

Sponsored by: Planning & Zoning Commission

Bill No. 19-2024

Co-Sponsored by: City Staff

Ordinance No. 2024-18

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO STANLEY'S CUP & GRILL TO OPERATE A COMMERCIAL ELECTRONIC MESSAGE BOARD SIGN AT 9580 PAGE AVENUE IN THE PD-C PLANNED DEVELOPMENT-COMMERCIAL ZONING DISTRICT AS PROVIDED FOR IN SECTION 400.850.D.2 OF THE MUNICIPAL CODE OF THE CITY OF OVERLAND.

WHEREAS, Andrew Dolgin on behalf of Stanley's Cup & Grill has submitted an application for a Conditional Use Permit to operate a commercial electronic message board sign at 9580 Page Avenue (the "Property"); and,

WHEREAS, the Planning and Zoning Commission reviewed said application on June 18, 2024, and recommended approval of the Conditional Use Permit; and,

WHEREAS, on July 15, 2024, after publication of notice the City Council held a public hearing in accordance with Section 400.670.G of the Municipal Code of the City of Overland; and,

WHEREAS, the City Council of the City of Overland, having fully considered the recommended Conditional Use Permit and the report of the Planning and Zoning Commission, does find that the proposed commercial electronic message board sign, with the stipulated conditions, is to be proposed in an appropriate location and the operational characteristics are in compliance with the applicable provisions of Section 400.850.D.2; and,

WHEREAS, based on the above, the City Council does further find that the proposed use is in the best interest of the public welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERLAND, STATE OF MISSOURI AS FOLLOWS:

Section 1. Based on the facts and findings set forth in the "Whereas" clauses above which are incorporated herein by reference, a Conditional Use Permit is hereby granted to Andrew Dolgin on behalf of Stanley's Cup & Grill (collectively referred to herein as "Holder"), to operate a commercial electronic message sign at 9580 Page Avenue provided for in Section 400.850.D.2 of the Municipal Code of the City of Overland. Attached hereto and incorporated herein as **Exhibit A** is the Conditional Use Permit application for the Property.

Section 2. The complete terms and conditions of this Conditional Use Permit are attached hereto as **Exhibit B**, and all terms and conditions are hereby incorporated into this ordinance as if fully set out herein.

Section 3. Holder, by accepting and acting under this Conditional Use Permit, acquiesces and accepts same subject to the reservations, conditions, and restrictions which are made a part hereof, and said Holder, by said action, does agree that any time such requirements are not met, this Conditional Use Permit may be revoked and terminated, and does further agree that it, its successors, and assigns, shall be held to have acquired no special rights, privileges, or immunities by virtue of proceeding to expend money, time, or effort in the construction, improvement, or maintenance of land herein described and for which this Conditional Use Permit is granted.

Section 4. Any Conditional Use Permit granted hereunder shall be deemed to have been abandoned if substantial work, construction, or operation of the conditional use does not commence within six (6) months of the effective date of this ordinance, unless such time period is extended through approval by the Planning & Zoning Commission. If no extension is sought by the Holder, this Conditional Use Permit shall immediately terminate upon expiration of the six (6) month period in accordance with Section 400.695 of the Municipal Code of the City of Overland.

Section 5. This Conditional Use Permit shall be non-assignable without the express consent of the City Council of the City of Overland. This Conditional Use Permit is contingent upon compliance with the Code of Ordinances of the City of Overland, Chapter 400 of the Municipal Code of the City of Overland, the conditions and limitations described herein in Section 2 of this Ordinance as integrated via **Exhibit B**, and all applicable building codes, fire codes, and other governmental regulations.

Section 6. The City Council hereby concurs with the recommendation of the Planning and Zoning Commission to approve the submitted site plan in accordance with Section 400.600 of the City Code.

Section 7. The Mayor is hereby authorized to execute the Conditional Use Permit provided for in **Exhibit B** on behalf of the City of Overland.

Section 8. This Ordinance, having been read in full or by title two times prior to passage, shall be in full force and effect from and after its passage and approval as provided by law

[Remainder of page intentionally left blank]

This Ordinance passed and approved this 15th day of July 2024.

