

## Article 27: Signs

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### SECTION 27-1 General Provisions

**27-101. Statement of purpose:** This article provides standards relating to signs located within the city of Arkansas City, and governs the number, size, type, location and physical aspects of signs. It is determined that the regulation of Signs is necessary to promote safety, to preserve and enhance the aesthetic and environmental values of the community, to provide for effective communication between people within the context of their environment and to protect the rights of free speech and expression.

**27-102. Substitution of Messages:** Subject to the land owner's consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the Sign is legal without consideration of message content. This substitution of message may be made without any additional approval or permitting. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that the structural device or mounting device be properly permitted.

**27-103. Responsibility of Compliance:** The responsibility for compliance with the Article rests jointly and severally upon the Sign owner, the Sign Operator, all parties holding the present right of possession and control of the property whereon a Sign is located, mounted or installed including the legal owner of the lot or parcel.

**27-104 Severability:** Should any of the clauses, sentences, paragraphs, words, sections or parts of this Article be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Article. All provisions of this Article are declared to be severable.

**27-105 Maintenance:** All Signs together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation.

**27-106 Non-Conformance:** Every sign lawfully in existence on the adoption of this Article shall not be altered or moved unless it is brought into greater conformance to comply with the provisions of this Article, except as otherwise provided herein. For the purposes of these regulations, sign structure painting, message or face changes are not considered alterations.

## **SECTION 27-2 DEFINITIONS**

**27-201.** Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used in this Article.

**Animated Sign.** A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

**Attention-Attracting Device.** Any device intended to attract the attention of the public to an establishment, location, product or service, except signs as permitted by this Article. This includes spinners, pinwheels, pennant strings, and other devices or displays that respond to naturally occurring external motivation. See Temporary Sign.

**Awning Sign.** A building mounted sign that provides additional functionality as a shelter.

**Billboard.** An off-premises sign.

**Canopy:** A freestanding permanent roof-like structure not attached to or requiring support from an adjacent structure.

**Canopy Sign:** Any permanent sign attached to or constructed on or/underneath a canopy.

**Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system.

**Display Time.** The amount of time a message and/or graphic is displayed on an Electronic Message Center.

**Dissolve.** A mode of message transition on an Electronic Message Center accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

**Dynamic Frame Effect.** An Electronic Message Center frame effect in which the illusion of motion and/or animation is used in a single frame. For example, falling leaves in the background of a single frame, floating balloons in the background of a single frame, waving flag used in a single frame. – see frame effect.

**Electronic Message Center.** A variable message sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

**Fade.** A mode of message transition on an Electronic Message Center accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

**Footcandle:** A unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

**Frame.** A complete, static display screen on an Electronic Message Center.

**Frame Effect.** A visual effect on an Electronic Message Center applied to a single frame. See also Dynamic Frame Effect.

**Freestanding Sign.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as “sandwich sign,” is also a free-standing sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

**Grade.** The level of the site at the property line located at the closest distance to the sign.

**Illegal Sign.** Any sign placed without proper approval or permits as required by this code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit.

**Illuminance:** A measure of the amount of light intercepting an object at a given distance from a light source and is measured in foot candles or its metric equivalent, lux. Illuminance can be measured with a foot candle meter.

**Institutional Uses.** Refers to organizations such as, but not limited to, churches, schools, community centers, or other public/semi-public facilities.

**Internally Illuminated Signs.** Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (1) are filled with neon or some other gas that glows when an electric current passes through it, and (2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

**Marquee.** A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right of way.

**Marquee Sign.** Any sign painted on or attached to or supported by a marquee.

**Monument Sign.** A freestanding sign having a solid appearance and a low profile, normally consisting of a face and base. Said sign may be constructed with stone, concrete, metal, routed wood planks or beams, brick or other materials consistent with the building the sign is representing.

**Off-Premises Sign.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious or other noncommercial message shall also be an off-premises sign unless such sign is excluded from regulation under Section 27-3.

**On-Premises Sign.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

**Pole or Pylon Cover:** An enclosure for concealing and/or for decorating poles or other structural supports of a freestanding sign.

