

The City of Roeland Park, Kansas



APPLICATION FOR SIGN PERMIT

Ordinance and Application Form

Effective 1/1/04, Approved by Council 12/3/03



The City of Roeland Park, Kansas

City Hall (913) 722-2600 – Fax (913) 722-3713

Sign Permit Application (Chapter 4, Article 9)

PERMIT FEE: *New, rebuilt or altered signs-* \$100 for the first 100 sq. ft. and \$10 for each additional 100 sq. ft. or portion in excess of 100 sq. ft.
Renovation of an existing sign - \$50

(The above fees shall be doubled if the required permit is not obtained prior to the erection of the sign.)

Applicant _____ Phone _____

Address _____

If different from above:

Property Owner _____ Phone _____

Address _____

Business name to appear on sign: _____

Address where sign will be placed: _____

_____ (attach copy of sign design)

Existing zoning

Type of Sign: Façade Detached Monument other

Size of Sign:

Length: _____

Width: _____

Free-standing Sign Height
(from avg. grade): _____

Total Area of Sign (sq. ft.): _____

Size of Building Façade:

Building (unit) Width: _____

Building (unit) Height: _____

Total Façade Area (sq. ft.): _____

Lessee signature: _____ Date _____

Applicant signature: _____ Date: _____

FEES FOR INSPECTION: There shall be no fee other than the fee for the issuance of the permit for the initial inspection. In the event it is not necessary, in the opinion of the building inspector, to determine the structural adequacy of any sign for a place of business, there shall be a fee of \$25 for the annual inspection required pursuant to this article for each place of business maintaining one or more signs. In the event it is necessary, in the opinion of the building inspector, to determine the structural adequacy of one or more signs for a place of business, there shall be a fee of \$25 for the annual inspection required pursuant to this article and, in addition thereto, the business for which the inspection is required shall either (1) provide the city with a certificate from a qualified inspector certifying that all signs located on the business premises are structurally safe and conform to the structural requirements of this article, or (2) pay the cost incurred by the city to properly inspect all signs located on the business premises requiring an inspection to determine structural adequacy. (Ord. 627, Sec. 8)

Fee Paid \$ _____	Date _____	Received by: _____
Permit: Approved: _____	Denied: _____	by _____ Date: _____

Excerpt of Roeland Park City Code, Chapter 4, Article 9

ARTICLE 9. SIGNS AND OTHER ADVERTISING DEVICES

4-901. PURPOSE. The purpose of this article is to regulate the manner of construction, reconstruction, alteration and inspection of signs within the city. (Ord. 627, Sec. 1)

4-902. DEFINITIONS. (a) Building Code is the BOCA Building Code promulgated by the Building Officials and Code Administrators International, Inc. as adopted by the city.

(b) Building Inspector is the building official of the city or other designated authority charged with the administration and enforcement of this article or his or her duly authorized representative.

(c) Noncombustible as applied to building construction material means a material that, in the form in which it is used, is either one of the following:

(1) Material of which no part will ignite and burn when subjected to fire.

(2) Material having a structural base of noncombustible material as defined in (1) above, with a surfacing material not over 1/8 inch thick that has a flame-spread rating of 50 or less.

Noncombustible does not apply to surface finish materials. Materials required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to (1) above. No material shall be classed as noncombustible that is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

Flame-spread rating as used herein refers to rating obtained according to tests conducted as specified in the building code.

(d) Nonstructural Trim is the molding, battens, caps, nailing strips, latticing cutouts or letters and walkways that are attached to the sign structure.

(e) Sign is any framed, bracketed, free-form, or engraved surface, and the support therefor, that is fabricated to create words, numerals, figures, devices, designs, trademarks, or logos, and that is mounted on or affixed to a building, structure, or the ground, and that is visible to persons not located on the premises where such sign is located, with the purpose of attracting the attention of such persons or communicating information to them.

(f) Sign Structure is the support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure or the ground.

(g) Approved Plastic Materials shall be those having a self-ignition temperature of 650⁰F, or greater when tested in accordance with the applicable BOCA Code provision and a smoke-density rating not greater than 450 when tested in accordance with the applicable BOCA Code provision, in the way intended for use; or a smoke-density rating no greater than 75 when tested in the thickness intended for use by the applicable BOCA Code provisions.

(h) Sign Alteration is the replacement, enlargement, reduction, reshaping or adding to a sign, or sign structure or other supporting members.

(i) Sign Maintenance is the normal care and minor repair necessary to retain a safe, attractive and finished sign, sign structure, or sign surface. Changing copy or a logo on a sign surface without increasing sign dimensions shall be considered sign maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

Excerpt of Roeland Park City Code, Chapter 4, Article 9

(j) Sign Refacing is changing or replacing the words, numbers, or other aspects of the sign surface to serve a different establishment or business or create a substantially different visual effect and without altering, moving or replacing the sign structure or sign surface.

(k) Sign Support is the supporting members of the sign such as frame poles, brackets or structures by which a sign is mounted on or affixed to a building or ground.

(l) Sign Surface is the entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.

(m) Wall is the exterior or surface of a building or structure. For the purposes of this article, wall shall be determined to include mansard type or sloped roof structures.

(Ord. 627, Sec. 2)

4-903 PERMIT REQUIRED. Except as otherwise provided in section 16-507 of the code, no sign shall hereafter be erected, re-erected, constructed, altered or maintained, except as provided for by this article and after a permit has been issued by the building inspector pursuant to section 16-506 of the code. A separate permit shall be required for a sign for each business entity, and a separate permit shall be required for each group of signs on a single sign structure. (Ord. 627, Sec. 3)

(Revised Ordinance 741, Dated December 3, 2003 effective 1/1/04)

4-904. *FEES. Fees to be paid to the city for the permit required by section 4-903 shall be as follows:*

(a) For new, rebuilt or altered signs — \$100 for the first 100 square feet and \$10 for each 100 square feet or portion thereof in excess of 100 square feet.

(b) For the renovation of an existing sign — \$50.

(c) Fees provided in (a) and (b,) hereof shall be doubled if the required by section 4-903 is not obtained prior to the erection of the sign.

(Ord. 627, Sec. 4)

4-905. DESIGN OF SIGNS. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.

The overturning moment produced from lateral forces shall in no case exceed 2/3 of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

Signs and sign structures shall be designed and constructed to resist wind forces as specified in the building code. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the building code. Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used.

Excerpt of Roeland Park City Code, Chapter 4, Article 9

Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads. The design of wood, concrete, steel or aluminum members shall conform to the requirements of the building code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the building code. The working stresses of wire rope and its fastenings shall not exceed 25% of the ultimate strength of the rope or fasteners. (Ord. 627, Sec. 5)

4-906.

CONSTRUCTION AND ERECTION OF SIGNS. Sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements for the building code. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the building code. In all signs and sign structures the materials and details of construction shall, in the absence of specified requirements, conform with the following:

(a) Structural steel shall be of such quality as to conform with the building code requirements. Secondary members in contact with or directly supporting the sign surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in the building code and in addition shall be galvanized. Secondary members, when formed integrally with the sign surface, shall be not less than No. 24 gauge in thickness. When not formed integrally with the sign surface, the minimum thickness of the secondary members shall be No. 12 gauge. The minimum thickness of hot rolled steel members furnishing structural support for signs shall be 1/4 inch, except that, if galvanized, such members shall be not less than 1/8 inch thick. Steel pipes shall be of such quality as to conform with the building code. Steel members may be connected with one galvanized bolt, provided the connection is adequate to transfer the stresses in the members.

(b) Anchors and supports when of wood and embedded in the soil, or within six inches of the soil, shall be of all heartwood of a durable species or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.

(c) All signs, except banners; canopy signs that are part of an awning, canopy or other fabric, protective cover over a door, entrance, window, or outdoor service area; and political signs (each as defined in section 16-502) shall be constructed of noncombustible materials, except as otherwise provided in this article. No combustible materials other than approved plastics shall be used in the construction of electric signs.

(d) Nonstructural Trim. Nonstructural trim may be of wood, metal, approved plastics or any combination thereof.

(e) Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced detached signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amount to a force 25 % greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line. Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified in this chapter. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means

Excerpt of Roeland Park City Code, Chapter 4, Article 9

of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing. No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the building code.

