

**ORDINANCE NO. 9391**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,  
REPEALING EXISTING CHAPTER V, ARTICLE 18 OF THE  
CODE OF THE CITY OF LAWRENCE, 2015 EDITION, AND  
AMENDMENTS THERETO, AND ENACTING, IN ITS PLACE,  
CHAPTER V, ARTICLE 18 OF THE CODE OF THE CITY OF  
LAWRENCE, KANSAS, 2015 EDITION, AND AMENDMENTS  
THERETO, PERTAINING TO SIGNS.**

**WHEREAS**, it is the goal of the Governing Body to protect the safety of pedestrians, bicyclists, motorists, and other users of the Public Rights of Way by requiring Signs to be maintained, to be structurally sound, and to be located and to be of such dimension so as not to distract users of the Public Rights of Way or to reduce the effectiveness of public safety Signs;

**WHEREAS**, it is the goal of the Governing Body to preserve the unique character of the City as reflected in its distinct areas and districts, by ensuring that Signs contribute to an appropriate sense of place;

**WHEREAS**, it is the goal of the Governing Body to enhance the visual quality of the community, reflected in the visual priority given to open spaces, landscapes, streetscapes, and architecture;

**WHEREAS**, is the goal of the Governing Body to promote the City's economic viability by ensuring that the City will be a visually pleasant place to live, to conduct business, and to visit;

**WHEREAS**, it is the goal of the Governing Body to protect property values by minimizing adverse effects of Signs placed on adjoining properties, which can occur through light trespass, obstruction of access or views, or visual blight, among other things;

**WHEREAS**, it is the goal of the Governing Body to protect and to enhance public and private investment in real property by permitting Signs of appropriate design, scale, and placement, such that they are appropriately conspicuous, visible, and legible;

**WHEREAS**, it is the goal of the Governing Body to promote the civic beauty of the community and to protect public investments in the Public Rights of Way by limiting the impact of Sign clutter, while enabling the public to locate goods, services, and facilities effectively and efficiently;

**WHEREAS**, it is the goal of the Governing Body to permit effective and efficient identification and communication for commercial enterprises and to avoid an arms race for visual attention;

**WHEREAS**, it is the goal of the Governing Body to protect the guarantees of Free Speech;

**WHEREAS**, the Governing Body finds that it may achieve each of those goals through a fair, balanced, and thoughtful regulation of Signs within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** Existing Chapter V, Article 18, of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that Section 2 of this Ordinance supersede it.

**SECTION 2.** The Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended by enacting Chapter V, Article 18, which reads as follows:

## **ARTICLE 18. SIGNS**

5-1801      **SHORT TITLE.**

This Article shall be known as the "Sign Code" of the City of Lawrence, Kansas.

5-1802      **PURPOSE.**

The Governing Body finds that, in order to advance the health, safety, and welfare, as well as the aesthetics, of the community, it is necessary to regulate certain uses within the City, including the use of Signs.

5-1803      **DEFINITIONS.**

(a)      The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (1)      **Abandoned Sign.** Any Nonconforming Sign located on a building or property that is vacant and unoccupied for more than one year shall be deemed abandoned.
- (2)      **Animated Sign.** Any Sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means.
- (3)      **Automated Teller Machine (ATM) Sign.** A small Sign or video screen mounted on top of or in, and usually integrated into the structure of a machine that automatically provides cash and performs other automated banking functions for an account holder (commonly known as an automated teller machine (ATM)) that is used to provide instruction or to advertise services offered through an associated financial institution, and is neither legible nor intended to be legible from a Public Right of Way.
- (4)      **Awning.** Any structure attached to the exterior wall or surface of a building, that is made of cloth or metal with a metal frame, that projects over private or public property or Public Right of Way, and that may be designed to be raised or lowered to a position flat against the building when not in use.
- (5)      **Banner Sign.** A Temporary Sign composed of fabric or other flexible substrate that is fastened to the exterior of a building, exterior structure, or wall, that is attached to the ground by secure attachments to stakes, poles, or similar devices, or that is securely attached to a pole other than a flag pole.
- (6)      **Billboard.** A permanent Sign Structure that is specifically intended and used to display Off-premises Signs and intended to be manually changed frequently or intermittently.

- (7) **Canopy.** A permanent structure or architectural projection of rigid construction, over which a covering is attached, that provides weather protection, identification, or decoration. A Canopy may be structurally independent or supported by attachment to a building on one or more sides.
- (8) **Changeable Message Sign.** A Sign that has the capability of Sign Copy, message, or content change, by means of manual or remote input, including the following:
  - (a) **Manually Activated.** A Changeable Message Sign on which the Sign Copy, message, or content can be changed manually on a display surface. Examples of Manually Activated Changeable Message Signs include such things as Signs with letters and/or numbers mounted in or on a track system or Permanent Internal Ground Signs serving drive-through facilities.
  - (b) **Electrically Activated.** A Changeable Message Sign on which the Sign Copy, message, or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination often is integral to the Sign, and may be either an Internally Illuminated Sign or an Externally Illuminated Sign. See *a/so* Electronic Message Center (EMC) Sign.
- (9) **City.** The City of Lawrence, Kansas.
- (10) **Cladding.** A non-structural covering designed to conceal the actual structural supports of a Sign. See *a/so* Pole or Pylon Cover.
- (11) **Code Official.** The Building Code Official, anyone fulfilling the duties of the Building Code Official on either a temporary or permanent basis, or any designee of the City Manager, the Director of the Department of Planning and Development Services, or the Building Code Official.
- (12) **Corporate Flag.** A Flag, other than a Government Flag, that may have a Logo or Logos or other Sign Copy emblazoned upon it.
- (13) **Decorative Flag.** A Flag, other than a Government Flag, with no Logo or other Sign Copy emblazoned upon it.
- (14) **Director.** The Director of Planning and Development Services, anyone fulfilling that position on a temporary or permanent basis, or any designee of the City Manager or the Director of Planning and Development Services.

- (15) **Electronic Message Center (EMC) Sign.** A Sign that utilizes computer-generated messages or some other electronic means of changing Sign Copy. EMC Signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to Sign Copy, message, or content to be made remotely.
- (16) **Externally Illuminated Sign.** Any Sign, where the Sign Face reflects light intentionally directed upon it by an external light source.
- (17) **Feather Sign.** A vertical, Temporary Free-standing Sign, typically constructed of a single plastic or metal shaft driven into the ground or supported by means of an individual stand, with an attached Banner Sign that is vertically elongated and attached to the shaft.
- (18) **Flag.** A sheet made of cloth, fabric, plastic or similar material that is typically square, rectangular, or triangular in shape -- but that may have other shapes -- that is attachable by one edge to a pole, rope, or other structure, and used as a symbol or as decoration.
- (19) **Flashing Sign.** A Sign that contains flashing lights or exhibits noticeable changes in light intensity with a basic "on-off" of the same light source or display pattern, or that includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source. Generally, the Sign Copy is constantly repeated or flashed. An Electronic Message Center (EMC) Sign shall be classified as a Flashing Sign when the Sign Copy is repeated or flashed more than once every 3 seconds.
- (20) **Foot Candle.** An English unit of measurement of the amount of light falling upon a surface (Illuminance). One foot candle is equal to one lumen per square foot and can be measured by means of an Illuminance meter.
- (21) **Fuel Pump Sign.** A small Sign or video screen mounted above or in, and integrated into the structure of an operable fuel dispensing pump, that is used to advertise the brand name of the fuel dispensed from the pump or to advertise goods offered for sale on the same lot on which the fuel pump is located, and that is neither legible nor intended to be legible from a Public Right of Way.
- (22) **Fuel Pump Topper Sign.** A small Sign affixed to the top of an operable fuel-dispensing pump that is used to advertise goods offered for sale on the same lot on which the fuel pump is located, and that is neither legible nor intended to be legible from a Public Right of Way.

- (23) **Government Flag.** A Flag of the United States, a State, a County, a City, or other governmental entity, or that of a foreign nation.
- (24) **Governmental Sign.** Any type of Sign that is constructed, placed, or maintained by or at the direction of federal, state or local government. Governmental Signs include, but are not limited to: Signs required to enforce or provide notice of a property owner's rights; Signs for safety of the public; traffic control or similar regulatory devices designed and located to control traffic movement and safety of vehicles and pedestrians in accordance with uniform traffic control device standards, such as the Manual for Uniform Traffic Control Devices ("MUTCD"); and Banner Signs approved and installed within Public Rights of Way under the City of Lawrence Streetlight Banner Program overseen by the City Manager.
- (25) **Illuminance.** The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination." Illuminance is measured in Foot Candles in the English system and in lux in the metric (SI) system.
- (26) **Internally Illuminated Sign.** Any Sign for which the source of light is entirely enclosed within the Sign.
- (27) **Logo.** A stylized group of letters, words, symbols, or combination thereof used to identify and represent a business, organization, group, team, or product and to differentiate it from others.
- (28) **Marquee.** A roof-like structure of a permanent nature that projects from the wall of a building. It may overhang a Public Right of Way.
- (29) **Memorial Sign or Tablet.** A smaller Sign or tablet used for commemorating, honoring, or remembering a person, place, or event, or for commemorating the name of a building and date of construction, when cut into or raised in integral relief on any masonry surface or when constructed of bronze or other similar Noncombustible Material.
- (30) **Minor Sign.** A Sign, not more than 4 square feet in area, intended to convey messages to internal users of a site, and generally not visible from or intended to convey messages to persons in the Public Right of Way. Examples of Minor Signs include such things as parking instructions, directional or wayfinding information, security warnings, business identification, or other similar communications that are accessory to the use of the site and any building located thereon.
- (31) **Mobile Sign.** A Sign affixed to a truck, automobile, trailer or other vehicle, excluding taxi cabs, pedicabs, buses, or mobile food units.
- (32) **Nit.** A photometric unit measuring Illuminance. One Nit is equal to one cd/m<sup>2</sup> (candela per square meter).

- (33) **Noncombustible Material.** Any material that has been tested in accordance with ASTM E 136, "Standard Test Method for the Behavior of Materials in a Vertical Tube Furnace at 750°C," and that complies with ASTM E 136 standards.
- (34) **Nonconforming Sign.** Any Sign that was lawful at the time of installation, erection, construction, hanging, or alteration, but is now prohibited by the Sign Code.
- (35) **Off-premises Sign.** A Sign installed, erected, constructed, or hung on a site or property that is not appurtenant to the use of, products being sold on, work being performed on, or the sale, lease, or rental of the land on which the Sign is located.
- (36) **On-premises Sign.** A Sign installed, erected, constructed, or hung on a site or property appurtenant to the use of, products being sold on, work being performed on, or the sale, lease, or rental of the land on which the Sign is located.
- (37) **Pennant Streamer.** A Temporary Sign display made of flexible materials, often triangular in shape, referred to as pennants, and displayed with other pennants on a rope, string, or wire.
- (38) **Permanent Sign.** A Sign, constructed of durable materials and attached to a wall or imbedded in or constructed on a foundation in the ground, that does not allow removal without special tools or equipment and which is intended to exist on more than a transitory or temporary basis.
- (39) **Person.** Any natural person, business association, or business entity, including but not limited to a corporation, a partnership, a limited liability company, a sole proprietorship, a political subdivision of the State or other governmental entity, a public or private agency, a utility, or any other legal entity, or any successor or assign of any of the foregoing.
- (40) **Pole Cover or Pylon Cover.** An enclosure designed to conceal poles and/or other structural supports of a Sign. *See also* Cladding.
- (41) **Portable Pedestrian Sign.** A Portable Sign, often referred to as an "A-Frame" or "sandwich board," designed and constructed with durable materials and quality aesthetics for use on a recurring basis.
- (42) **Portable Sign.** A Sign or Sign Structure, without a permanent foundation and not otherwise permanently attached to a fixed location, that can be carried, towed, hauled, or transported and is primarily designed to be moved rather than limited to a fixed location, regardless of any modifications that may limit its portability.