**Pole Sign:** A freestanding sign with visible support structure.

**Projecting Sign.** A sign other than a Wall sign that is attached to or projects more than eighteen (18) inches from a building face or wall. This includes marquees and signs on canopies and awnings.

**Pylon Sign:** A freestanding sign with visible support structure or with the support structure enclosed with a pole cover.

**Roof Sign.** A sign erected, constructed or maintained partially or wholly upon or over the roof of a building, a building canopy, or a freestanding canopy.

**Scroll.** A mode of message transition on an Electronic Message Center in which the message appears to move vertically across the display surface.

**Sign.** Any device that (1) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives of part (2) of this definition, and (2) is designed to attract the attention of such persons or to communicate information to them.

**Temporary Sign.** A sign which is not permanently affixed to the ground, a building or other structure. As an example, temporary signs include banners, pennants, feather signs, inflatables, and other attention attracting devices. See Attention Attracting Device.

**Transition.** A visual effect used on an Electronic Message Center to change from one message to another.

**Travel.** A mode of message transition on an Electronic Message Center in which the message appears to move horizontally across the display surface.

**Vehicular Sign.** Any sign which is attached to or placed upon a parked motor vehicle and placed in a position or location for the sole purpose of displaying the same to the public.

**Wall Sign.** A sign that is attached to a building face or wall and projects not more than eighteen (18) inches from the building face or wall. Also includes signs affixed to architectural projections, such as awnings or canopies, provided the sign remains parallel to the face of the building or wall.

### SECTION 27-3 SIGNS EXCLUDED FROM REGULATIONS

**27-301.** The following signs are exempt from regulation under this Article except for those regulations set out in Section 27-5.

- a. Signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature.
- b. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
- c. Flags, pennants, or insignias of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- d. Signs directing and guiding traffic on private property that do not exceed four (4) square feet in area and (4) feet high, located within (6) six feet of the curb cut, and not to exceed two per entrance.
- e. Signs internal to the site on properties where a drive-thru window is present and/or, not visible or aimed at the public right of way shall not be limited in size/quantity by these regulations unless otherwise prohibited.
- ~~f. Interior signs shall also be exempt from these regulations.~~
- g. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- h. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- i. Temporary signs used during the 45-day period prior to any election and the two-day period following any such election in accordance with K.S.A 25-2711.
  1. Signs placed on non-residential property shall not exceed (32) thirty-two square feet. Signs placed on residential property shall not exceed (6) sq. feet in area-
  2. Signs shall not be placed, erected or maintained on or in public buildings or structures, including libraries, recreational centers, parking structures, city hall, or in public parks, lawns, vehicles, trees, fences, or fire hydrants.
  3. Signs shall not be placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks, or at street corners.

**Commented [JW1]:** Confusing language. Interior to the site signs would be covered in d and e above. Signs on the interior of the building need not be spelled out and are not regulated by the City.

- j. Temporary Signs: A sign that either (1) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign at such a time the event is complete the sign will be removed, or (2) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
  - 1. Signs shall not be placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks, or at street corners.
  - 2. Signs shall not be lighted.
  - 3. Signs placed on non-residential property shall not exceed (32) thirty-two square feet in area. Signs placed on residential property shall not exceed six (6) sq. feet in area.

**SECTION 27-4. SIGNS PROHIBITED**

**27-401.** It shall be a violation of these regulations to erect, install, place or maintain the following signs:

- a. Any sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic control devices or emergency vehicles. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited.
- b. Any sign or advertising structure with words, scenes or graphics which are obscene, indecent and prurient, within the meaning of K.S.A. 21-4301, as amended.
- c. Any sign or advertising structure (other than those erected by a governmental agency or required to be erected by a governmental agency for a public purpose) erected, installed or placed on the right-of-way of any street, road or public way, or signs overhanging or encroaching upon the right-of-way of any street, road or public way, except as specifically permitted by these Regulations.
- d. Any sign or advertising structure erected on City property or other governmental property other than signs erected by the governmental entity itself.
- e. Any sign or advertising structure which is erected, installed or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.
- f. No sign shall be attached to a tree or to a publicly- or privately-owned utility pole on either public or private property.