CITY OF OVERLAND, MISSOURI



MAYOR

July 15, 2024

Date of Approval

ATTEST:



CITY CLERK

Exhibit A

Application for a Conditional Use Permit

SCANNED



CITY OF OVERLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

9119 LACKLAND RD | OVERLAND, MD 63114

RECEIVED
MAR 07 2024

BY: RY

APPLICATION FOR CONDITIONAL USE PERMIT

DATE OF APPLICATION: ~~2/19/24~~ 3/7/24 CUP APPLICATION #: CU24-0006

PROJECT ADDRESS: 9580 Page Ave

DESCRIPTION OF PROPERTY:

Parcel Locator #: 166541367 Zoning Classification: PD-C P/W Dev Com

LAND/USE DEVELOPMENT:

Existing or Prior Use: _____

Proposed Use: Com Elct mess Bonnet

BUSINESS INFORMATION:

Name of Proposed Business: Stanleys Cup and Grill

Property Interest of Applicant: owner Renter/Lessee Other _____

Name of Business Owner: Andrew Dolgin

Mailing Address: 9580 Page Ave

City: St. Louis State: MO Zip Code: 63132

Phone #: 314 604 6115 Fax #: _____

Email Address: andrew@stanleys-stl.com

PROPERTY OWNER INFORMATION:

Name: Andrew Dolgin (Dolgin Properties, LLC)

Mailing Address: 9580 Page Ave

City: St. Louis State: MO Zip Code: 63132

Phone #: 314 604 6115 Fax #: _____

Email Address: andrew@stanleys-stl.com

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REQUIRED ATTACHMENTS:

- _____ Site Plan (In conformance with Article 9, Zoning Code)
- _____ Out Boundary Plat
- _____ Applicant's and Property Owners Valid Driver's License
- _____ Legal Description of the subject property

NOTICE TO APPLICANT

Application is hereby made with willful consent of Owner for a Conditional Use Permit on the proposed land use/development submitted for review as shown and described on this form and that of accompanying attachments all of which we certify to be true and accurate.

APPLICANT ACKNOWLEDGMENT:

Signature:

Andrew D

Name:

Andrew Dolgin

Date:

3/7/24

BUSINESS OWNER ACKNOWLEDGMENT:

Signature:

Andrew D

Owner Name:

Andrew Dolgin

Date:

3/7/24

PROPERTY OWNER ACKNOWLEDGMENT:

Signature:

Andrew D

Name:

Andrew Dolgin

Date:

3/7/24

NOTE: ALL SIGNATURE(S) MUST BE NOTARIZED.

Subscribed and sworn before me personally appeared Andrew Dolgin this 17th day of March, 2024

Rhonda Yarbrough
Notary

RHONDA YARBROUGH
Notary Public - Notary Seal
STATE OF MISSOURI
County of St. Louis
My Commission Expires: Oct. 02, 2027
Commission #11230238

FOR DEPARTMENT OF COMMUNITY DEVELOPMENT USE ONLY

PROJECT ADDRESS: 9580 Page Ave

Date Received:	<u>3-11-24</u>	Date Approved:	
CUP #:	<u>PC024-0006</u>	CUP Application #:	<u>R024-0006</u>
P&Z Hearing Date:	<u>4-30-24</u>	C.C. Hearing Date:	<u>5-13-24</u>
Fee Amount:	<u>\$150.00</u>	Date Paid:	<u>3-7-24</u>
Land Use Category:	<u>Comm Elect Message Board Sign</u>		
Approved:	_____	Denied:	_____
Drawings Approved:	<u>[Signature]</u>	Date:	<u>3-11-24</u>

SCANNED



CITY OF OVERLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

9119 LACKLAND RD | OVERLAND, MO 63114

Picture

Dimensions

PHOTOCOPY
MAR 07 2024

BY: RY

APPLICATION FOR SIGN PERMIT

DATE OF APPLICATION: 2/14/24

PERMIT #: P524 0021

PROJECT ADDRESS: 9580 Page Ave

CONTRACTOR INFORMATION:

Company Name: _____

Contact Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ Fax #: _____

Email Address: _____

BUSINESS INFORMATION:

Business Name: Stanleys Cup and Grill

Contact Name: Andrew Dolgin

Mailing Address: 9580 Page Ave

City: St. Louis State: MO Zip Code: 63132

Phone #: 314 428 7800 Fax #: _____

Email Address: andrew@stanleys-stl.com

BUILDING OWNER INFORMATION:

Name: Andrew Dolgin (Dolgin Properties, LLC)

Mailing Address: 9580 Page Ave

City: St. Louis State: MO Zip Code: 63132

Phone #: 314 604 6115 Fax #: _____

Email Address: andrew@stanleys-stl.com

Bill 19-2024 - Exhibit A

TYPE OF SIGN (Check the one that applies)

