

ORDINANCE NO. S-318

AN ORDINANCE AMENDING ARTICLE 16 – SIGN REGULATIONS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ANTHONY, KANSAS.

WHEREAS, the Anthony Planning Commission determined that certain amendments to the Unified Development Code of the City of Anthony, Kansas, are necessary to deal with changing conditions with the City; and,

WHEREAS, the Anthony Planning Commission conducted a public hearing on the proposed amendments to the Unified Development Code of the City of Anthony, Kansas, on Tuesday, June 25, 2024; and,

WHEREAS, the Anthony Planning Commission recommends that the proposed amendments to the Unified Development Code of the City of Anthony, Kansas, be adopted by the governing body of the City of Anthony, Kansas;

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

Section 1: That the entirety of Unified Development Code of the City of Anthony, Kansas, shown as Article 16 of said Code, is hereby repealed and replaced with the following:

ARTICLE 16. SIGN REGULATIONS

Section 16-1	Purpose and Intent
Section 16-2	Permits Required
Section 16-3	Right of Appeal
Section 16-4	Exempt Signs
Section 16-5	Design, Construction, and Maintenance
Section 16-6	Temporary Signs
Section 16-7	General Restrictions
Section 16-8	Permitted Signs
Section 16-9	Modifications of Sign Rights
Section 16-10	Administrative Modification of Signs
Section 16-11	Transfer of Sign Rights
Section 16-12	Billboard/Off-Site Signs
Section 16-13	Misc. Sign Controls
Section 16-14	Definitions

Section 16-1 Purpose and Intent.

- A. **General Provisions.** The purpose of these sign regulations is to accomplish the following:
1. To encourage the effective use of signs as a means of communication in Anthony and its extra-territorial area;
 2. To maintain and enhance the aesthetic environment;
 3. To improve pedestrian and traffic safety;

4. To minimize the adverse effect of signs on nearby public and private property; and,
 5. To enable the fair and consistent enforcement of the sign regulations.
- B. **Applicability.** No sign may be erected, placed, painted, established, or maintained in the City of Anthony except in conformance with the standards, exemptions and procedures set forth in this ordinance. Specifically, this section is intended to:
1. Establish a permit system to allow a limited variety of signs, subject to the standards and permit procedures contained herein;
 2. Allow certain signs that are unobtrusive and incidental to the principal use of land;
 3. Prohibit all signs not expressly permitted by this resolution;
 4. Provide for the enforcement of these provisions.

Section 16-2 Permits Required.

- A. **General Provisions.** Unless exempted by this ordinance, it shall be unlawful for any person to erect, construct, alter, relocate, or convert any sign or advertising device (as defined in this section) without first obtaining a sign permit, and the payment of the proper fee required by the governing body.
- B. **Applications.**
1. Applications for sign permits shall be made on forms provided by the Zoning Administrator.
 2. A set of plans, if requested, drawn to scale indicating the sign location, size, type, materials, method of illumination, colors and general layout are required; or integrated into site plans.
 3. Other information as deemed necessary by the Zoning Administrator required to enforce this section.

Section 16-3 Right of Appeal.

- A. **Appeal to the Board of Zoning Appeals.** If the zoning administrator determines that the proposed sign does not comply with all the requirements of this article, or other laws and ordinances of the City, or if the Planning Commission refuses to issue a sign modification, the applicant shall have the right of appeal to the Board of Zoning Appeals within 30 days of a final decision. The BZA may vary or waive any requirement of these provisions after finding a bona fide hardship.

Section 16-4 Exemptions.

- A. **Exempt Signs.** The following signs shall be exempt from all fees and regulations, except that no sign shall be located in a public r.o.w. or create a traffic hazard.
1. Official signs erected by a city, or county, school district, State of Kansas, or the federal government.
 2. Off-site signs erected for public information, safety or direction by any utility, authority, public service district, or construction company.
 3. On-site signs, that are internally located within a complex of buildings, housing development, or institutional setting, that give directions to a building or area, building names, warnings, posters and signs on accessory buildings, or flags.

