

## ARTICLE 7. SIGNS

5-701.

### **PURPOSE.**

The purpose of this Article is to regulate signs, bulletin boards and other advertising devices in the City; to regulate or prohibit such devices in zoning districts; to control location, size, number, illumination and construction where these devices are permitted; and to regulate certain works of art in the City. This Article also intends to promote traffic safety by reducing accidents on public ways, eliminate distractions to drivers, eliminate obstructions of vision at curves and other traffic hazard areas; promote the convenience and enjoyment of public travel; promote the protection of pedestrians, preserve and enhance property values; promote the establishment of high quality business and commercial districts; promote the attraction of tourists and visitors to the community; eliminate obstructions to vision and diversions of motorists' attention by such devices; facilitate safety of travel, preserve and improve physical environment; all of which are for the purpose of promoting the general welfare. This Article permits only those signs essential for the conduct of business and is intended to prevent needless clutter in appearance within the City by signs unreasonable in number, location, area and illumination. (Ord. 5058, Sec. 1)

5-702

### **DEFINITIONS.**

Definitions of terms as used in this Article, unless the context otherwise requires, shall be as follows:

- (A) Area Marker. A sign that designates or identifies a subdivision or development.
- (B) Awnings. Any structure made of cloth or metal with a metal frame attached to a building and projecting over public property when so erected to permit its being lowered to a position over public property and to permit its being raised to a position flat against building when not in use.
- (C) Canopy. A roof-like structure of a permanent nature which projects over a public way.
- (D) Establishment. A place of business which has a separate identity, separate entrances, and separate records and books of its business transactions.
- (E) Reserved.
- (F) Front Footage. The lot frontage on which the sign is located.
- (G) Marquee. A roof-like structure of a permanent nature which projects from the wall of a building and may overhang a public way. Changeable lettering may be a part thereof.
- (H) Noncombustible Material. Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- (I) Sign. A sign includes billboard or other device which displays or includes any letter, work, model, banner, flag, pennant, insignia, propeller, balloon, device or representation used as, or which is in the nature of an

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advertisement or announcement or which directs attention to an object, product, place, activity, person, institution, organization or business; but the term shall not include display of official notice nor flag, pennant, emblem or insignia of any nation or group of nations or of any state or political unit.

- (J) Sign, Advertising. A sign which directs the attention of the public to any goods, merchandise, property (real or personal) business, service, entertainment or amusement conducted, produced, bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
- (K) Sign, Bulletin. A sign or board erected by a church, school, community center, public agency or institution on its premises for announcement purposes.
- (L) Sign, Business. A sign which directs attention to a business or professional conducted, or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "for sale" or "for rent" or "for lease" sign relating to the property, the same, address, and occupation of the occupant shall also be deemed a business sign.
- (M) Sign, Flashing. Any sign which incorporates in any manner apparent movement achieved by electrical pulsation or by other means such as sequential light phasing.
- (N) Sign, Ground/Pole Mounted. A sign which is supported by one or more poles, uprights or braces in the ground having a minimum ground clearance of eight feet and which is not a part of a building.
- (O) Sign, Ground/Surface Mounted. A sign which is mounted flush with the ground or is supported by one or more poles, uprights, or braces in the ground, rising not higher than four feet above the adjoining ground level, and which is not a part of a building.
- (P) Sign, Illuminated. Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
- (Q) Sign, Mobile. Business signs used to advertise an establishment or service which are on or affixed to trucks, automobiles, trailers or other vehicles used primarily to support or display such signs while parked.
- (R) Sign, Moving. Any sign, or part of a sign, whether illuminated or unilluminated, that does not remain stationary at all times regardless of power source which effects movement.
- 5-702.2 (S) Sign, Political. A sign which makes known the name of and information about a person running for an office or any other information concerning a political campaign or election issue of any nature.
- (T) Sign, Projecting. A sign other than a wall or ground sign suspended from or supported by a building and projecting out therefrom. Projection means the distance by which a sign extends over public property or beyond the building line.

- (U) Sign, Roof. A sign erected upon or above a roof or parapet of a building which extends above the highest point of the building.
- (V) Sign, Structure. The supports, uprights, bracing and framework for a sign or outdoor display.
- (W) Sign, Temporary. A sign, banner, valance, advertising display or special flag used for commercial or political promotion and constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames intended to be displayed for a specified short period of time only.
- (X) Sign, Wall. A sign painted, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall.
- (Y) Wall. The exterior surface of a building or structure. For purposes of this Article, other than size limitations, wall shall be determined to include mansard-type or sloped roof structures.
- (Z) Work of Art. The term work of art shall apply to all mural paintings or decorations, inscriptions, mosaic, painted glass and other similar art forms of a permanent character intended for ornament or commemoration that are applied to, erected or placed upon the exterior walls of any building. For the purpose of this Article, a work(s) of art, whether singular or in aggregate, shall be deemed to exist when its size exceeds sixteen (16) square feet or exceeds the maximum area for a wall sign allowed in the applicable zoning district whichever is larger. For the purpose of this Article, a work of art which in any way relates to the business conducted therein shall be considered as a wall sign. (Ord. 5085, Sec. 2)

#### GENERAL REQUIREMENTS

5-703

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

Except as provided in Section 5-705 of this Article, no sign or work of art shall hereafter be erected, constructed, or altered except as provided by this Article and until a permit has been issued by the Codes Enforcement Manager. Application for a sign or work of art permit shall be made in writing upon forms furnished by the Codes Enforcement Manager and shall include such information as he may require for a complete understanding of the proposed work. A permit shall not be issued until a certificate of public liability insurance in the amount of \$100,000 and a certificate of employer's liability and workmen's compensation insurance in an amount that is in conformity with the statutory requirements of the laws of the State of Kansas has been filed with and approved by the City Clerk. A double permit fee shall be charged for failure to make application for a sign permit as required. The insurance requirements of this Section shall be waived for "works of art." (Ord. 5085, Sec. 3)

5-704

##### **FEES FOR SIGN PERMITS AND VARIANCES.**

- (A) **SIGN PERMIT FEES.** Prior to being granted a permit pursuant to this Article, every applicant shall pay to the Codes Enforcement Manager the following permit fee for each sign or work of art regulated by this Article:
  - (1) Advertising, awning, temporary sign (non-electric) \$10.00

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(2)	Work of Art	\$10.00
(3)	Directional or informational sign not being installed in conjunction with a new building or in conjunction with remodeling	\$10.00
(4)	Wall sign, roof sign, marquee (non-electric) (each)	\$25.00
(5)	Ground sign, pole sign, surface mounted sign (non-electric) (each)	\$35.00

The fees established above shall be for each sign permitted. Signs denoting a business name or a general business type, or both, in a single sign category as established in this Section, shall be considered a single sign for purposes of a sign permit fee. Additional signage for symbols, logos, insignias and specific goods and services shall be considered individual signs for purposes of a sign permit fee.