**SECTION 27-5 GENERAL SIGN REGULATIONS**

**27-501.** The following general sign requirements shall apply to all signs in all zoning districts:

- a. No signs shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs must comply with the requirements of Section 20-4 regarding corner visibility.
- b. Except where otherwise specifically prohibited, lighting is permitted on signs, provided, however, reflectors shall be provided with proper lenses, concentrating the illumination on the area of the sign to prevent glare upon the street or adjacent property.
- c. No sign shall be wholly or partially illuminated so as to interfere with the vision of pedestrian or vehicular traffic.
- d. Electronic Message Centers are permitted in zoning districts as set out in this Article. The following restrictions shall apply to electronic message centers:

1. Electronic message centers may be a portion of the sign or comprise the entire area allowed by the sign type per zoning district. One (1) per zoning lot is permitted and can be double faced.
2. The Electronic Message Center must have automatic dimmer control to maintain a maximum of 0.3 footcandles over ambient light as measured at the appropriate distance based on the EMC's size.
3. The Electronic Message Center's programmed display must follow the requirements for the zoning district in which it is placed. Full animation and full video are prohibited except where allowed by issuance of a conditional use permit. Full animation is defined by movement, or the illusion of movement, that occurs in sequence of several frames without a hold time between frames. Full video is considered to be a live stream, or video clip displayed on the unit in a continuous fashion without a hold in between frames. Dynamic frame effect is an alternative that can be used instead of full animation or full video.
4. Electronic message centers, if located in a residential district or within two hundred (200) feet of a residentially zoned district, may only be operated between the hours of 6 a.m. and 10 p.m.
5. A certificate of compliance must be signed and on file with the Zoning Administrator. Any electronic message center found to be operating outside of the regulations will be deemed a zoning violation and shall be remedied according the provisions of Article 30 of these regulations.

#### **SECTION 27-6 RESIDENTIAL DISTRICT (R-1:R-3, MHS & MP) SIGN REGULATIONS**

**27-601.** The following signs are allowed in Residential Districts (including R-1:R-3, MHS and MP Districts):

- a. One (1) temporary non-illuminated sign per residence or building under construction, not more than thirty-two (32) square feet in area per face and not more than eight (8) feet in height, provided that said sign shall be removed within ten (10) days of project completion.
- b. For Institutional uses permitted in residential districts:
  1. Wall Signs: up to 30 sq. ft. (1) one per building frontage.
  2. Monument sign, which shall not exceed thirty (30) square feet in area per face nor exceed eight (8) feet in height, per street frontage.
  3. Electronic message centers are permitted with the following guidelines:  
 Size: Thirty (30) sq. feet in area.  
 Hold Time: Three (3) second hold time.  
 Transition: Immediate transition between frames. Scrolling, and travel transitions, as well as, animation are prohibited. See Section 27-5 for other requirements.
- c. For Home Occupations permitted in residential districts: (1) One non-illuminated wall mounted or freestanding sign per lot, not to exceed (6) six sq. feet in area and (5) five feet in height.
- d. One (1) monument sign is permitted at the entrance to each platted subdivision provided the sign shall not exceed fifty (50) square feet in area per face nor exceed eight (8) feet in height.
- e. In the R-3 District, any permitted nonresidential use and/or multi-tenant buildings and similar uses are allowed; one (1) illuminated, wall sign not to exceed thirty (30) sq. feet in area, per facade. No sign shall extend above the roof line and One (1) freestanding sign not to exceed 30 sq. feet in area, and (8) eight feet in height per street frontage.
- f. Except as permitted in b. above, electronic message centers are prohibited.