<input type="checkbox"/> Cabinet	<input type="checkbox"/> Channel Letters
<input type="checkbox"/> Ground Mounted	<input type="checkbox"/> Pole Sign
<input checked="" type="checkbox"/> Special Seasonal Display or Event	<input type="checkbox"/> Comm. Real Estate Sign
<input type="checkbox"/> Construction	<input type="checkbox"/> Billboard
<input type="checkbox"/> Temporary Banner and proposed Installation Date _____	
<input type="checkbox"/> Other (Please fully describe your proposed request below): _____	

SIGN SPECIFICATIONS

Ground Sign Dimensions: 16 Height (inches) 3 Width (inches)

Total Square Footage of Sign: 3.75

Height of Grade (in Feet): 1.25

Setback from Public Right of Way (in Feet): 35 ft

Number of Sign Faces: 1

Direction Sign Faces: north

Illuminated (Yes or No): yes

Source of Illumination: sign

NOTICE TO APPLICANT

By signing this application, the applicant affirms that as legal owner of the property in question or as the agent to whom permission has been granted by the legal property owner of record, that all information contained hereon is accurate and true. The applicant also grants the City of Overland, Missouri authority to enter onto this property to conduct all inspections allowed by law during reasonable hours. Additionally, the applicant agrees to ensure that all aspects of this project shall conform to all applicable laws, codes and ordinances. Failure to comply shall cause the revocation of this permit.

APPLICANT ACKNOWLEDGEMENT:

Signature: Andrew Dolgin

Name: Andrew Dolgin

Date: 3/7/24

FOR DEPARTMENT OF COMMUNITY DEVELOPMENT USE ONLY

PROJECT ADDRESS:		<u>9580 Page Ave.</u>	
Occupancy Permit #:	<u>PB021-0069</u>	Business License #:	_____
Approved:	_____	Denied:	_____
Permit Fee:	_____	Permit #:	<u>P5240021</u>
Sticker #:	_____	Electrical Permit #:	_____



Invoiced on 11-20-23



GRAPHIC SOLUTIONS



Bill To:

Stanley's Cup & Grill
9500 Page Ave
Overland, MO 63132

Ship To:

DBA - B2B SIGNAGE

Payable To:
Andrew Dolgin
Jeff Dean

Invoice # 112023

Project:
Due Date: Sign Delivered

Sign Description

TYPE - DIMENSIONS - MATRIX - WARRANTY - NOTES

Item #1 - LED Sign Full Color 48 x 128 - Full Animation & Upgraded Antennae
Full Software Package Included - Size 22 x 40.5 inches. WIFI Included

Your Sign has a 24mo GOLD STAR WARRANTY - All repairs will happen in a prompt and timely manner
If for any reason the LED Sign can't be fixed, we will give you a Brand New Sign Right Away!

Customer is to comply with their municipality codes for brightness, timing, and effects that may be used on sign.

Also all taxes and/or permits are to be paid by the customer, to their city, municipality, city or state, where located.

Notes And Special Coniditions:

Qty	Unit price	Total price
1		\$1,200.00

Subtotal \$0.00
Due:) IN FULL



Chapter 400. Zoning Regulations

Article XIV. Signs

Section 400.850. Special Use Signage.

[CC 1976App. A§14.13; Ord. No. 2449 §1, 11-14-1988; Ord. No. 2003-10 §1, 2-24-2003; Ord. No. 2011-23 §§3, 6-11, 9-12-2011]

A. *Automobile And Truck Service Stations - Convenience Stores With Gasoline Pumps.*

1. *Allowable signs.*

a. *Brand identification signs.*

- (1) One (1) pole-mounted sign not exceeding thirty-two (32) square feet per face.
- (2) One (1) ground-mounted sign, in lieu of a pole-mounted sign, not exceeding forty (40) square feet in size per face.
- (3) One (1) attached sign not exceeding ten percent (10%) of the total square footage of the building face upon which it is placed. In the instance of corner lots, an additional attached sign will be permitted on each street frontage of building not exceeding ten percent (10%) of the total square footage of the respective building face upon which it is placed.
- (4) One (1) attached company logo not exceeding thirty-two (32) square feet per street frontage.

b. *Price signs.*

- (1) One (1) price sign per pump island not exceeding ten (10) square feet per face per sign.
- (2) One (1) price sign as a component of the permitted pole sign not exceeding ten (10) square feet per face in lieu of the price signs per pump island.
- (3) In those instances where digital price signs are utilized, such sign shall be constant in nature, and shall not travel, flush, inverse, write-on, up or down scroll, roll, grow, melt, X-ray, twinkle, snow, or otherwise change its nature.

c. *Self-service and/or full service signs.* Two (2) self-service or full service signs per pump island not exceeding ten (10) square feet per face per sign.

d. *Signs required by law.* Federal and State stamps, octane ratings, pump use directions, no smoking signs, as required by Federal, State and local authorities.

e. *Temporary signs.* See Subsection (B) of this Section.