- (43) **Projecting Wall Sign.** A type of Wall Sign, suspended from or supported by a building and projecting more than 18 inches therefrom.
- (44) **Public Property.** Any land owned by the City or other governmental entity.
- (45) **Public Rights of Way.** Those areas of real property in which the City has a right of way interest, whether through acquisition or dedication. It shall include the area on, below, or above any present and future public street, alley, avenue, road, highway, parkway, boulevard, bridge, sidewalk, walkway, or other public way.
- (46) **Roof Sign.** A Sign, installed, erected, constructed, or hung upon or above a roof or parapet of a building, that extends above the highest point of the building.
- (47) **Scrolling Message Sign.** An Electronic Message Center (EMC) Sign that includes a Sign Copy transition where the Sign Copy that is leaving or appearing passes horizontally across the Sign Face.
- (48) **Sign.** Any name, identification, description, display, or illustration that is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface or support structure and that directs attention to or is designed or intended to direct attention to the Sign Face or to an object, product, place, building, structure, activity, person, institution, organization. or business, including all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. For the purposes of the Sign Code, a Work of Art, as defined in this Article, is not considered to be a Sign. Likewise, any Sign located entirely within an enclosed structure and not exposed to a Public Right of Way or parking lot is not, for the purposes of the Sign Code, considered to be a Sign.
- (49) **Sign Alteration.** Any change or modification to the size, shape, height, width, or depth of a Sign, Sign Structure, or Sign Cabinet; any replacement or reconstruction of a Sign Structure foundation or base, or any replacement of poles or pylons that support a Sign or Sign Structure. Sign Alteration does not include the replacement of existing Sign Face, ordinary repair or maintenance of an existing Sign or Sign Structure (such as masonry tuck-pointing, sandblasting, patching of holes, painting or re-covering an existing Sign pole), or replacement or upgrade to internal electrical components of an existing Sign or Sign Cabinet.
- (50) **Sign Cabinet.** A structural frame that encloses one or more translucent Sign Face panels, one or more transparent exposed neon channel letters, or one or more opaque, routed, push-through faces that are mounted within the structural frame, and that may contain a light source illuminating the Sign Face panels.

- (51) **Sign Copy.** The letters, numerals, figures, symbols, Logos, and graphic elements constituting the content or message of a Sign.
- (52) **Sign Face.** The surface upon, against, or through which the Sign Copy is displayed or illustrated, not including structural supports, architectural features of a building or Sign Structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the Sign Copy is displayed by a distinct delineation, such as a reveal or border.
- (53) **Sign Structure.** Any structure that is built or constructed and supports or is capable of supporting a Sign, as defined herein. A Sign Structure shall include the foundation and base, the poles or pylons that support the Sign, any structural extensions that support a Sign or Sign Cabinet, and any structural framework that supports a Sign, Sign Face, or Sign Cabinet.
- (54) **Snipe Sign.** A Sign that is attached to a utility pole, tree, fence, or similar object, located on public or private property.
- (55) **Street Frontage.** The portion of a lot or tract that directly abuts a street or thoroughfare, as those terms are defined in the Land Development Code, Chapter 20 of the City Code, as amended. Street Frontage is measured in linear feet.
- (56) **Temporary Sign.** A Portable Sign that is not permanently embedded in the ground or permanently affixed to a building or structure, and that is designed or intended to be displayed for a limited time. Typically, a Temporary Sign is constructed of cloth, canvas, light fabric, cardboard, wallboard, aluminum or other similar light materials, with or without frames. A Temporary Sign does not include a Permanent Sign with temporary or changeable Sign Copy or a Portable Pedestrian Sign, as defined herein.
- (57) **Transition Duration.** On an Electrically Activated Changeable Message Sign, or Electronic Message Center (EMC) Sign, the interval of time between the change from one complete static Sign Copy to another complete static Sign Copy.
- (58) **Transition Method.** A visual effect, applied to an Electrically Activated Changeable Message Sign or an Electronic Message Center (EMC) Sign display, transitioning from one Sign Copy to the next. Lawful Transition Methods are:
  - (a) **Dissolving.** A frame effect accomplished by varying the light intensity or pattern, in which the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame; and



- (b) **Fading.** A frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (*i.e.*, fading to black) and the subsequent frame gradually increases intensity to the point of being legible.
- (59) **Traveling Message Sign.** An Electronic Message Center (EMC) Sign that includes a Sign Copy transition where the Sign Copy that is leaving or appearing passes vertically across the Sign Face.
- (60) **Vacant Sign.** Any Sign located on a building or property that is vacant and unoccupied for more than 60 days.
- (61) **Wall.** The exterior surface of a building or structure. For the purposes of this Article, other than size limitations, the term Wall shall include mansard-type or sloped-roof structures, as well as Marquees, Canopies, and Awnings, as defined in this Article.
- (62) **Wall Sign.** A Sign painted, printed, or attached to the Wall of a building, including Marquees, Canopies, Awnings, or other fixed building surface, in a permanent manner, or an Internally Illuminated Sign greater than 12 square feet in area and mounted on the interior side of a window, with a scale and design intended to be legible to vehicles or pedestrians from a Public Right of Way or from a private sidewalk, walkway, or parking lot.
- (63) **Window Sign.** A Sign posted, painted, placed, or affixed in or on a window or a Sign that is located on the interior of a structure that is exposed to public view from the exterior of the structure through a window.
- (64) **Work of Art.** Any mural painting or decoration, inscription, mosaic, painted glass, bas-relief, or other similar art form of a permanent character that is intended for decoration, ornament, or commemoration and that is applied to, placed upon, or erected on an any lot or parcel or Wall of any building or structure. Typically, a Work of Art does not incorporate Logos or commercial speech.
- (65) **Zoning District.** An area of the City within which certain uniform regulations and requirements, or various combinations thereof, apply to each lot in that area under the provisions of the City's Land Development Code, Chapter 20 of the City Code, as amended. Zoning District boundaries established by the City's Land Development Code are designated on the Official Zoning District Map for the City, as may be amended from time to time.

5-1804

#### **SIGN PERMIT REQUIRED.**

- (a) No person shall install, erect, construct, hang, or alter any Sign within the City without first obtaining from the City a Sign Permit, unless such is otherwise exempt under Section 5-1807 of this Article.

- (b) No person shall replace the Sign Copy or Sign Face on any existing Sign within the City without first obtaining from the City a Sign Permit, unless such is otherwise exempt under Section 5-1807 of this Article.

5-1805

**SIGN PERMIT APPLICATIONS.**

Application for a Sign Permit shall be made to the Director on a form provided for that purpose. The applicant shall complete the application in writing and shall provide sufficient information to afford the Code Official reviewing the application a full and accurate overview of the proposed Sign, Sign Alteration, or replacement of Sign Copy or Sign Face.

- (a) Application for a Sign Permit shall include at least the following:
  - (1) The name of the applicant and contact information, including an address, telephone number, and e-mail address, if any.
  - (2) The name of the owner of the real property, if different than the applicant, upon which the Sign, for which the Sign Permit is sought, is or would be located, including an address, telephone number, and e-mail address, if any.
  - (3) The name of the Person, if different than the applicant, installing, erecting, constructing, hanging, or altering the Sign, for which the Sign Permit is sought, including an address, telephone number, and e-mail address, if any.
  - (4) A site plan showing the location or proposed location of the Sign, for which the Sign Permit is sought, and the location and type of any other Sign or Signs existing on the same lot.
  - (5) For any Permanent Free-standing Sign, a drawing, photograph, or digital image that shows the graphics, the dimensions, and the height above grade -- measured from the ground to the top of the Sign -- of the Sign, for which the Sign Permit is sought.
  - (6) For any Wall Sign, a drawing, photograph, or digital image that shows the wall, the area of the wall, and the elevation of the wall on which the Sign, for which the Sign Permit is sought, is or will be affixed.
  - (7) For any Temporary Sign or Signs, the number of Temporary Signs, for which a Sign Permit is sought, and the proposed duration of the Temporary Sign or Signs.
  - (8) Any additional information required by the Code Official that will assist him or her in reviewing the Application for a Sign Permit.
  - (9) The Sign Permit Fee as established at Section 5-1806, *infra*.
  - (10) The signature of the applicant and the date of the application.

- (b) In addition to the foregoing, applications for a Sign Permit for an Electronic Message Center (EMC) Sign shall also include the following:
  - (1) Specifications from the manufacturer of the proposed Electronic Message Center (EMC) Sign, providing the maximum Nit (or equivalent) rating for the Sign, for which the Sign Permit is sought.
  - (2) Information from the manufacturer of the proposed Electronic Message Center (EMC) Sign, describing the dimming control that will be provided with the Sign, for which the Sign Permit is sought.
  - (3) A letter signed by the Person responsible for the Sign, either the applicant or the owner or tenant of the property upon which the Sign is or is proposed to be located, acknowledging that said Person shall comply with all Sign Code regulations, including those governing Electronic Message Center (EMC) Signs, as set forth in Section 5-1820 of this Article.
  - (4) For any Electronic Message Center (EMC) Sign, having a maximum Illuminance rating not exceeding 3,000 Nits or the equivalent thereof, the applicant is excused from providing the items required by subsections (b)(2) and (b)(3) of this Section.
- (c) The City shall also require, for any Internally Illuminated Sign or Externally illuminated Sign, for which a Sign Permit is sought, an Electrical Permit, separate from the Sign Permit. However, no separate Electrical Permit shall be required in those cases where permanent electrical wiring with connection pigtail for the Sign, for which the Sign Permit is sought, has previously been installed under a valid Building Permit or Electrical Permit.

5-1806

#### **SIGN PERMIT FEES.**

- (a) All Persons submitting an Application for a Sign Permit shall pay a Sign Permit Fee in accordance with the following schedule:
  - (1) For any new, relocated, expanded, or structurally altered Permanent Wall Sign, Free-standing Sign, Pedestrian Sign, or Internal Ground Sign: \$75.00.
  - (2) For any Sign Copy or Sign Face replacement, where there is no other alteration to the Sign or the Sign Structure: \$50.00.
  - (3) For any Temporary Sign(s): \$25.00 per application, regardless of the number of Temporary Signs requested.
- (b) The Sign Permit Fee shall be for each separate Sign for which a Sign Permit is sought, except in the case of Temporary Signs where the Sign Permit Fee is per application.
- (c) The purpose of the Sign Permit Fee is to recapture the costs to the City of reviewing and processing the Application for a Sign Permit.