Any applicant requesting a permit to install a sign with either internal or external lighting will be required to purchase an electric permit in addition to the above fee schedule.

If a permit is requested for signs in different categories as outlined above, whether for one or more businesses, the full cost for the permit in each category shall be charged. (Ord. 5085, Sec. 3; Ord. 6470, Sec. 1)

(B) **VARIANCE APPLICATION, FEES.** At the time an application for a variance to the requirements of this Article is submitted pursuant to Section 5-745 of this Article, the applicant shall pay to the Codes Enforcement Manager a non-refundable fee of \$50.00. The fee shall not be refunded if the variance application is denied. (Ord. 6470; Ord. 6572)

5-705

**SAME; EXEMPTIONS.**

A permit shall not be required for the following listed signs. These exemptions, however, shall apply only to the requirement for a permit and shall not be construed as relieving the owner of such sign from the responsibility for its erection and maintenance in a safe condition:

- (A) Real estate signs not exceeding eight (8) square feet in area which advertises only the sale, rental or lease of the premises upon which such signs are located.
- (B) Professional name plates not exceeding one square foot in area.
- (C) Bulletin boards not over twelve (12) square feet in area for public charitable or religious institutions when located on the premises of such institutions.
- (D) Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling and not exceeding one (1) square foot in area.
- (E) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

- (F) Traffic or other municipal signs, legal notices railroad crossing signs, danger, temporary or emergency signs.
- (G) Signs of community interest which are approved by the City Commission.
- (H) Political signs not exceeding sixteen (16) square feet in area, which make known the name of and information concerning a political campaign of any nature. No political sign shall be placed in or on the public right-of-way. No political sign shall be placed or erected in or on any private property without the express permission of the owner or occupant of such property. (Ord. 7543)
- (I) Mobile Signs, as permitted in Section 5-720 of this Article. (Ord. 5085, Sec. 35; Ord. 6581, Sec. 5)

5-705.1 **TEMPORARY DIRECTIONAL YARD SIGNS IN RESIDENTIAL DISTRICTS.**

No private signage shall be placed or maintained on public right-of-way or easements. In addition to other allowed signage, one (1) temporary directional sign may be placed on private property in residentially zoned districts, with the consent of the property owner, provided that: (Ord. 7372)

- (A) such sign shall not exceed four square feet in area per side and forty-two (42) inches in height; and
- (B) such sign shall remain in place only from 5 p.m. Friday until 5 p.m. Sunday; and
- (C) such sign directs traffic to property in the residentially zoned district.

5-706 **SAME; PERMIT REVOCABLE.**

All rights and privileges acquired under the provisions of this Article, or any amendment thereto, are mere licenses revocable by the Codes Enforcement Manager for violation of the provisions of this Article and all such permits shall contain a statement of this limitation. (Ord. 5085, Sec. 3)

5-707 **INSPECTION.**

As soon as a sign or work of art has been erected, the permittee shall notify the Codes Enforcement Manager, who shall inspect such signs or works of art and approve the same if it is in compliance with the provisions of this Article. The Codes Enforcement Manager may, from time to time as he deems necessary, inspect all signs or other advertising structures or works of art regulated by this ordinance, for the purpose of ascertaining whether it is secure or whether it is in need of removal or repair. (Ord. 5085, Sec. 3)

5-708 **ALTERATIONS.**

A sign or work of art which was erected before the adoption of this Article shall not be rebuilt or relocated without conforming to the requirements set forth herein. (Ord. 5085, Sec. 3)

5-709 **MAINTENANCE.**

All signs or works of art together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The Codes Enforcement Manager may order the removal of any sign that is not

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maintained in accordance with the provisions of this Article. The appearance of the work of art shall be maintained in good physical condition as determined by the Codes Enforcement Manager. (Ord. 5085, Sec. 3)

5-710 **REMOVAL OF CERTAIN SIGNS.**

Any sign now or hereafter existing which no longer advertises a bona fide business being conducted, or a product being sold, shall within thirty (30) days after written notification from the Codes Enforcement Manager be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found. (Ord. 5085, Sec. 3)

5-711 **OBSCENE MATTER.**

It shall be unlawful for any person to display upon any sign or other advertising structure or work of art any obscene, indecent or immoral matter. (Ord. 5085, Sec. 3)

5-712 **LICENSE REQUIRED.**

No person, firm or corporation shall engage in the business of sign hanging or the erection of signs within the corporate limits of the City without complying with the provisions of this Article. There shall be an initial yearly license fee of \$100 for each such person, firm or corporation engaged in the business of sign hanging and the erection of signs. There shall also be a yearly license renewal fee of \$50. All persons engaged in the business of sign hanging and the erection of signs must obtain such a license except those who are employed by contractors carrying a license. There shall be a separate license for each place of business in the City conducted by any person, firm or corporation. Nothing in this Section shall prevent any person, firm or corporation from hanging or erecting any sign or signs to be used in advertising the business or merchandise offered for sale of such a person, firm or corporation, but strict compliance with the provisions of this Article must be made at all times in the hanging and maintenance of such signs. (Ord. 5085, Sec. 3; Code 1984)

5-713 **ENFORCEMENT OF UNLAWFUL OR UNSAFE SIGNS**

The violation of any provision of this Article shall be a municipal offense and shall be subject to a minimum \$50.00 fine. Every day of violation shall be a separate and distinct offense. If a City building inspector, or other employee designated by the City Manager to enforce provisions of this Article, shall find that any sign or other advertising structure or work of art regulated by this Article is unsafe or insecure, or is a nuisance to the public or has been constructed or erected or is being maintained in violation of this Article, he or she shall have the authority to issue a Notice to Appear citation pursuant to Charter Ordinance No. 31. In addition to the issuance of a Notice to Appear citation, the City shall have the authority to cause the removal of the unlawful sign or work of art and to have the reasonable costs of such removal, and related administrative costs, assessed against the property where the unlawful sign or work of art was located.