4. Signs specifically required by the codes, policies, or laws of the City of Anthony.
5. Reserved for future amendment.
6. Temporary signs (not portable) which include, but are not limited to: real estate and political signs less than 20 square feet, and auction signs less than 40 square feet.
7. Temporary price or sale signs for retail business establishments, but these shall not include portable or movable signs unless a permit is issued by the Zoning Administrator.
8. Signs used in conjunction with uses that have an agricultural purpose.

Section 16-5 Design, Construction and Maintenance of Signs.

A. **Design.** All signs designed, constructed, and maintained in accordance with the following standards:

1. Except for flags, and in certain cases temporary, window, and pricing signs, all devices shall be constructed of permanent materials and attached to a pole, sign structure, or a building. Specifically, signs may be constructed from wood, plastic, metal and/or masonry materials, or materials permitted after conditional review by the Planning Commission.
2. All signs shall be maintained in good visual order and safe structural condition and in compliance with all applicable provisions of the Uniform Building Code and this Unified Development Ordinance at all times.
3. All off-site signs, including billboards, shall bear the name and address of the sign owner.

B. **Abandoned or Unsafe Signs.**

1. Any sign (including its structure) located on a building or premises that becomes vacant or unoccupied for a period of one year or more, or any sign which pertains to time, event, or purpose which no longer applies, shall be deemed to be abandoned.
2. An abandoned sign shall be removed by its owner or the owner of the premises, and the facade or site shall be restored to its normal appearance.
3. If a sign has not been removed after the one-year limitation, the owner of record (of the property and/or sign) shall be notified in writing that the sign shall be removed within 30 days after the date of the notice. If the sign is not removed within 30 days, the City may remove such device and the costs assessed to the owner of the property. Uncollected removal costs shall be assessed with taxes.
4. If the Zoning Administrator finds that any sign or advertising device is unsafe, he/she shall notify the property owner in writing. If the sign is not removed within 30 days, the City shall remove such device and the costs assessed to the owner of the property. Uncollected removal costs shall be assessed with taxes.

C. **Previously Legally Conforming Signs.** Signs erected prior to adoption of this ordinance that, do not conform to the provisions this ordinance, shall be modified, or removed according to the following:

1. Nonconforming signs shall only be replaced with conforming signs or a sign that is more conforming.

2. Private signs within the R.O.W. shall be considered illegal. All such signs shall be removed from the R.O.W. without notice by the appropriate unit of government.
3. All signs legally conforming to the provisions of prior zoning ordinances, except those located within a R.O.W., shall be allowed to continue unchanged and unaltered except for normal and routine maintenance and safety improvements, or efforts to bring the sign into greater conformity.

Section 16-6 Temporary Signs--Portable Signs or Banners.

A. General Provisions. (See also Table 1)

1. Temporary signs for business advertising or special events may be issued a temporary permit for 30 days within any one year, see Table 1 to determine which zoning districts temporary signs are permissible in and if a permit is required. No temporary sign shall be placed in the R.O.W. or constitute a traffic hazard.
2. Temporary banners announcing an event or sale may be allowed for a period of 30 days in any one year; balloons, search lights, and other aerial devices may be allowed for a period of 30 days in any one year. Such devices shall be limited to twice per year and shall not require a sign permit. No banner shall be placed in the R.O.W. or constitute a traffic hazard.
3. Residential Districts. No temporary or portable signs shall be permitted in residential districts except for the following:
 - a. Temporary signs for business advertising for the business which has recently performed services to said residential property. In such case, the business sign can only be located on the property of service for a period of 30 days in any one calendar year. Signs cannot be located in the right of way. No permit required.
 - b. Temporary signs to announce residential garage sales or fundraisers can be located in the residential district. Garage sale and fundraiser signs must be located on the property of the activity unless permission has been granted otherwise by another residential property owner. Signs may only be posted during the activity and a maximum of one week in advance. Signs cannot be located in the right of way. No permit required.
 - c. Special Event signs for picnics, fairs, festivals, displays, community events can be located on any residential property with permission from that property owner for a period of 30 days in any one calendar year. Signs cannot exceed 20 square feet and cannot be located in the right of way. No permit required.

Section 16-7 General Restrictions and Prohibited Signs.

- A. **Placement Restrictions.** No sign shall be attached to any tree, fence, or utility pole, except signs issued or properly posted by a utility, public authority, or permitted rural use.
- B. **Prohibited Signs.** No sign shall be erected:
 1. At any location where, by reason of position, obstruction, shape, or color, it interferes with or obstructs the view of pedestrian or vehicular traffic.

