

ORDINANCE NO. 2127

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AMENDING VARIOUS PROVISIONS OF CHAPTER 405 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AND PROVIDING REGULATIONS ON ZONING, PARKING AND SIGNAGE, THE PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT OF SAME; AND OTHER MATTERS RELATING THERETO**

**WHEREAS**, the Planning and Zoning Commission of the City considered amendments to Chapter 405 of the Municipal Code of the City of Dardenne Prairie, Missouri; and

**WHEREAS**, the Board of Aldermen and the Planning and Zoning Commission held Public Hearings on the proposed amendments; and

**WHEREAS**, at such Public Hearings all persons were given an opportunity to be heard on the proposed amendments; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That Section 405.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by adding the following defined term:

**ADMINISTRATIVE OFFICER**

**An office or individual having specific authority to administer the regulations within this Chapter or as may otherwise be designated by the Board of Aldermen.**

**SECTION 2.** That Section 405.200(D)(11)(b) of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 405.200(D)(11)(b) to read, as follows:

- b. Material for the buildings shall include **tilt-up concrete**, masonry, brick, stucco and selected forms of aggregate. Colors should be earth tones to blend with the environment.

**SECTION 3.** That Section 405.475(B)(10)&(11) of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 405.475(B)(10)&(11) to read, as follows:

- 10. Specific provisions for signage shall ~~shall~~ **may** be included in the conditional use approval.

11. In consideration of requests for any Conditional Use Permits the Planning and Zoning Commission may recommend and the Board of Aldermen shall require such conditions of use as it deems necessary to protect the health, safety and welfare of the residents of the City and to achieve the objectives of this Chapter. These additional requirements ~~shall~~ **may** include, but **are** not necessarily ~~be~~ limited to:
  - a. Use limitations and/or requirements;
  - b. Height, area and setback limitations and/or requirements;
  - c. Parking and loading limitations and/or requirements;
  - d. Sign limitations and/or requirements;
  - e. Limitations and/or requirements for architectural elevations for any proposed structures;
  - f. Landscaping limitations and/or requirements; and/or
  - g. Limitations as specified in this Article.

**SECTION 4.** That Section 405.615 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 405.615 to read, as follows:

Section 405.615 Administration and Enforcement.

- A. *Administrator.* Except where herein otherwise stated, the provisions of this Article shall be administered by the ~~City Engineer~~ **Building Official** ~~or by deputies of his/her department as the Board of Aldermen may designate to enforce provisions of this Article.~~
  1. The ~~City Engineer~~ **Building Official** ~~(or his/her authorized representative)~~ is hereby empowered in performance of its 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 affect provisions of this Article. 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 Section.
  2. **For purposes of this Article X, the term "Building Official" shall mean the Building Official as defined in Section 500.020 of this Code, the Building Inspector, as defined in Section 505.050 of this Code, their respective designees, and such other persons as may be designated by the Board of Aldermen from time to time.**
- B. *Duties Of The **Building Official*** ~~City Engineer.~~ The ~~City Engineer~~ **Building Official** shall have the power to grant sign permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Article.
  1. It shall be improper for the **Building Official** ~~City Engineer~~ to approve plans or issue any permits or certificates for any sign until he/she has inspected such plans in detail and found them to conform with this Article, nor shall the **Building Official** ~~City Engineer~~ vary or change any terms of this Article.