For unlawful signs located on City property, City right-of-way and City easements, including signs in violation of Section 5-705.1, the City Codes Enforcement Manager, or other employee designated by the City Manager, shall have the authority to immediately remove such signs. In addition to the penalty provisions set forth above, any person seeking to retain custody of an unlawful sign removed from City property, City right-of-way, or City easements, shall pay to the City an administrative storage fee of \$25.00 for each sign. After at least ten (10) days of storage the City shall have sign materials either recycled or otherwise properly disposed. The administrative storage fee shall take effect sixty (60) days after the effective date of this ordinance. (Ord. 7372)

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- 5-714           **NUMBER, DATE AND VOLTAGE TO BE DISPLAYED.**  
Every sign or other advertising structure or work of art hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith. (Ord. 5085, Sec. 4)
- 5-715           **WIND PRESSURE REQUIREMENTS.**  
All signs and other advertising structures or works of art shall be designed and constructed to conform to the City Building Codes. (Ord. 5085, Sec. 4)
- 5-716           **OBSTRUCTION TO DOORS, WINDOWS OR FIRE ESCAPES.**  
No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape. (Ord. 5085, Sec. 4)
- 5-717           **NOT TO CONSTITUTE TRAFFIC HAZARD.**  
No sign or other advertising structure or work of art as regulated by this Article shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the intensity, position, shape or color, it may interfere with, obstruct the view, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look," "Drive-in," "Danger," or any word, phase, symbol or character in such manner as to interfere with, mislead or confuse traffic. (Ord. 5085, Sec. 4)
- 5-718           **GOOSENECK REFLECTORS.**  
Gooseneck reflectors and lights shall be permitted on ground signs, roof signs, wall signs, and works of art. Reflectors shall be equipped with proper glass lenses concentrating the illumination upon the area of the sign or work of art so as to prevent glare upon the street or adjacent property. (Ord. 5085, Sec. 4)
- 5-719           **SPOTLIGHT AND FLOODLIGHT PROHIBITED.**  
It shall be unlawful for any person to maintain any sign or work of art which extends over public property which is wholly or partially illuminated by floodlights or spotlights. (Ord. 5085, Sec. 4)
- 5-720           **MOBILE SIGNS PROHIBITED.**  
No mobile signs as defined in Section 5-702 shall be permitted in any district. This Section shall not apply to taxi cabs or buses. (Ord. 5085, Sec. 4)
- 5-721           **MOVING AND FLASHING SIGNS PROHIBITED.**  
No moving signs shall be permitted in any district except for pennants used in connection with real estate "Open House" and maintained for less than forty-eight (48) hours. No flashing signs shall be permitted in any district except those signs which impart general information unrelated to the commercial enterprise involved, such as time and temperature signs, or message center displays. (Ord. 5085, Sec. 4)
- 5-722           **PROJECTIONS DEEMED NUISANCES; BANNERS ACROSS MASSACHUSETTS STREET.**  
All canopies, ropes, networks, banners, holiday decorations, posts, radio aerials, placed in or projecting over or across any street, avenue, alley or sidewalk, shall be deemed nuisances unless constructed and maintained under the conditions of this Article. Permission may be granted by the majority vote of all members present at a regular meeting of the Governing Body to maintain a banner or

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holiday decoration across Massachusetts Street in locations between 6th and 11th Streets for limited periods of time upon the following terms and conditions:

- (A) That the applicant for said banners or holiday decorations be sponsored by a benevolent, charitable, civic, patriotic or nonprofit organization or corporation.
- (B) That if the banners or decorations be affixed to private property that it be done so only after the written consent of the property owner is obtained.
- (C) That said application be granted after the filing of a bond or insurance in a sufficient amount to protect the public and hold the City harmless from all claims and damages of any kind. (Ord. 5085, Sec. 4)

5-723

**NUISANCE; ABATEMENT; ASSESSMENT.**

When any such condition exists as is referred to in Section 5-722, the Commission may declare such a nuisance and order its removal and abatement. The Codes Enforcement Manager shall give the owner or occupant of the grounds fronting thereon, or the person causing a nuisance mentioned in Section 5-722, a written notice that such nuisance must be removed within three (3) days. If such nuisance is not removed or abated within the three (3) days, the Codes Enforcement Manager shall cause the same to be removed and abated, and shall report the cost thereof to the City Clerk. The cost of removal or abatement shall be charged against the lot or parcel of ground fronting on such nuisance or the expense may be collected from the person causing such nuisance. (Ord. 5085, Sec. 4)

5-724

**CONSTRUCTION PERMIT REQUIRED: INSPECTION OF PLANS.**

Before any person shall construct any canopy, they must exhibit to the Codes Enforcement Manager a draft of the plans and specifications for the same and receive from the Codes Enforcement Manager a permit for such construction. Before the Codes Enforcement Manager shall grant the permit required by this Section, the Inspector shall carefully inspect the plans of the proposed structure and be satisfied that the same is safe and that the building from which it is to be suspended is sufficiently strong to safely carry the weight of such structure. The applicant for the permit required by this Section shall pay to the Codes Enforcement Manager \$5 for such inspection and permit. (Ord. 5085, Sec. 4)

5-725

**SPECIFICATIONS GENERALLY.**

Canopies of permanent and substantial design and fireproof construction may be erected in front of a project from any building within the fire limits in the City to be used as a hotel or theater, upon the terms and conditions listed below:

- (A) Canopies must be constructed of fireproof material and under the supervision of the Codes Enforcement Manager of the City.
- (B) Canopies may project from such building over the sidewalk not to exceed the width of the sidewalk measured from the lot line and shall have a clearance of not less than eight (8) feet above the sidewalk.
- (C) All canopies must be suspended from the building and not resting upon the sidewalk.
- (D) A canopy when erected must be so drained as not to discharge water upon the sidewalk, nor upon streets except by a closed drain. (Ord. 5085, Sec. 4)

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**AREA MARKERS FOR RESIDENTIAL USES.**

- (A) Area markers meeting the requirements of this Article shall be approved by the Codes Enforcement Manager. Area markers for residential uses shall comply with the following requirements:
- (1) Not to exceed twenty-four (24) square feet in area.
  - (2) Total height is not greater than four (4) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.
  - (3) Illumination of any type is not allowed.
  - (4) Permitted, pursuant to 5-738.1, in RS (Single-Family), RM (Multi-Family (Multi-Dwelling Residential-Office), PRD (Planned Residential) .
  - (5) Shall be constructed of wood or stone or brick or combinations thereof.
  - (6) Identify an area only.
  - (7) An area marker may only identify an area of four (4) or more acres. Construction shall be carried out in a manner approved by the Codes Enforcement Manager as to its safety and support.
  - (8) One (1) area marker shall be allowed per public road access point, with no more than two (2) area markers allowed regardless of the number of public road access points. (Ord. 6572)
- (B) Premises to be Kept Free of Weeds. All area markers and premises surrounding same shall be maintained by the owner or occupant thereof in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds. (Ord. 5544; Ord. 5735)

**DIRECTIONAL AND INFORMATIONAL SIGNS.**

- (A) Directional and informational signs shall not be erected or placed at any location without prior approval from the Codes Enforcement Manager. Such signs shall meet all the following conditions:
- (1) Not to exceed four (4) square feet.
  - (2) Not to exceed four (4) feet in height from adjacent grade.
  - (3) May be single or double-faced.
  - (4) Illumination only by indirect means.
  - (5) Generic names (office/store/shop/business/parking, etc.) and entrance-exit information only will be allowed on directional signs. Specific business names, logos or insignias will not be allowed on directional or informational signs.