2. *Location and height.*

a. *Brand identification signs.*

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- (1) *Pole signs.* As regulated by Section **400.840(8)**.
 - (2) *Ground-mounted signs.* As regulated by Section **400.840(8)**.
 - (3) *Attached signs.* As regulated by Section **400.840(8)**.
- b. *Company logos.* As regulated by Section **400.840(8)(2)**.
 - c. *Price signs and self-service and/or full service signs.* Shall be located at the ends of pump islands and may be affixed to the canopy, canopy supports, poles, or end pumps.
 - d. *Federal and State stamps, etc.* Shall be placed upon the body of the gasoline pump, or as required by the respective governmental authority.
3. *Other requirements.*
- a. *Canopy use.* An attached or detached canopy may be used in lieu of the permitted pole sign for the location of brand identification signs, or as an alternative location for price signs, or company logos.
 - b. *Portable signs.* The use of portable signs for the advertisement of cigarettes, food, or other sundry items is specifically prohibited.
- B. *Special Displays And Other Temporary Signs.*
1. The following temporary signs may be approved by the Director of Public Works for up to a thirty (30) day time period. Such signs may be extended beyond the thirty (30) day time period, but only upon review and approval by the Planning and Zoning Commission.
 - a. Banners attached to buildings, pennants, streamers, pinwheels, and the like.
 - b. Signs announcing openings.
 - c. Seasonal or special occasion signs such as special events and special business hours.
 - d. Yard signs, such as "Siding by."
 - e. Real estate directional signs such as "Open House", not exceeding three (3) square feet in size per face.
 - f. All other temporary signs not specifically referenced in this Article.
 - g. Portable signs, signs not permanently affixed to the ground.
 - h. Street banners erected by a public agency, non-profit, charitable, or religious organization.
 2. Temporary yard signs of any kind shall not exceed six (6) square feet in area per face, unless otherwise specifically provided in this Article.
 3. Sandwich boards, not to exceed eight (8) square feet in area per face, may be used by commercial properties in the "C-1", "C-2", "PD-C" and "PD-MxD" districts subject to the following conditions:
 - a. The owner or occupant of the commercial property must obtain a permit for the sandwich board from the Director of Public Works. The permit will be effective for one (1) year or until renewal of the business license for the owner or occupant, whichever occurs first. A permit for a sandwich board sign must be renewed annually at the time of the business license renewal for the owner or occupant. The annual permit fee shall be ten dollars (\$10.00). Any sandwich board displayed without a permit is a prohibited sign.
 - b. Only one (1) sandwich board may be used at any one time for a commercial property. The sandwich board may be used only during the hours the commercial property is open for business and shall be removed at any time the commercial property is closed.

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- c. At no time shall a sandwich board block any public walkway, street or driveway. A clear passage of five (5) feet shall be maintained between any sandwich sign and the curb of the street.
- d. The sandwich board shall not be illuminated.
- e. No balloons or streamers or any similar matter shall be attached to the sandwich board.
- f. The sandwich sign shall have a professional finish and no part of the sandwich board shall display raw plywood.
- g. The sandwich board shall advertise only an activity, business, product or service sold or conducted on the premises where the sandwich board is located.

C. *Standard Outdoor Advertising Structure (Billboards).*

- 1. *Where permitted.* Advertising signs complying with all the requirements of this Article shall be permitted upon all property within the City of Overland having frontage on Interstate 170, with the exception of those properties within any Residential or Planned Residential Zoning District. Within areas zoned Planned Development District, or property in any district upon which a conditional use permit has been issued, such advertising signs shall only be permitted if specifically authorized upon the final development plan or permit approval.
- 2. *Permit required.* It is hereby declared that outdoor advertising structures present unique problems with respect to their location and relationship to other land uses. Therefore, analysis and judgment of the consequences of each outdoor advertising structure is necessary to assure and promote the public health, safety and general welfare. No outdoor advertising structure shall be erected without first securing a permit from the City of Overland in accordance with the requirements of this Section.
- 3. *Procedures.* The granting of an outdoor advertising permit may be initiated by a verified application of one (1) or more of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives. Procedures for application, review, and approval of such a permit shall be as follows:
 - a. *Application.* Application for an outdoor advertising permit for a specific tract of land shall be addressed to the Planning and Zoning Commission and filed in its public office. The application shall be filed on forms prescribed for that purpose by the Planning and Zoning Commission and be accompanied by the following:
 - (1) Filing fee per requirements of the City.
 - (2) Legal description of the property.
 - (3) Outboundary plat of the property.
 - (4) The following types of descriptive plans:
 - (a) A set of plans, to scale, approved and sealed by a licensed engineer in the State of Missouri, providing all necessary construction and electrical details of the sign and sign structure, including height.
 - (b) A site plan, to scale, containing:
 - (i) The proposed location of the sign upon the property.
 - (ii) The distance from the proposed sign location to any buildings upon the property, and adjoining street right-of-way lines, and driveway entrances.
 - (iii) The distance from the proposed sign location to the next nearest billboard sign on either side of the street in either direction.