(f) Signs shall be located not less than six feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 750 volts. The term overhead conductors as used in this section means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength. No sign or sign structure shall be erected in such a manner that any portion of its sign surface, sign structure or sign supports will interfere in any way with the free use of any fire escape, exit or standpipe.
(Ord. 627, Sec. 6)

4-907. INSPECTIONS. (a) As soon as a sign has been erected, the permittee shall notify the building inspector, who shall inspect such sign and approve the same if it is in compliance with the provisions of this article. Indirectly or semi-illuminated signs require a separate electrical inspection. The building official may, from time to time as he or she deems necessary, inspect all signs or other advertising structures regulated by this article, for the purpose of ascertaining whether it is secure or whether it is in need of removal or repair.

(b) All signs for which a permit has been issued and signs for which a permit has not been issued but which are not exempt shall, commencing August 1, 1984, be subject to an annual inspection and renewal of the permit.

(c) The inspection shall be conducted by the building inspector and shall include (1) a determination by such official as to whether or not the sign is in compliance with the provisions of this article, and (2) verification that liability insurance exists for bodily injury caused as a result of the sign in the minimum amounts of \$100,000 per individual and \$300,000 per occurrence.
(Ord. 627, Sec. 7)

4-908. FEES FOR INSPECTION. There shall be no fee other than the fee for the issuance of the permit for the initial inspection. In the event it is not necessary, in the opinion of the building inspector, to determine the structural adequacy of any sign for a place of business, there shall be a fee of \$25 for the annual inspection required pursuant to this article for each place of business maintaining one or more signs.

In the event it is necessary, in the opinion of the building inspector, to determine the structural adequacy of one or more signs for a place of business, there shall be a fee of \$25 for the annual inspection required pursuant to this article and, in addition thereto, the business for which the inspection is required shall either (1) provide the city with a certificate from a qualified inspector certifying that all signs located on the business premises are structurally safe and conform to the structural requirements of this article, or (2) pay the cost incurred by the city to properly inspect all signs located on the business premises requiring an inspection to determine structural adequacy. (Ord. 627, Sec. 8)

Excerpt of Roeland Park City Code, Chapter 4, Article 9

- 4-909. ANNUAL INSPECTION CERTIFICATE. All signs, existing and future, within the city limits must secure an annual inspection certificate and if applicable a permit and must maintain an annual renewed inspection certificate or be cited in city court for noncompliance. All signs must have on file an inspection or insurance certificate not later than September 1, 1987. (Ord. 627, Sec. 9)
- 4-910. VIOLATIONS. It shall be unlawful for any persons to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any sign or sign structure in the city or cause or permit the same to be done, contrary to or in violations of any of the provisions of this article. (Ord. 627, Sec. 10)
- 4-911. ENFORCEMENT. (a) The building inspector is hereby authorized and directed to enforce all the provisions of this article. For such purposes he or she shall have the powers of a law enforcement officer.
- (b) Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building inspector or his or her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his or her authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises is occupied, he or she shall first present proper credentials and request entry; and if the building or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building inspector or his or her authorized representative shall have recourse to every remedy provided by law to secure entry.
- (c) When the building inspector or his or her authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry by the building inspector or his or her authorized representative for the purpose of inspection and examination pursuant to this article.
- (Ord. 627, Sec. 11)

Chapter 16 ARTICLE 5. SIGN REGULATIONS

- 16-501. PURPOSE. The purpose of this Article is to create the framework for a comprehensive and balanced system of content- and viewpoint-neutral regulation of signs to facilitate easy and pleasant communication between people while protecting the First Amendment rights of resident individuals and businesses of the City and preserving and improving the quality of the City's environment by avoiding visual clutter harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of these regulations:
- (1) to authorize the use of signs that are
 - (a) compatible with their surroundings,
 - (b) appropriate to the activity that displays them,
 - (c) expressive of the identity of individual activities and the community as a whole, and
 - (d) legible under the circumstances in which they are seen; and
 - (2) to ensure that nonconforming signs are eliminated in the City after a reasonable grace period that allows sign owners to recoup their initial investments in such nonconforming signs.
- (Ord. 625)
- 16-502. FINDINGS. The Governing Body hereby finds that:
- (a) Sign regulations may impact First Amendment rights and that such rights are important constitutional rights that must be protected;
 - (b) Unregulated signage has direct and secondary effects that are harmful to the safety and general welfare of the City as a whole and to its individual citizens;
 - (c) These direct and secondary effects result from the visual clutter that occurs as a result of the unregulated installation and lack of maintenance of signs;
 - (d) These direct and secondary effects include harm to traffic and pedestrians' safety, depreciation of property values within the City, decreased business opportunities for individual and business residents of the City (resulting in decreased sales, property and other tax revenues that are necessary to provide an adequate level of public service to City residents), community blight, and an overall less pleasing community appearance;
 - (e) Because of these direct and secondary effects, the City has a compelling interest in regulating signs within the City;
 - (f) These regulations are content- and viewpoint-neutral, reasonable time, manner and place restrictions that directly advance the City's stated interests;
 - (g) The scope of the regulations is proportionate to the interests served and narrowly tailored to achieve the desired objective;
 - (h) A direct nexus exists between the desired City's goals and the means chosen in these regulations to achieve its desired goals;
 - (i) The goals of this ordinance cannot be fully achieved if existing signs, which do not conform to the regulations contained herein, are allowed to remain as they exist on the effective date of this ordinance for an unlimited amount of time, therefore, a grace period of five and one half (5 ½) years is hereby established to allow the owners of existing, Nonconforming Signs a reasonable period of time to conform such signs to the provisions of this ordinance or remove them, which grace period shall end on November 25, 1999;
 - (j) The strict application of this grace period to all Nonconforming Signs, in some unique situations, may be unreasonable and therefore this ordinance provides a procedure that allows the owners of certain Nonconforming Signs to establish that the strict application of the grace period would result in substantial loss to the owner of the sign and, therefore, that the grace period for a particular sign should be extended for a designated amount of time;

(k) The establishment of this grace period and the a procedure for extension of the grace period strikes a reasonable balance between the interest of the general public sought to be achieved by this ordinance and the interest of affected owners of Nonconforming Signs;

(l) Although the expression of political speech is an important constitutionally protected right, under certain circumstances it may be necessary to regulate the time, place and manner of the expression of such speech in order to advance and protect other compelling legitimate interests of local government;

(m) Political Signs have certain characteristics that distinguish them from many of the other types of signs permitted and regulated by the City. These characteristics include the fact that many of such signs, intended to be temporary in nature, do not meet the regular structural and insulation requirements necessary to prevent them from being affected by weather and other natural forces and therefore present a potential hazard to persons and property. Severe weather conditions, including, without limitation, thunderstorms with accompanying high winds, tornados, ice accumulation and flooding, are characteristic of local weather conditions;

(n) The primary purpose of Political Signs placed along a roadway is to attract the attention of drivers, thus distracting them from their primary responsibility of paying constant attention to traffic and road conditions. This concern is especially acute in residential areas where young children present a significant potential hazard for drivers. With respect to residential areas, with their appropriately lower speed limits, it is concluded that the maximum Sign Surface area per face allowed is adequate to convey most political messages. Although it is recognized that certain individuals may wish to express a political message that requires a larger Sign Surface area to be adequately conveyed, a larger Sign Surface area would further distract drivers' attention, presenting an unacceptable safety risk, and it is believed that there exist in the community adequate other means of conveying such messages. In nonresidential areas motorists frequently are guided by or reasonably expect to see larger signs, therefore their attention is not as easily distracted; higher speed limits, larger lot areas, and competing distractions require larger sign size to adequately convey political messages, and thus a larger sign size can be allowed consistent with safety requirements in such areas. Further, since permitted signage in residential areas is minimal, the aesthetic impact of signs in residential areas is much greater than in nonresidential areas;

(o) In addition to the safety and traffic interests affected by Political Signs, the Governing Body concludes that the unrestrictive proliferation of Political Signs creates visual clutter and blight, has an adverse effect on the aesthetic quality of the City (with accompanying adverse economic effects), and detracts from the desirable visual environment that the City has made a strong effort to create through its land use and other ordinance and regulations; and

(p) The Governing Body concludes that the interests to be protected by these regulations are sufficiently compelling to justify the content- and viewpoint-neutral regulation of political speech contained herein, and that it represents a reasonable accommodation of the City's interests and individual First Amendment rights.