**SECTION 27-7 [RESERVED FOR FUTURE USE]**

**SECTION 27-8 AGRICULTURAL DISTRICT (A) SIGN REGULATIONS**

**27-801.** The following signs are allowed in the Agricultural District (A):

- a. One (1) non-illuminated sign per residence or building under construction, not more than thirty-two (32) square feet in area per face and not more than eight (8) feet in height provided that said sign is removed within ten (10) days of project completion.
- b. For Institutional uses permitted in Agricultural districts:
  - 1. Wall Signs: up to 40 sq. ft. (1) one per building frontage.
  - 2. Monument sign, which shall not exceed forty (40) square feet in area per face nor exceed eight (8) feet in height, per street frontage.
  - 3. Electronic message centers are permitted with the following guidelines:  
Size: Forty (40) sq. feet in area.  
Hold: Three (3) second hold time, immediate transition between frames. Scrolling, and travel transitions, as well as, animation are prohibited. See Section 27-5 for other requirements.
- c. For Home Occupations permitted in Agricultural districts: One (1) non illuminated wall mounted or freestanding sign per lot, not to exceed six (6) sq. feet in area and five (5) feet in height.
- d. Except as permitted in b. above, electronic message centers are prohibited.

**SECTION 27-9 PUBLIC USE DISTRICT (P) SIGN REGULATIONS**

**27-901.** In the P District the following regulations apply:

- a. Any number or combinations of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed 200 sq. ft.
- b. Sign permitted in the P District, and maximum square footage:

Wall	Maximum 15% of façade
Pole/pylon	Maximum 75 sq ft/face Height: 15 feet
Monument	Maximum 75 sq ft/face Height: 10 feet
- c. One Electronic Message center is permitted per zoning parcel, as all or as a portion of the allowable sign area, provided it meets the requirements in Section 27-5.

**SECTION 27-10 COMMERCIAL DISTRICT (C-1:C-4) SIGN REGULATIONS**

**27-1001.** In the C-1 District the following regulations apply:

- a. Any number or combination of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed 200 sq. ft.
- b. Signs permitted in the C-1 District, and maximum square footage:

Wall	Maximum 15% of façade
Monument	Maximum 48 sq. ft./face Height: 10 feet
Projecting	Maximum 48 sq. ft/face
- c. Roof signs are not permitted in the C-1 District.
- d. For institutional uses in C-1, Electronic message centers are permitted with the following guidelines:  
Size: Forty (40) sq. feet in area.

Hold: Three (3) second hold time, immediate transition between frames. Scrolling, and travel transitions, as well as, animation are prohibited. See Section 27-5 for other requirements.

**27-1002.** In the C-2 District the following regulations apply:

- a. Any number or combination of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed 250 sq. ft. To encourage creative design an additional 50 sq. ft could be added to the aggregate total of allowed sq. footage by using creative design and architectural elements. This would be approved by a design review to ensure criteria is met, and aesthetic character is achieved. See appendix for what creative design elements could be.
- b. Signs permitted in the C-2 District, and maximum square footage:
  - Wall Maximum 15% of façade
  - Monument sign Maximum 100 sq. ft./face Height: 10 feet
  - Pole/Pylon Maximum 100 sq. ft / face Height 15 feet
  - Projecting Maximum 100 sq. ft/face
- c. Roof signs are not permitted in the C-2 District.
- d. Signs located within 50 feet of a residential district must be affixed to or be a part of the building.
- e. One (1) Electronic message center is permitted per zoning parcel, as all or as a portion of the allowable sign area, provided it meets the requirements in section 27-5.

**27-1003.** In the C-3 District the following sign regulations apply:

- a. Any number or combination of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed 300 sq. ft. To encourage creative design an additional 200 sq. ft could be added to the aggregate total of allowed sq. footage by using creative design and architectural elements. This would be approved by a design review to ensure criteria are met, and aesthetic character is achieved. See Section 27-18 to see what creative design elements could be.
- b. Signs permitted in the C-3 District, and maximum square footage:
  - Wall Maximum 20% of façade
  - Pole/Pylon Maximum 100 sq. ft./face Height: 25 feet
  - Monument Maximum 100 sq. ft./face Height: 10 feet
  - Projecting Maximum 100 sq. ft/face
  - Roof No maximum\*

\*On-premise roof signs shall not exceed 1/2 the height of the building supporting the roof sign.
- c. One (1) Electronic message center is permitted per zoning parcel, as all or as a portion of the allowable sign area, provided it meets the requirements in Section 27-5.