5-1807

**ACTION ON SIGN PERMIT APPLICATION.**

- (a) The Code Official shall examine each application for a Sign Permit. Within 28 days of receiving an Application for a Sign Permit, the Code Official shall approve the application unless:
  - (1) The application is incomplete;
  - (2) The application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement; or
  - (3) The application discloses, on its face, that the proposed Sign or the proposed Sign Alteration does not conform to the Sign Code or other pertinent law.
- (b) If the application is determined to be deficient because it is incomplete under subsection (a)(1), including the failure to pay the Sign Permit Fee, then the Code Official shall give notice to the applicant and shall allow the applicant 14 days therefrom within which to complete the application.
- (c) If the application is denied under subsection (a)(2) or (a)(3), or the applicant has failed to complete the application within the 14-day period of subsection (a)(1), then the Code Official shall deny the application by giving a Notice of Denial to the applicant. Notice of Denial shall be in writing, shall be transmitted to the applicant, shall inform the applicant of the reason for denial with specificity, including all documentation supporting any allegation of fraud or material misrepresentation, and shall state that the applicant has 14 days from the date of the Notice of Denial in which to file with the Director any written Notice of Appeal in accordance with Section 5-1827 of this Article.

5-1808

**SIGN PERMIT DURATION.**

Each Sign Permit shall be valid for a period of 180 days after issuance. If the proposed Sign or alteration of an existing Sign is not completed and Final Approval of the Sign is not obtained within that 180-day period, then the Sign Permit shall expire and shall be null and void. Upon a showing of good cause, the Code Official may grant to the applicant an additional 180 days within which to complete the work and to obtain Final Approval of the Code Official.

5-1809

**SIGN PERMIT SUSPENSION OR REVOCATION.**

The Code Official shall have the authority to suspend or revoke any Sign Permit issued hereunder if the Code Official finds that the Sign Permit was issued in error, was issued on incorrect, inaccurate, or incomplete information, or the applicant's work is undertaken or performed in violation of the Sign Code or any other pertinent law. Any Notice of Suspension or Notice of Revocation shall be in writing, shall be transmitted to the applicant, shall inform the applicant of the reason for suspension or revocation, and shall state that the applicant has 14 days from the Notice of Suspension or Notice of Revocation in which to file with the Department of Planning and Development Services any written Notice of Appeal in accordance with Section 5-1827 of this Article.

5-1810      **INSPECTIONS.** The Code Official may, from time to time, as he or she deems it necessary, inspect any Sign subject to the Sign Code to determine whether the Sign is in good repair, in a proper state of preservation, and otherwise in compliance with the Sign Code. If the Sign is in disrepair or is in violation of the Sign Code or other pertinent law, then the Code Official shall issue a Notice and Order pursuant to Section 5-1824(a) of this Article.

5-1811      **FINAL INSPECTION.** Upon completion of any Sign or alteration of any Sign, for which a Sign Permit was issued, the applicant shall inform the Code Official, who shall make a final inspection. If the Sign is in compliance with the Sign Code and other pertinent laws, the Code Official shall issue Final Approval of the Sign. If the Sign is not in compliance with the Sign Code or other pertinent law, then the Code Official shall issue a Notice and Order pursuant to Section 5-1824(a) of this Article.

5-1812      **SIGN PERMIT EXEMPTIONS.**

(a)      The following Signs are exempt from the Sign Permit requirement:

(1)      **Address Numbers.** In accordance with Section 16-113 of the City Code, as amended, all buildings within the City shall be numbered. Each address may have a maximum of two Signs, one Wall Sign and one Free-standing Sign, displaying Address Numbers that are exempt from the Sign Permit requirement, subject to the following:

(A)      Wall Signs shall be mounted between 4 feet and 10 feet above grade to enhance visibility.

(B)      Free-standing Signs shall be located at the primary access point to the property and, for visibility purposes, shall be no more than 3 feet in height.

(2)      **Governmental Signs.**

(3)      **Government Flags.**

(4)      **Decorative Flags.** To the extent that they are limited to 3 in number and do not exceed 24 square feet in size, Decorative Flags are exempt from the Sign Permit requirement.

(5)      **Corporate Flags.** To the extent that they are limited to 1 in number, do not exceed 24 square feet in size, are mounted on a flag pole, and set back 25 feet from a Public Right of Way, Corporate Flags are exempt from the Sign Permit requirement.

(6)      **Window Signs.**

(A)      In any non-residential Zoning District, non-illuminated Window Signs that are mounted in the interior of a structure or applied directly to the interior or exterior of first-floor windows, between 2 feet and 12 feet above grade, are exempt from the Sign Permit requirement.

- (B) In any non-residential Zoning District, Internally Illuminated Window Signs that are mounted in the interior of a structure or applied directly to the interior or exterior of first-floor windows, between 2 feet and 12 feet above grade and do not exceed 12 square feet in size, are exempt from the Sign Permit requirement.
- (7) **Small, Non-illuminated Wall Signs.** To the extent that they are limited to 1 per Wall, are not illuminated, and do not exceed 2 square feet in area, small Wall Signs are exempt from the Sign Permit requirement.
- (8) **Temporary Signs.** To the extent that they meet the standards, established at Section 5-1818(e) and Section 5-1819(d) of this Article, Temporary Signs are exempt from the Sign Permit requirement.
- (9) **Minor Signs.**
- (10) **Portable Pedestrian Signs.** To the extent that they meet the standards established at Section 5-1819(b) of this Article, Portable Pedestrian Sign are exempt from the Sign Permit requirement.
- (11) **Automated Teller Machine (ATM) Signs.**
- (12) **Fuel Pump Signs.**
- (13) **Fuel Pump Topper Signs.**
- (14) **Memorial Signs or Tablets.**
- (b) Unless specifically stated otherwise, Signs that are exempt from the Sign Permit requirement do not count toward any size allocation standard established in the Sign Code.
- (c) All Signs, including those that are exempt from the Sign Permit requirement, must, unless granted a variance under Section 5-1828 of this Article, comply with all provisions of the Sign Code.

5-1813

#### **SIGN CONTRACTOR LICENSING.**

- (a) No Person shall engage in the business of installing, erecting, constructing, hanging, or altering any Sign within the City without first obtaining from the City a Sign Contractor License.
- (b) To obtain a Sign Contractor License, a Person must submit to the Code Official written application, upon a form provided for that purpose, a Contractor License Fee of \$100.00 and proof of insurance.

- (c) Each Sign Contractor License shall be valid for a period of one year. The renewal fee shall be \$50.00 for each subsequent year.
- (d) Each Person holding a Sign Contractor License shall maintain in force, at all times, a policy of commercial general liability insurance, including completed operations/products coverage, in an amount not less than \$500,000.00 per occurrence, single limit for bodily injury and property damage. Such insurance shall be written by an insurance company authorized to do business in the state of Kansas. The City shall be named on any such policy as a "Certificate Holder" to be notified of any changes or cancellation in coverage.
- (e) Each Person holding a Sign Contractor License and employing others shall maintain workers' compensation insurance, as required by law.
- (f) No Sign Contractor License shall be required of any Person employed by a Person holding a Sign Contractor License, or by any Person installing, erecting, constructing, hanging, or altering any Temporary Sign or any Sign exempt from the Sign Permit requirement.
- (g) Failure to comply with any of the foregoing requirements shall be grounds for the Department to deny an application for a Sign Contractor License or to revoke a Sign Contractor License.
- (h) Any Person aggrieved by a denial or revocation of a Sign Contractor License may appeal such decision to the Sign Code Board of Appeals by filing with the Director, within 14 days of the decision, written Notice of Appeal in accordance with Section 5-1827 of this Article.

5-1814 **DESIGN AND CONSTRUCTION.**

All Signs shall be installed, erected, constructed, hung, or altered in accordance with this Sign Code and all other pertinent laws in effect and enforced by the City and other regulatory agencies.

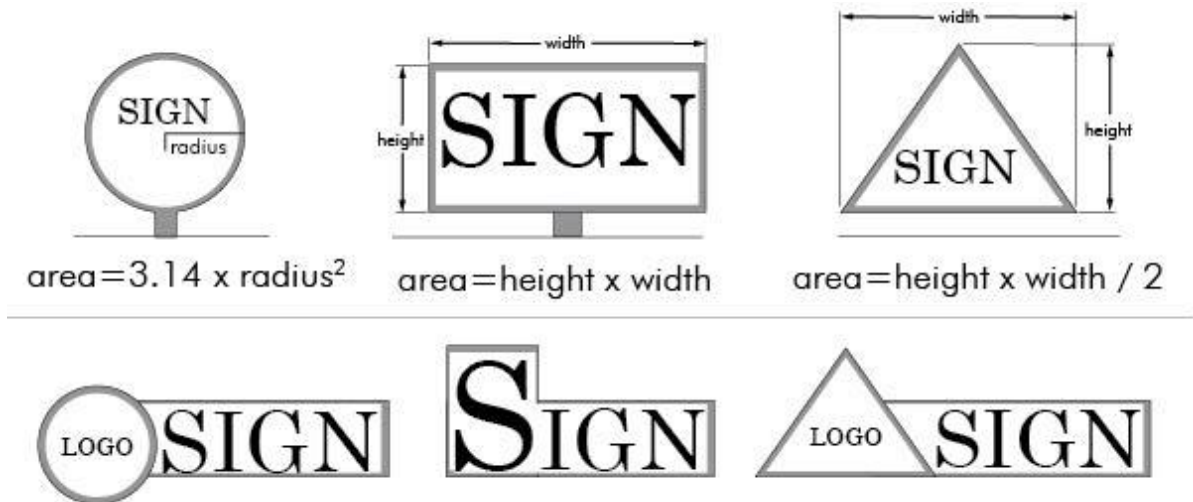
5-1815 **MAINTENANCE OF SIGNS.**

All Signs, together with all supports, braces, guys, and anchors, shall be maintained in good repair and in a proper state of preservation.