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(iv) The distance from the proposed sign location to the nearest street intersection in either direction.

(c) A representation of the proposed sign, to scale, including the width and length of the sign faces, and height from surrounding grade.

(5) Any other information deemed necessary by the Commission.

Note: All plans, architectural drawings, renderings or other materials or visual aids either submitted to the Planning and Zoning Commission or presented at their meeting shall become the property of the City and part of the permanent record of any decision.

- b. *Review procedures.* The application shall be submitted to the Director of Public Works who shall institute an administrative review of the application by all affected City departments. The results of this review shall be compiled by the Director of Public Works and shall be reported by him/her to the Planning and Zoning Commission for its consideration. Upon receiving the application, and associated documents from the Director of Public Works, the Planning and Zoning Commission shall complete its review of the application and shall render a decision either denying, approving, or approving with conditions. The application, along with the Planning and Zoning Commission's action and reasoning, shall be forwarded to the City Council as an informational item where it shall be its option to either require a further review and approval of the application at the Council level, or concur with the Commission by taking no further action.
- c. *Public hearings.* A public hearing on the application shall be held by the Planning and Zoning Commission in accordance with the provisions of Article XII, amendment procedure, except that the public notice shall indicate that the public hearing is for an outdoor advertising permit. The public hearing shall be held within forty-five (45) days of verification by the Director of Public Works that the petition meets the minimum application requirements.
- d. *Permit effective, when.* Unless the City Council exercises its power of review, or a duly filed protest is received by the City Clerk, an outdoor advertising permit, or an amendment thereto, shall become effective following the regularly scheduled meeting of the City Council at which the report of the Planning and Zoning Commission concerning the proposed permit is received. In the event that a permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
- e. *Effect of denial.* Upon denial by the Planning and Zoning Commission of an application for an outdoor advertising permit, the Commission shall notify the applicant of the denial. If no appeal is filed from the denial and if the City Council does not exercise its power of review, no subsequent application for a permit with reference to the same property or part thereof shall be filed by any applicant until the expiration of twelve (12) months after the denial; although the applicant is restrained from reapplying for a twelve (12) month period.
- f. *Appeal, protest or Council review of Planning and Zoning Commission decision.*
- (1) *Appeal by petitioner from decision.* Upon a decision being reached by the Planning and Zoning Commission concerning an application for an outdoor advertising permit, the applicant may file an appeal with the City Council requesting a determination from that body. A notice of appeal shall be filed within ten (10) days following the Planning and Zoning Commission's decision, be in writing, filed with the City Clerk in duplicate, and accompanied by a fee as set by the City ordinance. The appeal shall specifically state how the application as initially filed, or subsequently modified, meets the applicable criteria set forth in this Section.

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(2) *Protest by nearby property owners to decision.* In case a protest against such a permit is presented, duly signed, notarized, and acknowledged by the owners of more than ten percent {10%} of the land within an area determined by lines drawing parallel to and one hundred eighty-five {185} feet distance from the boundaries of the property upon which the outdoor advertising structure will be located, such permit shall not become effective except by the favorable vote of three-fourths { $\frac{3}{4}$ } of all of the members of the City Council. A notice of protest must be filed within the ten {10} days following the Planning and Zoning Commission's decision, be in writing, filed in duplicate with the City Clerk, and accompanied by the signatures and addresses of the property owners involved. The notice of protest shall include a notarized verification from the person{s} collecting the protestant's signatures that all signatures are correct and real. The protest shall specifically state how the application, as initially filed, or subsequently modified fails to meet the criteria set forth in this Section.

(3) *City Council review of decision.* The City Council may exercise the power of review of any Planning and Zoning Commission decision on an application for an outdoor advertising permit, or an amendment thereto, upon motion adopted by a majority vote at the regularly scheduled meeting of the City Council at which the report of the Planning and Zoning Commission on the application is received.

g. *Public hearing by the City Council.* Before acting on any appeal or protest, the City Council shall set the matter for hearing. The City Council shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in opposition to the application at the public hearing before the Planning and Zoning Commission or to the protestants in the case of a protest. The applicant and the protestants in the case of a protest shall be heard at the hearing.