~~d. Off premises billboards are allowed in the C-3 District upon the issuance of a conditional use permit, as provided in Section 27-13. This signage does not apply towards the maximum square footages in a. above.~~

**Commented [JW2]:** This language was added to 27-1304 since this signage is also allowed in other districts. The first sentence is also redundant with that section as currently written.

**27-1004.** In the C-4 District the following sign regulations apply:

- a. Signs affixed to canopies or marquees which are constructed and maintained in accordance with the adopted building codes are permitted.
- b. Signs permitted in the C-4 District, and maximum square footage:



Wall	Maximum 15% of façade*
Pole/Pylon	Maximum 200 sq. ft./face Height: 25 feet
Monument	Maximum 200 sq. ft./face Height: 10 feet
Projecting	Maximum 200 sq. ft/face

\*An additional 5% could be added to the total of allowed square footage by using creative design and architectural elements. This would be approved by a design review to ensure criteria are met, and aesthetic character is achieved. See appendix for what creative design elements could be.

- c. One (1) Electronic message center is permitted per zoning parcel, as all or as a portion of the allowable sign area provided it meets the requirements of Section 27-5 and subsection d below.
- d. Signs located within the Historic Conservation Overlay (HC-O) District and/or listed on any Local, State or National Register of Historic Places must also meet those regulations.

**SECTION 27-11 MIXED USE DISTRICT SIGN REGULATIONS**

**27-1101.** Sign regulations for the Mixed Use (MU) District shall be those of the most restricted zoning district which allows the use, either as a permitted or conditional use, of the subject property.

**SECTION 27-12 INDUSTRIAL DISTRICT SIGN REGULATIONS**

**27-1201.** The following signs shall be allowed in the Light Industrial District (I-1):

- a. One (1) wall sign per façade. The sign area shall not exceed ten percent (10%) of the wall upon which it is located.
- b. One (1) freestanding sign per 300 feet of street frontage shall be permitted for each industrial establishment. Such sign shall not exceed fifteen (15) feet in height above the average grade, and the sign face shall not exceed fifty (50) square feet in area per face.

**27-1202.** The following signs shall be allowed in the Heavy Industrial District (I-2):

- a. One (1) wall sign per façade. The sign area not to exceed fifteen percent (15%) of the wall upon which it is located.
- b. One (1) freestanding sign per 300 feet of street frontage shall be permitted for each industrial establishment. Such sign shall not exceed twenty-five (25) feet in height above the average grade, and the sign face shall not exceed one hundred (100) square feet in area per face.

**SECTION 27-13 BILLBOARDS/OFF-PREMISES SIGNS**

**27-1301.** Off-premises billboard signs are allowed in the C-3, I-1 and I-2 Districts upon the issuance of a conditional use permit, and subject to the requirements of this section. All sign structures must meet the requirements as provided by the Kansas Department of Transportation.

**27-1302.** Location:

- a. Billboard signs shall not be located within 300 feet of any structure occupied as a residential or other non-commercial or non-industrial use.
- ~~b. Billboard signs shall not be located within fifty (50) feet of any state or federal highway, as measured from the edge of the right of way.~~
- c. b. Billboard signs shall not be attached to the roof or wall of any building.

**27-1303.** Maximum Height: The top edge of any billboard sign shall not exceed ~~fifty (50)~~ twenty-five (25) feet above average grade.

**27-1304.** Maximum Sign Area:

**Commented [JW3]:** Setbacks are not required for on-premise signs so its not clear why setbacks would be needed for off-premise signs if we reduce the sign area. This is also a small concession to the industry since we are adding restrictions.

**Commented [JW4]:** Height was a common concern that was mentioned in the public feedback. 25 feet is the maximum height allowed for on-premise signage in the C-3 district.

- a. The maximum sign area of any billboard sign shall not exceed a total of ~~750~~ **300** square feet.
- b. For purposes of this subsection, each face of a billboard sign, whether back-to-back, V-shaped, or some other configuration, shall be considered a separate sign.
- c. ~~Billboard signs do not apply towards the maximum square footages for on-premises signage.~~

**Commented [JW5]:** Size was a major concern from the public feedback. 300 would be half the size of the proposal at 2113 N Summit St. This would be per face as noted in b below. So a 2 sided billboard could effectively only be 150 square feet. This is slightly larger than what would be allowed as on premise signage in the C-3 district (100 per face).