(Ord. 625)

16-502A. DEFINITIONS.

(a) "A-Frame or Sandwich Sign" means any sign supported from the ground utilizing one or more rear supporting braces, in which the combination of the sign and supports forms the letter "A," in the manner of a artist's easel.

(b) "Abandoned Sign" means any sign on any building, structure or premises that has been vacated for a six (6) month period of time.

(c) "Attention-Attracting Device" means a device with flashing, blinking, rotating, twirling or moving action, a Changeable Copy Sign on which the message changes more than eight (8) times per day, but not including Time or Temperature

Instruments, a search light, or a balloon or an air or gas filled object designed or intended to attract the attention of the public to an establishment or to a sign.

(d) "Backlighted Sign" means any sign that displays direct or indirect light from the back of said sign through a transparent, translucent or open material.

(e) "Banner" means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a Banner.

(f) "Building Marker" means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent surface.

(g) "Building Inspector" means the building official of the City of Roeland Park, Kansas, or other designated authority charged with the administration or enforcement of the provisions of this Article, or his or her duly authorized representatives.

(h) "Business Identification Sign" means any sign identifying or directing attention to the building, development, business, product, activity or service provided or offered on the premises.

(i) "Canopy Sign" means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

(j) "Center Identification Sign" means any sign identifying only the name and location of an entire development in a commercial, office or industrial zoning district developed or managed under one owner or under single control.

(k) "Changeable Copy Sign" means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the Sign Surface.

(l) "Code" means the Code of the City of Roeland Park, Kansas, as hereinafter amended.

(m) "Commercial Sign" means any sign that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

(n) "Commercial and Industrial Sales or Leasing Sign" means any sign identifying the building, structure, or premises upon which such sign is located as "now renting" or "now leasing" or "for sale."

(o) "Curb Line" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the Curb Line shall be established by the City Engineer.

(p) "Detached Sign" means a sign located on the ground or on a structure located on the ground and not attached to a building.

(q) "Directional Sign" means any sign that contains directions to a specific building, structure, use, or lot.

(r) "Directly Illuminated Sign" means any sign the source of illumination of which is exposed to the human eye, such as, but not limited to, an incandescent bulb or fluorescent tube.

(s) "Indirectly Illuminated Sign" means any sign that is partially or completely illuminated at any time by a light source that is a shielded so as to not be visible at eye level.

(t) "Marquee" means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed, and constructed to provide protection from the weather.

(u) "Marquee Sign" means any sign attached to, or in any manner made a part of a Marquee.

(v) "Menu Board" means any sign listing the services or products provided and the corresponding prices of such products or services.

(w) "Monument Sign" means a Detached Sign the width of which is a minimum of one and one half (1-1/2) times the width of the widest part of Sign Surface and the base of which consists of two (2) or more supports and the height of the base is not more than two (2) feet above the average grade of the ground. The materials of the base of a Monument Sign shall be made of masonry, wood, anodized metal, stone or concrete.

(x) "Neon Sign" means a Directly Illuminated Sign for which the light source is luminescent gas.

(y) "Non-Affixed Sign" means any sign that is not permanently affixed to a building, structure or the ground.

(z) "Noncommercial Sign" means any sign that is not a Commercial Sign as defined herein.

(aa) "Nonconforming Sign" means any sign that does not comply with the sign provisions of this Article or any other applicable provision of the Code.

(bb) "Outdoor Advertising Sign" means any sign advertising or directing attention to a name, a business, product, development, project, or service that is offered, manufactured, or sold at a location other than the premises upon which such sign is situated (commonly known as a billboard).

(cc) "Pole or Pylon Sign" means a Detached Sign supported by uprights, braces, columns, poles, or other vertical members that are not attached to a building.

(dd) "Project Identification Sign" means a sign that only identifies such project.

(ee) "Political Sign" means a sign relating to a candidate, political party, ballot issue, or other political issue to be voted upon in any public election.

(ff) "Portable Sign" means any sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to an A-Frame or Sandwich Frame Sign, balloons or other gas or air filled objects used as Commercial Signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

(gg) "Projecting Sign" means any sign located on the face of the building extending more than one (1) foot from the face of the building to which it is attached.

(hh) "Public Property," for the purposes of this Article only, means:

(i) Any public building or premise owned by a governmental entity;

(ii) any sidewalk, public bridge, crosswalk, curb, paved portion of any street or highway, or the median strip of any divided street or highway;

(iii) the unpaved area between the Street Lines of any street adjacent to a tract of land owned or leased by a governmental entity;

(iv) any street sign or any traffic sign or signal;

(v) any telephone, telegraph, electric wire, power, street lamp post or any other utility pole or line, or any fire hydrant;

(vi) any tree or other vegetation on public property, including without limitation those in between the Street Lines of a public street; and

(vii) any public park, open space area, bench, drinking fountain, or other property owned or leased by a governmental entity and used for governmental purposes.

(ii) "Real Estate Sign" means any sign identifying the residential structure, building, or premises on which such sign is located as "now renting" or "now leasing" or "for sale."

(jj) "Roof Sign" means any sign erected, constructed and maintained fully upon or over the roof or parapet of a building or structure and having such roof or parapet as its principle means of support.

(kk) "Semi-illuminated Sign" means any sign located on a building face that is uniformly illuminated over the Sign Surface by use of electricity or other artificial light.

(ll) "Sight Distance Triangle" means the two (2) areas on all corner lots within the triangles formed by a short leg fifteen (15) feet long and a long leg one hundred-

forty (140) feet, both distances measured along the Curbline or edge of the pavement as referenced in Section 16-297 of the Code.

(mm) "Sign" means any framed, bracketed, free-form, or engraved surface, and the support therefor, that is fabricated to create words, numerals, figures, devices, designs, trademarks, or logos, and that is mounted on or affixed to a building, structure, or the ground, and that is visible to persons not located on the premises where such sign is located, with the purpose of attracting the attention of such persons or communicating information to them.

(nn) "Sign Alteration" means the replacement, enlargement, reduction, reshaping, changing or adding to of a sign, or Sign Structure or other supporting members.

(oo) "Sign Maintenance" means the normal care and minor repair necessary to retain a safe, attractive and finished sign, Sign Surface or Sign Structure. Changing copy or a logo on a Sign Surface without increasing sign dimensions shall be considered Sign Maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

(pp) "Sign Refacing" means changing or replacing the words, numerals or other aspects of the Sign Surface to serve a different establishment or business, or to create a substantially different visual effect without alternating, moving or replacing the sign, Sign Structure, or Sign Surface.

(qq) "Sign Structure" means the support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure or the ground.

(rr) "Sign Surface" means the entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the Sign Structure.

(ss) "Snipe Sign" means any sign made of material such as cardboard, paper, pressed wood, plastic or metal that is attached to a fence, window, tree, utility pole or temporary structure or any sign that is not securely fastened to a building or structure or firmly anchored to the ground.

(tt) "Street Line" means the dividing line between the street right-of-way and the abutting property.

(uu) "Temporary Sign" means any sign intended to be displayed for a limited period not exceeding thirty (30) days and for not more than one (1) thirty (30) day period in any six (6) month period.

(vv) "Time or Temperature Instrument" means a Wall Sign displaying only time and/or temperature information with no additional advertising or comments other than the name of a business establishment.

(ww) "Two-Faced Sign" means a sign with two (2) sign faces and where the angle of separation of the faces is not greater than ninety percent (90%).

(xx) "Wall" means the exterior or surface of a building or structure. For the purposes of the sign provisions of this Article, walls shall include mansard-type or sloped-roof structures.

(yy) "Wall Bulletin" means any sign painted on a Wall or a painted sign or poster that is attached to but does not project more than twelve (12) inches from such building or structure.

(zz) "Wall Sign" means any sign attached to and erected parallel to and within one (1) foot of the face or wall of a building, including Wall Bulletins.

(ba) "Window Sign" means any sign that is placed inside a window or upon the panes or glass and is visible from the exterior of the window.