2. That is portable or adapted from a portable sign, capable of being carried, wheeled, or moved from one location to another; except that a temporary permit may be issued for entertainment events, businesses promotion, or other such purposes for a maximum of 30 days in any one year.
3. That is an attention/attraction device not specifically allowed by these regulations.
4. That is a flashing or blinking sign (does not include digital sign devices).
5. That is a string of lights, except when used for decorative purposes during a holiday season.
6. That rotates or is animated, or consists of pennants, ribbons, streamers, sheets, spinners, or other moving devices - except a temporary or special events sign.
7. Temporary real estate and political signs greater than 20 square feet, and auction signs greater than 40 square feet
8. That projects into the public right-of-way.
9. Which, in the opinion of the Zoning Administrator, may be confused with an authorized traffic sign, signal, device, or emergency sign.

Section 16-8 Permitted Signs. Permitted signs for all district uses as listed in Table 1 - General Table of Signs.

TABLE 1 - Permitted Signs in All Districts							
Type	Max Size	Max Ht (ft.)	Max #	Min Setback	Permit Req.	Illum. Type	Notes
General Signs							
Real estate	20 sq. ft.	exempt		Not located in the r.o.w.	no	none	Not located on public property. On-site signs only
Political	20 sq. ft.	exempt		Not located in the r.o.w.	no	none	Not located on public property. On-site signs only
Lots for sale	20 sq. ft.	exempt		Not located in the r.o.w.	no	none	Not located on public property. On-site signs only
Auction	40 sq. ft.	exempt		Not located in the r.o.w. hazard	no	none	Not located on public property. On-site signs only
Construction	exempt	exempt		Not located in the r.o.w.	no	none	Repairs, contractors, or builders on-site only
TABLE 1 (cont.) - Permitted Signs in All Districts							

Type	Max Size	Max Ht (ft.)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Future Building Site	exempt	exempt		Not located in the r.o.w	yes	none	Announces future building project Monument style only
Day care or adult care	8 sq. ft.	6 ft.		Not located in the r.o.w	yes	none	Monument style only
RESIDENTIAL ZONING DISTRICTS							
R-1, Single Family Residential District							
Home Occupations	8 sq. ft.	6 ft.	1	2' from the required yard setback	yes	external	Monument or attached to building
Subdivision name	16 sq. ft.	6 ft.	1	1 ft. from r.o.w.	yes	external	Monument only
Temporary Signs	See Section 16-6 A.3	See Section 16-A.3	See Section 16-A.3	Not located in the r.o.w.	no	none	See Section 16-6 A.3
R-2, Multi-Family Residential District & MHP,							
Name plate for building	4 sq. ft.				no		per building
Place name - gives name of apartment complex	24 sq. ft.	6 ft.	1	Not located in the r.o.w. and cannot create a traffic hazard	yes	external	Monument style only - name of apartment complex
Business	24 sq. ft.	8 ft.	2	Not located in the r.o.w. and cannot create a traffic hazard	yes	external	1 monument per building and 1 wall sign (per business)
MH Park	16 sq. ft.	8 ft.	1	Not located in the r.o.w. and cannot create a traffic hazard	yes	external	Monument or pole
Temporary Signs	See Section 16-6 A.3	See Section 16-A.3	See Section 16-A.3	Not located in the r.o.w.	no	none	See Section 16-6 A.3