- (6) Not more than two (2) signs will be allowed at any business location.
  - (7) Information signs (office/trucks/deliveries, etc.) shall not exceed four (4) square feet. Location and number of informational signs shall be approved by the Codes Enforcement Manager prior to installation.
  - (8) Location of directional and informational signs shall not create traffic confusion or hazards.
- (B) Construction shall be carried out in a manner approved by the Codes Enforcement Manager. All such signs shall be maintained by the owner or occupant thereof in a clean, sanitary and inoffensive condition. (Ord. 5745)

5-727

**AWNINGS AND CANOPIES.**

- (A) Materials. Awnings may be constructed of cloth or metal, provided, that all frames and supports shall be of metal. Canopies shall be constructed pursuant to the Uniform Building Code adopted in Chapter 5 of this Code.
- (B) Height Above Sidewalk. All awnings shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the public sidewalk.
- (C) Setback from Curblin. No awning shall be permitted to extend beyond a point two (2) feet inside the curblin.
- (D) Support. Every awning shall be securely attached to and supported by the building. (Ord. 5085, Sec 5; Ord. 6572)
- (E) Signage Area. To determine the allowable signage area on the awning or canopy, the surface area of the awning or canopy behind the lettering, logo, insignia shall be measured by establishing the square footage covered by the perimeter of signage. The combined signage area on an awning or canopy and the surface area of any wall sign shall not exceed the requirements for wall signs pursuant to 5-734. If fifty percent (50%) or more of the total square footage of the canopy or awning 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. (Ord. 5085 Sec. 5; Ord. 6572)

5-728

**GROUND SIGN/POLE MOUNTED.**

- (A) Material Required. All ground sign/pole mounted for which a permit is required under this Article shall have a surface or facing of noncombustible materials, or material approved by the City Codes Enforcement Manager: Provided, that combustible structural trim may be used thereon.
- (B) Letters, etc., to be Secured. All letters, figures, character or representation in cutout or irregular form, maintained in conjunction with,

attached to or superimposed upon any ground sign/pole mounted shall be safely and securely built or attached to the sign structure.

- (C) Height Limitation. It shall be unlawful to erect any ground sign/pole mounted whose total height is greater than thirty (30) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level. If the adjoining ground level is below the street level, the total height of the sign may exceed thirty (30) feet by an amount sufficient to allow the highest point of the sign to be thirty (30) feet above the street level upon which the sign faces when measured on a line perpendicular to the street passing through the sign location.
- (D) Space Between Ground Sign/Pole Mounted and Ground, Other Signs or Structures. Ground sign/pole mounted shall have an open space not less than eight (8) feet between the bottom of the sign and the ground level. The nearest point on any ground sign/pole mounted shall be no closer than four (4) feet to any sign, building or structure unless constructed entirely of noncombustible material.
- (E) Setback Line. No portion of any ground sign/pole mounted shall extend beyond the property line.
- (F) Bracing, Anchorage and Supports. All ground signs/poles mounted shall be securely built, constructed and erected upon posts and standards sunk at least three (3) feet below the natural surface of the ground and shall be supported and braced by noncombustible material or metal rods in the rear thereof extending from the top thereof to a point in the ground at least a distance equal to one-half of the height of such sign, measured along the ground from the posts or standards upon which the same is erected. If posts are sunk six (6) feet in the ground and are continuous to the top of the sign, braces shall not be required.
- (G) Premises to be Kept Free of Weeds. All ground signs/poles mounted and the premises surrounding the same shall be maintained by the owner or occupant thereof in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds. (Ord. 5085, Sec. 5)

5-729

#### **GROUND SIGNS/SURFACE MOUNTED.**

- (A) Material Required. All ground signs/surface mounted for which a permit is required under this Article shall be constructed of materials approved by the Codes Enforcement Manager.
- (B) Letters, etc., to be Secured. All letters, figures, characters, or representation in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any ground sign/surface mounted shall be safely and securely built or attached to the sign structure.
- (C) Height Limitation. It shall be unlawful to erect any ground sign/surface mounted whose total height is greater than four (4) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.

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- (D) Visual Obstruction. No ground sign/surface mounted located on the triangle formed by two curblines at the intersection of two streets, and extending for a distance of fifty (50) feet each way from the intersection of the curblines on any corner lot within the City, shall be permitted to exceed a height of more than thirty-six (36) inches above the road level of any street, avenue, or alley, in order that the view of the driver of a vehicle approaching a street interest shall not be obstructed.
- (E) Space between Ground/Surface Mounted and other Signs and Structures. The nearest point of any ground sign/surface mounted shall be no closer than ten (10) feet to any sign, building or structure unless constructed entirely of noncombustible material.
- (F) Setback Line. No portion of any ground sign/surface mounted shall extend beyond the property line.
- (G) Bracing, Anchorage and Supports. All ground signs/surface mounted shall be securely built, constructed and erected upon foundations, posts, standards or supports designed to adequately support the sign. In no case shall this Section be construed to allow "A-frame" signs.
- (H) Premises to be Kept Free of Weeds. All ground signs/surface mounted and the premises surrounding the same shall be maintained by the owner or occupant thereof in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds. (Ord. 5085, Sec. 5)

5-730

#### **MARQUEES.**

- (A) Materials Required. All marquees, including the anchors, bolts, supports, rods and braces thereof, shall be constructed of noncombustible materials and approved by the Codes Enforcement Manager.
- (B) Drainage. The roofs of all marquees shall be constructed so as not to permit water to flow on any sidewalk.
- (C) Roofs, Use. The roofs of all marquees shall be used for no other purpose than to form and constitute a roof.
- (D) Height above Sidewalk. No portion of a marquee shall be less than eight (8) feet above the level of the sidewalk.
- (E) Setback from Curblines. No marquee shall be permitted to extend beyond a point two (2) feet inside the curblines.
- (F) Bracing, Anchoring and Supports. Marquees shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support therefor.
- (G) Advertising Matter. No marquee shall display any advertising matter, except those goods and services offered for sale upon the premises or public service messages of a community-wide interest.
- (H) Live Loads. Marquees shall be constructed in accordance with the Building Code. (Ord. 5085, Sec. 5)

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5-731

**PROJECTING SIGNS.**

Projection over Public Property. No projecting sign shall be maintained less than eight (8) feet above the sidewalk over which it is erected. No projecting sign shall project beyond six (6) feet of the face of a building and shall not extend over any public driveway, alley or thoroughfare used for vehicular traffic. (Ord. 5085, Sec. 5)