5-1816 **DIMENSIONAL STANDARDS**

The following shall be used in interpreting dimensional standards for all Signs:

- (a) **General Area Calculation.** The areas of Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire Sign mounting. *See Figure 5-1816.1.*

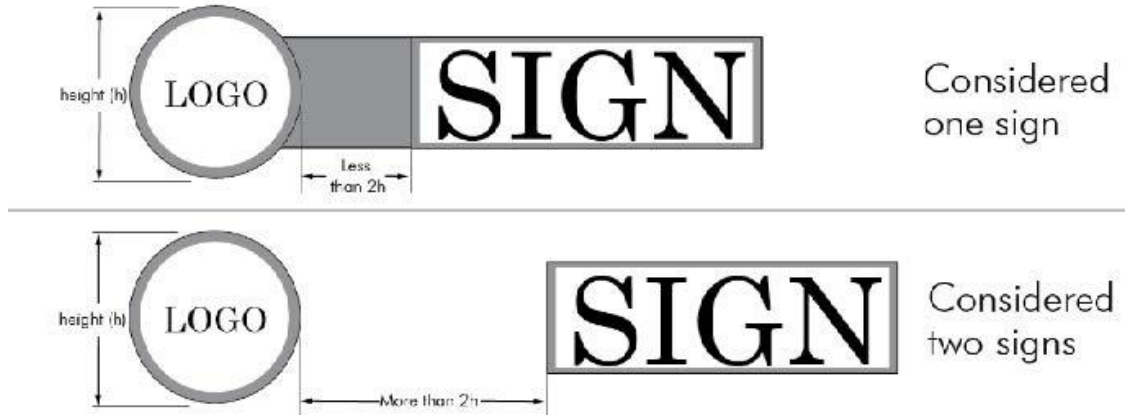


**Figure 5-1816.1 General Area Calculations**

*Typical method for measuring typical Sign shapes; irregular Signs are measured within the smallest area of up to two geometric shapes that contains the entire Sign.*

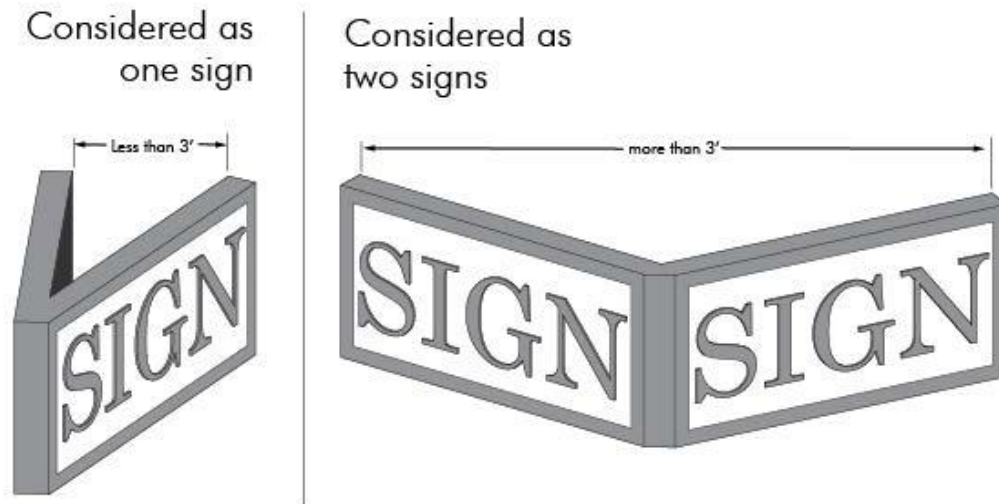
- (b) **Detached Signs.** The area of the Sign shall be computed by the entire area of the Sign Face of the Sign Structure, Sign Cabinet, or module, enclosed by the border of the frame.
- (c) **Wall, Window, or Other Building-Mounted Signs.** Any building-mounted Sign, mounted on a background, shall be measured by the area of the background. When the Sign is mounted directly on a Wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the Sign Copy, Logo, or other display. Gaps in Sign Copy, Logos, or other display that exceed more than two times the height of the Sign area, when using the same single continuous perimeter above, may be subtracted from the calculation of the Sign area, but shall be considered to be two separate Signs. See *Figure 5-1816.2*. The area of the Wall or window area for the purposes of determining an allowed percentage shall be the total surface of the Wall or window visible in an elevation view.





**Figure 5-1816.2 Gaps Between Signs.** Larger gaps may be subtracted from Sign area calculations, but is considered two separate Signs.

- (d) **Decorative Elements.** Embellishments such as Cladding, Pole Covers, Pylon Covers, framing, decorative roofing, and support structures shall not be included in the Sign area measurement when such contains no Sign Copy, Logo, or other display.
- (e) **Double-Faced Signs.** Where the Sign Faces of a double-faced Sign are no more than 3 feet apart at any location, only one Sign Face will be measured in computing Sign area. Where the Sign Faces of a double-faced Sign are of unequal area, the Sign area will be the area of the larger Sign Face. In all other cases, the areas of all Sign Faces of a multi-faced Sign or the surface area of objects will be added together to compute the Sign area. See Figure 5-1816.3.



**Figure 5-1816.3 Double-face Signs.** When opposing faces are within three feet, a double-faced Sign is considered one Sign and the area of one-face is the size; when separated by more than three feet, each profile is considered a Sign and counts to the total Sign area.

- (f) **Height.** Sign height is measured from the lowest grade directly below the Sign to the highest point on the Sign or Sign Structure.
- (g) **Clearance.** Sign clearance is measured from the highest point of the ground directly below the Sign to the lowest point on the Sign Structure enclosing the Sign Face.

5-1817

#### **RESTRICTIONS APPLICABLE TO ALL SIGNS.**

- (a) No person shall install, erect, construct, or hang any Sign within a Public Right of Way.
  - (1) The foregoing prohibition shall not apply to Governmental Signs, or to similar Signs required by applicable federal, state, or local law, or where specifically exempt hereunder.
- (b) No Sign shall imitate or resemble any Governmental Sign providing traffic directions or providing public safety information.
- (c) No Sign, located in the triangle formed by two curb lines at the intersection of two streets, a street and an alley, two internal access streets, an internal access street and a street, or a driveway and a street, extending for a distance of 50 feet each way from the intersection of the curb lines, shall exceed a height of more than 36 inches above the road level of the adjoining street, alley, or driveway, so that it does not impede or obstruct the view of a driver of a motor vehicle approaching the intersection.

- (d) No Sign shall be installed, constructed, hung, or placed on any vehicle or trailer, when such Sign is visible from a Public Right of Way and where the effect is to circumvent the Sign Code. The foregoing prohibition shall not apply to taxi cabs, pedicabs, buses, or Mobile Food Units, unless it is clear that the intent is to evade the restrictions of the Sign Code.
- (e) No Sign attached to a building, including Wall Signs, shall extend vertically above the highest proportion of any roof-line or parapet, whichever is less.
- (f) All Signs projecting over walkways, sidewalks, or other areas in front of a building, or other active area where pedestrians have access, shall maintain at least 8 feet of vertical clearance.
- (g) No person shall install, erect, construct, or hang any Sign within a public utility or drainage easement.
  - (1) The foregoing prohibition shall not apply to Governmental Signs, or to similar Signs required by applicable federal, state, or local law for the location of utilities, or where specifically exempt hereunder.
- (h) No Sign, other than Governmental Signs, shall be installed, erected, constructed, hung or placed nearer than 5 feet to the side or rear lot line (as those lot lines are defined in the City's Land Development Code, Chapter 20 of the City Code, as amended) of the lot on which the Sign is located.
- (i) No Sign shall include balloons, Pennant Streamers, pennants, or other air activated elements, or any Animated Sign elements, whether animated by mechanical, electrical, or environmental means. The foregoing prohibition shall not apply to Flags, Corporate Flags, Decorative Flags, Government Flags, or Feather Signs, as those terms are defined in this Article.
- (j) All Internally Illuminated Signs and Externally Illuminated Signs shall be designed to eliminate negative effects on surrounding Public Rights of Way and adjacent properties. The light from an Internally Illuminated Sign or Externally Illuminated Sign shall not flash or oscillate, or create a negative effect on residential uses in direct line-of-sight of the Sign.
- (k) External light sources illuminating any Externally Illuminated Sign or other Sign shall be directed and shielded to limit direct illumination of any object other than the Sign.
- (l) Except as may otherwise be permitted in any Planned Development, any Sign bearing a commercial message shall be an On-Premises Sign.

5-1818

## RESTRICTIONS BY ZONING DISTRICT

- (a) **Sign Types.** The following Sign types are distinguished for the purposes of this Article. See *Figure 5-1818.1* and *Table 5-1818.2*.



**Figure 5-1818.1. Sign Types.** This figure depicts examples of various Sign types listed in Table 5-1818.2.

**Table 5-1818.2: Sign Types**

Type	Description
<b>A Permanent Wall Sign</b>	A Sign painted, printed, or attached to the Wall of a building, including Marquees, Canopies, Awnings, or other fixed building surface, in a permanent manner, with a scale and design intended to be legible to vehicles or pedestrians from a Public Right of Way or from a private sidewalk, walkway, or parking lot that serves or supports the building or the development in which the building is located.
<b>B Permanent Free-standing Sign</b>	A detached Sign that is mounted to the ground in a permanent manner independent from any building with a scale and design legible primarily to vehicles or pedestrians in the Public Right of Way. Permanent free-standing Signs encompass two specific Sign types: <i>Monument Sign:</i> A type of permanent free-standing Sign mounted on an enclosed, solid base, or ornamental surface structure, or on poles, pylons, or similar structures that are concealed with a Pole Cover, Pylon Cover, or Cladding. <i>Pole Sign:</i> A type of permanent free-standing Sign constructed on one or more poles, pylons, or similar structures so that the bottom edge of the Sign surface is elevated above the ground, and the poles, pylons, or similar structures are not concealed with a Pole Cover, Pylon Cover, or Cladding.
<b>C Permanent Pedestrian Sign</b>	A Sign with a design and scale to be legible to pedestrians in front of or immediately adjacent to the building, or to be legible to individuals internal to a site containing multiple buildings. Permanent Pedestrian Signs may be located hanging below a Canopy or Awning, Projecting from a Wall, mounted on a Wall, door, or window, or may be free-standing.
<b>D Temporary Sign</b>	A Portable Sign that is not permanently embedded in the ground or permanently affixed to a building or structure, and that is designed or intended to be displayed for a limited time. Typically, a Temporary Sign is constructed of cloth, canvas, light fabric, cardboard, wallboard, aluminum or other similar light materials, with or without frames. A Temporary Sign does not include a Permanent Sign with temporary or changeable Sign Copy or a Portable Pedestrian Sign, as defined herein.
<b>E Permanent Internal Ground Sign</b>	A Sign with a design and scale to be legible to pedestrians or vehicles navigating or using the internal roads, sidewalks, walkways, or parking lots of a site, and, except for Signs placed at entrance or exit driveways to direct vehicular traffic safely onto or from the interior portions of a site, generally not legible to vehicles or pedestrians from the Public Rights of Way. Internal ground Signs may be free-standing Signs.