TABLE 1 (cont.) - Permitted Signs in All Districts

Type	Max Size	Max Ht (ft.)	Max #	Min Setback	Permit Req.	Illum Type	Notes
COMMERCIAL ZONING DISTRICTS							
B-1, Central Commercial District							
Free-standing monument or kiosk	32 sq. ft.	8 ft.	1	Not located in the r.o.w. and cannot create a traffic hazard	yes	external	1 monument or kiosk sign per principal building
Wall sign principal building	30 % signable area		1		yes	external or internal	1 sign per wall facing a r.o.w.
Wall sign - individual business	16 sq. ft.		1		yes	external	1 logo or location sign per business
Wall sign - accessory building - information only	8 sq. ft.		1			external	1 sign per accessory building
Canopy sign	35 % of canopy				no	external	
Window sign	30 % of window				no	external or internal	
Temporary sign or banner	40 sq. ft.			Not located in the r.o.w. and cannot create a traffic hazard	yes	external	One temporary sign or banner, or portable sign for the principal building for 30 days maximum
B-2, General Commercial District							
Free-standing monument or kiosk	48 sq. ft.	12 ft. or height of principal building	1 1	1 ft. from r.o.w. 1 ft. from r.o.w.			
Free-standing pole	48 sq. ft.	12 ft. or height of principal building	1	1 ft. from r.o.w.	yes	internal or external	1 pole sign per principal business or occupant

TABLE 1 (cont.) - Permitted Signs in All Districts

Type	Max Size	Max Ht (ft.)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Wall sign - principal building	30 percent signable area		1		yes	external or internal	1 sign per each wall facing a r.o.w.
Wall sign - individual business	16 sq. ft.		1		yes	external	1 logo or location sign per business
Wall sign - accessory building - information only	8 sq. ft.		1		no	external	1 sign per accessory building
Canopy or overhang sign	50% of canopy				no	external	
Window sign	30% of window				no	external or internal	
Temporary sign or banner	40 sq. ft.			Not located in the r.o.w. and cannot create a traffic hazard	yes	external	One temporary sign or banner, or portable sign for the principal building for 30 days maximum

MANUFACTURING DISTRICTS

I-1, General Industrial District

Free-standing monument or kiosk	48 sq. ft.	12 ft. or height of principal building	1	1 ft. from r.o.w.	yes	internal or external	1 monument sign per principal building
Free-standing pole	48 sq. ft.	12 ft. or height of principal building	1	1 ft. from r.o.w.	yes	internal or external	1 pole sign per principal building

I-2, Heavy Industrial District

Free-standing monument or kiosk	48 sq. ft.	12 ft. or height of principal building	1 max	1 ft. from r.o.w.	yes	internal or external	1 monument sign per 200' of street frontage
Free-standing pole	48 sq. ft.	12 ft. or height of principal building	1	1 ft. from r.o.w.	yes	internal or external	1 pole sign per principal building

TABLE 1 (cont.) - Permitted Signs in All Districts

Type	Max Size	Max Ht (ft.)	Max #	Min Setback	Permit Req.	Illum Type	Notes
Rural Signs (A-1 Agricultural District)							
Off-Site Signs - Directional							
Schools	16 sq. ft.	6 ft.	2	No sign may be placed in the r.o.w or erected so as to create a traffic hazard	no	no	Monument
To a Farm or Ranch	exempt		2		no	no	Monument
Marina	16 sq. ft.	6 ft.	2		yes	no	Monument
Historic	exempt		no limit		no	no	Monument
Hunting	exempt	6 ft.	no limit		no	no	Monument
Adult Rec.	16 sq. ft.	6 ft.	2		yes	no	Monument
Church	16 sq. ft.	6 ft.	2		yes	no	Monument
Municipal Welcome	16 sq. ft.		no limit				
Farm Clubs	exempt				yes	indirect	Monument
Societies	exempt				no	no	Monument
Livestock	exempt				no	no	Monument
Animal Feeding Operation	exempt				no	no	Monument
Farm Sales	exempt	6 ft.			no	no	Monument
A-1 Businesses	8 sq. ft.		1		yes	no	Monument
Cemetery	exempt			no	no	Monument	