5-732

**ROOF SIGNS.**

- (A) Materials Required. Every roof sign, including the supports, braces and structural trim, shall be constructed entirely of noncombustible materials.
- (B) Height and Area Limitation. No roof sign shall have a surface or facing exceeding two hundred (200) square feet nor have its highest point extended more than thirteen (13) feet above the roof level.
- (C) Setback from Roof Edge. No roof sign over four (4) feet in height shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces.
- (D) Space between Sign and Roof. All roof signs shall have a space at least five (5) feet in height between the base of the sign and the roof level and have at least five (5) feet clearance between the vertical supports thereof.
- (E) Prohibited Obstructions. No roof sign shall be placed on the roof of any building or structure in such a manner as to prevent free passage from one part of the roof to any other part hereof or interfere with openings in the roof.
- (F) Bracing, Anchorage and Supports. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. (Ord. 5085, Sec. 5)

5-733

**TEMPORARY SIGNS.**

- (A) Materials and Area Limitations. No temporary sign shall exceed sixty (60) square feet in area. If the sign is to be located on a tract or lot having a front footage in excess of one hundred (100) feet and is the only sign to be located on the tract, additional square footage may be allowed on each side of the sign equal to thirty percent (30%) of the front footage in excess of the first one hundred (100) feet up to a maximum of ninety (90) square feet. No political sign shall exceed sixteen (16) square feet in area. A sign in excess of sixty (60) square feet shall be made of rigid materials approved by the Codes Enforcement Manager.
- (B) Projecting from Wall over Public Property. No temporary sign, except one approved by the Governing Body, shall extend over or into any street, alley, sidewalk or other public thoroughfare a distance greater than four (4) inches from the wall upon which it is erected and shall not be placed or project over any wall opening.
- (C) Anchorage and Support. Every temporary wall sign shall be attached to the wall with wire or steel cables; no strings, ropes, or wood slats for anchorage or support purposes shall be permitted.

- (D) Duration of Permits. No more than one permit for a temporary sign shall be authorized per year for erection and maintenance of such signs for any business commercial establishment, multi-shop commercial area, or industrial development. No temporary sign permit shall be authorized for a period exceeding thirty (30) days.
- (E) Advertising Permitted. The advertisement contained on any temporary sign shall pertain only to the business industry or use conducted on or within the premises on which such sign is located except as provided in Section 5-705 of this Article. (Ord. 5559)

5-734

#### **WALL SIGNS.**

- (A) Materials. All wall signs for which a permit is required under this Article shall have a surface of facing of noncombustible materials, provided, that combustible structural trim may be used thereon. However, the surface or facing and structural trim of a wall sign which is attached to a stone, brick or masonry wall may be of exterior grade plywood having a thickness of not less than one (1) inch. No plywood sign shall be illuminated or in any manner be operated or serviced by electricity.
- (B) Limitation on Placement on Area. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached. No wall sign shall exceed ten percent (10%) of the wall to which it is attached, or one hundred fifty (150) square feet, whichever is less. 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 a letter of irregular dimensions.  
If more than one establishment is located on a tract, lot, or unified shopping center, wall signs may be placed on each business. The total area of all wall signs on the tract, lot or unified shopping center shall not exceed ten percent (10%) of the wall to which they are attached, or one hundred fifty (150) square feet whichever is less as provided for in Sections 5-739 to 5-704.4, inclusive of this Article.
- (C) Projection above Sidewalk and Setback Line. No wall sign shall be permitted to extend more than eighteen (18) inches beyond the building line, nor shall be attached to a wall at a height of less than eight (8) feet above any public or private sidewalk or walkway.
- (D) Obstructions to Doors, Windows or Fire Escapes. No wall sign shall be erected, relocated or maintained as to prevent free ingress to or egress from any door, window or fire escape.
- (E) Supports and Attachments. All wall signs shall be safely and securely attached to the building wall. (Ord. 5085, Sec. 5)

5-735

#### **PLACARDS, LEAFLETS, HANDBILLS PROHIBITED.**

No placards, leaflets, handbills or other similar signs shall be placed on the exterior wall or window of any building or public property in any district. All persons placing such materials, and all occupants and owners of buildings upon which such materials are placed shall be responsible for violations hereunder. (Ord. 5085, Sec. 5)

5-736

#### **WORKS OF ART.**

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Hereafter no work of art shall be applied to, erected or placed upon the exterior walls of any building within the City of Lawrence without first being submitted to and approved by the City Commission. The City Commission may refer the proposed work of art to the Lawrence Arts Commission for their review and recommendation. The request to allow a work of art shall be accompanied by plans and specifications which describe its proposed size, location, appearance, color, texture, general design, use of material, orientation to other buildings and the relationship of such factors to features of buildings in the immediate surroundings. The City Commission or Arts Commission may, when it deems proper, also require a complete model of work of art to be submitted. In determining the merits of the work of art, consideration should be given to insure that the work of art maintains the high character of community development and would not be detrimental to the stability of value and the welfare of surrounding property, structures and residents and to the general welfare and happiness of the community. (Ord. 5085, Sec. 5)

5-737 **DISTRICT SIGN REGULATIONS.**

The permitted signs in each zoning district are set forth below. The signs listed below are permitted in the stated zoning districts subject to all of the general provisions and conditions set forth elsewhere in this Article. (Ord. 5184, Sec. 1 )

5-738 **SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.**

RS (Single-Dwelling Residential), RSO (Single-Dwelling Residential-Office) RM (Multi-Dwelling Residential) RMG (Multi-Dwelling Residential-Greek Housing), RMO (Multi-Dwelling residential-Office), CO (Commercial Office), PRD (Planned Residential Development), POD (Planned Office District), PUD (Planned Unit Development), GPI (General Public and Institutional), H (Hospital), UR (Urban Reserve), OS (Open Space).

5-738.1 Area Markers, See 5-726 of the Code of the City of Lawrence, Kansas.

5-738.2 Bulletin signs, for public, charitable or religious institutions, in residential districts, subject to the following conditions:

- (A) Only one (1) sign or bulletin board shall be located on the same lot as the principal building: Provided, That such institutions occupying a corner lot shall be permitted one (1) sign facing each public street, but in no case shall such institution be permitted more than two (2) signs.
- (B) If sign or bulletin board is illuminated, it shall be by indirect lighting 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 of property line.
- (E) A sign or bulletin board located in a front yard shall be no closer than ten (10) feet to the property line.
- (F) A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.
- (G) A sign or bulletin board shall be permanently anchored to the ground and shall not exceed a height of four (4) feet above normal grade.