(b) **Permanent Wall Signs.**

<b>RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts</b>	<b>H, CN1, CN2, CS, CD, IBP, IL, PCD, and PID Zoning Districts</b>	<b>CC, CR, IM and IG Zoning Districts</b>
<p>For permitted principal non-residential land uses or multi-dwelling structure land uses (not including duplexes and attached 2- to 4-unit dwelling structure land uses):</p> <ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 1 per public street frontage, regardless of the number of buildings having Street Frontage.</li> <li>▪ <i>Sign Area:</i> 5% of building Wall area to which the Sign is attached, maximum.</li> <li>▪ <i>Sign Size:</i> 32 sq. ft. per Sign maximum.</li> <li>▪ <i>Sign Illumination:</i> Internally illuminated Wall Signs are not allowed; Externally Illuminated Wall Signs are allowed, provided they are indirectly lighted with white light only and are not constructed of reflective or luminous materials. Reverse channel letter Wall Signs are considered to be Externally Illuminated Signs provided they are Illuminated with white light only.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 1 Sign per tenant on Wall with exterior public entrance to tenant space (multi-tenant building). Otherwise, unlimited number of Signs on Walls where Signs are allowed.</li> <li>▪ <i>Sign Area:</i> 10% of the building Wall area maximum, or 150 sq. ft., whichever is less. For each 100-foot increment the building Wall is set back from a Public Right of Way, the base maximum area may be increased by 50%, provided the total area of building Wall Signs shall not exceed 10% of the Wall area or 450 sq. ft., whichever is less.</li> <li>▪ <i>Sign Location:</i> Allowed on building Walls facing or fronting a Public Right of Way or a parking lot or other open space under the same ownership with at least fifty lineal feet between the building wall and the nearest building. No Wall Sign shall be allowed on any building Wall that fronts or faces any directly abutting residentially zoned lot or parcel. In no case shall Wall Signs be constructed on more than 3 building Walls of a building.</li> <li>▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 2 Signs per tenant on Wall with public exterior entrance to tenant space (multi-tenant building). Otherwise, unlimited number of Signs on Walls where Signs are allowed.</li> <li>▪ <i>Sign Area:</i> 10% of the building Wall area maximum, or 150 sq. ft., whichever is less. For each 100-foot increment the building wall is set back from a Public Right of Way, the base maximum area may be increased by 50%, provided the total area of Wall Signs shall not exceed 10% of the building wall area or 450 sq. ft., whichever is less.</li> <li>▪ <i>Sign Location:</i> Allowed on building Walls facing or fronting a Public Right of Way or a parking lot or other open space under the same ownership with at least 50' between the building wall and the nearest building. No Wall Sign shall be allowed on any building Wall that fronts or faces any directly abutting residentially zoned lot or parcel. In no case shall Wall Signs be constructed on more than 3 building Walls of a building.</li> <li>▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed.</li> </ul>

(c) **Permanent Pedestrian Signs.**

<b>RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts</b>	<b>H, CN1, CN2, CS, CD, IBP, IL, PCD, and PID Zoning Districts</b>	<b>CC, CR, IM and IG Zoning Districts</b>
<p>For permitted non-residential land uses.</p> <ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 1 per public entrance to building or tenant space.</li> <li>▪ <i>Sign Height:</i> 4' maximum height, when mounted on the ground.</li> <li>▪ <i>Sign Location:</i> Within 20' of entrance, when mounted on the ground.</li> <li>▪ <i>Sign Area:</i> 6 sq. ft. maximum.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Number of Signs, Size and Location:</i> 1 Sign for each public entrance to a building or tenant space, maximum of 8 sq. ft. and within 20' of entrance.</li> <li>▪ <i>Sign Height:</i> 6' high maximum, when mounted on the ground.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>▪ <i>Sign Number &amp; Size:</i> 1 Sign for each 25' of building public street frontage; 6 sq. ft. maximum.</li> <li>▪ <i>Sign Height:</i> 6' high maximum, when mounted on the ground.</li> </ul> <p><i>Exemption:</i> Portable Pedestrian Signs or any Pedestrian Sign mounted on a building that Projects into a Public Right of Way in the CD Zoning District are exempt from Public Right of Way prohibitions of Section 5-1817.</p>	

(d) **Permanent Free-standing Signs.**

<b><i>RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts</i></b>	<b><i>H, CN1, CN2, CS, CD, IBP, IL, PCD, and PID Zoning Districts</i></b>	<b><i>CC, CR, IM and IG Zoning Districts</i></b>
<p>For permitted non-residential land uses, regardless of lot size, or any residential subdivision project or multi-dwelling project (excluding duplexes and attached 2- to 4-unit dwellings) on lots or parcels of 2 acres or more:</p> <ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 1 Monument Sign per public street frontage for non-residential uses OR per entrance for residential projects of two acres or more.</li> <li>▪ <i>Sign Area Allowance:</i> For non-residential land uses on less than 2 acres, 1 sq. ft. for each 5' of lot public street frontage.</li> <li>▪ <i>Sign Area:</i> 32 s.f. maximum per Sign. For each 5' of setback from the Public Right of Way property line, maximum Sign area may be increased by 8 sq. ft. to a maximum of 48 sq. ft.</li> <li>▪ <i>Sign Height:</i> Monument design required for permanent Signs; 6' high maximum (height includes monument base). For each 5' of setback from the Public Right of Way property line, maximum Sign height may be increased by 1' to a maximum of 8'.</li> <li>▪ <i>Sign Illumination:</i> Externally Illuminated Signs are allowed, provided they are indirectly lighted with white light only and are not constructed of reflective or luminous materials. Internally Illuminated Signs are not allowed, except in the CO Zoning District and for allowed <i>Community Facilities, Religious Assembly or Medical Facilities</i> land uses, as defined in the City's Land Development Code, Chapter 20 of the City Code, as amended, in all other Zoning Districts.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 1 Monument Sign per lot. For lots of 3 or more acres, 1 additional Monument Sign may be allowed at a secondary entrance facing or fronting a different Public Right of Way than the first Sign.</li> <li>▪ <i>Sign Area:</i> 60 sq. ft. maximum. For each 5' of setback from the Public Right of Way property line, maximum Sign area may be increased by 6 sq. ft. to a maximum of 72 sq. ft. For lots of 3 or more acres, additional square footage of 20 sq. ft. is allowed. As an alternative to additional square footage of 20 sq. ft. for 1 Sign on lots of 3 or more acres, 1 additional Sign is allowed with a maximum area of 40 sq. ft.</li> <li>▪ <i>Sign Height:</i> Monument design required; 12' high maximum. For each 5' feet of setback from a Public Right of Way property line, height may be increased by 2' to a maximum of 16' (height includes monument base).</li> <li>▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 1 Monument Sign per lot. For lots of 3 or more acres, 1 additional Monument Sign may be allowed at a secondary entrance facing or fronting a different Public Right of Way than the first Sign.</li> <li>▪ <i>Sign Area:</i> 72 sq. ft. maximum. For each 5' of setback from the Public Right of Way property line, maximum Sign area may be increased by 6 sq. ft. to a maximum of 84 sq. ft. For lots of 3 or more acres, additional square footage of 20 sq. ft. is allowed. As an alternative to additional square footage of 20 sq. ft. for 1 Sign on lots of 3 or more acres, 1 additional Sign is allowed with a maximum area of 48 sq. ft.</li> <li>▪ <i>Sign Height:</i> Monument design required for permanent Signs; 16' high maximum (height includes monument base). For each 5' feet of setback from a Public Right of Way property line, height may be increased by 2' to a maximum of 20' (height includes monument base).</li> <li>▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed.</li> </ul>



(e) **Temporary Signs.**

<b>RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts</b>	<b>H, CN1, CN2, CS, CD, IBP, IL, PCD, CC, CR, IM and IG Zoning Districts and PID Zoning Districts</b>
<ul style="list-style-type: none"> <li>▪ <i>Free-standing (also includes Signs attached to fences, guardrails or retaining walls):</i> <ul style="list-style-type: none"> <li>○ <i>Sign Area:</i> Total area of all Free-standing Signs shall not exceed 16 sq. ft. per lot with a maximum Sign size of 8 sq. ft., except for allowed principal non-residential land uses for which the total area of all Free-standing Signs shall not exceed 32 sq. ft. per lot, with a maximum Sign size of 32 sq. ft.</li> <li>○ <i>Sign Height:</i> 4' maximum above ground on which Sign is placed, except for allowed principal non-residential land uses where Sign can be 6' maximum above ground on which Sign is placed.</li> <li>○ <i>Number of Signs:</i> Maximum of 3 Signs at the same time for lots with a single street frontage; maximum of 4 Signs at the same time for lots with multiple Street Frontages, with a maximum of 3 Signs at the same time on any street frontage.</li> <li>○ <i>Prohibitions:</i> Feather Signs are prohibited.</li> </ul> </li> <li>▪ <i>Attached to building Wall:</i> Allowed for permitted principal non-residential land uses or multi-family land uses only (excludes duplexes and attached 2- to 4-unit dwellings): <ul style="list-style-type: none"> <li>○ <i>Number of Signs:</i> 1 per building with 2 maximum per public street frontage, regardless of number of buildings with frontage.</li> <li>○ <i>Sign Area:</i> 12 sq. ft. maximum per Sign.</li> </ul> </li> </ul> <p><i>Exceptions to maximum Sign area and height.</i> (1) Residential subdivisions two or more acres in size and zoned RS, PRD or PUD: One Temporary Sign not exceeding 64 sq. ft. and 8' in height above adjoining grade that is installed near a main public street entrance to the subdivision. Such Sign shall be located a minimum of 15' from any Public Right of Way and shall be removed within 30 days after completion of construction of the last attached or detached dwelling in the subdivision. (2) Lots greater than one acre in size and zoned RM, POD or CO: One Temporary Sign not exceeding 64 sq. ft. in area installed on a lot that is greater than one acre in size that is under construction and development. Such Sign shall not exceed 10' in height above adjoining grade.</p> <p><i>Exception to maximum number of Signs.</i> Temporary Signs installed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure.</p> <p><i>Exemption from Sign Permit requirement.</i> Temporary Signs, as allowed above, are exempt from permit.</p>	<ul style="list-style-type: none"> <li>▪ <i>Free-standing (includes Signs attached to fences, guardrails or retaining walls):</i> <ul style="list-style-type: none"> <li>○ <i>Sign Area:</i> 32 sq. ft. total for lots with less than 160 feet of public Street Frontage, or 1 sq. ft. for each 5' of lot public Street Frontage for lots with 160 feet or more of public Street Frontage, not to exceed 64 sq. ft. total for all Signs on a single-tenant lot or 96 sq. ft. total for all Signs on a multi-tenant lot.</li> <li>○ <i>Sign Size:</i> 32 sq. ft. maximum per Sign.</li> <li>○ <i>Sign Height:</i> 9' maximum above ground on which Sign is placed.</li> <li>○ <i>Spacing:</i> At least 50' from any other Temporary Sign.</li> <li>○ <i>Number of Signs:</i> <ul style="list-style-type: none"> <li>▪ For single tenant lots: Maximum of 2 Signs at the same time for lots with a single Street Frontage; maximum of 3 Signs at the same time for lots with multiple Street Frontages, with a maximum of 2 Signs at the same time on any Street Frontage.</li> <li>▪ For multi-tenant lots: Maximum of 1 Sign at a time for each tenant space; maximum of 4 Signs at the same time for lots with a single Street Frontage; maximum of 6 Signs at the same time for lots with multiple Street Frontages, with a maximum of 4 Signs at the same time on any Street Frontage.</li> <li>▪ Feather Signs are allowed. See Section 5-1819(d) for additional standards applicable to Feather Signs.</li> </ul> </li> </ul> </li> <li>▪ <i>Attached to building wall:</i> <ul style="list-style-type: none"> <li>○ <i>Number of Signs:</i> 2 maximum per public Street Frontage.</li> <li>○ <i>Sign Area:</i> 5% maximum of Wall area facing a public street.</li> <li>○ <i>Sign Size:</i> 32 sq. ft. maximum per Sign.</li> </ul> </li> <li>▪ Total maximum display time of 45 days per calendar year per business or tenant space, which may be divided into separate display time periods throughout the calendar year.</li> </ul> <p><i>Exemptions from permit.</i> (1) Temporary Signs not exceeding the maximum Sign size and height allowances above, and located on a lot where the property or a portion thereof is for sale, lease or rent, as set forth in Sec. 5-1819(d)(4) of this Article. Such Signs shall not count against the total Temporary Sign area allowance for the lot. (2) Temporary Signs not exceeding 8 sq. ft. in area that are installed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure. (3) Temporary Signs that meet the definition of Minor Signs. (4) Portable Pedestrian Signs meeting the standards of Section 5-1819(b).</p> <p><i>Exceptions to the maximum allowed display time per calendar year.</i> (1) Up to two Temporary Signs not exceeding 64 sq. ft. in combined total area installed on a lot where a new building, addition, or tenant space is under construction for the interim period of new construction or new tenant space finish. (2) Temporary Signs installed on a lot where the property or a portion thereof is for sale, lease or rent, as set forth in Sec. 5-1819(d)(4) of this Article. (3) Temporary Signs not exceeding 8 sq. ft. in area that are installed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure. (4) Portable Pedestrian Signs meeting the standards of Section 5-1819(b)).</p> <p><i>Exception to maximum number of Signs.</i> Temporary Signs not exceeding 8 sq. ft. in area that are installed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure.</p>