In addition, any other person or persons who, in the discretion of the City Council, will be aggrieved by any decision or action with respect to an appeal or protest may also be heard at the hearing.

h. *City Council decision.* Following the hearing by the City Council on an appealed or protested application, the City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission. An affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the City Council shall be required to reverse or modify any determination of the Planning and Zoning Commission.

4. *Design criteria.*

a. *Area and height.*

(1) The maximum area for any one (1) sign face shall be determined at the discretion of the Planning and Zoning Commission on the basis of the specific facts shown and situation present. Each application for an outdoor advertising permit shall be reviewed on the basis of its individual merits.

(2) The maximum height shall not exceed fifty {50} feet from the highest point on the sign to surrounding grade or street level, whichever is higher.

b. *Extensions.* Extensions may be considered if in conformance with the following requirements:

(1) *Top extension.* Five and one-half (5½) feet.

(2) *Side extension.* Two (2) feet on each side.

(3) *Bottom extension.* One (1) foot.

c. *Embellishments.* Embellishments to outdoor advertising structures may be considered, provided they in no case extend more than one (1) foot beyond the relevant sign face.

d. *Location.*

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- (1) No such sign shall be erected within one thousand (1,000) lineal feet of an existing sign on the same side of the intersection.
 - (2) No such sign shall be located within five hundred (500) lineal feet of a residence, regardless of Zoning District.
 - (3) No sign shall be located in such a 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.
 - (4) No such sign shall be placed closer than five hundred (500) feet to an intersection on a State highway or proposed State highway and measured from the nearest edge of the right-of-way. No such sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
 - (5) The minimum front yard setback for such signs shall be a minimum of fifty (50) feet from any public right-of-way and/or private roadway easement.
 - (6) No sign shall be located on any public or private utility easement, road, drainage easement or railroad right-of-way.
 - (7) All lineal distances required by this Section shall be measured from the nearest outside edge of the subject sign, whether a support, structural member, or the sign surface itself to the nearest outside edge of the corresponding sign, building, right-of-way or easement involved.
- e. *Construction specifications.*
- (1) Henceforth, any such sign erected under this Article shall be a single pedestal type, constructed of non-flammable material, excluding wood. Construction of the sign and material specifications shall comply with Section 903 of the Missouri Standard Specifications for Highway Construction, as applicable, and must meet the structural requirements of the City's Building Code.
 - (2) Such signs may be placed back-to-back or in a "V" type construction.
 - (3) Up to three (3) side-by-side displays will be permitted on each sign face; however, no more than two (2) sign faces will be permitted per sign structure.
 - (4) No vertical stacking of sign faces or individual displays will be permitted.
- f. *Illumination.* Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares, nor shall the light sources be oriented such that either direct or reflected light creates a nuisance to adjoining properties.
5. *Standards for trivision billboards.* Trivision billboards shall comply with all location, design, illumination and construction provisions of this Code for standard outdoor advertising structure and signs, and shall also comply with the following standards:
- a. The static display time for each message is a minimum of eight (8) seconds.
 - b. The time to completely change from one message to the next is a maximum of two (2) seconds.
 - c. The change of message must occur simultaneously for the entire sign face.
 - d. The sign shall be designed such that the sign will freeze in one (1) position if a malfunction occurs.
6. *Standards for electronic billboards.*

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- a. *Location design.* Electronic billboards shall be subject to all location and design provisions of this Code.
- b. *Duration of message.* The electronic billboard image or any portion thereof shall have a minimum duration of at least ten (10) seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
- c. *Transition of message.* Where the electronic billboard image or any portion thereof changes, the change sequence shall only be accomplished by means of instantaneous re-pixelization.
- d. *Video display prohibited.* No portion of any electronic billboard may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.
- e. *Brightness and illumination.*
 - (1) *Brightness.* The electronic billboard sign shall not exceed a maximum of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits (candelas per square meter) between sundown and sunrise measured from the sign's face at maximum brightness.
 - (2) *Fluctuating or flashing illumination.* No portion of any electronic billboard may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement.
 - (3) *Dimmer control.* Electronic billboards shall be equipped with an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between sundown and sunrise.
- f. *Audio.* Audio speakers are prohibited in association with an electronic billboard.
- g. *Text size requirements.* Every line of copy and graphics displayed on an electronic billboard shall be at least twelve (12) inches in height on a road with a speed limit of forty-five (45) miles per hour or greater and fifty-four (54) miles per hour or less, and at least fifteen (15) inches in height on a road with a speed limit of fifty-five (55) miles per hour or greater.
- h. *Malfunction and non-compliance.* Electronic billboards shall be designed and equipped to freeze the device in one (1) position if a malfunction occurs. The electronic billboards shall be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner shall immediately stop the dynamic display when notified by the City that it is not complying with standards of this Code.
- i. *Provision of community and public service messaging.* The owner of an electronic billboard may enter into an agreement with the City to provide the City no less than five (5) hours (1,800 ten-second spots) per month per electronic billboard in the City for community and public service messages at such times as shall be determined by the City.
- j. *Billboard replacement.* The owner of a billboard existing on the effective date of this Section may, by application for and approval of a conditional use permit, relocate the billboard structure for the purpose of installing an electronic billboard; provided all of the following conditions are satisfied:
 - (1) All existing billboards and freestanding on-premise electronic message signs and their supporting structures shall be permanently removed from the property upon which the

