

## *ARTICLE XXI*

### *SIGN REGULATIONS*

#### **SECTION 1. GENERAL REQUIREMENTS:**

1. It shall be unlawful for any person to erect, move, alter, change, repair, place, suspend, or to cause or permit to be erected, moved, altered, changed, repaired, placed, suspended, or attached any sign in violation of this Zoning Ordinance and this Article.
2. It shall be unlawful for any person or persons to fasten, paste, place, post, paint, or attach in any way any sign, handbill, poster, advertisement, or notice of any kind or sort, whether political or otherwise, or to cause the same to be done, in or upon any curbstone, lamp post, telephone, telegraph, or electric light pole, tree, or bridge. It shall be unlawful to paste, place, paint, or attach any sign on any building, street, or property of the City; provided, however, that any property owner or the occupant of any property abutting on any public street in the City or County may paint or stamp the address of such property upon the curbing directly in front of the building or to have same painted thereon, subject to approval by the Building Official.
3. Billboards are defined as signs advertising products or services other than those available on the premises and which have an area of three hundred (300) square feet or more per face. Billboards shall not be permitted under these sign regulations in any City Zones.

**SECTION 2. SPECIFIC REQUIREMENTS:** Requirements for signs erected in the Downs Zoning Jurisdiction are as follows:

1. Advertising signs, other than billboards, which call attention to an activity or product located on a different tract from the sign. Advertising signs are permitted in the "A - L", "C - 1", "C - 2", "C - 3", "I - 1", and "I - 2" Districts only.

In the "A - L" District, an advertising sign shall be allowed by special use permit only when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose:

- a. The advertising sign shall not exceed fifty (50) square feet in area for a single- or double-faced sign; the bottom edge of the sign shall be at least three (3) feet above the average ground level; and the top edge not higher than ten (10) feet above the average ground level.
- b. The advertising sign shall not be located closer than 500 feet from two or more intersecting roads. Not more than one (1) such sign shall be permitted on one road side within any one mile.
- c. An applicant for a special use permit to erect an advertising sign shall submit to the Board a plot plan showing the location, size, and construction details of the proposed

sign installation; a letter from the property owner indicating intent to lease said property together with a copy of terms of said lease. Such permit shall be issued for a period of five (5) years, and its renewal shall be subject to a review of the site and changed conditions within the surrounding area.

2. Business signs which call attention to an activity or product located on the tract upon which the sign is located are permitted in the "A-L", "C-S", "C-1", "C-2", "C-3", "I-1", and "I-2" Districts only, as expressly permitted below.
3. The gross surface area on one side of an advertising or business sign shall not exceed the following limitations:

<b>District</b>	<b>Formula (square feet)</b>	<b>Maximum Area Possible</b>
"A-L", "C-1", "C-2"	No greater than three (3) times the lineal feet of frontage of the lot occupied by the building. Each side of the lot which abuts upon a street shall be considered a separate frontage, and the gross surface areas of all signs located on each side of a building shall not exceed three (3) times the lineal feet of the separate footage.	300 square feet

<b>District</b>	<b>Formula (square feet)</b>	<b>Maximum Area Possible</b>
"I-1", "I-2"	(same as above)	Not Applicable

In all districts, individual letters with no background shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.

4. Business and building signs are permitted in the "C-3" District subject to the following conditions:
  - a. Business signs shall have no more than two (2) display surfaces. Each such display surface shall:
    - 1.) Not contain any flashing lights.
    - 2.) Be a flat plane, rectangular shape.
    - 3.) Not exceed forty-nine (49) square feet in sign area if a wall sign, nor twenty-five (25) square feet if other than a wall sign.
    - 4.) Not exceed seven (7) feet in height or seven (7) feet in length.