2. If the **Building Official City Engineer** shall find that any of the provisions of this Article are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and stating the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal signage; discontinuance of any illegal work being done; or shall take any other action authorized by this Article to insure compliance with or to prevent violation of its provisions.
- C. *Permit Required And Fees.* For freestanding pole or ground signs exceeding thirty-two (32) square feet of face on a side, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing or moving of any sign or sign structure or any portion thereof without first having applied in writing to the **Building Official City Engineer** for a sign permit to do so and a sign permit has been granted therefore. Primary responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to ensure that all required permits and approvals have been secured prior to any work being initiated.
1. Blank forms shall be provided by the **Building Official City Engineer** for the use of those applying for permits as provided in this Article. Any permits issued by the **Building Official City Engineer** shall be on standard forms for such purpose and **prepared by the Building Official** furnished by the Board of Aldermen. There shall be a separate permit for each sign constructed, altered or erected.
  2. Permit fees shall be charged for plan review and inspection at the one-time rate of two dollars (\$2.00) per square foot of sign face payable at the time of permit application.
  3. Any sign permit under which no construction work has been commenced within six (6) months after the date of issuance of said permit or under which proposed construction has not been completed within one (1) year of the time of issuance shall expire by limitation.
- D. *Voiding Of Sign Permit.* A permit may be revoked by the **Building Official City Engineer** 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 as required under terms of the permit, that the same was procured by false representation or that any provisions of this Article are being violated. Written notice of such revocation shall be served upon the owner, his/her agent or contractor or upon any such 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 and thereafter no such construction shall proceed.
- E. *Existing Signage.* 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 are replaced for the purpose of changing the business, occupation or tenant

advertised or identified, 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 sign permit shall not constitute such a change as to classify the sign as a new one subject to the provisions of Section 405.610(4) "Destruction".

- F. *Permit Number Displayed.* Any billboard sign hereafter erected following passage of this Article shall display the sign permit number upon the face of the sign in the lower right-hand corner in no less than one (1) inch letters and numerals. In the case of pole-mounted signs, the number shall be incorporated into the base of the sign structure.
- G. *Structural Requirements.* All signs shall comply with the pertinent requirements of the City of Dardenne Prairie's Building Code.
- H. *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 is subject to immediate removal by the **Building Official City Engineer** without notice and at the expense of the property and/or sign owner.
- I. *Maintenance.* All signs and sign supports shall be maintained in good repair so as to prevent rust, peeling, flaking or fading. Broken panels, missing letters, flaking or peeling paint and other visual damage to a sign shall be repaired within forty-five (45) days of the occurrence or within thirty (30) days' notification by the **Building Official City Engineer**.
- J. *Abandoned Signs.* Any sign or sign structure which advertises a business no longer conducted or service no longer rendered or a product no longer sold on the premises or lot shall be classified an abandoned sign and shall be removed by the owner, agent or person having beneficial use of the premises or lot upon which the sign is located within ten (10) days following written notice by the **Building Official City Engineer** concerning its removal.
- K. *Illumination.* Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares. All illuminated signs shall require a electrical permit from the City of Dardenne Prairie.
- L. *State Right-Of-Way Requirements.* All signs erected within the jurisdiction of State right-of-way requirements shall meet State, County and City requirements.
- M. *Violations.* If it is found that a sign is in violation of this Article, the **Building Official City Engineer** or his/her designee shall give notice to the owner of the sign or, if the owner cannot be located, to the owner or property management agent of the premises on which the sign is located or, if the sign erection is not complete, to the sign erector, either personally, by United States Mail or by posting such a notice on the premises, such notice stating:
  - 1. The violations found; and
  - 2. The violations must be brought into compliance with requirements of this and all other City ordinances within ten (10) days from the date of such notice (for temporary signs the date of such notice shall constitute the first (1st) day of the thirty (30) day time period allowed by such signs; and
  - 3. The requirements which must be met; and

4. Any person found to be in violation of any provision of this Article shall be prosecuted to the full extent of the law.
- N. *Compliance With Sign Permits.* Sign 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 Article as provided herein.

**SECTION 5.** That Section 405.635 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 405.635 to read, as follows:

Section 405.635 Schedule of Off-Street Parking Requirements.

Off-street parking spaces shall be provided in accordance with the following off-street parking schedule.