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electronic billboard is to be located prior to the issuance of a building permit for the electronic billboard.

- (2) No freestanding on-premise electronic message signs or billboards shall be located on the property upon which an electronic billboard is located.
- (3) The electronic billboard shall be located on the same property, within the property boundaries existing upon the effective date of this Subsection **(C)(6)** and within two hundred fifty (250) feet of the existing billboard being replaced.
- (4) The electronic billboard shall comply with all location and design provisions of this Code.
- (5) The maximum number of sign faces or surfaces permitted on the electronic billboard shall not exceed two (2).

7. *Prohibited signage.*

- a. Roof-mounted signs or signs affixed directly to the side of any building.
 - b. Any changeable message sign of any kind except as expressly provided for in Section **400.SS0(C)(S)** and Section **400.850(C)(6)**.
 - c. Fluttering signs, pinwheels, pennants, streamers and banners.
 - d. Moving signs or swinging signs.
 - e. Signs which contain characters, cartoons or statements, words, or pictures of an obscene, indecent, prurient or immoral character.
 - f. Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device, or which may hide from view any traffic or street sign or signal.
 - g. Any sign constructed or located in such a manner such that it becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of an adjacent building. Such signs will be subject to immediate removal by the Director of Public Works or his/her designee, without notice, at the expense of the property owners.
8. *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 occurrence or within thirty (30) days notification by the Building Commissioner or his/her designee.
9. *All outdoor advertising structures and signs to comply with Federal and State law.* All outdoor advertising structures and signs, including billboards, trivision billboards, projection or other changeable message billboards, shall comply with Federal law and regulations and Missouri State law and regulations. In the event of any conflict between this Chapter and Federal law and regulations or Missouri State law and regulations, the most restrictive shall apply unless otherwise required by law.

D. *On-Premise Commercial Electronic Message Signs.* An "on-premise electronic message sign" is a sign or portion thereof with characters, letters, or illustrations that can be electronically changed or rearranged without altering the face or the surface of the sign and directs attention to a business, product, commodity, service, entertainment or attraction sold, offered or existing upon the same lot where such sign is displayed. Requirements are as follows:

1. Such signs shall be subject to the requirements for building-mounted or freestanding signs;

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2. A conditional use permit shall be required for such signs to determine the appropriateness of the proposed location of such sign and to set standards for the operational characteristics such as, but not limited to, the time frames between messages, and the safety impacts on the general public of such a display. Such signs which display only the time and temperature and are eight (8) or less square feet in area, and displays of gasoline and diesel fuel prices are not subject to conditional use permit approval. Such time/temperature signs and fuel price signs shall be constant and steady in nature, and shall not grow, melt, X-ray, up or down scroll, write on, traverse, inverse, roll, twinkle snow, present pictorials or other animation, or move or create the illusion of movement.
3. The behavior and display of any on-premise electronic message sign existing on the date of the effective date of this Section that may be electronically programmed by any means, and of any on-premise electronic message sign installed or erected after the effective date of this Section, shall be subject to the following restrictions.
 - a. The electronic message sign image or any portion thereof shall have a minimum duration of at least ten (10) seconds and shall be a static display. No portion of the image may flash, scroll, swirl, change color, or in any manner imitate movement.
 - b. No portion of the on-premise electronic message sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.
 - c. No portion of any electronic message sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or that in any manner creates the illusion of movement.
 - d. No audio speaker may be used in association with an on-premise electronic message sign.
 - e. Any conditional use permit issued for an on-premise electronic message sign shall at a minimum contain the restrictions set forth in Subdivisions (a) to (d) of this Subsection (D) (3).