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- (H) Buildings constructed on the property line shall be allowed one (1) identification sign only when the sign is a flat wall sign permanently attached to the building.
- (I) On corner lots, no sign shall be so constructed or so located that it will obstruct the view of traffic approaching the street intersection.

5-738.3 Business Signs Unilluminated, in residential districts, shall be permitted subject to the following conditions:

- (A) Professional or occupation name plates not over two (2) square feet in area and showing only the name and/or address and occupation of the occupant. There shall be only one (1) name plate for each dwelling. The name plate shall be affixed to the principal building flat against the wall.
- (B) In Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), and Planned Office District (POD) districts, one (1) wall sign up to ten (10) square feet of surface area per building shall be permitted. In Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), and Planned Office District (POD) districts, one (1) monument sign may be installed for a tract of property which has a size of one (1) acre or larger. The monument sign shall not exceed sixteen (16) square feet in sign surface area and four (4) feet in height. The base of the monument sign, the dimensions of which shall be excluded from the limitations on the sign surface area, may have a height not exceeding four (4) feet. If a monument sign exists for a tract of property in a Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), or Planned Office District (POD) zoned district, any wall sign shall be no greater than two (2) square feet of surface area per building.
- (C) Real estate signs, single or double faced, advertising "for sale" or "for rent" or "for lease" of the premises upon which the sign is located subject to the following conditions:
  - (1) Only one (1) sign for each real estate company shall be permitted per lot, or for each fifty (50) feet of street frontage.
  - (2) No sign shall exceed eight (8) square feet in area.
  - (3) When a sign is affixed to a building, it shall not project higher than one (1) story or ten (10) feet above the ground level.
  - (4) Ground signs shall be securely anchored to the ground and shall not project higher than five (5) feet above the ground grade.
- (D) One wall sign may be attached to a wall of an apartment building located in RM, RMG, RMO, and PRD zones. Such sign shall not exceed ten percent (10%) of the wall to which it is attached or ninety (90) square feet whichever is less. The wall to which such sign is attached shall front or face upon a public right-of-way. In no case shall more than one (1) sign be permitted for any apartment complex. (Ord. 6635)

CN1 (Inner Neighborhood Commercial), CN2 (Neighborhood Shopping Center), IBP (Industrial/Business Park), IL (Limited Industrial), PCD (Planned Commercial Development) PID (Planned Industrial Development). Additional restrictions apply when these districts are within the South Lawrence Trafficway Overlay District (5-746). Provided, from and after March 22, 1995, the installation of a ground sign/pole mounted shall not be permitted in any of the above cited commercial or industrial districts. The replacement or repair of a ground sign/pole mounted shall be allowed pursuant to 5-739.5. (Ord. 6635)

5-739.1 Bulletin signs, as set forth in Section 5-738.2 of this Article.

5-739.2 Business signs, illuminated and non-illuminated, subject to the following conditions:

(A) One ground sign pole or surface mounted, may be erected in an off-street parking lot, a unified shopping center or industrial tract for purposes of identifying the development. The sign shall display only the name and the location of the development and names of stores, occupations or businesses located in the development. The size of the sign shall not exceed thirty (30) feet in height or one hundred (100) square feet in area. However, if the development has a front footage in excess of one hundred (100) feet, additional area may be allowed on each side of the sign equal to thirty percent (30%) of the front footage in excess of the first one hundred (100) feet of said tract or lot. The size of the sign shall not exceed one hundred fifty (150) square feet and shall conform to the requirements for ground signs set forth elsewhere in this Article.

If a unified shopping center is located on a tract or lot bounded by two (2) or more public streets such unified shopping center shall be permitted to erect one (1) additional ground sign, pole or surface mounted, at a secondary entrance facing a different public street than the original ground sign permitted in this Section.

In no case shall such additional ground sign exceed fifty (50) square feet in area. No ground sign, pole or surface mounted, shall be permitted to project into a right-of-way and shall be located in a manner not to constitute a traffic hazard.

In the PCD District, no ground sign/pole mounted shall exceed twelve (12) feet in total height as referenced in Section 20-1006(i) of the Code.

(B) Illuminated signs shall be permitted: Provided, that such signs in direct view of traffic signals are not red, green or amber in color and providing such signs are illuminated only during business hours or 11:00 p.m., whichever is later. When the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building or into any residential district or into any street.

(C) Temporary signs shall be permitted, subject to the general restrictions set forth elsewhere in this Article.

(D) Wall signs which advertise or indicate only services or products which are sold or offered for sale within the building to which the sign is attached shall be permitted provided that:

- (1) The applicant presents a detailed plan to the Codes Enforcement Manager showing the location of the signs on the building, size of letters and clearance between the walls and signs.
- (2) Wall signs are permitted for each wall which faces or fronts onto a public right-of-way and such sign is attached to the corresponding wall, except that no wall sign shall be permitted upon any wall other than the front wall which faces or fronts onto a public right-of-way which such public right-of-way is bounded on the opposite side by properly zoned single-family dwellings. Wall signs are permitted in CN-1, CN-2, IBP, IL, PCD and PID zoning districts on building walls which do not face or front an adjoining and abutting public right-of-way, when there exists under the same ownership a parking lot or other open space of at least fifty (50) lineal feet between the wall and the nearest building, but in no case shall signs be constructed on more than two (2) walls of a building for each establishment, nor exceed the square footage limitations for the location. (Ord. 7889)
- (3) The maximum area for wall signs shall be limited to ten percent (10%) of the wall to which it is attached or one hundred fifty (150) square feet, whichever is less. For each one hundred (100) foot increment the wall is set back from the public right-of-way the maximum area may be increased by fifty percent (50%), provided that no sign shall exceed four hundred fifty (450) square feet. (Ord. 5184, Sec. 1; Ord. 6364, Sec. 3)

5-739.3 Awnings and canopies, are permitted as set forth in Section 5-727 of this Article. (Ord. 6572)

5-739.4 Reserved.

5-739.5 New pole signs prohibited in commercial and industrial districts; Repair/Replacement for existing signs.