TABLE 1 (cont.) - Permitted Signs in All Districts							
Type	Max Size	Max Ht (ft.)	Max #	Min Setback	Permit Req.	Illum Type	Notes
On-Site Signs							
Church	16 sq. ft.	6 ft.	1	Not in the r.o.w. and not a traffic hazard	yes	none	Monument
Organizations	16 sq. ft.	6 ft.	1		no	none	Monument
Clubs Societies	16 sq. ft.	6 ft.	1		no	none	Monument
Private Camps	16 sq. ft.	6 ft.	1		yes	none	Monument
Livestock	exempt	exempt	-		no	none	-
A-1 Businesses	16 sq. ft.	6 ft.	1		yes	none	Monument
Adult Recreation	16 sq. ft.	6 ft.	1		yes	none	Monument
Seed Signs	exempt	exempt	-		no	none	-
Produce	exempt	exempt	-		no	none	-
Farm Demo. Signs	exempt	exempt	-		no	none	-
Feedlot	exempt	exempt	-		no	none	-
Farm/Ranch	exempt	exempt	-		no	none	-
Farm Names	exempt	exempt	-		no	none	-
Postings	exempt	exempt	-		no	none	-
Farm Awards	exempt	exempt	-		no	none	Monument
Roof or wall graphics	exempt	exempt	-		no	none	-
BILLBOARDS/OFF-SITE SIGNS							
General Billboard/Off Site Signs	See Section 16-12	See Section 16-12	See Section 16-12	5-foot from required setback	yes	external	See Section 16-12

Section 16-9 Modification of Sign Rights.

- A. **Permitted Modifications.** The purpose of these sign regulations is to accomplish the following:
1. The Planning Commission is hereby empowered to modify the number, type, size, and placement of all signs in all districts to adjust for practical difficulty and hardship.
 2. Practical difficulty shall mean, but is not limited to, changes in grade and slope; distance of principal buildings from roads; speed of traffic; public safety; and the need for advertising visibility due to multiple frontages.

3. Hardship shall mean, but is not limited to, non-flexible requirements arising from franchises, registered trademarks, or product logos.
4. A request for a sign modification may be heard at any regular meeting for the Planning Commission. All applicants requesting modifications shall submit sketches or drawings of the sign, a location map, sizes and coloration of the sign, and written justification for the change.

Section 16-10 Administrative Modifications of Signs.

- A. **Permitted Modifications.** The Zoning Administrator is hereby empowered to make administrative adjustment to signs rights under the following guidelines.
 1. Any sign may be increased in area by a maximum of 10 percent to adjust for visibility.
 2. Any sign may be increased by 10 percent in height to account for changes in elevation between the road and the principal building.
 3. The Zoning Administrator may designate an exact location for any sign that, in their opinion, is a hazard to traffic or public safety.

Section 16-11 Transfer of Sign Rights.

- A. **Permitted Transfers.** Property owners/operators located off main roads, grouped together in one building, or clustered in individual buildings on one site may wish to exercise their signage rights in a manner not permitted in Table 1 above. The following rules shall govern the transfer of signage rights:
 1. A use that does not front on a main road may transfer pole or monument signage rights to property located on a main or frontage road.
 2. Multiple uses on one-site may transfer all or part of their monument or wall sign rights to a single on-site monument, kiosk, or pole sign.

Section 16-12 Billboard/Off-Site signs.

- A. Billboard/Off-Site signs shall be subject to the following guidelines:
 1. Billboard/Off-Site signs along state or federal highways must receive prior approval from the Kansas Department of Transportation before a local zoning permit can be issued.
 2. Billboard/Off-Site signs are permitted along North LL& G Street from Main Street to Garfield Street, and along East and West Main Street with a maximum height of 15 feet and a sign area of 60 square feet.
 3. Billboard/Off-Site signs are permitted along North LL& G Street north of Garfield Street, with a maximum height of 30 feet and a sign area of 300 square feet.
 4. A total of 2 billboard/off-site signs shall be permitted along North LL& G Street North of Garfield.
 5. Billboard/Off-Site signs shall be separated a minimum distance of 600 feet from another billboard/off-site sign. An exception to this requirement is permitted on North LL&G north of Garfield in which 2 billboards/offsite signs may be closer than 600' apart only if they are located on the same sign pole and when the combined height of both signs does not exceed the maximum height allowed.

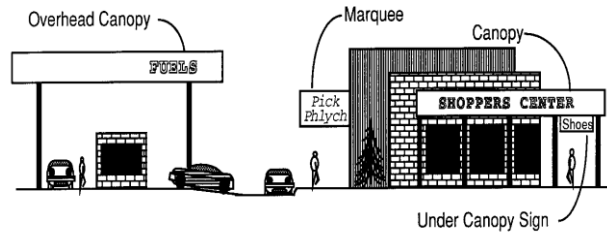
6. No Billboard/Off-Site signs shall be permitted in residential zoning districts.
7. All billboards/offsite signs are required to provide property owner permission prior to approval.