(Ord. 625)

- 16-503. REGULATIONS GENERALLY. Other than lawful nonconforming signs, no signs shall be permitted in any zoning district of the City except in accordance with these provisions. (Ord. 625)
- 16-504. COMPUTATIONS. The following principles shall control the computation of Sign Surface area and sign height.
- (a) Computation of Sign Surface area of individual signs. The area of a Sign Surface (that is also the sign area of a Wall Sign or any or other sign with only one face) shall be computed by measuring the area of the smallest circle, square, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming integral part of the background of the sign or used to differentiate the sign from the backdrop or Sign Structure against which it is placed, but not including the Sign Structure or decorative fence or wall between such fence or wall otherwise meet zoning ordinance regulations and that is clearly incidental to the display itself.
- (b) Computation of area of multi-face signs. The Sign Surface area for a sign with more than one face shall be computed by adding together the area of all Sign Surfaces on the sign.
- (c) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lowest of (a) existing grade prior to construction, or (b) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower. (Ord. 625)
- 16-505. PROHIBITED SIGNS. The following types of signs shall be prohibited, except where specifically permitted in this Article:
- (a) Any sign that is not otherwise included as a type of sign authorized hereby.
- (b) Any sign that prevents free ingress to or egress from any door, window, or fire escape.
- (c) Any sign that obstructs the view within the Sight Distance Triangle of a street intersection or that interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private streets.
- (d) Any Outdoor Advertising Sign.
- (e) Any Non-Affixed Sign.
- (f) Any Roof Sign, Banner, Portable Sign, pennant, searchlight, A-Frame or Sandwich Sign, Snipe Sign or Temporary Sign.
- (g) Any Directly, Indirectly or Semi-illuminated Sign and Neon Sign.
- (h) Pole or Pylon signs.
- (i) Any sign located on Public Property.
- (j) Any sign that, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency vehicle or that hides from view any traffic or street sign or signal or device.
- (k) Any sign giving false statements concerning zoning or land use.
- (l) Any Abandoned Sign.
- (m) Any sign containing obscene, indecent or profane messages.
- (n) Any sign containing false or misleading advertising.
- (o) Any Changeable Copy Sign, except on churches, public or private schools, or public buildings, theater listing signs, and service station price signs.

(p) Attention-Attracting Devices.
(Ord. 625)

16-506.

SIGN PERMIT REQUIRED; WHEN; APPLICATION PROCEDURES.

(a) Except as otherwise provided in Section 16-507, no sign shall be installed, erected or set in place, nor shall any Sign Alteration or Sign Refacing occur, until a sign permit has been issued by the Building Inspector and until a sign permit fee as set forth in Chapter IV, Article 9 of this Code is paid.

(b) Any person desiring to erect a sign for which a permit is required shall submit an application to the City Clerk on a form provided by the City that shall contain the following information:

(1) name, address and telephone number of the applicant;

(2) location of building, structure or lot to which or upon which the sign is to be attached or erected;

(3) position of the sign in relation to nearby buildings or structures, streets and sidewalks;

(4) drawing of the sign and specifications describing the sign;

(5) length of time the sign will be displayed;

(6) written consent of the owner of the building, structure or land to which or on which the sign is to be attached or erected, including such owner's address and phone number;

(7) such other information as the City Clerk and/or Building Inspector shall require to show full compliance with this Article and all other provisions of the City Code.

(c) When the sign permit application is complete, the City Clerk shall forward the application to the Building Inspector. It shall be the duty of the Building Inspector, upon receipt of the application, to review the application and to conduct such other investigation as is necessary to determine the application's accuracy. If the applicant has provided the information requested in the application, the information is accurate and it appears that the proposed sign will comply with this Article and all other applicable provisions of the City Code, the Building Inspector shall issue a sign permit. All issued sign permits shall contain the number of the permit and the date the permit is issued. If the Building Inspector determines that the proposed sign is not in compliance with all requirements of this Code, the Building Inspector shall notify the applicant in writing that the requested permit will not be issued, state in such notice the reasons for such denial, and inform the applicant of his or her right to appeal the Building Inspector's determination to the Board of Zoning Appeals. The Building Inspector shall either issue or deny the sign permit within thirty (30) days of the date the City Clerk receives the application for such permit. If, on the thirtieth (30th) day after the City Clerk received the application such application is not complete, the Building Inspector shall deny the requested permit.

(d) Any person aggrieved by the denial of an application for a sign permit by the Building Inspector may appeal the Building Inspector's refusal to the Board of Zoning Appeals by giving written notice to the City Clerk not later than twenty (20) days after notice of the Building Inspector's refusal to issue the requested sign permit. In any such appeal, the Board of Zoning Appeals shall review the action of the Building Inspector at its next regularly scheduled meeting, but not later than thirty (30) days after notice of appeal is received by the City Clerk, and if it determines that the action of the Building Inspector was incorrect, shall order the issuance of the permit under such terms and conditions as are appropriate.

(e) In certain instances, as specifically designated in these regulations, the Planning Commission shall consider and approve or deny sign permit applications. In such instance, the Building Inspector shall not issue a sign permit unless the Planning Commission has first approved the subject sign permit application. The Planning Commission shall consider the sign permit application within the time frames set forth hereinabove for the Building Inspector to either issue or deny the sign permit. If the Planning Commission denies the sign permit application, the

applicant may appeal the Planning Commission's denial to the Governing Body by giving written notice to the City Clerk not later than twenty (20) days after the Planning Commission's denial. The applicant shall be provided written notice of the Planning Commission's consideration of the sign permit application and the Governing Body's review of the applicant's appeal of the Planning Commission's denial, if such appeal is requested. The Governing Body shall consider the sign permit applicant's appeal at its next regularly scheduled meeting and the time frame for the Building Inspector to issue or deny the sign permit shall be tabled until two (2) working days after the Governing Body has heard the sign permit applicant's appeal.

(f) All rights and privileges acquired pursuant to this Article, or any amendment hereto, are mere licenses and are revocable at any time by the City for cause, and all such permits shall contain this provision.

(g) All signs hereafter installed shall have permanently affixed thereto a label clearly visible at all times indicating the number of the sign permit.

(Ord. 625)

16-507. **SIGNS EXCLUDED FROM SIGN PERMIT REQUIREMENT.** The following signs are not required to obtain a permit; however, such signs shall otherwise comply with this Article and all other applicable provisions of the Code.

(a) Sign Maintenance.

(b) Signs not exceeding two square feet in area that are customarily associated with residential use and that are not a Commercial Sign, such as signs giving property identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs on private property relating to private parking or signs warning the public against trespassing or dangers from animals.

(c) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and information signs, and traffic, directional or regulatory signs.

(d) Official Noncommercial Signs erected by public utility companies.

(e) Flags, pennants or insignia of any governmental body, public or private school, church, synagogue or other place used primarily for worship, community centers, or other public, semi-public, or civic organizations or other similar non-commercial entity, when not displayed in connection with a commercial promotion or as an advertising device, and provided that not more than three (3) such flags, pennants or insignia shall be displayed on any building, structure or premises.

(f) Integral decorative or architectural features of buildings, so long as such features do not contain letters, trademarks, moving parts or lights.

(g) Signs on or adjacent to doors at the rear of commercial or industrial buildings displaying only the names and addresses of the occupants. Where multiple tenants share the same rear door, the sign may display the name and address of each tenant. Such signs shall not exceed four (4) square feet.

(h) Signs painted or otherwise permanently attached to a currently licensed motor vehicle, which vehicle is not primarily used as a sign.

(i) Contractor remodeling signs identifying the contractor(s) performing remodeling or property improvement work, provided that not more than one detached, nonilluminated, single-faced sign, not exceeding four (4) square feet, shall be permitted for each contractor only during the period of active construction by such contractor on the premise where the remodeling sign is located.

(j) Non-illuminated, Real Estate Signs in Single Family, Duplex Residential and Multi-residence Districts.

(k) Commercial and Industrial Sales or Leasing Signs.

(l) Political Signs.

(m) Temporary Signs that advertise a garage sale; provided that, not more than three (3) such single- or Two-Faced Signs shall be allowed for each garage sale, each such sign shall not exceed six (6) square feet in Sign Surface area per face

and may be Non-Affixed Signs, Pole or Pylon Signs and/or Temporary Signs. Such sign shall not be displayed for a longer time than the duration of the garage sale or on private property without the permission of the owner or occupant of such property.