- (A) From and after March 14, 1995, the installation of a ground sign/pole mounted shall not be permitted on a commercial or industrially zoned lot. Provided, that the replacement or repair of a ground sign/pole mounted in existence on March 14, 1995 shall be allowed if the existing pole for the sign is not moved from its location on March 14, 1995 and the square footage of the sign surface area is not altered from that present on March 14, 1995. Provided, that any ground sign/pole mounted located on a tract of property with a site plan approved after June 12, 1995 that would be moved or altered, contemporaneous with site plan approval, in any manner, including the alteration of lettering, logo, or insignia on the surface area or configuration of the sign, shall be required to be removed within ninety (90) days of the approval of the site plan.
- (B) From and after March 14, 1995, no bulletin signs (including signs with changeable copy or reader boards, or both) shall be permitted to be installed in any commercial or industrial districts, including planned unit developments, provided that businesses dispensing gasoline for sale shall be permitted to display the sale price of gasoline on the ground sign/surface mounted. Provided, that signs electronically or mechanically displaying the actual time and temperature shall not be

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prohibited. Provided further, that the prohibition on bulletin signs shall not prohibit the display of the name of businesses or establishments on otherwise permitted signs in a multi-establishment lot or location from being altered or changed to reflect said businesses or establishments. Provided further, that the prohibition on bulletin signs shall not prohibit the display on a bulletin sign, and the changeable copy thereof, of: 1) the name of a movie on a sign located at a movie/cinema theater; or 2) the name of an individual, group or entity on a sign located at a site zoned to allow public performances of music, entertainment or artistic events. (Ord. 6635)

5-739.6

- (A) Signs in Commercial or Industrial Districts, General. From and after March 22, 1995, the installation of a ground sign/pole mounted shall not be permitted in a commercially or industrially zoned district, including districts zoned planned commercial and industrial. One (1) ground sign/surface mounted (monument sign) may be installed on a tract of property with a commercial or industrial zoning designation, including property zoned planned unit developments, pursuant to this Section. The ground sign/surface mounted shall be limited to a height of twelve (12) feet and shall not exceed sixty (60) square feet in surface area, provided that for each additional five (5) feet of setback from the right-of-way property line, the height may increase by two (2) feet, for a maximum height of sixteen (16) feet, and the surface area may increase by an additional six (6) feet, to a maximum not to exceed seventy-two (72) square feet of surface area.
- (B) Same, Base Calculation. The permanent base of the sign shall not contain lettering, logo or insignia, and shall be permanently attached to the sign. The total base width must be at least sixty-five percent (65%) and no more than one hundred and twenty-five (125%) of the width of the sign. The base width shall not exceed eight (8) feet for a sign on a lot of less than one (1) acre, provided that a sign on a lot of one acre or more shall have a maximum base width of twelve (12) feet. The square footage surface area limitation established in subsection (A) shall not include the dimensions of the base. For sign structures without a separation materials between the base and the sign, the requirements of this Section shall be determined by establishing the square footage covered by the perimeter of any lettering, logo, and insignia which shall be considered the signage square surface area.
- (C) Same, Multi-Establishments on Five Acres or More. (1) A sign located on a lot of five (5) acres or more on a site with more than one (1) separate business or establishment, shall be allowed a maximum additional square footage of twenty (20) square feet in addition to that set forth in Subsection (A) for the sign depending upon the setback of the sign. (2) Provided, that as an alternative to the additional square footage set forth in (C)(1) an additional sign with an a maximum of forty (40) square feet surface area may be installed at a secondary entrance facing a different public street than the first sign provided the site is bounded by two (2) or more public streets, has five (5) acres or more, and has more than one (1) separate business on the site. (Ord. 6635)

5-740

**SIGNS PERMITTED IN COMMERCIAL DISTRICTS, CONTINUED.**

CD (Downtown Commercial), CC (Community Commercial), CR (Regional Commercial), CS (Strip Commercial), IG (General Industrial). Additional restrictions apply when these districts are within the South Lawrence Trafficway

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Overlay District (5-746). Provided, from and after March 22, 1995, the installation of a ground sign/pole mounted shall not be permitted in any of the above cited commercial or industrial districts. The replacement or repair of a ground sign/pole mounted shall be allowed pursuant to 5-739.5. (Ord. 6635)

5-740.1 Awnings and canopies, are permitted as set forth in Section 5-727 of this Article. (Ord. 6572)

5-740.2 Bulletin signs, as set forth in Section 5-738.2 of this Article.

5-740.3 Business signs, illuminated and unilluminated:

(A) Wall signs are permitted for each establishment on a wall which faces or fronts an adjoining and abutting public right-of-way. Where a building faces more than one (1) public right-of-way, two (2) walls may be used for signs. No wall sign shall be permitted upon any wall other than the front wall which faces or fronts onto a public right-of-way when such public right-of-way is bounded on the opposite side by properly zoned single-family dwellings. All establishments may construct one wall sign as permitted in CD, CC, CR, CS and IG zoning districts on building walls which do not face or front an adjoining and abutting public right-of-way, when there exists under the same ownership a parking lot or other open space of at least fifty (50) lineal feet between the wall and the nearest building, but in no case shall a sign be constructed on more than two (2) walls of a building.

(B) The maximum area for wall signs shall be limited to ten percent (10%) of the wall to which it is attached or one hundred fifty (150) square feet, whichever is less. For each one hundred (100) foot increment the wall is set back from the public right-of-way, the maximum area may be increased by fifty percent (50%), provided that no sign shall exceed four hundred fifty (450) square feet.

(C) Single-Establishment: One ground sign, pole or surface mounted shall be permitted provided the size shall not exceed sixty (60) square feet in area, however, if an establishment is located on a tract or lot having a front footage in excess of one hundred (100) feet and is the only establishment located on the tract or lot, additional square footage may be allowed on each side of the sign equal to thirty percent (30%) of the front footage in excess of the first one hundred (100) feet of said tract or lot, provided the size of the sign shall not exceed ninety (90) square feet.

(D) Multi-Establishment: If more than one establishment is located on a tract or lot, one (1) ground sign, pole or surface mounted, may be installed to display names of stores, occupations or business located on the tract or lot. The size of the sign shall not exceed one hundred (100) square feet in area.

(E) Projecting signs shall be permitted in subject to the provisions set forth in Section 5-731 of this Article.

(F) Projecting signs below a canopy or marquee erected over a public sidewalk shall be permitted subject to the following conditions:

(1) A sign erected beneath a canopy shall not exceed three (3) square feet in area and shall be hung at right angles to the

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building. A minimum clearance of eight (8) feet shall be maintained between the bottom of the sign and the public sidewalk below.

- (2) A sign erected beneath a marquee shall not extend beyond a point within two (2) feet of the front edge of the marquee and shall maintain a minimum clearance of eight (8) feet between the bottom of the sign and the public sidewalk below.