- b. Advertising signs shall contain no photographs, silhouettes, drawings or pictorial representations of any kind.
  - c. Each letter forming a word on an advertising sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of an advertising sign shall be of a uniform and solid color.
  - d. Building signs shall have only one (1) display surface. Such display surface shall:
    - 1.) Be a flat plane, rectangular in shape.
    - 2.) Not exceed nine (9) square feet in sign area.
    - 3.) Not exceed three (3) feet in height or three (3) feet in length.
    - 4.) Be affixed or attached to any wall or door of the establishment.
  - e. The Provisions of Subsections (2) and (3) above shall also apply to building signs.
  - f. Signs shall also be subject to all other applicable rules and regulations of the City.
5. Building signs permitted in the “A – L”, “C – S”, “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts are subject to the following:
- a. The building sign shall be affixed flat against the face of the building as opposed to perpendicular and/or double faced.
6. Marquee and canopy signs are permitted in the “C – 1” and “C – 2” Districts only. The sign must be mounted either on the front edge of the marquee or canopy, or suspended beneath (see “10” below). Signs suspended beneath a marquee or canopy shall not exceed eight (8) square feet in surface area and shall contain an announcement of the business name only. The lowest elevation shall always be no less than eight (8) feet above the sidewalk surface. The canopy or marquee shall be constructed and maintained in accordance with the Building Code of the City.
7. A maximum of two (2) business signs [only one (1) on a facade] shall be allowed for a business or profession conducted on the premises in the “I – 1”, and “I – 2” Districts. In the “C – 1” District, a maximum of four (4) business signs shall be allowed, except that an additional number of signs may be allowed in the “C – 1” District by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose.
8. All signs in the “C – S”, “I – 1”, and “I – 2” Districts shall be affixed to or be a part of the building if within fifty (50) feet of a residential district.

9. Except as provided in “6” above, no sign shall be permitted to overhang a road, street, or alley right-of-way, and no sign shall be located in a manner as to constitute a traffic hazard.
10. Any sign, other than one affixed flat against the face of a building, which is located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of the centerlines of two (2) or more streets, measured along the adjacent curb lines, shall have its lowest elevation at least ten (10) feet above curb level to avoid creation of line-of-sight or other traffic-related obstructions.
11. All lighted signs in direct vision of a traffic signal shall not be in red, green, or amber illumination.
12. Non-flashing, illuminated signs shall be permitted providing said sign shall not beam upon any street or any residential district, except as provided in “20” and “21” below. Clocks and/or thermometers installed for public convenience and information are exempt from this requirement.
13. Where a sign is illuminated by light directed upon it, the direct ray of light shall not beam upon any existing residential district, except as provided in “20” and “21” below, or into any street.
14. Flashing, moving, or animated signs in the “C – S” District are not permitted within five hundred (500) feet of a residential district or where the rays of light from the sign beam upon any part of any residential district. In the “C – S” District, no high intensity strobe or flashing lights shall be permitted to be used with any sign or separately.
15. In the “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts, flashing, moving, or animated signs shall be permitted only upon approval of the City Building Inspector providing it is first determined that the location and colors will in no way create a traffic hazard or confusion with traffic lights and with lights on emergency vehicles and that direct rays of the sign will not be directed into any residential district.
16. Sandwich board signs are permitted in the “C – S”, “I – 1”, and “I – 2” Districts only, providing said sign is permanently affixed to the surface on which it rests.
17. Non-illuminated nameplates in the “A – L”, “R – L”, “R – 1”, “R – 2”, and “R – 3” Districts shall conform to the following restrictions:
  - a. The nameplate shall not exceed three (3) square feet in area.
  - b. The nameplate shall show only the name and/or address of the occupant.
18. Non-illuminated single- or double-faced “For Sale” and “For Rent” signs in the “R – L”, “R – 1”, “R – 2”, and “R – 3” Districts are subject to the following regulations (except as provided in “20” and “21” below):
  - a. Only one (1) sign shall be permitted per lot.

- b. No sign shall exceed four (4) square feet in area.
  - c. Signs shall be located no closer than five (5) feet from any property line and shall not obstruct the view of traffic approaching a street intersection.
  - d. When said sign is affixed to a building, it shall not project higher than ten (10) feet above the ground level.
  - e. Ground signs shall not project higher than four (4) feet above ground grade.
19. In the "A – L" District, only one (1) non-illuminated "For Sale", "For Rent", or single- or double-faced business sign shall be permitted per residential building lot. Accessory business signs shall not exceed fifty (50) square feet.
20. Bulletin boards and signs for churches and other public institutions are subject to the following regulations:
- a. One (1) sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
  - b. If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
  - c. No sign or bulletin board shall exceed twenty-four (24) square feet in area.
  - d. No sign shall be located closer than eight (8) feet from any side or rear property line.
  - e. A sign or bulletin board located in the front yard shall be no closer to the street line than one-half (1/2) the required front yard.
  - f. A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.
  - g. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade.
  - h. Buildings constructed on the property line prior to the adoption of this Ordinance shall be allowed one (1) identification sign providing said sign is a flat wall sign and permanently attached to the building.
21. Signage for manufactured home parks and multi-family developments must meet the following requirements:
- a. Only one (1) business sign per street frontage shall be permitted.
  - b. No business sign shall exceed forty (40) square feet in area for each face.