Section 16-13 Misc. Sign Controls.

- A. **Applicability.** For non-residential uses not controlled by other sections of this sign ordinance, including institutional uses, one monument and one wall sign shall be permitted by right.

Section 16-14 Sign Definitions.

- A. **Awning.** A non-illuminated sign painted on or attached to a fabric cover on a metallic frame. Only individual letters and/or logos may be attached to, painted, stenciled, or otherwise placed on these devices. A letter on an awning or canopy can be no more than six (6) inches high. A logo shall not exceed 10% (ten percent) or six (6) square feet whichever is less.
- B. **Billboard/Off-Site Sign.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located or to which it is affixed. No such sign shall be attached to a stationary vehicle or a portion thereof which is intended for public display on a zoning lot.
- C. **Free-Standing Sign.** A sign self-supported by a pole or post and not attached to any building, wall, or fence, but in a fixed location.
- D. **Glaring Illumination.** Light of such brilliance and so positioned as to blind or impair the vision or affect the aesthetic value of the area.
- E. **Ground Sign.** An outside sign identifying a development businesses, services, or homes (such as a shopping area or housing development) made of brick, masonry or stone the bottom of which is attached directly and permanently to the ground and physically separated from any other structure.
- F. **Kiosk.** A free-standing structure designed to provide advertising space for two or more activities or businesses on a single premises or group of contiguous premises.
- G. **Illumination.** (Internal) An internally-illuminated sign one with the light source concealed or contained within the graphic itself, and which becomes visible in darkness by shining through a surface. (External) A sign illuminated by lights attached to the sign or placed on the ground or building.
- H. **Marquee.** A sign painted on, attached to, or consisting of interchangeable letters on the face of a permanent overhanging shelter which projects from the face of a building. Letters or symbols shall not exceed fifteen (15) inches in height. A minimum clearance of ten (10) feet above the ground/sidewalk level shall be required.



- I. **Official Business Directional Sign.** A sign erected and maintained within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services, and points of scenic, historical, cultural, recreational, educational, or religious interest. Such signs must be for official business erected by a public entity and shall conform to all applicable state regulations regarding the placement of signs in public rights-of-way.
- J. **Political Sign.** Any sign that advertises a candidate or an issue which is to be voted on in a local, state, or federal election process.
- K. **Portable Sign.** A sign not designed or intended to be permanently affixed into the ground or to a structure.
- L. **Projecting (Wall Sign).** An outdoor sign not exceeding twelve (12) square feet in size which is attached to a wall at a right angle.
- M. **Promotional Sale Sign.** A banner promoting products, goods, or services.
- N. **Public Way.** Any way designed for vehicular or pedestrian use and is maintained with public funds.
- O. **Safety Control Signs.** Warning, control, OSHA, or required public safety signs.
- P. **Sign.** A sign is an object, device, or structure, or part thereof other than a flag, situated outdoors, visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by any means including words, letters, figures, design, symbols, fixtures, colors, illuminations, or projected images. Each side, or face, shall be considered one sign. However, if both sides are covering the same square footage back-to-back (or V-shaped) of viewable area and are facing opposite directions of travel, these two faces together shall be considered one sign in this scenario. When two sign faces meet the criteria to be one sign, only the square footage from one side, or face, shall be used in calculating the total sign area for that face.
- Q. **Sign - Information.** (for accessory structure) A sign placed on the wall of an accessory building that gives information about the activity within the building, or gives directions to another area.
- R. **Sign Area.** The facing of a sign, including copy, insignia, background, and borders.
- S. **Temporary Sign.** A promotional sale sign, event sign, fund-raising signs, garage sale signs, or similar signs displayed no more than (30) days in a one-year period.
- T. **Wall Sign.** A sign attached to the exterior surface of a building.

Section 2: All other Ordinances in conflict herewith are hereby repealed and replaced with Ordinance S-318.

Section 3: The City Clerk shall make proper publication of this Ordinance, which will be published once in the official City newspaper, and will be effective after said publication.

APPROVED AND ADOPTED at Anthony, Kansas, this 2nd day of July 2024.

Gregory Cleveland, Mayor

ATTEST:

Cyndra Kastens, City Clerk/Administrator