(f) **Permanent Internal Ground Signs.**

<b><i>RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts</i></b>	<b><i>H, CN1, CN2, CS, CD, IBP, IL, PCD, and PID Zoning Districts</i></b>	<b><i>CC, CR, IM and IG Zoning Districts</i></b>
<p>For permitted principal non-residential land uses or multi-dwelling structure land uses (not including duplexes and attached 2- to 4-unit dwelling structure land uses):</p> <ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 1 for each 10,000 sq. ft. of a lot or parcel.</li> <li>▪ <i>Sign Size:</i> 4 sq. ft. maximum on lots or parcels less than 2 acres; up to 8 sq. ft. for lots or parcels of 2 acres or more, and when set back at least 50' from the Public Right of Way or lot or parcel lines.</li> <li>▪ <i>Sign Height:</i> 4' maximum when set back less than 50' from the Public Right of Way or lot or parcel lines, and 6' maximum when set back at least 50' from the Public Right of Way or lot or parcel lines.</li> <li>▪ <i>Sign Illumination:</i> Internally Illuminated Signs are not allowed; Externally Illuminated Signs are allowed, provided they are indirectly lighted with white light only and are not constructed of reflective or luminous materials.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 1 for each 5,000 sq. ft. of a lot or parcel up to and including 20,000 sq. ft., plus 1 for each 10,000 sq. ft. of a lot or parcel greater than 20,000 sq. ft.</li> <li>▪ <i>Sign Size:</i> 4 sq. ft. maximum when located within 15' of a Public Right of Way; 6 sq. ft. maximum when located more than 15' but not more than 50' from a Public Right of Way; 16 sq. ft. maximum when located more than 50' from a Public Right of Way. Signs serving drive-through facilities may be 32 sq. ft. maximum when set back at least 50' from a Public Right of Way and located further back from the Public Right of Way than the Wall of the primary use building that faces a Public Right of Way.</li> <li>▪ <i>Sign Height:</i> 3' maximum height when located within 15' of a Public Right of Way; 4' maximum height when located more than 15' but not more than 50' from a Public Right of Way; 6' maximum height when located more than 50' from a Public Right of Way. Signs serving drive-through facilities may be 8' maximum height when set back at least 50' from a Public Right of Way and located further back from a Public Right of Way than the Wall of the primary use building that faces a Public Right of Way.</li> <li>▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Number of Signs:</i> 1 for each 5,000 sq. ft. of a lot or parcel up to and including 20,000 sq. ft., plus 1 for each 10,000 sq. ft. of a lot or parcel greater than 20,000 sq. ft.</li> <li>▪ <i>Sign Size:</i> 6 sq. ft. maximum when located within 15' of a Public Right of Way; 8 sq. ft. maximum when located more than 15' but not more than 25' from a Public Right of Way; 16 sq. ft. maximum when located more than 25' from a Public Right of Way. Signs serving drive-through facilities may be 32 sq. ft. maximum when set back at least 50' from a Public Right of Way and located further back from a Public Right of Way than the Wall of the primary use building that faces a Public Right of Way.</li> <li>▪ <i>Sign Height:</i> 4' maximum height when located within 15' of a Public Right of Way; 6' maximum height when located more than 15' but not more than 25' from a Public Right of Way; 8' maximum height when located more than 25' from a Public Right of Way. Signs serving drive-through facilities may be 8' maximum height when set back at least 50' from a Public Right of Way and located further back from a Public Right of Way than the Wall of the primary use building that faces a Public Right of Way.</li> <li>▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed.</li> </ul>

(g) **Legend.** For the purposes of the foregoing tables, the abbreviations used therein shall, when referencing the various Zoning Districts, mean as follows:

- (1) **RS.** Single-Dwelling Residential Districts.
- (2) **RSO.** Single-Dwelling Residential-Office District.
- (3) **RM.** Multi-Dwelling Residential Districts.
- (4) **RMG.** Multi-Dwelling Residential - Greek Housing District.
- (5) **RMO.** Multi-Dwelling Residential-Office District.
- (6) **PUD.** Planned Unit District.
- (7) **PRD.** Planned Residential District.
- (8) **POD.** Planned Office District.



- (9) **CO.** Office Commercial District.
- (10) **UR.** Urban Reserve District.
- (11) **OS.** Open Space District.
- (12) **H.** Hospital District.
- (13) **CN1.** Inner Neighborhood Commercial Center District.
- (14) **CN2.** Neighborhood Commercial Center District.
- (15) **CS.** Commercial Strip District.
- (16) **CD.** Downtown Commercial District.
- (17) **IBP.** Industrial/Business Park District.
- (18) **IL.** Limited Industrial District.
- (19) **PCD.** Planned Commercial District.
- (20) **PID.** Planned Industrial District.
- (21) **CC.** Community Commercial District.
- (22) **CR.** Regional Commercial District.
- (23) **IM.** Medium Industrial District.
- (24) **IG.** General Industrial District.

5-1819

## **RESTRICTIONS BY SIGN TYPE.**

### **(a) Wall Signs.**

- (1) **Projecting Wall Signs.** No Projecting Wall Sign shall project more than 6 feet from the face of the Wall, Marquee, Canopy, or Awning to which it is attached, and shall not extend over any public driveway, alley, road, street, or thoroughfare accessible to motor vehicles.
- (2) **Awning or Canopy Wall Signs.** Awnings, Canopies, Awning Signs, and Canopy Signs shall comply with the following:
  - (A) Awnings and Canopies shall be constructed of cloth or metal, provided that all frames and supports shall be made of metal.

- (B) Awnings and Canopies shall be constructed in compliance with the City's Building Code, Chapter V, Article 2 of the City Code, as amended, and the City's Fire Code, Chapter VIII, Article 2 of the City Code, as amended.
- (C) No Awning or Canopy shall extend beyond a point two feet inside a street curb-line.
- (D) Every Awning shall be securely attached to and supported by the building to which it is attached and shall properly be maintained in such manner.
- (E) To determine the allowable Sign area on an Awning or Canopy, the surface area of the Awning or Canopy behind any lettering, Logo, or insignia shall be measured by establishing the square footage covered by the perimeter of the Sign. No Awning Sign or Canopy Sign, or any portion of an Awning Sign or Canopy Sign, shall contain a Changeable Message Sign.
  - (i) The combined Sign area on an Awning or Canopy, supported by attachment to a building, and other wall Signs on the same building facade shall not exceed the allowances for wall Signs pursuant to this Article. When more than 50% of the total square footage of an Awning or Canopy, supported by attachment to a building, contains Logo, insignia, or lettering, the surface area of the entire Awning or Canopy, including the surface area without lettering, Logo, or insignia, shall be considered a Sign for purposes of this Article.
  - (ii) The combined Sign area on any Canopy that is structurally independent from another building shall not exceed 20% of the area of the Canopy face, except that Signs on a Canopy face with an area not greater than 25 square feet shall not exceed 50% of the area of the Canopy face.
- (3) All Wall Signs for which a Sign Permit is required under this Article shall have a facing surface made of Noncombustible Materials. However, the surface or facing and structural trim of a Wall Sign, that is attached to a stone, brick, or masonry Wall, may be of exterior grade plywood, having a thickness of not less than one inch. No plywood Wall Sign shall be illuminated or in any manner be operated or serviced by electricity.
- (b) **Portable Pedestrian Signs.** Portable Pedestrian Signs shall be located on private property, where allowed, except in the CD Zoning District, where such Signs may be located in the Public Right of Way, subject to the following:

- (1) Not more than one Portable Pedestrian Sign shall be located within close proximity to the main public entrance of any building or structure.
- (2) All Portable Pedestrian Sign shall be located within 12 inches of the building which the Portable Pedestrian Sign serves.
- (3). All Portable Pedestrian Signs shall be located on or near a sidewalk with at least 6 feet clear passage maintained for pedestrians on the sidewalk, and any Sign shall not otherwise be placed in any location that creates visual obstructions or safety hazards for users of the Public Rights of Way.
- (4) Portable Pedestrian Signs shall not exceed 32 inches in width and 48 inches in height above the adjacent sidewalk.
- (5) Portable Pedestrian Signs shall neither be Illuminated nor contain any digital display, and shall not contain Banner Signs, Flags, pennants, Pennant Streamers, balloons, or other moving parts.
- (6) Portable Pedestrian Signs shall not be displayed during non-business hours.
- (7) Portable Pedestrian Signs shall be constructed of durable materials and shall be designed with quality aesthetics for use on a recurring basis (no Banner Signs, Flags, pennants, Pennant Streamers, balloons, or other moving parts).
- (8) Portable Pedestrian Signs may include changeable copy as part of the Sign design, such as chalkboards, or the like.
- (9) Temporary Signs may not be used as Portable Pedestrian Signs.

(c) **Free-Standing Signs.**

- (1) Monument Signs shall be located within a landscape area as may be required by Site Plan approval under the City's Land Development Code, Chapter 20 of the City Code, as amended.
- (2) Monument Signs shall have a base at least 65% of the width of the widest part of the Sign and not more than 125% of the width of the widest part of the Sign. **Exception:** Monument Signs, having a base at least 33% of the width of the widest part of the Sign and not more than 150% of the width of the widest part of the Sign, approved by the Monument Sign Design Review Committee in accordance with Section 5-1829 of this Article.
- (3) Monument Signs, including their bases, shall include ornamental architectural details and materials that complement the overall design of the site and building.