- c. Any number of informational and directional signs shall be permitted and shall contain no advertising or solicitation.
  - d. All signs may be illuminated, either directly, indirectly, or internally, providing direct beams of light do not shine off the site or into any building on the site.
  - e. Ground signs shall not exceed ten (10) feet in height.
22. Temporary signs, whether illuminated or non-illuminated, are permitted in the “A – L”, “C – S”, “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts only (except as provided in “18” above).
- a. Only one (1) such sign shall be permitted per location.
  - b. Temporary signs shall not exceed forty-five (45) square feet of surface area.
  - c. No temporary sign, except on approval by the Governing Body, shall extend over or into any street, alley, sidewalk, or other public thoroughfare. It shall not obstruct any wall opening.
  - d. Every temporary sign shall be secured to prevent movement or overturning, in a manner approved by the building official.
  - e. All electrical cords to such signs shall be located so as not to expose them to physical damage. No such electrical cord shall be laid upon any sidewalk, driveway, or parking lot. All such wiring shall be subject to the electrical code of the City.
  - f. Temporary signs shall not exceed six (6) feet in height and shall be so located so as to avoid creation of line-of-sight or other traffic-related obstructions.
  - g. Temporary signs may be granted by permit issued by the office of the building inspector. Each temporary sign permit shall be effective for a period of time not to exceed thirty (30) days, may be renewed for one thirty (30) day extension, not to exceed sixty (60) days total in one year.
23. Private informational and directional signs shall contain no advertising or solicitation and are subject to the following provisions (except as provided in “21” above).
- a. Where a sign is illuminated by light directed upon it, the direct rays of light shall not beam upon any part of any residential district or into any street.
  - b. Lighted signs in direct vision of traffic shall not be in red, green, or amber illumination.
  - c. Flashing signs shall not be allowed.
  - d. Only one sign shall be permitted per location.

- e. Signs shall not exceed thirty-two (32) square feet of surface area for each face.
- f. No private informational or directional sign, except on approval by the Governing Body, shall extend over or into any street, alley, or sidewalk or other public thoroughfare. It shall not obstruct any wall opening.
- g. Any sign, other than one affixed flat against the face of the building and located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets, measured along the adjacent curb line, shall have the lowest elevation at least ten (10) feet above the curb level to avoid line-of-sight or other traffic-related obstructions.

**SECTION 3. PERMITS AND FEES REQUIRED:**

1. A permit shall be required for the erection, construction, or alteration of any sign in the Downs Zoning Jurisdiction.
2. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations herein provided, and no signboard shall be erected or painted on any area until the application is acted upon and granted.
3. A charge in accordance with a schedule of fees determined by the Governing Body shall be made for each permit granted.
4. If a sign, for which a permit is granted, is not erected within sixty (60) days from date of the permit, the permit shall, unless renewed, become void.
5. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent and over eight (8) square feet in area.
6. All signs shall be constructed, located, and placed in accordance with local ordinances and the laws of the State of Kansas.
7. Permits, except for permits for temporary signs, are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City may direct its removal.
8. Permits for temporary signs shall be issued for up to 30 days plus one renewal for a total of 60 days maximum per year.

**SECTION 4. NON-CONFORMING SIGNS:** All advertising signs, business signs, or bulletin boards not in accordance or in compliance with this Article which were in existence as of the date of adoption of this Ordinance, shall be exempt from this Article except that upon the change of ownership of any building or property having a non-conforming sign which was in existence prior to the adoption

date, or upon remodeling or renovating of the exterior of any building to the extent of greater than fifty (50) percent, the non-conforming sign shall be brought into conformity with this Article and any other City, State, or Federal regulations.

**SECTION 5. REMOVAL OF SIGNS FROM VACANT BUILDINGS:** Signs located on vacant buildings shall be removed by the property owner or his authorized agent within thirty (30) days after said premises are vacated.