(n) Temporary Signs at churches, synagogues and other similar places of worship, community centers, public and private schools and buildings or structures owned or leased and used by other public, semi-public, or civic organizations.

(o) Building Markers.

(Ord. 625)

16-508. SIGNS PERMITTED IN ALL DISTRICTS.

(a) Churches, synagogues, and other similar places of worship, schools, libraries, community centers, or other public or semi-public facilities shall be allowed two (2) Wall Signs, with not more than one (1) on each facade. No such sign shall have a Sign Surface area exceeding twenty-five (25) square feet. In lieu of one (1) of the Wall Signs, one (1) Detached Monument Sign shall be permitted. Such Monument Sign shall be located on the premises, be not less than ten (10) feet from the Street Line, and the Sign Surface of each sign face shall not exceed twenty-five (25) square feet in area per face. The height of such sign shall not exceed five (5) feet; provided, that for each two (2) foot setback from the Street Line in excess of ten (10) feet, one (1) additional foot may be added to the height of the sign to a maximum of eight (8) feet.

(b) One parking lot Directional Sign shall be permitted at each entrance to a building site. Such signs may be a Pole or Pylon Sign, single- or Two-Faced and shall not exceed three feet in height, and four square feet of Sign Surface per face. Such signs may indicate entrances, exits, addresses, direction of traffic-flow and the location of loading docks, parking areas, delivery doors, drive-through lanes and similar facilities. Such sign shall be located on the premises and shall be set back from the Street Line a minimum of three feet. Up to 25% of the Sign Surface area may be used to display the name or logo of the developer, building or principal tenant.

(c) Official governmental jurisdiction flags, including flags indicating weather conditions, and flags that are emblems of religious, charitable, public and nonprofit organizations. A single corporate flag shall be permitted in conjunction with at least one (1) governmental flag. No flag shall exceed fifty (50) square feet in area.

(d) Building Markers.

(e) Noncommercial Signs, provided that such signs shall conform to all Sign Surface and sign type area, height, setback, location, construction and maintenance requirements applicable to all other signs in the zoning district in which the Noncommercial Sign is located as set forth in this Article or any other applicable provisions of the Code.

(Ord. 625)

16-509. SIGNS ALLOWED IN THE SINGLE FAMILY RESIDENCE, DUPLEX RESIDENCE AND MULTI-RESIDENCE DISTRICTS.

(a) One (1) non-illuminated, Detached Real Estate Sign is permitted on any lot. Such sign may be a Pole or Pylon Sign, shall have one (1) face, have a Sign Surface not more than six (6) square feet in area with a maximum height of six (6) feet, and shall be set back a minimum of ten (10) feet from the Street Line. Three (3) "Open House" Pole or Pylon Signs for a single-family or duplex residence that is being offered for sale shall be allowed in addition to the Real Estate Sign during the period that the property is actually open for inspection. One (1) "Open House" sign may be placed on the property that is offered for sale. Open House signs shall not exceed three (3) feet per side in area. The "Sold" language may be placed on a Real Estate Sign in such a manner so as not to increase the height or area of said sign in excess of the size limitation as set forth in this Section for a total period of

time not to exceed seven (7) consecutive calendar days following the execution of the contract for sale.

(b) Construction site identification signs may be permitted during the development of any project. Such sign may be a Pole or Pylon Sign, and may identify the project, the owner or developer, the future tenants, the architect, engineers, realtors, contractors and subcontractors involved, funding sources, and may contain related information including, but not limited to, sales or leasing information. Not more than one (1) Detached, non-illuminated construction site identification sign shall be permitted for each one thousand (1,000) square feet of perimeter street frontage or portion thereof. If the project has more than one (1) street frontage, then a separate construction site identification sign may be permitted on each frontage, provided that a maximum of three (3) construction site identification signs shall be permitted for any project.

Such signs shall not exceed eight (8) feet in height, thirty-two (32) square feet in Sign Surface area per face, with a maximum of two (2) faces, and shall be set back at least twenty (20) feet from the Street Line. For each additional one (1) foot setback from the Street Line over twenty (20) feet, the Sign Surface area per face may be increased one (1) square foot, to a maximum of one hundred (100) square feet. For each additional ten (10) foot setback from the Street Line over twenty (20) feet, the height may be increased six (6) inches, to a maximum of twelve (12) feet. No such sign shall be located closer than fifty (50) feet from any residential structure. All such signs for residential projects shall be removed when certificates of occupancy have been issued for ninety percent (90%) of the dwelling units in the project.

(c) In addition to construction site identification signs, each multi-residence project may have one Banner not exceeding fifty (50) square feet. Such Banner may be located only on the roof or Wall of the project clubhouse or on one (1) of the individual multi-residence buildings within the project. Said Banner shall be in place for a maximum time period of sixty (60) days from the issuance of the sign permit and may not be renewed except that each project may obtain additional permits for the afore described Banners after a three (3) year time period is passed from the issuance of previous sign permits for a Banner for the subject multi-residence project. Such Banners may only contain the words "now renting" or "now leasing" or "for sale," along with the name of the project, address or location, phone numbers, development company or owner and directional symbols.

(d) Upon removal of construction site identification signs for a multi-residence project or congregate care facility, a Temporary sales or leasing Sign may be constructed or placed on the property. Such Temporary sales or leasing Sign may be a Pole or Pylon Sign shall be nonilluminated and shall not exceed five (5) feet in height, and shall not exceed fifteen (15) square feet of Sign Surface per face. Such sign shall be within two (2) feet of the Project Identification Sign. Any such signs may only contain the words "now renting" or "now leasing" or "for sale," along with the name of the company, address or location, phone numbers, development company or owner and directional symbols.

(e) Project Identification Signs for a subdivision or residential project may be permitted at each entrance to the subdivision or residential project. All Project Identification Signs shall be Monument Signs, may be Indirectly or Semi-Illuminated Signs and, except as hereinafter provided, shall be located on the premises. Such sign shall not exceed five (5) feet in height and the Sign Surface shall not exceed fifty (50) square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three (3) feet on all sides of the sign base. For a project that is situated on both sides of a public or private street, one (1) Project Identification Sign may be located on each side of the street, or, alternatively, one (1) Project Identification Sign may be located in a landscaped median with the approval of the Planning Commission. Where a Project Identification Sign is to be located in the area

between the Street Lines of a street, plans shall be submitted to the Planning Commission indicating the location, size and design of the Project Identification Sign, as well as a copy of the bylaws or other documentation of the association that will have permanent responsibility for maintenance of the sign and required landscaping.

In addition to Project Identification Signs permitted at entrances to the subdivision or project, one Project Identification Sign may be permitted on the premises, adjacent to each intersection of two (2) thoroughfares and each intersection of a thoroughfare and a collector street.

(f) One (1) non-illuminated Banner may be mounted on a residential property that is featured on an annual or semi-annual homes tour sponsored by an organization that encourages ownership, remodeling or renovation during the days that the homes tour takes place. No more than two (2) Banners that bring attention to a special announcement or event at said premises may also be displayed on schools, churches, or other places of worship not more than three (3) times each calendar year for a period not to exceed ten (10) days. A permit for Banners four (4) feet by eight (8) feet in size or smaller may be issued by the Building Inspector. Permits for larger Banners or for periods exceeding ten (10) days must be first approved by the Planning Commission.

(g) Noncommercial Signs, provided, no such sign shall exceed eight (8) feet in height; the Sign Surface area does not exceed fifty (50) square feet in area per face, with a maximum of two faces; and such sign shall be set back a maximum of five (5) feet from the Street Line. Noncommercial Signs may be Wall Signs, Detached Signs, Pole or Pylon Signs, Temporary Signs and Banners. Such signs shall not be Directly Illuminated. No Noncommercial Sign shall be displayed on private property without the written consent of the property on which such sign is displayed.

(Ord. 625)

16-510. SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

(a) To the extent that the residential land use is permitted in a commercial or industrial zoning district, signs for a residential land use shall be permitted as in the Single Family, Duplex Residential and Multi-Residence Districts.