**Commented [JW6]:** Added for clarification and also removed from 27-1003.

**27-1305. Lighting:** Billboard signs may be indirectly illuminated but shall not cast glare upon any adjacent highway ~~roadway and shall be directed upward so as to pose a hazard to vehicular traffic.~~ **Billboard signs containing digital graphics, or an electronic message center are not permitted.**

**Commented [JW7]:** Added for clarification. This language was present in Manhattan's regulations. The statement was also revised for conciseness.

**27-1306. Minimum Spacing Requirements:** No billboard sign hereafter erected shall be less than ~~300~~ **800** feet from any other existing billboard sign on the same side of the street. Such minimum spacing distance shall be measured along the center line of the frontage street or highway from a point opposite any edge of a billboard sign and perpendicular to the center line of each street or highway.

**Commented [JW8]:** Added for clarification that we do not allow electronic billboards.

**Commented [JW9]:** Increasing this separation will also limit the total number allowed in an area. 800 matches Manhattan, they increase to 5,000 if it is an electronic sign. We don't currently allow those. See new language in 27-1305. Topeka has a separation of 1,320.

**SECTION 27-14 MAINTENANCE OF SIGNS**

**27-1401.**

- a. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- b. If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign's message shall be considered obsolete. The obsolete message must be replaced within 30 days after the last day the message was viable. If necessary, to avoid being considered abandoned, the obsolete message can be replaced with a blank face and the structure must be properly maintained.
- c. If after 30 days of becoming obsolete the sign and structure have not been properly maintained, the entire sign will be considered abandoned. The owner of the sign, or the owner of the property where the sign is located, or other person having control over such sign will have 180 days to remove the entire sign and all of its structural components.

**SECTION 27-15 UNLAWFUL CUTTING OF TREES OR SHRUBS**

**27-1501.** No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located within the right-of-way of any public street or road, unless the work is done pursuant to written authorization of the Zoning Administrator.

**SECTION 27-16 SIGN VARIANCE**

**27-1601.** Procedures for requesting a variance to the sign regulations can be found in Article 25 of these regulations.

**SECTION 27-17 DESIGN REVIEW:**

**27-1701. Administrative Design Review:**

An optional design review process, one that is voluntarily entered into by applicants, rather than a mandatory one. This option allows the applicant to choose between designing a sign strictly according to numerical standards or going through a design review process that allows for larger signs, more flexibility, or both. For example, the numerical standard for a projecting sign might consist of a maximum allowable area of “x” square feet. This would probably produce a simple, rectangular sign, maximizing the copy area. Under an optional design review process, the sign area could be increased by a certain percentage or sq. footage. The sign could include a unique, eye-catching logo that would add liveliness to the streetscape. Such a method rewards both businesses and sign producers for creative efforts. – A Framework for On-Premise Sign Regulations March 2009 Alan C. Weinstein, Inc. D.B. Hart, Inc.

To use this method, submit a site plan indicating all existing signage, as well as, indicating placement of the proposed signage. A scaled drawing of proposed signage must be submitted for administrative review. To ensure proposed signage aesthetically compliments the surrounding structure’s architectural elements and is appropriate in scale.

**SECTION 27-18 APPENDIX**

**27-1801. Sign Types.**

The following section uses some local signs as an example of sign types permitted within the sign regulations and similar sign types using creative elements that could possibly be used in design review. The use of these images is for example purposes only and not intended to convey a preference for a sign design or a business shown.

**Typical On-Premise Sign Types**



Awning Sign



Canopy sign



Pole Sign



Pylon with creative elements



Projecting sign



Projecting sign with creative elements



Wall Sign



Wall sign with creative elements



Monument



Monument with creative elements



Marquee



Marquee with creative elements

**27-1802. Sign Area measurement:**

- a. For a wall sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
- b. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the Zoning Administrator, shall not be included in the total area of a sign.



- c. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
  - 1. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.



- 2. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