- (4) Monument Signs shall be no closer than 10 feet to any other Sign, building, or structure, unless constructed entirely of Noncombustible Material.
  - (5) Monument Signs shall have a surface or facing constructed of Noncombustible Materials or other material approved by the Code Official, or his or her designee.
- (d) **Temporary Signs.** Temporary Signs are subject to the following additional restrictions:
- (1) It shall be the duty of the Person, who causes the Temporary Sign to be installed, erected, or hung, to remove the Temporary Sign when the authorized display time has expired.
  - (2) Temporary Signs shall neither be illuminated nor painted with light-reflecting paint.
  - (3) Temporary Signs may be constructed of either rigid or non-rigid material and shall be securely anchored so as not to pose a distraction or hazard to drivers, bicyclists, or pedestrians. Non-rigid materials (such as banners) that are secured by a support or frame to avoid distracting movements, may be used as a free-standing Temporary Sign when set back at least 10 feet from the pavement edge of any fronting roadway.
  - (4) While Temporary Signs typically are limited to 60 days, the Code Official is authorized to allow a Temporary Sign to remain on a lot or parcel for longer than 60 days in a calendar year provided:
    - (A) The property owner consents and the real property is being offered for sale through a licensed real estate agent or for lease or rent through a leasing agent; or
    - (B) The real property is offered for sale, lease or rent by the owner through advertising in a local newspaper of general circulation or on the Internet; and
    - (C) The Temporary Sign is removed within 15 days after completion of the sale of the real property, or within 15 days after a contract for lease or rent of the real property has been executed with a person leasing or renting the property.
  - (5) The Code Official is authorized to require the removal of any Temporary Sign that pertains to an expired event.
  - (6) Not more than 2 Temporary Signs shall be allowed on any property that has an approved, operating Electronic Message Center (EMC) Sign, excluding Temporary Signs placed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure.

- (7) Temporary Feather Signs are not allowed in RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR, and OS Zoning Districts and are limited to not more than one (1) Feather Sign per lot street frontage in all other Zoning Districts. Temporary Feather Signs may not exceed nine (9) feet in height above the ground on which they are placed and 16 square feet in area, must be at least 50 feet from any other free-standing Temporary Sign on the same lot, and must be set back from the Public Right of Way by a distance that is at least equal to the height of the Temporary Feather Sign.
- (8) The Code Official is authorized to remove and to dispose of any Temporary Signs found on Public Property or in a Public Right of Way.

5-1820

#### **RESTRICTIONS FOR ELECTRONIC MESSAGE CENTER SIGNS.**

- (a) Electronic Message Center (EMC) Signs, as defined in this Article, are subject to the following additional restrictions:
  - (1) EMC Signs shall be limited to CN2, MU, CO, CC, CR, CS, PCD, PID, IL, IM, IG, GPI, and H Zoning Districts, or for permitted principal Office, Community Facilities, Religious Assembly, or Medical Facilities uses as defined in Chapter 20 of the City Code, as amended, in all other Zoning Districts, except CN1 and CD Zoning Districts.
  - (2) EMC Signs in RS, RSO, RM, RMG, RM, PUD, PRD, POD, CO, UR, and OS Zoning Districts shall not be operated or illuminated between the hours of 10:00 p.m. and 7:00 a.m.
  - (3) EMC Signs shall be limited to permanent Free-standing Monument Signs, permanent Wall Signs, interior Window Signs, not exceeding a total of 12 square feet, and permanent Internal Ground Signs serving drive-through facilities.
  - (4) EMC Signs shall be limited to not more than 50% of the total allowed Sign area of Permanent Free-standing Signs.
  - (5) EMC Signs shall be limited to not more than 20% of the total allowed Sign area of Permanent Wall Signs.
  - (6) EMC Signs shall be limited to not more than 1 per lot street frontage, excluding EMC window Signs not exceeding a total of 12 square feet and Permanent Internal Ground Signs serving drive-through facilities.
  - (7) EMC Sign Faces shall be set back at least 200 feet from any adjacent residentially zoned lot or parcel as measured perpendicularly from the Sign Face, and at least 100 feet from any adjacent residentially zoned lot or parcel as measured parallel to the closest edge of the Sign Face.

- (8) On all EMC Signs, automatic dimming controls shall limit the illumination to no more than 0.3 Foot Candle relative to ambient light, as measured using a Foot Candle (lux) meter calibrated within the past 36 months and in conformance with the following process:

- (A) Light measurements shall be taken with the meter aimed perpendicular to the Sign Face or at the area of the sign emitting the brightest light when that area is not the Sign Face, at a preset distance depending on Sign size. Distance shall be determined by taking the square root of the product of the Sign area and 100. For example, using a 12-square-foot Sign:  $\sqrt{(12 \times 100)} = 34.6$  feet measuring distance. *Table 5-1820.1* below provides a sample of distances from which to measure the brightness of an automatic changeable electronic message center.

**Table 5-1820.1**

Area of EMC	Measurement Distance from Sign
10	32
16	40
20	45
24	49
30	55
40	63
50	71

- (B) An ambient light measurement shall be taken using a Foot Candle (lux) meter at some point between the period of time between 30 minutes past sunset and 30 minutes before sunrise with the Sign turned off to a black screen.
- (C) Immediately following the ambient light measurement taken in the manner required by this subsection, an operating Sign light measurement shall be taken with the Sign turned on to full white copy.
- (D) The brightness of an EMC Sign shall be compliant with the brightness requirements of this subsection when the difference between the ambient light measurement and the operating Sign light measurement is 0.3 Foot Candle or less.
- (9) On all EMC Signs, only the static display of messages is permitted with at least 3 seconds between changes in display and no more than 1 second for transitions. Messages shall be changed only through dissolving or fading Transition Methods. No scrolling, travelling, flashing, or animated transitions are allowed.

- (10) Not more than two 2 Temporary Signs shall be allowed on any property that has an approved, operating EMC Sign, excluding Temporary Signs placed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure.

5-1821

#### **ADDITIONAL RESTRICTIONS.**

- (a) **Signs on Historic Landmark Structures or in Historic Districts or their Environs.** Signs located on designated historic landmark structures or within historic districts or their environs, as defined by Chapter 22 of the City Code, as amended, must comply with the provisions and requirements of Chapter 22 of the City Code, as amended, in addition to those restrictions for the underlying Zoning District, as set forth at Section 5-1818 of this Article.
- (b) **Signs in Urban Conservation Districts.** Signs located in an Urban Conservation Overlay District, as established at Section 20-308(h) of the City Code, as amended, must comply with the designated Urban Conservation Overlay District Standards and Administrative Policies established therein, in addition to those restrictions for the underlying Zoning District, as set forth at Section 5-1818 of this Article.
- (c) **Signs in Mixed-use (MU) Zoning Districts.** For any Sign or Signs proposed to be installed, erected, constructed, hung, or placed on a lot or structure located in a Mixed-use (MU) Zoning District, the Director shall review the existing and/or approved land use or uses on that lot and on adjacent lots, and shall make his or her determination regarding the Sign under the most appropriate zoning classification for the lot or building on which the Sign or Signs are proposed. Any person aggrieved by the decision of the Director may appeal said administrative decision to the Sign Code Board of Appeals in accordance with Section 5-1827 of this Article.
- (d) **Signs in General Public and Institutional Use (GPI) Zoning Districts.** For any Sign or Signs proposed to be installed, erected, constructed, hung, or placed on a lot or structure located in a General Public and Institutional Use (GPI) Zoning District, the Director shall review the existing and/or approved land use or uses on that lot and on adjacent lots, and shall make his or her determination regarding the Sign under the most appropriate zoning classification for the lot or building on which the Sign or Signs are proposed. Any person aggrieved by the decision of the Director may appeal said administrative decision to the Sign Code Board of Appeals in accordance with Section 5-1827 of this Article.

5-1822

#### **PROHIBITED SIGNS.**

- (a) The following Signs are prohibited in the City:
  - (1) Signs that are not otherwise authorized or allowed under the Sign Code.

- (2) Signs, that are required by this Code to have a Sign Permit, that are installed, erected, constructed, hung, or altered (including changes in Sign Copy or Sign Face) without a valid Sign Permit.
- (3) Permanent Free-standing Pole Signs, unless such are Government Signs or Permanent Internal Ground Signs.
- (4) Billboards.
- (5) Mobile Signs.
- (6) Roof Signs.
- (7) Snipe Signs.
- (8) Manually Activated Changeable Message Signs.
- (9) Pennant Streamers Signs.
- (10) Animated Signs.
- (11) Flashing Signs.
- (12) Scrolling Message Signs.
- (13) Travelling Message Signs.
- (14) Any Sign installed, erected, constructed, hung, altered, relocated, or maintained so as to prevent ingress or egress at any emergency egress door, egress window, or fire escape.
- (15) Any Sign that obstructs free and clear vision at the intersection of two streets, a street and an alley, two internal access streets, an internal access street and a street, or a driveway and a street.
- (16) Any Sign that, by reason of its intensity, position, shape, or color, impedes or obstructs the view of any user of the Public Right of Way or may be confused by any user of the Public Right of Way with any authorized traffic Sign, signal, or device.
- (17) Any Sign that makes use of any work, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic on a Public Right of Way.
- (18) Any Sign located in a Public Right of Way, excluding Governmental Signs or Portable Pedestrian Signs in the CD Zoning District.
- (19) Any Sign displaying any material, be it words, scenes, or graphics, that are obscene, indecent, immoral, or harmful to minors within the meaning of K.S.A. 21-6401, as amended.



**NONCONFORMING SIGNS.**

- (a) Nothing in this Code shall prohibit the ordinary maintenance or repair of a Nonconforming Sign. For the purposes hereof, replacement of Sign Copy, content, or message is considered ordinary maintenance. It shall, however, be unlawful to:
  - (1) Change a Nonconforming Sign to another type or shape of Nonconforming Sign or other Prohibited Sign.
  - (2) Physically change or structurally alter a Sign or Sign Structure to enlarge a Nonconforming Sign, or to replace significant portions of a Nonconforming Sign or Sign Structure.
  - (3) Allow a Nonconforming Sign to become an Abandoned Sign.
  - (4) Re-establish use of a Nonconforming Sign after removal, abandonment, or vacancy of the Nonconforming Sign.
- (b) Any Nonconforming Sign that is damaged by fire, explosion, collision, other casualty, or an Act of God by more than 50% of its present value, shall not be repaired or replaced. Any Nonconforming Sign that topples because its supports have been broken, have buckled, or are exhausted shall be considered to be damaged by more than 50% of its present value.
- (c) When a substantial portion of real property or a building is redeveloped such that is deemed a Major Development Project and Site Plan review and approval is required under Section 20-1305 of the City's Land Development Code, Chapter 20 of the City Code, as amended, no such Site Plan shall be approved unless it notes that all Nonconforming Signs are to be removed from the real property prior to occupancy for the use for which Site Plan approval is being sought. Any Nonconforming Sign in such cases shall be removed prior to lawful occupancy of the approved use.

**HAZARDOUS, DANGEROUS, ABANDONED, AND VACANT SIGNS; SIGNS INSTALLED OR ALTERED WITHOUT A SIGN PERMIT.**

- (a) **Notice and Order.** If the Code Official, or his or designee, shall find that any Sign or Sign Structure is unsafe and insecure, is hazardous, presents a danger to the public, has been abandoned, or has been constructed, erected, or maintained in violation of the Sign Code, then he or she shall give written Notice and Order to the owner thereof to remove the offending Sign or Sign Structure, or to correct any deficiency therein, within 30 days in order to come into compliance with the Sign Code. The Notice and Order shall specifically list the violation cited, shall give the owner 30 days to come into compliance, and shall notify the owner that he or she may appeal the Notice and Order to the Sign Board Code of Appeals, in accordance with Section 5-1827 of this Article.