5-740.4 Temporary signs shall be permitted subject to the provisions set forth in Section 5-733 of this Article. (Ord. 5184, Sec. 1)

5-741 **TEMPORARY DEVELOPMENT SIGNS FOR SUBDIVISIONS, MULTI-FAMILY RESIDENTIAL AND COMMERCIAL/INDUSTRIAL DEVELOPMENTS.**

- (A) Development Sign. For purposes of this Article, a development sign shall be a sign which denotes the architect, engineer, contractor, subcontractors, lending institution, landscaper, irrigation contractor, or other related business when such temporary sign is placed upon a place where work is under construction and development.
- (B) Residential Subdivision. A development sign or signs advertising a residential development, as defined in Section 5-738, subdivision not exceeding 100 square feet in total surface area may be placed in a residential subdivision during the initial sales and development of the subdivision. The sign or signs shall be located a minimum of twenty-five (25) feet from any public right-of-way, and are removed within thirty (30) days after completion or occupancy of the last house. The sign or signs shall denote the residential subdivision layout which shall be two (2) or more acres.
- (C) Residential Development. One development sign may be placed upon a building site of a residential, as defined in Section 5-738, structure or area. The sign shall not exceed thirty-two (32) square feet in surface area for a lot or lots up to and including one acre in size. The sign shall not exceed sixty-four (64) square feet in surface area for a lot or lots greater than one acre. The sign shall be removed within thirty (30) days after completion or any occupancy of the structure.
- (D) Commercial or Industrial Development. One development sign may be placed upon a building site of a commercial or industrial development area. The sign shall not exceed thirty-two (32) square feet in surface area for a lot or lots up to and including one acre in size. The sign shall not exceed sixty-four (64) square feet in surface area for a lot or lots greater than one acre. The sign shall be removed within thirty (30) days after completion or any occupancy of the structure. (Ord. 6581)

5-742 **PERMITTED SIGNS IN INDUSTRIAL DISTRICT.**  
IG (Industrial) and F-P (Flood Plain) Districts

5-743 **NEW ADVERTISING SIGNS (BILLBOARDS) PROHIBITED; REGULATIONS FOR EXISTING SIGNS.**

- (A) Upon and after the effective date of this ordinance, an advertising sign as defined in Section 5-702.1 (J) of this Article, (billboards or poster boards) shall not be constructed or erected in the City of Lawrence, Kansas at a

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site or location that is different from its site or location on the effective date of this ordinance. A variance from the provisions of this Section shall not be granted by the Board of Sign Code Appeals.

- (B) All existing advertising signs, as defined in Section 5-702.1 (J) of this Article, shall comply to the following standards:
- (1) The height of an outdoor advertising sign shall not exceed thirty-five (35) feet, and the maximum outside dimension shall not exceed three hundred (300) square feet.
  - (2) Each such sign shall be mounted on a single ground pole and there shall be a minimum clearance of eight (8) feet between ground level and the bottom of the sign structure.
  - (3) Each advertising sign must be in compliance with all Kansas and Federal laws and regulations governing and concerning such signs.
  - (4) The ground area immediately around and upon which such advertising signs are located shall be landscaped in accordance with a sketch-plan to be approved by the Governing Body of the City of Lawrence, Kansas, and such landscaping shall be maintained and replaced as necessary to comply with such sketch-plan.
  - (5) Where feasible, such advertising signs shall be serviced by underground electrical wiring (Ord. 5184; Ord. 6582)

5-744

**NONCONFORMING SIGNS.**

Provisions relating to nonconforming signs shall be as follows:

- (A) All nonconforming signs within the City shall be removed within five (5) years from October 22, 1974, the effective date of Ord. No. 4523.
- (B) All signs granted a variance under Section 5-745 of this Article shall not be subject to the provisions of Subsection (A) of this Section. (Ord. 5085, Sec. 7)

5-745

**SIGN CODE BOARD OF APPEALS; APPEALS AND VARIANCE.**

- (A) There is hereby established the Sign Code Board of Appeals, hereinafter referred to as the Board. The Board shall be composed of seven (7) members who shall be residents of the City of Lawrence. The Board members shall be appointed by the Mayor with the consent of the other members of the City Commission. 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 three (3) years. One full term of service for a Board member shall be three (3) years, provided a Board member shall only be eligible for two (2) consecutive full terms.
- (B) The Board shall hear and decide all appeals and request for variances from decisions of the Codes Enforcement Manager concerning enforcement of the provision of Article 7, Chapter 5, of the City Code (Sign Regulations). All appeal requests and request for variances shall

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be submitted to the Codes Enforcement Manager, or his or her designee, a minimum of fifteen (15) calendar days prior to the meeting date of the Board. The appeal request and requests for variances shall be on such forms, and with such information, as the Board and City staff may require. The Board may grant variances from the construction and district regulations for signs contained in provisions of Article 7, Chapter 5, only upon the affirmative vote of a majority of the Board members and the determination of the Board that all of the following findings have been fully met:

- (1) At the time a variance is granted by the Board, the Board shall find that the variance request arises from conditions which are unique to the location in question and which are not ordinarily found in the same district zone; and the unique conditions are not created by an action or actions of the property owner or applicant; and
  - (2) At the time a variance is granted by the Board, the Board shall find that the granting of 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 neighborhood in which the property is located; and
  - (3) At the time a variance is granted by the Board, the Board shall find that the strict application of the requirements of Article 7, Chapter 5, of the City Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Article. Such practical difficulties or unnecessary hardships may include compliance with amended provisions of this Article that were not in effect at the time a predecessor sign was installed.
- (C) In approving a request for a variance, the Board may condition such approval on such height, square footage, design, size, color, construction, lighting, location, duration, landscaping and other requirements related to the proposed signage it deems appropriate and necessary. The decision of the Board shall be deemed final and conclusive without appeal to the City Commission. The Board may vote to reconsider a prior decision of the Board by a vote of four (4) affirmative votes. No appeal or request for a variance shall be resubmitted within one (1) year of a final decision of the Board.
- (D) Upon a majority vote of the Board, the Board may forward recommendations to the City Commission for amendments to the City sign regulations. The motions, votes, and findings of the Board shall be documented in the minutes of the Board, and the City Commission shall receive copies of the Board minutes. (Ord. 6581)

5-746

**ADDITIONAL SIGN RESTRICTIONS IN SOUTH LAWRENCE TRAFFICWAY OVERLAY DISTRICT.**

As an additional restriction on signs in the South Lawrence Trafficway Overlay District, no pole mounted signs shall be permitted within the South Lawrence Trafficway Overlay District. (Ord. 6364, Sec. 5)

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**HISTORIC PROPERTY.**

Whenever an appeal or request for variance is made regarding a sign located, or to be located, on a landmark or within an Historic District or the environs thereof, as defined by Chapter 22 of the Code of the City of Lawrence, Kansas, then a copy of the notice of appeal or request for variance and all supporting documentation shall be forwarded by the Codes Enforcement Manager to the Historic Resources Commission at least ten (10) days prior to the hearing on the matter before the Governing Body. The Historic Resources Commission may review and comment upon the appeal or request for variance as provided by Chapter 22, Section 22-205, of the Code of the City of Lawrence, Kansas. (Ord. 5950, Sec. 5)

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