(b) Construction site identification signs may be permitted during the development of any project. Such signs may identify any contractor or subcontractor performing work on the property and may be Pole or Pylon Signs. Such signs may identify the project, the contractor or subcontractor and the nature of the work performed by said contractor or subcontractor. No more than one (1) Detached, non-illuminated, construction site identification sign shall be permitted for each contractor or subcontractor. If a development has more than one (1) street frontage, then a separate construction site identification sign may be permitted for each frontage for each contractor or subcontractor. Such signs shall not exceed eight (8) feet in height or thirty-two (32) square feet in Sign Surface per face, with a maximum of two (2) faces, and shall be set back at least twenty (20) feet from the Street Line. For each additional one (1) foot setback from the Street Line over twenty (20) feet, the area per face may be increased one (1) square foot, to a maximum of one hundred (100) square feet. For each additional ten (10) foot setback from the Street Line over twenty (20) feet, the height may be increased six (6) inches, to a maximum of twelve (12) feet above average grade. No such sign shall be located closer than fifty (50) feet from any residentially zoned property. All such signs shall be removed prior to the issuance of the certificate of occupancy, for the last building of each phase of the project.

(c) All commercial and industrial districts.

(1) Upon removal of construction site identification signs for a commercial or industrial project, one Commercial Sales or Leasing Sign may be constructed or placed on the property for each building. Provided that any Commercial Sales or

Leasing Sign that is displayed longer than two hundred seventy (270) days shall be required to obtain a permit pursuant to Section 16-506. Any such sign displayed for a period longer than provided for herein for which a sign application has not been submitted to the City Clerk shall be a Nonconforming Sign. No such sign that is displayed longer than two hundred seventy (270) days for which a sign permit application is pending shall be a Nonconforming Sign. Such sign shall be non-illuminated, may be a Pole or Pylon Sign, may be single- or double-faced, shall not exceed five (5) feet in height, and shall not exceed twenty (20) square feet of Sign Surface per face. Any such sign may contain the words "now renting," "now leasing," or "for sale," along with the name of the project, address or location, phone numbers, development company or owner and directional symbols. Signs permitted by this section in the Office Building, Planned Industrial Park, and Planned Office Building Districts shall be located within ten (10) feet of the building that is being advertised on the sign. Signs permitted by this section in Retail Business, Planned Restricted Business and Planned General Business Districts shall be set back a minimum of fourteen (14) feet from the Street Line of a public street or the Curb Line of private streets. In the case of vacant land, all such signs shall be set back a minimum of twenty-five (25) feet from the Street Line of a public street or the Curb Line of private streets.

(2) One (1) corporate flag may be displayed in conjunction with not more than two (2) governmental flags.

(3) One (1) Window Sign in lieu of any sign permitted by this Article, provided that such Window Sign shall not have a Sign Surface area exceeding eight (8) square feet.

(d) Office Building and Planned Office Building Districts.

(1) In the Office Building and Planned Office Building Districts, not more than three (3) Wall Signs shall be permitted on each office building, no more than one (1) sign on any facade. No such sign shall have a Sign Surface area exceeding seven percent (7%) of the area of the Wall upon which it is mounted.

(2) In lieu of the Wall Signs, one Monument Sign for each building shall be permitted. Such sign shall not exceed five (5) feet in height and the Sign Surface area shall not exceed fifty (50) square feet per face if located at least ten (10) feet from the Street Line of public street or private street Curb Line. For each additional two (2) foot setback from the Street Line of a public street or a private street Curb Line over ten (10) feet, one (1) additional foot may be added to the height of the sign to a maximum of ten (10) feet if not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three (3) feet on all sides of the sign base.

(3) In lieu of one (1) Wall Sign, one (1) Marquee Sign or one (1) Canopy Sign shall be permitted. Such sign shall be first approved by the Planning Commission.

(4) In addition to signs if a development plan is required for the use, the Marquee Sign or Canopy Sign shall be approved at the time of final development plan approval permitted above, a wall directory sign containing the names and addresses of tenants may be installed by each exterior entrance to the building. No such sign shall exceed four (4) square feet in area.

(e) Retail Business and Planned Restricted Business Districts.

(1) In Retail Business and Planned Restricted Business Districts, Wall Signs as indicated above for Office Building and Planned Office Building Districts shall be permitted except that such signs shall be allowed for each business or commercial establishment in a multi-tenant building and shall be located on the facade of the tenant space. Such signs may be Indirectly Illuminated or Semi-Illuminated, but shall not extend above the height of the wall upon which they are mounted, and any Wall Bulletin shall not be larger than ten (10) square feet in area. In addition, one (1) non-illuminated Wall Sign, not more than six (6) square feet in area, may be placed at each major entrance to a multi-tenant building.

(2) In lieu of one of the Wall Signs, one Monument Sign for each building shall be permitted. Such sign shall not exceed five (5) feet in height and the Sign Surface area shall not exceed fifty (50) square feet per face if located at least ten (10) feet from the Street Line of a public street or private street Curb Line. For each additional two (2) foot set back from the Street Line of a public street or private street Curb Line over ten (10) feet, one (1) additional foot may be added to the height of the sign, to a maximum of ten (10) feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three (3) feet on all sides of the sign base.

(3) In lieu of one (1) Wall Sign, one (1) Projecting Sign of the same area as the Wall Sign replaced shall be permitted, provided that no Projecting Sign shall extend more than three (3) feet from the face of the building or one third (1/3) of the sidewalk width from the Wall of the supporting building, whichever is less. The lower edge of a Projecting Sign shall be no closer than ten (10) feet to any sidewalk or fourteen (14) feet to any street or alley surface where vehicles may pass below. The upper edge of a Projecting Sign shall neither stand vertically above the eave line of a single structure nor above the second-story sill line of a multi-story structure. All Projecting Signs shall be attached at right angles to the supporting structure and may be anchored no more than six (6) inches from the structure.

(4) In lieu of one (1) Wall Sign, one (1) Neon Sign not exceeding ten (10) square feet in Sign Surface area shall be permitted. Any Neon Signs located within the building and within forty-eight (48) inches of any window or door and visible from outside of the building shall constitute the one (1) Neon Sign allowed in lieu of one (1) Wall Sign. Retail liquor stores so licensed by the Kansas Division of Alcoholic Beverage Control using a Neon Sign shall be further limited to a sign that has a border, lettering, figure or design of such sign or tubing that is not more than four (4) inches high or three (3) inches wide, restricted to lines that shall be not more than one (1) inch apart, only one (1) such line shall be allowed to be in excess of three (3) feet in length, and any border shall not allow the Sign Surface to exceed ten (10) square feet. Any such retail liquor store sign shall be located on the corner of a window or on the door. In addition, said retail liquor stores shall be allowed to use interior neon tubing to partially or fully outline a window or windows providing said neon tubing does not flash, blink, rotate or move.

Said neon border shall not be permitted to be wider than a maximum of four (4) inches. In measuring the area of the sign or tube, a rectangle shall be constructed from the highest, lowest and widest points where the sign or tube exists, and the area shall be calculated to include all that area within the rectangle. In no event shall such Neon Sign be used on any facade of the main structure except as otherwise provided herein. No such Neon Signs shall blink, flash or otherwise be used to display intermittent lighting sequences or to simulate motion. Neon Signs shall be installed, wired and inspected in accordance with the National Electrical Code, as it may be amended.

(5) In lieu of one (1) Wall Sign, one (1) Marquee Sign or one (1) Canopy Sign shall be permitted. Such sign shall be first approved by the Planning Commission. If a development plan is required for the use, the Marquee Sign or Canopy Sign shall be approved at the time of final development plan approval.

(6) Drive-through restaurants and car washes may have two (2) single-faced Menu Boards located in conjunction with the drive-through lane. Such sign shall not exceed eight (8) feet in height or thirty-two (32) square feet of Sign Surface area per face.

(7) In the case of a shopping center designated as one (1) unified entity and consisting of one (1) or several attached or free-standing buildings, one (1) Indirectly or Semi-Illuminated Monument Sign, in addition to all other authorized signs may be permitted identifying the entire center. Such Monument Sign shall not exceed five (5) feet in height, and the Sign Surface area shall not exceed fifty (50) square feet per face if located ten (10) feet from the Street Line of a public street or

private street Curb Line. For each additional two (2) foot setback from the Street Line of a public street or private street Curb Line, one (1) additional foot may be added to the height of the sign to a maximum of ten (10) feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three (3) feet on all sides of the sign base.