<b>Land Use</b>	<b>Number Spaces Required</b>
Single-family	2 enclosed per unit
Two-family	2 enclosed per unit
Multi-family	3 per unit
Town house	3 per unit
Dormitories	1 per resident
Fraternity and sorority houses	1 per resident
Club, lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Hotel or motel	1 per guest room plus 0.5 per employee
Boarding house	1 per guest room; minimum 2 spaces
Convalescent care facility	1 per 3 beds plus 0.5 per employee
Hospital	1 per 4 beds plus 0.75 per employee
Correctional facility	1 per 5 beds plus 0.5 per employee
Auditoriums and stadiums	1 per 3 seats
Religious assembly	1 per 3 seats
College or university	1 per 3 students plus 0.5 per faculty member and employee
Vocational school	1 per 3 students plus 0.5 per faculty member and employee
School, high	1 per 3 students plus 0.5 per faculty member and employee

<b>Land Use</b>	<b>Number Spaces Required</b>
School, elementary and middle	2 per classroom or 1 per 5 seats in auditorium or assembly room, whichever is greater
Library	1 per 400 square feet plus 0.5 per employee
Bowling center	5 per lane plus 0.5 per employee
Golf course or country club	1 per 4 members or spaces required to serve eating and drinking facilities, whichever is greater
Entertainment, indoor	1 per 100 square feet
Auction houses	1 per 2 employees plus 1 per 3 seats plus 1 per 75 square feet within main sales area
Banks or financial institutions	1 per 250 square feet
Service station	1 per service bay plus 0.5 per gas pump
Car wash	
Self-service	2 holding spaces for each car washing stall plus 2 drying spaces for each car washing stall
Automatic	10 spaces minimum for customers awaiting service
Vehicle repair	1 per 500 square feet; minimum 5 spaces
Vehicle sales and service	1 per 3,000 square feet of open sales lot plus 1 per employee
Auto wrecking or salvage yard	1 per employee plus 1 per 10,000 square feet of storage area
Barber and beauty shop	2 per operator/employee
Bars, taverns and nightclubs	1 per 2 seats and 1 per 75 square feet
Dance halls or ballrooms	1 per 100 square feet of dance area
Dance or music studios	1 per 200 square feet
Day care	1 per 10 pupils plus 1 per employee
Laundromats	1 per 3 washing machines
Funeral homes	1 per 4 seats plus 0.5 per employee
Health club	1 per 200 square feet
Office, medical	4 spaces per 1,000 square feet of gross floor area
Greenhouse or nursery	1 per employee plus 2 per company vehicle and 1 per 600 square feet
Office, general	1 per 300 square feet <b>of gross floor area</b>
Personal care service and personal improvement service	1 per 200 square feet

<b>Land Use</b>	<b>Number Spaces Required</b>
Restaurant, general	20 plus 1 per 100 square feet
Restaurant, limited	1 per 75 square feet
Restaurant, fast-food	1 per 50 square feet
Repair service	1 per 400 square feet
Research service	1 per employee
Retail, general	
0 — 1,999 square feet	1 per 200 square feet
2,000 + square feet	10 plus 1 per 400 square feet for space in excess of the first 2,000
Theater	1 per 4 seats
Animal care, limited or general	1 per 300 square feet
Warehouse	<b>1 space for every employee on the maximum work shift, plus 1 for each vehicle utilized in the operation of the business, plus 2 guest spaces. Any other uses within a warehouse building (office, retail, manufacturing, etc.) would also require parking based upon those separate calculations.</b> <del>1 per employee plus 1 per 400 square feet</del>
Freight terminal	1 per employee plus 1 per 400 square feet
Light industrial	1 per employee plus 1 per 400 square feet
Day care, adult	1 per 10 care recipients plus 1 per employee

**SECTION 6.** That Section 405.815(A) of the Municipal Code of the City of Dardenne Prairie, Missouri, be and is hereby amended by deleting it in its entirety and enacting, in lieu thereof, a new Section 405.815(A) to read, as follows:

- A. The City Engineer shall have the power to grant certificates of zoning compliance, ~~building permits~~ and to make inspections of ~~buildings or land, developments, or~~ premises **as may be** necessary to carry out his/her duties in the enforcement of this Chapter.

**SECTION 7. Savings Clause:** Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

**SECTION 8. Severability Clause:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall

be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

**SECTION 9. Effective Date:** This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of Dardenne Prairie, Missouri.

Read two times, passed, and approved this 18<sup>th</sup> day of August, 2021.

John W. Baturay  
As Presiding Officer and as Mayor

Attest:

Kim Clark  
City Clerk

Approved this 18<sup>th</sup> day of August, 2021.

John W. Baturay  
Mayor

Attest:

Kim Clark  
City Clerk