Exhibit B

Conditional Use Permit

A Conditional Use Permit is hereby granted to Stanley's Cup & Grill ("Holder") this 15th day of July 2024, by the City of Overland ("City"), a Municipal Corporation situated in St. Louis County, Missouri.

WITNESSETH:

WHEREAS, the Zoning Code of the City of Overland, Missouri authorizes the establishment of a Conditional Use Permit; and

WHEREAS, the aforementioned Holder requests a Conditional Use Permit for a commercial electronic message board sign on a parcel of land currently addressed as 9580 Page Avenue, and asserts that Holder will comply with the terms and conditions of Chapter 400 of the Municipal Code of the City of Overland and the following terms and conditions of this Permit:

1. The Conditional Use Permit is solely for a commercial electronic message board sign measuring approximately six square feet (6 ft²) as shown in **Exhibit A**.
2. The electronic message board sign image or any portion thereof shall have a minimum duration of at least ten (10) seconds and shall be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
3. No portion of the electronic message board sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.
4. No portion of the electronic message board sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or that in any manner creates the illusion of movement.
5. No audio speaker may be used in association with the electronic message board sign.
6. The Property and Conditional Use must be in accordance with the Site Plan required under Chapter 400, Article IX as submitted with the Conditional Use Permit application or as exists on file with the City and is attached hereto. Any minor changes to the site plan required by Community Fire Protection District may be administratively approved by the Director of Community Development.
7. Outdoor storage is expressly prohibited on the Property.

8. All Off-Street Parking and Loading Spaces shall be properly striped and the minimum Parking Space dimensions provided in accordance with the Off-Street Parking Regulations of Chapter 400.
9. Compliance with all other applicable provisions of the Municipal Code of the City of Overland.

WHEREAS, the City Council finds that the proposed electronic message board sign, with the stipulated conditions, is to be proposed in an appropriate location and the operational characteristics are in compliance with the applicable provisions of Section 400.850.D.2.

NOW, therefore, the City Council of the City of Overland, Missouri does hereby approve and issue the Conditional Use Permit described herein.

- 1) The conditions, restrictions, and requirements as set forth in this Conditional Use Permit are an integral part of the Conditional Use Permit and the Holder understands that violation of or failure to perform or maintain any of the conditions, restrictions, and requirements shall constitute cause to revoke and terminate this Conditional Use Permit.
- 2) If an inspection is made, and the Property is found to be not in compliance with this Permit or City ordinances, the Holder will be given notice to make all necessary corrections. If the Holder is found not to be in compliance with the terms, conditions, or laws of the City by the compliance date or the Holder otherwise fails to comply with the conditions of this Permit, this Conditional Use Permit shall be subject to revocation and termination. Any and all expenses, including attorney's fees, incurred by the City in the abatement of any violation shall be paid by Holder.
- 3) The Holder certifies and represents that they have made known to the appropriate City officials all material facts. Any misrepresentation or omission of material facts shall be grounds for revocation of this Permit, and this Permit shall be null and void.
- 4) This Conditional Use Permit is non-assignable without the express consent of the City Council and will be reviewed annually by the Director of Community Development to assure that its use is in compliance with the terms of the Permit.
- 5) The Holder understands that this Conditional Use Permit shall terminate if substantial work, construction, or operation of the conditional use does not commence within six (6) months of the effective date of this permit as signed by the City, unless such time period is extended through approval by the Planning & Zoning Commission. If no extension is sought by the Holder, this Conditional Use Permit shall immediately terminate upon expiration of the

six (6) month period in accordance with Section 400.695 of the Municipal Code of the City of Overland.

- 6) Holder, by accepting and acting under this Conditional Use Permit, acquiesces and accepts same subject to the reservations, conditions, and restrictions which are made a part hereof, and said Holder, by said action, does agree that any time such requirements are not met, this Conditional Use Permit may be revoked and terminated, and does further agree that it, its successors, and assigns, shall be held to have acquired no special rights, privileges, or immunities by virtue of proceeding to expend money, time, or effort in the construction, improvement, or maintenance of land herein described and for which this Conditional Use Permit is granted.
- 7) The Holder understands each of the conditions set out herein and accepts and agrees to them.

IN WITNESS WHEREOF, the City of Overland upon application of the Holder has caused this Conditional Use Permit to Stanley's Cup & Grill to be issued on the day and year first written above.

CITY OF OVERLAND, MISSOURI

BY:



PRINT:

**HON. MARTY A. LITTLE
MAYOR**

DATE:

7/15/2024

ACCEPTANCE:

STANLEY'S CUP & GRILL

BY:

PRINT:

DATE: