

## **Chapter 18.440 SIGNS**

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### **18.440.010 Statement of intent**

The intent of this chapter is to create the framework for a comprehensive and balanced system of sign regulation to facilitate an easy and pleasant communication between people and their environment and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance. With these purposes in mind, it is the intent of this chapter to authorize the use of signs which are (1) compatible with their surroundings, (2) appropriate to the activity that displays them, (3) expressive of the identity of individual activities and the community as a whole, and (4) legible in the circumstances in which they are seen.

(History: Ord. ZRR-1725; ZRR-1637)

### **18.440.020 Generally**

Other than lawful nonconforming signs, no signs shall be permitted in any district except in accordance with the provisions of this chapter. Any sign for which a permit is required is allowed to maintain non-commercial speech in addition to or in lieu of any other speech. Signs placed in the public right-of-way or on publicly owned land and which are not in compliance with the regulations of this chapter are subject to removal by the City without notice or compensation. Signs placed on private property that are not in compliance with the regulations of this chapter are subject to removal by the property owner or the property owner's agent without notice or compensation. In addition, any sign that is not in compliance with the regulations of this chapter is subject to the penalty provisions of Section 18.100.110. These provisions may be applied to the person or business placing such sign, business or organization advertised in such sign, or the owner of the property or vehicle on which the sign is placed.

(History: Ord. ZRR 2427 §3, 2003; ZRR-2187; ZRR-1725; ZRR-1637; ZRR-889 §18.52)

**18.440.030 Permit required**

Except as otherwise provided in this chapter, no sign shall be installed, erected or set in place until a sign permit has been issued by the Director of Planning and Development Services, or his or her designee, in accordance with Chapter 18.130. All signs hereafter installed shall have permanently affixed thereto a label clearly visible at all times indicating the number of the sign permit issued therefor.

(History: Ord. ZRR 2427 §4, 2003; ZRR-2343 §53, 2002; ZRR-1725; ZRR-1637; ZRR-889 §18.52)

**18.440.040 Signs excluded from regulation**

Except for the provisions of subsections A, B, C and D of Section 18.440.055, the following signs do not require sign permits and are exempt from the requirements of other sections in this chapter:

- A. Signs not exceeding 4 square feet in area that are customarily associated with residential use, limited to signs giving property identification names or numbers, names of residents, signs on mail-boxes or newspaper tubes, signs posted on private property relating to private parking or signs warning the public against trespassing or danger from animals; and other noncommercial signs not exceeding one square foot in area.
- 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. Official signs of a noncommercial nature erected by public utility companies.
- D. Flags, pennants or insignia of any governmental body when not displayed in connection with a commercial promotion or as an advertising device. Provided, however, that in any planned zoning district or in any district requiring site plan approval, the construction or installation of any pole, bracket or similar device designed to be used for the display of any flag for more than occasional, temporary use shall be subject to either Final Development Plan approval or Site Plan approval by the City.
- E. 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.
- F. Signs on or adjacent to doors of commercial or industrial buildings displaying information such as the names and address of the occupant, the hours of operation, or instructions for deliveries. Such signs shall not exceed 4 square feet in area, shall not contain letters exceeding 6 inches in height and shall not be illuminated. Where multiple tenants share the same rear door, the sign may display the names and address of each tenant.

- G. Signs on the face of a vending machine or product dispenser that refer to the product being sold or dispensed, or provide instructions for machine use. In addition, one sign not exceeding 4 square feet in area and containing information on the product being sold or dispensed or on products available on the same site may be attached to a vending machine or product dispenser.
- H. Signs of a temporary nature affixed to or painted on the inside surface of a window, provided that such signs are not illuminated.
- I. Signs at a construction site that are either: (1) posted at the entrance to the job site explaining rules for contractors and others entering the site; or (2) painted onto construction trailers actively being used on the site, provided such signs are limited to the name, logo, address and phone number of a contractor working at the site. This provision is not intended to allow any signs that advertise a particular project, developer, owner or other business, nor is it intended to allow any sales, leasing or hiring information to be displayed.

(History: Ord. ZRR 2427 §5, 2003; ZRR-1725; ZRR-1637)

#### **18.440.050 Prohibited signs**

The following signs are prohibited except as stated below or as otherwise specifically provided hereinafter:

- A. Outdoor advertising (such as poster panels, billboards, off-site directional signs and off-site promotional signs), except where a special use permit has been obtained for such sign.
- B. Attention-attracting devices, pennants and streamers; except where a Special Event Permit specifically allowing such devices has been obtained.
- C. Snipe signs, portable signs or similar signs that are not permanently affixed to a building, structure or the ground, other than political signs, garage sale signs and real estate signs as specifically permitted by this chapter, or signs specifically allowed by a Special Event Permit.
- D. Directly illuminated signs, except to the extent specifically authorized in this chapter.
- E. Electronic message panels, except for time and/or temperature instruments.
- F. Pole signs.
- G. Roof signs.

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- H. Signs in the public right-of-way; except for governmental signs, traffic signs, political signs as provided for in Section 18.440.130, and signs specifically allowed in the right-of-way by the provisions of this chapter.
- I. Obsolete signs.
- J. Abandoned nonconforming signs.
- K. Signs containing obscene messages.
- L. Signs containing false or misleading advertising.
- M. Signs falsely stating that property is zoned for specified land uses or signs stating that property will be zoned for specified land uses in the future.
- N. Signs declaring that property is reserved for or is being held for a future land use which is inconsistent with the then existing zoning classification for the land.  
(History: Ord. ZRR 2427 §6, 2003; ZRR-1725; ZRR-1637; ZRR-889 §18.52)

### **18.440.055 Additional regulations applicable to all districts**

- A. No sign may be located such that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private streets or driveways.
- B. No sign may be erected such that by its location, color, size, shape, nature or message it would tend to obstruct the view of, or be confused with, traffic signals or other signs erected by governmental agencies.
- C. Freestanding signs, other than political signs permitted by Section 18.440.130, shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. Sign structures may be required to have a building permit.
- D. All signs shall be of sound structural quality, be maintained in good repair and have a clean and neat appearance. Land adjacent to such signs shall be kept free from debris, weeds and trash. If signs are not being maintained as described and the Director of Planning and Development Services deems them a public hazard or nuisance, such signs shall be ordered repaired or removed.
- E. No part of any sign shall be located closer than 10 feet from a side or rear property line.

- F. Time and/or temperature instruments may be permitted provided they are designed in harmony with the building and are architecturally compatible. Such signs shall be approved by the Planning Commission.
- G. Any backlighted sign, canopy or panel shall comply with all federal, state and local laws concerning the placement, dimensions, materials or other such regulations controlling such signs.
- H. Any wall sign shall comply with all federal, state and local laws concerning the placement, dimensions, materials or other regulations controlling such signs.  
(History: Ord. ZRR 2427 §7, 2003)

#### **18.440.060 Signs permitted in all districts**

- A. Churches, schools, libraries, community centers or other public/semi-public facilities shall be allowed signs as follows:
  1. Facilities with a land area of 10 acres or less shall be allowed two wall signs, with not more than one on a façade. No such sign shall have an overall area exceeding 32 square feet. In lieu of one of the wall signs, one detached monument sign shall be permitted. Such monument sign shall be located on the premises and not less than 10 feet from the street right-of-way, and each sign face shall not exceed 32 square feet in area. The height of such sign shall not exceed 5 feet above the average grade; provided, that for each 2-foot setback from the street right-of-way in excess of 10 feet, an additional foot may be added to the height of the sign to a maximum of 8 feet.
  2. Facilities with a land area of more than 10 acres shall be allowed three wall signs, with not more than one on a façade. No such sign shall have an overall area exceeding 50 square feet. In lieu of one or two of the wall signs, one or two detached monument sign(s) shall be permitted, one per street frontage, provided that the total number of signs for the facility shall not exceed three. Such monument sign(s) shall be located on the premises and not less than 10 feet from the street right-of-way, and each sign face shall not exceed 50 square feet in area. The height of such sign shall not exceed 5 feet above the average grade; provided, that for each 2-foot setback from the street right-of-way in excess of 10 feet, an additional foot may be added to the height of the sign to a maximum of 8 feet.
  3. In lieu of the signs that would otherwise be permitted by the standards above, the owners of an educational or religious campus may apply to the Planning Commission for approval of a sign package following the guidelines and procedures set out in Section 18.440.090. For the purposes of this section, an educational or religious campus shall mean a contiguous land area used or managed by a single organization whose primary function is to provide religious

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services or educational instruction to the community, where such contiguous area contains 25 acres or more of land and where there are at least two buildings, each over 5,000 square feet in floor area, constructed on the site or approved for the site by a preliminary development plan.

- B. Contractors' identification signs identifying the contractor(s) performing new construction, remodeling or property improvement work are permitted on the property where the construction work is taking place. Such signs may contain the contractor's name, logo, address, phone numbers, the nature of the work being performed and related information.
1. For construction projects other than those involving a single-family or two-family residence, one major contractors' identification sign shall be permitted for each street frontage, provided that a maximum of three such signs are permitted for any single construction project. Where an independent construction project is taking place concurrently within a larger project (e.g., a pad site building within a larger shopping center), an additional major contractors' identification sign shall be permitted on the site of the smaller project or the contractor information for the smaller project may be included on the signs for the larger project.  
  
Such signs shall not exceed 8 feet in height or 32 square feet in area per face, with a maximum of two faces. Such signs shall be set back at least 20 feet from any property line. Such signs shall not be erected until a building permit has been issued for the construction work that the contractor is to perform and the sign shall be removed from the site as soon as a certificate of occupancy or certificate of compliance has been issued for the last building in each phase of the project.
  2. For all construction projects, one minor contractors' identification sign shall be permitted on the site where the work is being performed for each contractor not identified with a major contractors' identification sign. Such sign shall not exceed 6 feet in height or 8 square feet in area per face, with a maximum of two faces. Such signs shall be set back at least 10 feet from any property line. No sign permit shall be required for minor contractors' identification signs. Such signs shall not be erected until the work has started and shall be removed when the work is completed.
- C. One parking lot directional sign shall be permitted at each entrance to a building site, at key intersections within the site and at each entrance to a drive-through facility. Ground mounted signs shall not exceed 5 feet in height, shall not exceed 4 square feet of sign area per face, and may be single- or double-faced. Wall mounted signs shall not exceed 2 square feet of sign area, shall be single faced and may be located adjacent to drive-up windows, loading docks or service entrances. Such signs may indicate entrances, exits, addresses, direction of traffic flow, and the location of loading docks, parking areas,

leasing offices, ATMs, delivery doors, drive-through lanes and similar facilities. Up to 25 percent of the area of the sign may be used to display the name or logo of the developer, building, project name or principal tenant.

- D. One corporate flag for a business or organization may be displayed in conjunction with at least one flag of a governmental body. Provided, however, that in any planned zoning district or in any district requiring site plan approval, the construction or installation of any pole, bracket or similar device designed to be used for the display of any flag for more than occasional, temporary use shall be subject to either Final Development Plan approval or Site Plan approval by the City. Sign permits shall not be required for such flags.
- E. Off-site real estate directional signs are permitted subject to the following requirements:
  - 1. Sign area shall not exceed three square feet per face with a maximum of 2 faces per sign;
  - 2. Sign height shall not exceed four feet;
  - 3. Signs shall only be placed on private property provided that prior permission has been obtained from the owner of the property;
  - 4. Signs may not be placed in any street right-of-way, median, highway interchange, public park or at other publicly owned facilities;
  - 5. Signs permitted by this provision are limited to a period of time each week starting on Fridays at 6 a.m. and ending on the following Sunday at 9 p.m.; and
  - 6. Real estate directional signs are limited to individually owned residential units that are for sale or for rent, and cannot be used to advertise subdivisions, housing projects, model homes, commercial developments, apartments or vacant land.
- F. Off-site garage sale directional signs are permitted subject to the following requirements:
  - 1. Sign area shall not exceed three square feet per face with a maximum of 2 faces per sign;
  - 2. Sign height shall not exceed four feet;
  - 3. Signs shall only be placed on private property provided that prior permission has been obtained from the owner of the property;
  - 4. Signs may not be placed in any street right-of-way, median, highway interchange, public park or at other publicly owned facilities;

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5. Signs permitted by this provision are limited to the days that the garage sale is in progress; and
6. Garage sale directional signs are limited to sales of used household furniture, clothing, appliances and similar household items, but not including the sale of motor vehicles, recreational vehicles, boats, new merchandise, or any product or service associated with a home occupation.

### G. Signs for Sports Venues.

The owner or developer of a clearly defined regional sports venue, arena or similar performance facility may apply for approval by the Planning Commission of a sign package that may deviate or exceed the number, size and type of signs permitted in the underlying zoning district. This provision is intended to be used only where additional signs or signs of an unusual size or format are required due to:

1. A high number of visitors to the site;
2. A high percentage of visitors that are likely to be unfamiliar with the area;
3. The uniqueness of the development and the degree to which normal sign requirements might not be appropriate; and
4. The anticipated impact of the development on the local economy.

The provisions of this Section are not intended for developments that consist primarily of businesses selling recreational or entertainment services and merchandise, sports facilities for a single school, or developments that are less than 10 acres in area or which are anticipated to draw less than 2,500 people per day during a typical event. Signs permitted under this Section shall only be located on the site of the facility.

The application for sign approval shall include detailed drawings, maps and text that clearly delineate the various types of signs being proposed and the locations where each type of sign may be installed. For each type of sign, the application shall include the maximum sign size, sign construction details, colors, fonts, mounting method and general sign content. Decorative banners mounted on internal light poles may be included in the proposed sign package provided that details are included on the anticipated content of the banners, the typical amount of time the banners will be in place, and the maximum banner size. The Planning Commission shall evaluate the appropriateness of the proposed sign package based on:

1. The nature of the development and the probable informational needs of its visitors;

2. The degree to which the proposed signs will enhance the visitor experience;
3. The character and intensity of the surrounding land uses or anticipated land uses, and the degree to which the proposed signs would be compatible with that character;
4. The size and topography of the site;
5. The durability and quality of the materials being proposed;
6. The probable legibility of the signs given their purpose and location; and
7. The quality and creativity of the sign design, and the degree to which the design is integrated into the overall aesthetics of the development.

Sponsorship signs advertising a company, service or product in exchange for revenue used to reduce construction or operating costs may be approved by the Governing Body following a recommendation from the Planning Commission. The general character and the location and size of each type of sponsorship sign shall be included as part of the sign package application, along with any proposed restrictions regarding content, the number of sponsorship signs allowed and the frequency of sign changes. The Planning Commission and Governing Body shall evaluate the sponsorship signs based on the criteria listed above, on the degree to which sponsorship signs are considered necessary for the economic viability of the development, and on the appropriateness of the number of sponsors and the number of signs per sponsor given the character and purpose of the development.

(History: Ord. ZRR-2773 §1, 2008; ZRR-2427 §8, 2003; ZRR-2203 §1, 2000; ZRR-1725; ZRR-1637; ZRR-889 §18.52)

#### **18.440.070 Signs permitted in District A and residential districts**

- A. One nonilluminated, detached real estate sign is permitted on any lot. Such sign shall be not more than eight square feet in area with a maximum height of six feet above grade. Such signs are permitted only on property that is actively being offered for sale, for rent or for lease and such signs shall not contain information about other property that is for sale, rent or lease. Lots larger than one acre in size are permitted one sign per street frontage, up to a maximum of three signs. Such signs are limited to indicating that property is "for sale," "for rent," or "for lease," and may include the name and phone numbers of real estate agents or companies, and brief descriptions of the property. Sign permits shall not be required for such signs.
- B. In lieu of any sign permitted under subsection A, a structure being used as a residential real estate sales office may be permitted one nonilluminated, detached sign. Such sign shall be not more than 12 square feet in area with a maximum height of six feet above grade, and shall be set back a minimum of 10 feet from the street right-of-way. Sign permits shall not be required for such signs.

- C. Construction site identification signs may be permitted during the development of any project permitted in District A and all residential districts. Such signs may identify the project, the owner or developer, future tenants, the architects, engineers, realtors, contractors and subcontractors involved, or funding sources, and may contain related information including, but not limited to, sale or leasing information. Not more than one detached, nonilluminated construction site identification sign shall be permitted for each 1,000 feet of perimeter street frontage or portion thereof. If a development has more than one street frontage, then a separate development sign may be permitted on each frontage, provided that a maximum of three major construction site identification signs shall be permitted for any development. Such signs shall not exceed eight feet in height or 32 square feet in area per face, with a maximum of two faces, and shall be set back at least 20 feet from the street right-of-way. For each additional one-foot setback from the street right-of-way over 20 feet, the area per face may be increased one square foot, to a maximum of 100 square feet. For each additional 10-foot setback from the street right-of-way over 20 feet, the height may be increased six inches, to a maximum of 12 feet above average grade. All such signs for residential projects shall be removed when certificates of occupancy, temporary or final, have been issued for 90 percent of the dwelling units in the project. All such signs for non-residential uses shall be removed prior to issuance of any certificate of occupancy, temporary or final, for the last building in each phase of the project.
- D. Upon removal of construction site identification signs for a multi-family project or congregate care facility, a permanent sales or leasing sign may be constructed or placed on the property. Said permanent leasing sign shall be nonilluminated, may be single- or double-faced, shall not exceed five feet in height, and shall not exceed 20 square feet of sign surface per face. Such sign shall be set back a minimum of 20 feet from the public right-of-way. Any such signs may only contain the words "now renting" or "now leasing" or "for sale," along with the name of the complex, address or location, phone numbers, development company or owner and directional symbols or similar information.
- E. Project identification signs for a subdivision or residential project may be permitted at each entrance to the subdivision or project. All project identification signs shall be located on the premises of the subdivision or residential project, or in the public right-of-way directly adjacent to such subdivision or residential project as hereinafter provided. Where a project is situated on both sides of a public or private street, one project identification sign may be located on each side of the street, or, alternatively, one project identification sign may be located in a landscaped median with the approval of the Planning Commission. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping. In addition to project identification signs permitted at entrances to the subdivision or project, project identification signs may be permitted on the premises adjacent to the intersection of two thoroughfares, the intersection of a thoroughfare and a super-collector, the intersection of a thoroughfare and a collector street, and the intersection of a super-collector and a collector street.

Project identification signs shall be either a monument sign or a pole-mounted sign and shall be either single- or double-faced. Monument signs shall not exceed five feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.

Pole-mounted signs shall not exceed 12 feet in height measured from the average grade to the top of the sign panel. The pole or post that the sign is mounted on may exceed the 12-foot height limit if it supports one or more streetlight fixtures. The size of the sign face for pole-mounted signs shall not exceed 10 square feet per face.

The content of a project identification sign shall be limited to the name of the residential subdivision or project, provided that monument signs may include an area of up to four square feet in size that contains the name of the developer, or information relating to a permanent leasing office. Such supplemental information shall be clearly subordinate to the name of the subdivision or project and shall be located at or near the bottom of the sign area.

- F. Non-residential uses such as churches, schools or community centers are permitted one "Now Enrolling" sign for day care centers, preschools, mother's day out programs, school sessions or similar programs. Such sign shall be not more than eight square feet in area per face with a maximum height of six feet above grade and shall not be displayed for more than one, 30-day period in any 3-month period of time. Sign permits shall not be required for such signs.
- G. Garage sale or estate sale signs are permitted at the site of such sale during the dates of the sale and up to three days prior to the sale. Such signs shall be no more than 8 square feet in area per face with a maximum of two faces per sign. One sign is permitted per street frontage and all such signs shall be located on private property. Such signs may be used to advertise only sales that comply with the requirements of OPMC Chapter 5.44 and cannot be used to advertise the sale of motor vehicles, recreational vehicles, boats, new merchandise, or any product or service associated with a home occupation.

(History: Ord. ZRR-2698 §16, 2007; ZRR-2427 §9, 2003; ZRR-2254 §1, 2000; ZRR-1725; ZRR-1637; ZRR-889 §18.52)

#### **18.440.080 Signs permitted in commercial, downtown and industrial districts**

- A. To the extent that the residential land use is permitted in a commercial or industrial district, signs for a residential land use shall be permitted as in the applicable residential district.
- B. Construction site identification signs.

Major construction site identification signs may be permitted during the development of any project, including projects in residentially zoned areas. Such signs may identify the project, the owner or developer, future tenants, the architects, engineers, realtors, funding

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sources, and may contain related information including, but not limited to, sale or leasing information. Not more than one detached nonilluminated major construction site identification sign shall be permitted for each perimeter street frontage. If a development has more than one street frontage, then a separate major construction site identification sign may be permitted for each frontage, provided that a maximum of three major construction site identification signs shall be permitted for any development. Such signs shall not exceed eight feet in height or 32 square feet in area per face, with a maximum of two faces, and shall be set back at least 20 feet from the street right-of-way. For each additional one foot setback from the street right-of-way over 20 feet, the area per face may be increased one square foot, to a maximum of 100 square feet. For each additional 10-foot setback from the street right-of-way over 20 feet, the height may be increased six inches, to a maximum of 12 feet above average grade. All such signs shall be removed prior to the issuance of any certificate of occupancy, temporary or final, for the last building in each phase of the project.