(8) Except in the case of a shopping center designated as one (1) unified entity and consisting of one (1) or several attached or free-standing buildings, one (1) Indirectly or Semi-Illuminated Monument Sign shall be permitted in lieu of one (1) Wall Sign for each commercial building, which sign shall conform to the height, size and setback requirements applicable to Monument Signs in the Office Building, and Planned Office Building Districts.

(9) Banners may be used as architectural or decorative accessories in shopping centers provided they are generally uniform throughout a group of shops, and in harmony with the architectural theme of the center. No such Banner shall be installed unless its location and design have first been approved by the Planning Commission.

(f) Planned General Business and Planned Industrial Park District.

(1) Each business establishment shall be permitted not more than three Indirectly or Semi-Illuminated Wall, Marquee or Canopy Signs, not more than one on each business facade, the Sign Surface area of such sign shall not exceed seven percent of the total area of the facade upon which it is placed. Wall Signs shall not extend above the height of the wall. Marquee and Canopy Signs shall not extend more than six inches beyond the front of the Marquee or Canopy on which they are located, above the height of the wall on which the Marquee or canopy is mounted, and their lower edge shall be no closer than 10 feet to any sidewalk or 14 feet to any street or alley surface where cars may pass below. Any Wall Bulletin shall not exceed 10 square feet in Sign Surface area. In addition, one (1) nonilluminated Wall Sign, not more than six square feet in Sign Surface area, may be placed on each major entrance to a multi-tenant building.

(2) In lieu of one of the above signs, one Projecting Sign shall be permitted for each establishment provided that the Sign Surface area of such Projecting Sign shall not exceed seven percent (7%) of the total area of the facade upon which it is attached, shall not extend more than three (3) feet from the face of the building or one-third (⅓) of the sidewalk width, whichever is less, above the roof level of the building where the sign is located, and the signs' lower edge shall be no closer than ten (10) feet to any sidewalk or fourteen (14) feet to any street or alley surface where cars may pass below.

(3) In addition, Project Identification Signs shall be permitted. All such signs shall be Monument Signs and may be Indirectly or Semi-Illuminated Signs. Except as hereinafter provided, Project Identification Signs shall be located on the premises at least 10 feet from the Street Line. Such signs shall not exceed five feet in height, and the Sign Surface area shall not exceed 50 square feet per face. For each additional two foot setback from the Street Line over 10 feet, one additional foot may be added to the height of the sign, to a maximum of 15 feet, and four square feet may be added to the Sign Surface area of the sign, to a maximum of 100 square feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a maximum of three feet on all sides of the sign base. Where a project is situated on both sides of a public or private street, one Project Identification Sign may be located on each side of the street, or, alternatively, one Project Identification Sign may be located in the public or private street right-of-way with the approval of the Planning Commission. Where a Project Identification Sign is to be located in the public or private street right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the Project Identification Sign, as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping. In addition to Project

Identification Signs permitted at entrances to the project, one Project Identification Sign may be permitted on the premises adjacent to each intersection of two thoroughfares and each intersection of a thoroughfare and a collector street.

(i) Drive-through restaurants and car washes may have two single-faced Menu Boards located in conjunction with the drive-through lane. Such sign shall not exceed eight feet in height or 32 square feet of Sign Surface area per face.
(Ord. 625)

16-511. ADDITIONAL REGULATIONS APPLICABLE TO ALL DISTRICTS.

(a) Any sign authorized in any zoning district may contain non commercial copy in lieu of other authorized copy; provided that, such sign must comply with the Sign Surface, height, type, setback, location, construction and maintenance requirements set forth in this Article or any other provision of the Code applicable to the zoning district in which the sign is located.

(b) All signs shall be of sound structural quality, be maintained in good repair and have a clean and neat appearance. Land adjacent to such signs shall be kept free from debris, weeds and trash.

(c) No part of any sign shall be located closer than ten (10) feet from a side or rear property line.

(d) Time and/or Temperature Instruments may be permitted in lieu of one (1) permitted Wall Sign in each commercial and industrial zoning district. Such Time and/or Temperature Instrument may be a Projecting Sign in lieu of a Wall Sign. Provided that the design, size, materials, and illumination of such Instrument is in harmony with the building and is architecturally compatible. Such Instrument shall be approved by the Planning Commission.

(e) Any Backlighted Sign or backlighted canopy, Marquee or panel shall comply with all federal, state and local laws concerning the placement, dimensions, materials or other such regulations controlling such signs; provided, however, that the dimensions of a Backlighted Sign or backlighted canopy, Marquee or panel shall be measured by constructing a rectangle for the highest, lowest and widest points of such object, display or surface that displays a light source, except that the opaque surfaces immediately related to or a part of that same sign or panel shall also be calculated in the dimensions of the sign. Provided further, in calculating the dimensions of a continuous panel which spans at least eighty percent (80%) of any one (1) facade or a single common structure with multi-tenants, the continuous opaque areas between, over and below the lighted area for such independent operations shall not be calculated to determine the dimensions of the signs, canopies, marquees, or panels. Up to twenty-five percent (25%) of the surface of any face of any Marquee, facie, or wall may be backlighted so long as it is ornamental or decorative in purpose and does not employ any business and/or company logo, trademark, or pattern exclusive to a business and/or company. Similarly, Canopies may be backlighted to the extent of twenty-five percent (25%) of the Wall area to which they are attached. Such backlighted area shall be in addition to signage areas otherwise allowed.

(f) Identification of services and products shall not exceed twenty percent (20%) of the total Sign Surface.

(g) The background panel of all Semi-Illuminated Signs shall be opaque, with only the lettering illuminated.
(Ord. 625)

16-512. SERVICE STATIONS. Service stations shall be permitted the following signs:

(a) One non-illuminated, Indirectly Illuminated or Semi-Illuminated Monument Sign provided such sign is not closer than 50 feet to any boundary of a residential district. Such sign shall not exceed 10 feet in height nor 70 square feet in Sign Surface area per face. If not sitting within the landscaped setback, the sign base

shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.

(b) No more than two signs that display fuel prices shall be permitted. Such signs may be Monument or Wall Signs, Indirectly Illuminated or Semi-Illuminated Signs, but shall not exceed 15 square feet in Sign Surface area each.

(c) Each fuel pump island may have a sign on each end identifying whether such island is a "full service" or "self service" island. If a service station is completely self-service, a maximum of two "self service" signs shall be permitted. These signs shall not exceed four square feet in area each.

(d) A maximum of two non Indirectly or Semi-Illuminated Signs displaying credit card information shall be permitted. Such signs shall not exceed one square foot in area each.

(e) Fuel pumps may display signs indicating only the type and brand name of fuel, in addition to signs required by law which shall be of minimum size and quantity.

(f) A maximum of two additional non-illuminated signs not to exceed six square feet in area and to be mounted not to exceed four (4) feet in height shall be allowed. Such signs may display fuel prices.

(Ord. 625)

16-513. SIGNS PERMITTED IN CONJUNCTION WITH SPECIAL USE PERMITS. In the case of uses authorized by a special use permit, all signs in conjunction therewith shall be approved by the Planning Commission, except where private sign criteria, in accordance with Section 16-515, have been previously approved for development. In reviewing and approving such signs, the Planning Commission shall take into consideration: i) the use of the facility; ii) the height of the building; iii) the surrounding land uses and zoning districts; iv) the relationship of the site to public streets and the type of public street; and v) the topography of the site. Where appropriate, the sign regulations of the underlying zoning district or the most analogous zoning district shall be allowed. (Ord. 625)

16-514. POLITICAL SIGNS.

(a) Political Signs may be placed on private property only after permission has been granted by the owner of the property or his or her authorized agent.

(b) Political Signs shall not be Directly Illuminated Signs.

(c) The maximum permissible area of Political Signs shall be as follows:

(1) On land that is platted or developed for residential uses, and on land that is vacant and unplatted, but shown on the City's Comprehensive Plan as residential, such signs shall not exceed three square feet of Sign Surface area per face.

(2) On land that is zoned for commercial, office or business uses, and on land that is vacant and unplatted, but shown on the City's Comprehensive Plan as commercial, office or business, such sign shall not exceed 32 square feet per face. If a tract shall include land meeting the requirements of both Sections C1 and C2 hereof, the entire tract shall be entitled to the maximum sign size as specified in this subsection C hereof.

