requested in writing and shall explain the purpose, the type of graphics and the posting time desired. The application shall be accompanied by a drawing showing the proposed graphics and indicating the proposed size and location on the construction fence. (CC 1984 §3-25; Ord. No. 4362 §1, 9-4-90; Ord. No. 4374 §5, 11-19-90)

SECTION 415.180: TEMPORARY SIGNAGE FOR BUILDING PROJECTS IN PLANNED DEVELOPMENT -- COMMERCIAL AND PLANNED DEVELOPMENT -- MIXED USE ZONING DISTRICTS OVER TEN ACRES IN SIZE

A. *General.* Attached and ground-mounted signs allowed under this Section are subject to all the rules and regulations set out in this Chapter except as modified in this Section.

B. Properties subject to commercial development and construction may have temporary ground-mounted or attached signs subject to the following provisions:

1. They shall not exceed one hundred (100) square feet in size per face.
2. Ground-mounted signs shall not exceed twelve (12) feet in height above the surrounding grade.
3. They shall be limited to one (1) sign per street frontage.
4. Maximum display time is six (6) months unless an extension is granted by the Code Enforcement Officer for good cause and the building project is still under construction.

C. In accordance with Section 67.317 RSMo, and in lieu of the additional signage permitted by Section 415.120(4), properties that are for rent, for sale or for lease, may have additional signs, subject to the following provisions:

1. They shall not exceed one hundred (100) square feet in size per face.
2. Ground-mounted signs shall not exceed twelve (12) feet in height above the surrounding grade.
3. They shall be limited to one (1) sign per street frontage.

4. Maximum display time is ten (10) days following the date the property is no longer offered for rent, for sale or for lease. D. In accordance with Section 67.317 RSMo, and in lieu of the additional signage permitted by Section 415.120(4), properties containing existing buildings that are for rent, for sale or for lease (either in whole or in part), may be erected subject to the following provisions:

1. They shall not exceed fifty (50) square feet in size per face.

2. Ground-mounted signs shall not exceed twelve (12) feet in height above the surrounding grade.
3. They shall be limited to one (1) sign per street frontage.
4. They shall be removed within ten (10) days following the date the property (or the part thereof) is no longer offered for rent, for sale or for lease.

E. Additional temporary signs are permitted subject to the following provisions (Suggested types of uses include signs advertising sales, special events and “under new management”):

1. They shall not exceed sixty-four (64) square feet in size per face.
2. Ground-mounted signs shall not exceed twelve (12) feet in height above surrounding grade.
3. Each location of a sign permitted by this Subsection (E) is limited to thirty (30) days display in any one (1) calendar year. Each permit shall be issued for a specific length of time not to exceed thirty (30) days for any one (1) sign or thirty (30) days cumulative for all signs. No more than one (1) sign may be displayed per street frontage at any one time.

F. *Construction Fences.* If a building or project under construction is enclosed with a sight-proof construction fence, the temporary signage covered under this Section may be mounted, placed or painted upon the fence.

1. Additional graphics may be allowed upon the construction fence with prior approval by the City Council. Such approval shall be requested in writing and shall explain the purpose, the type of graphics and the posting time desired. The application shall be accompanied by a drawing showing the proposed graphics and indicating the proposed size and location on the construction fence. (CC 1984 §3-30; Ord. No. 4362 §1, 9-4-90)

SECTION 415.190: AUTOMOBILE AND TRUCK SERVICE STATIONS, CONVENIENCE STORES WITH GASOLINE PUMPS

A. *General.* Automobile and truck service stations and convenience stores with gasoline pumps will be limited to the signage set forth in this Section and Section 415.170, temporary signage. Unless otherwise specifically noted in this Section, all attached and ground-mounted signs shall follow the height, area, setback and location requirements of Section 415.140. Use of portable signs is specifically prohibited.

B. One (1) ground-mounted sign not exceeding forty (40) square feet in size per face is permitted. The size may be increased to eighty-five (85) square feet per face when signs permitted under Section 415.190(E) are placed on the ground-mounted sign in lieu of canopy or dispenser island location. Maximum height shall be six (6) feet for a forty (40) square foot sign or, if the signs permitted under Section 415.190(E) are combined, a maximum height of ten (10) feet.

C. One (1) attached sign, not exceeding five percent (5%) of the total square footage of the building face upon which it is placed, shall be allowed. One (1) attached sign shall be allowed per street frontage.

D. One (1) attached sign, not exceeding sixteen (16) square feet in size, is permitted for each street frontage. An attached or detached canopy sign may be used as an alternative location for such sign. (Suggested type of use: Sign displaying a company logo).

E. Two (2) signs are allowed per dispenser island. They shall be located at the ends of dispenser islands or they may be affixed to the canopy, canopy supports, poles or end pumps. The maximum size per face shall be six (6) square feet. Such signs are not permitted on dispenser islands if they are placed on a ground sign pursuant to Section 415.190(B). (Suggested type of use: signage displaying prices).

F. Two (2) signs per dispenser island, not exceeding six (6) square feet per sign per face, are permitted. Such signs shall be located at the ends of dispenser islands or may be affixed to the canopy, canopy supports, poles or end dispensers. (Suggested use: self-service and/or full service signage). (CC 1984 §3-31; Ord. No. 4362 §1, 9-4-90; Ord. No. 4374 §6, 11-19-90)

SECTION 415.200: FLAGS AND FLAGPOLES

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 four (4) flags. Parcels of land in excess of five (5) acres in size, however, may display additional flags, provided that there are not more than six (6) 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.

SECTION 415.210: SPECIAL USE SIGNS ON PUBLIC PROPERTY -- REQUIREMENTS

A. *City Manager Approval.* The City Manager, or his or her designee, shall approve the purpose, number, type, location, size and height, and the posting time limit of all signs on public rights-of-way and easements.

B. *Application.* An application to the City Manager for permission to erect such sign(s) shall be in writing, and shall explain the purpose and type of sign requested, and state the posting time desired. The application shall be accompanied by a drawing showing the proposed sign, indicating the size, and the requested location.

C. *Other Permits.* Necessary permits required by other governmental departments, utility companies, etc., must be obtained by the applicant, and evidence that such permits have been obtained shall accompany the application to the City Manager.

D. *Insurance*. An insurance policy shall be filed with the City, prior to issuance of a permit by the City, in the amount of one million dollars (\$1,000,000.00) to cover all risks of liability to the public. (CC 1984 §3-33; Ord. No. 4362 §1, 9-4-90)

SECTION 3. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 4. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION 5. This Ordinance shall be in full force and effect from and thirty-one (31) days after its passage.

PASSED and APPROVED this 15th day of April, 2013.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: March 3, 2012
Second reading: Held over for review March 18, 2013
Second reading: April 15, 2023