- (b) **Abatement.** If the owner does not comply with the Code Official's Notice and Order and has not appealed the Notice and Order in timely fashion, then the Code Official shall present the issue to the City Commission, who may find by Resolution that the Sign is a public nuisance, may order the owner to remove the Sign within 30 days thereof, and may order the Code Official to abate the nuisance and remove the Sign thereafter, at the cost of the owner, if the owner fails to remove the Sign in the time allotted. If the Code Official abates the nuisance and removes the Sign, then the Code Official, or his or her designee, shall report the costs to the City Clerk. The City Clerk shall bill the cost of abatement to the owner of the real property upon which the Sign was located and, if not paid, may cause the charge to be placed on the tax rolls as a special assessment on the property.
- (c) **Emergency Abatement.** When, in the opinion of the Code Official, there is an actual or immediate danger to the public caused by any hazardous, dangerous, or abandoned Sign, the Code Official is hereby authorized and empowered, without notice and hearing, to order and require that such hazardous and unsafe Sign be removed. The Code Official shall post the Sign warning of dangerous condition and, if the owner does not cooperate, shall abate such hazardous or unsafe condition. The Code Official shall prepare a statement of costs and shall report the costs of abatement to the City Clerk. The cost of abatement shall be charged against the real property upon which the Sign was located and, if not paid, may be placed on the tax rolls as a special assessment on the property.
- (d) **Abandoned Signs.** The City hereby declares all Abandoned Signs to be a public nuisance. All Abandoned Signs shall be removed by the owner. If the Abandoned Sign is not removed by the owner, then the Code Official shall send the owner a Notice and Order, in accordance with subsection (a) hereof and, if that fails, shall seek abatement of the public nuisance in accordance with subsection (b) or (c) hereof.
- (e) **Vacant Signs.** All Vacant Signs shall have a blank Sign Copy or Sign Face. If any Vacant Sign does not have a blank Sign Copy or Sign Face, then the Code Official shall send the owner a Notice and Order, in accordance with subsection (a) hereof and, if that fails, shall seek abatement of the public nuisance in accordance with subsection (b) hereof.
- (f) **Signs Installed or Altered without a Sign Permit.** If the Code Official finds that a Sign has been installed, erected, constructed, hung, or altered (including the change of Sign Copy or Sign Face) without a Sign Permit and that such Sign required a Sign Permit, then Code Official shall, in addition to any other penalty that may apply, send to the owner thereof a Notice and Order in accordance with subsection (a) hereof. The Notice and Order shall require the Owner of the unlawful Sign, within 30 days thereof, either to remove the Sign or to apply for an after-the-fact Sign Permit. In cases where the Owner of the unlawful Sign seeks an after-the-fact Sign Permit, the Owner shall comply with the requirements of Section 5-1805 of this Article and shall pay, in addition to the Sign Permit Fee required by Section 5-1806 of this Article, an additional penalty equal to twice the amount of the Sign Permit Fee.

5-1825

**SIGN CODE REGULATORY CONSTRUCTION.**

The Director is charged with making all regulatory constructions or interpretations of the provisions of the Sign Code. All such constructions or interpretations are to be exercised in light of the City's message neutrality policy. Whenever any Sign Permit or other authorization is subject to discretionary review, that review shall be based on the Sign Code and shall not consider the message content of the Sign. Whenever a particular type of Sign is proposed in an Application for a Sign Permit that is neither expressly allowed nor expressly prohibited by the Sign Code, then the Director shall approve, conditionally approve, or disapprove the Application for Sign Permit by analogizing the proposed Sign to Signs regulated by the Sign Code. In such situations, the Director shall reduce his decision to writing and a copy of the decision shall be mailed or hand-delivered to the applicant. Any Person aggrieved by the decision of the Director in construing or interpreting the Sign Code may make an appeal to the Sign Code Board of Appeals in accordance with Section 5-1827 of this Article.

5-1826

**SIGN CODE BOARD OF APPEALS.**

- (a) There is hereby established the City of Lawrence, Kansas, Sign Code Board of Appeals. The Sign Code Board of Appeals shall consist of 7 members, who shall be at least 18 years of age and shall be residents of the City. Members of the Sign Code Board of Appeals shall be appointed by the Mayor with the consent of the Governing Body. The Board members shall be initially appointed to serve such staggered terms as the Mayor shall determine, but, in no case, shall such initial appointment be for a term longer than 3 years. One full term of service for a Board member shall be 3 years, provided that a Board member shall only be eligible for 2 consecutive full terms. The Sign Code Board of Appeals shall select a member to serve as Chair and shall adopt bylaws governing its procedures.
- (b) The Sign Code Board of Appeals shall hear all appeals permitted herein and shall consider all applications for a variance from the Sign Code.

5-1827

**APPEALS.**

- (a) Any Person aggrieved by a decision of the Code Official, the Director, or the Monument Design Review Committee related to any Sign Contractor License, Sign Permit, Notice and Order, or Regulatory Construction, shall have the right to appeal such decision to the Sign Code Board of Appeals. All such appeals shall be made by filing with the Director a written Notice of Appeal, within 14 days of the decision being appealed. The Notice of Appeal shall state concisely the decision being appealed and why the appellant believes the decision is in error or otherwise in violation of the Sign Code or other pertinent law.
- (b) In accordance with the Department's submittal deadlines, the Director of Planning and Development Services shall schedule all appeals for hearing by the Sign Code Board of Appeals. At such hearing, the appellant shall bear the burden of proof. To prevail on appeal, the appellant must prove that it is more probably true than not true that, under the Sign Code or existing law, the decision of the Code Official, the Director, or the

Monument Design Review Committee is erroneous. If it fails to take formal action at the public hearing, the Sign Code Board of Appeals shall, no later than 30 days after the public hearing, issue its final order, which shall be transmitted to the appellant.

- (c) There shall be a \$25.00 non-refundable Docketing Fee due and payable at the time that any Notice of Appeal is filed.
- (d) The filing of a timely Notice of Appeal shall, absent exigent circumstances, stay any administrative enforcement action under this Article until the Sign Code Board of Appeals has issued its final order.
- (e) The final order of the Sign Code Board of Appeals shall be the final decision of the City. Any appellant aggrieved by a final decision of the Sign Code Board of Appeals shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

5-1828

#### **VARIANCES.**

- (a) Any Person seeking a Sign Permit that cannot meet the restrictions or standards of this Sign Code may seek a Variance from the restrictions and standards of the Sign Code by filing, with the Director, an Application for Variance.
- (b) In accordance with the Department's submittal deadlines the Director shall schedule all variance requests for hearing by the Sign Code Board of Appeals. The Person seeking the variance shall bear the burden of proof. To grant a variance, the Sign Code Board of Appeals must find, by a majority vote of the members present and voting, each of the following has been established by clear and convincing evidence:
  - (1) That the variance request arises from conditions that are unique to the location in question, which are not ordinarily found in the same Zoning District, and that the unique conditions are not caused or created by an action or actions of the property owner or applicant.
  - (2) That granting the variance will not be materially detrimental to the public welfare, including the visual appearance of the area, or injurious to property or improvements in such Zoning Districts or the neighborhood in which the property is located.
  - (3) That strict application of the Sign Code would result in practical difficulties or unnecessary hardships to the owner or applicant, inconsistent with the general purpose and intent of the Sign Code. Such practical difficulties or unnecessary hardships may include compliance with amended provisions of the Sign Code that were not in effect at the time a predecessor Sign was installed.
- (c) There shall be a \$350.00 non-refundable Docketing Fee due and payable at the time that any Request for Variance is filed.

- (d) The final order of the Sign Code Board of Appeals shall be the final decision of the City on any Request for Variance. Any Person aggrieved by a final decision of the Sign Code Board of Appeals shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

5-1829

**MONUMENT DESIGN REVIEW COMMITTEE.**

A committee shall be established to review written requests for new Permanent Free-standing Monument Signs that do not conform to the minimum or maximum monument Sign base width requirements set forth in Section 5-1819(c) of this Article. The Monument Sign Design Review Committee shall consist of the Director, the Assistant Director of Planning and Development Services, the Code Official, the Historic Resources Administrator, and the Director of Arts & Culture. Determinations made by the Monument Sign Design Review Committee shall be made in light of the City's message neutrality policy, and shall not consider the message content of the proposed Sign in reaching its decision. All requests to vary from the base width requirements set forth in Section 5-1819(c) of this Article must be submitted in writing to the Director. The standards for granting a variance shall be the same as those set forth in Section 5-1828. However, the Monument Sign Design Review Committee shall not have authority to approve Free-standing Monument Signs having bases that are less than 33% of the width of the widest part of the Sign or more than 150% of the width of the widest part of the Sign. Meetings to review requests may be scheduled as necessary. After reviewing the request, the Monument Design Review Committee shall issue a written decision, approving or disapproving the variance. The written decision shall be transmitted to the applicant. Any Persons aggrieved by the decision of the Monument Sign Design Review Committee may appeal said decision to the Sign Code Board of Appeals in accordance with Section 5-1827 of this Article.

5-1830

**SUBSTITUTION OF MESSAGE.**

For any Sign authorized in any Zoning District, a non-commercial Sign Copy may be substituted for any commercial Sign Copy or any other non-commercial Sign Copy, without consideration of the content of the Sign Copy, provided that the Sign is otherwise lawful and in compliance with the Sign Code. If the Sign is exempt from the Sign Permit requirement, then the Sign Copy substitution may be made without a Sign Permit; otherwise, a Sign Permit is required. The purpose of this provision is to prevent the inadvertent favoring of commercial speech over non-commercial speech or the favoring of one type of non-commercial speech over another. This provision, however, does not permit, through the substitution of Sign Copy, the conversion of an On-Premises Sign into an Off-Premises Sign.

5-1831

**UNLAWFUL ACTS.**

- (a) It shall be unlawful for any person to install, erect, construct, hang, or alter (including the change of any Sign Copy or Sign Face) any Sign within the City, unless otherwise exempt under this Article, without first obtaining from the City a Sign Permit as required by Section 5-1803 of this Article.
- (b) It shall be unlawful for any person to install, erect, construct, hang, or alter (including the change of any Sign Copy or Sign Face) any Sign in behalf of another person, unless otherwise exempt under this Article, without first

obtaining from the City a Sign Contractor License as required by Section 5-1813 of this Article.

- (c) It shall be unlawful for any Person to knowingly violate any provision of this Article.

5-1832 **MUNICIPAL OFFENSE.**

Engaging in any of the unlawful acts set forth at Section 5-1831 shall be a separate municipal offense. Any person violating a provision of Section 5-1831 of this Article shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$500.00 and a maximum fine of \$1,000.00 for each unlawful act.

**SECTION 3:** If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 4:** This ordinance shall take effect and be in force after its passage and publication as provided by law.

**PASSED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2017.

**APPROVED:**

\_\_\_\_\_  
Leslie Soden  
Mayor

**ATTEST:**

\_\_\_\_\_  
Sherri Riedemann  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Toni R. Wheeler  
City Attorney

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**NOTICE TO PUBLISHER**

Publish once and return one Proof of Publication to the City Clerk and one to the City Attorney.