(d) Political Signs may be Pole or Pylon Signs, Snipe Signs, Non-Affixed Signs, Detached Signs and/or Temporary Signs.

(e) It shall be unlawful for any person to place or allow to remain on any private or Public Property within the City, in a stationary manner, any vehicle designed or used for the primary purpose of displaying a Political Sign. A vehicle that is temporarily stationed or in motion may display a Political Sign so long as such sign, as displayed when the vehicle is stationary, does not interfere with its ability

to lawfully operate on the public streets. A vehicle shall be considered temporarily stationed when such vehicle is engaged in the regular business, transportation or work of the owner, is temporarily parked or stopped between such usage, and is not used merely, mainly or primarily, to display a Political Sign.

(f) No Political Signs shall be positioned in a manner that may cause a hazard to life or safety.

(g) Political Signs shall not be placed, painted, marked, written, posted or otherwise affixed to or on Public Property. Political Signs may be placed on the unpaved area between the Street Lines of any street adjacent to private property that is not owned or leased by a public entity, provided the owner or agent of the adjacent private property has granted permission, and such signs comply with all other applicable Code provisions.

(h) With respect to Political Signs, the candidate for such office shall be presumed to be the person responsible for the posting of such sign, unless written notice has been given to the City of the name, address, telephone number and signed consent of such other responsible person. All notices concerning violations shall be given to the candidate, at the address listed on the election records, or to the other properly designated responsible person. Political Signs relating to an identifiable group or individual shall be presumed to be the responsibility of the chairman of any organized political group publishing or represented by such sign, or any individual identified on the sign as its sponsor. All the Political Signs shall be presumed to be the responsibility of the owner or person in control of the private property where the sign is located.

(i) When the Building Inspector shall determine that any Political Sign is in violation of these regulations, the Building Inspector shall cause personal, telegraphic or written notice of such violation to be given to a responsible party by the most expedient means feasible. All such signs shall be abated, removed or made to conform to these regulations within twenty-four (24) hours after such notice is given. Such notice shall indicate that unless an objection is received from a responsible party within twenty-four (24) hours after receipt of that notice, all Political Signs that remain in violation shall be deemed to be Abandoned Signs and are subject to removal by the City without further notice or procedure. There shall also be a presumption that any Political Sign concerning a scheduled public election campaign that remains after the day of that election shall be considered an Abandoned Sign and subject to summary removal. The City may cause any Political Sign that is an immediate peril to persons or property to be removed summarily and without notice. Nothing in this section shall be deemed to make any person liable, criminally or civilly, for any Political Sign posted on such person's property without his or her permission by persons unknown to him or her, or by persons over whom such person has no control.

(Ord. 625)

- 16-515. PRIVATE SIGN CRITERIA. All hotels and motor hotels, shopping centers, business parks, or office parks shall be required to prepare a set of sign criteria governing all external signs in a development. Such criteria shall be binding upon subsequent purchasers or lessees within the development. The size, color, materials, styles of lettering, appearance of logos, types of illumination and locations of signs shall be set forth in such criteria. In all respects, the criteria shall comply with all applicable provisions of this Code and shall be for the purpose of ensuring harmony and visual quality through the development. Final development plans (in the case of a planned zoning district) or building permits (in the case of a zoning district that does not require plan approval) shall not be approved until the

Planning Commission has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For purpose of this section, the terms "shopping centers, business parks, or office parks" shall mean a project of one (1) or more buildings that have been planned as an integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the City. The sales, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations relative to the number of Signs, harmony and visual quality of the signs to be installed. (Ord. 625)

16-516. REMOVAL OF UNSAFE, UNLAWFUL OR ABANDONED SIGNS.

(a) If the Building Inspector shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or, has been constructed or erected, or is being maintained in violation of this Article or Chapter 4, Article 9 of the Code, the Building Inspector shall give notice to the permittee thereof. If the permittee fails to alter or remove the sign so as to comply with the standards herein set forth within 48 hours after such notice, such sign may be removed or altered to comply with these provisions by the Building Inspector at the expense of the permittee or owner of the property upon which the sign is located, and the permit shall be revoked. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(b) If the time period set forth in subsection A) hereof has elapsed and the sign or signs have not been removed, the Building Inspector shall send written notification by certified mail, return receipt requested, to the record owner of the property on which such sign is located indicating when the sign shall be removed. If the sign has not been removed within 30 days after receipt of the notice, the City may have the sign removed and the cost assessed to the property owner.

(c) Where a sign has been removed by the City pursuant to subsection B hereof, the City Clerk shall mail a statement of the cost of removal of said sign or signs to the last known address of the record owner or persons in charge of such property. If such cost is not paid within 10 days from the mailing of such notice, the Governing Body shall proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land and the City Clerk shall certify such assessment to the County Clerk for collection of payment the same as other assessments and taxes are collected and paid to the City.

(d) If a building, structure or premise is a vacated for a six month period of time, the owner of said property shall be responsible for removing any signs located thereon with the exception of Commercial and Industrial Sales or Leasing Signs. In addition, the owner shall be responsible for restoring the facade of the building, structure or premise to its normal appearance.

(Ord. 625)

16-517. PROHIBITION AND AMORTIZATION OF NONCONFORMING SIGNS.

(a) All Nonconforming Signs that exist at the time of the adoption of this ordinance shall be discontinued and removed within 5½ years of the effective date hereof. No changes in the basic Structure, source of illumination, location or appearance of a sign, Sign Alteration, or Sign Refacing shall be made to any such sign. If the business to which the sign is related should move to another site (which move, in the opinion of the Building Inspector, creates, in effect, an Outdoor Advertising

Sign) then such sign shall be removed or otherwise brought into full compliance with all applicable provisions of the Code.

(b) Upon application to the City Clerk, the Governing Body may extend the time for discontinuance and/or removal of a Nonconforming Sign. No such extension of time shall be granted for a period of time longer than that necessary to allow the owner of the sign to recoup the owner's initial investment in such Nonconforming Sign. The application for extension shall be on a form provided by the City and shall be accompanied by: (1) a copy of the original sign permit issued for such Nonconforming Sign or such other evidence satisfactory to the City of the date upon which the Nonconforming Sign was initially installed; (2) evidence that annual sign inspections in accordance with Chapter 4, Article 9 have taken place each year since the initial date of installation of the Nonconforming Sign; (3) documentation evidencing the initial cost of purchase or construction and installation of the sign; (4) if the Nonconforming Sign is not on property owned by the sign owner, the lease or other document establishing the sign owner's right to place the sign at its present location and all amendments thereto; and (5) all documents evidencing the degree to which the value of the sign has been depreciated for income tax or other purposes.

(c) In determining whether to grant the extension and the length of such extension, if one is to be granted, the Governing Body shall consider the following:

- (1) The nature of the Nonconforming Sign;
- (2) The character of the sign;
- (3) The location of the sign;
- (4) That part of the owner's total business that will be impacted by the removal or replacement of the Nonconforming Sign;
- (5) The sign owner's original capital investment in the Nonconforming Sign;
- (6) The investment realization from the Nonconforming Sign to date;
- (7) Depreciation taken by the owner of the sign for income tax or other purposes;
- (8) The life expectancy of the Nonconforming Sign;
- (9) The existence or non-existence of lease obligations;
- (10) The existence of a contingency clause in any such lease permitting termination of the lease;
- (11) The other economic uses of any leasehold interests in the land or structure upon which the sign is located;
- (12) The value of, or feasibility of, subleases and assignments of any such lease.
- (13) The extent to which the investment of the owner in the Nonconforming Sign has been recouped;
- (14) The fact that similar signs are prohibited in the same area;
- (15) Other reasonable uses of the land;
- (16) The salvage value of the Nonconforming Sign;
- (17) The sign owner's loss of sharing revenue, if any; and
- (18) The ability of the sign owner to transfer the Nonconforming Sign to another location where it could be placed and would be in compliance with this Article and all other provisions of the Code.

(Ord. 625)

- 16-518. APPROVAL OF VARIANCES. Any variance from these regulations may be approved only by the Board of Zoning Appeals after an application for a permit has been denied for the proposed sign, by the Building Inspector as provided in these regulations. (Ord. 625)