### C. Sales or leasing signs.

Upon removal of construction site identification signs for a commercial or industrial project, one sales or leasing sign may be constructed or placed on the property for each building that is for sale or has space for lease. Said signs shall be non-illuminated, may be single- or double-faced, and shall be located a distance of 10 feet from any property line. For signs located 50 feet or more from the pavement edge of the nearest public street (excluding public frontage roads parallel to a limited access roadway), the maximum size shall be 32 square feet per face, the maximum height shall be 10 feet above grade, and v-shaped signs shall be permitted provided the internal angle of separation does not exceed 90 degrees. For signs located less than 50 feet from the pavement edge of the nearest public street, the maximum size shall be 20 square feet, the maximum height shall be six feet above grade, and v-shaped signs are not permitted. Any such signs may contain the words "now renting," "now leasing," "for sale," or similar language, along with the name of the project, address or location, phone numbers, development company or owner and directional symbols. Sign permits shall not be required for such signs. Signs permitted by this Section shall be set back a minimum of 10 feet from the right-of-way of public streets or the curb line of private streets. In the case of vacant land, one sign facing each street frontage shall be permitted advertising the sale of that land, provided that all such signs shall meet the size, height and setback requirements listed above and that signs advertising the same property shall be separated by at least 200 feet.

### D. Project Identification Signs.

Office parks, business parks, industrial parks or other similar groupings containing a minimum of four buildings and 10 acres of land, or shopping centers containing multiple buildings with separate tenants or one building with multiple tenants with separate exterior entrances, may have project identification signs as permitted below. All project identification signs shall be monument signs and, except as hereinafter provided, shall be

located on the premises at least 10 feet from the street right-of-way, and shall be specifically included within a sign criteria approved by the Planning Commission. In lieu of a monument sign, a wall sign fulfilling the project identification function may be allowed if the Planning Commission finds that the wall sign is appropriately located on the building in a manner that furthers the architectural design of the development.

Where a project is situated on both sides of a public or private street, one project identification sign may be located in the public or private street right-of-way with the approval of the Planning Commission. Where a project identification sign is to be located in the public or private street right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping.

The content of a project identification sign shall be limited to the name of the office, industrial, business park or shopping center, provided that: (a) such signs may include an area of up to four square feet in size that contains the name of the developer, or information relating to a permanent leasing office; and (b) shopping centers may include tenant information on monument signs as provided below. Project identification signs for shopping centers shall not consist primarily of large, flat, backlit panels. Signs should blend multiple materials, 3-dimensional elements, and creative lighting effects in a way that communicates effectively and complements the design of the development. Where tenant information is allowed, it shall be either a list of tenant names or an organized placement of tenant logos, or a combination of both. In the case of a tenant list, there shall be a single scheme for sign construction, background color, and letter color. The font used for a tenant listing shall be all from the same font family as specified in the sign criteria. Letter height for a tenant list shall be a minimum of six inches and shall be consistent for all tenants listed. If tenant information is conveyed in the form of logos, it shall be limited to tenants receiving written authorization from the shopping center owner/manager and the number of tenants so displayed shall be limited based on the size of the shopping center as defined below. Each logo must be located in a predefined rectangle at least eight square feet in size but not more than 20 square feet in size. The height or width of the logo within each rectangle shall be at least one foot less than the height or width of the rectangle; provided however, that this requirement can be reduced by 50 percent to accommodate odd-shaped or angled logos or an oversized letter if the Manager of Current Planning finds that the reduction is balanced by extra blank space elsewhere in the rectangle. The area within the rectangle that is not used for the name/logo shall be a consistent background material for the entire sign. Logos must be centered in the rectangle area, are limited to the name of the business or registered trademarks of the business, and may use independent color schemes.

1. Developments consisting of either less than 15 acres of land area or less than 150,000 square feet of total approved building area shall be permitted one project identification sign. Such sign shall not exceed 10 feet in height and shall not exceed 50 square feet in area per sign face. Shopping centers may include a

tenant information area up to 40 square feet in size with no more than two tenants with customized logo/name displays.

2. Developments containing more than 15 acres of land area and with a total approved building area of more than 150,000 square feet shall be permitted one project identification sign. Such sign shall not exceed 20 feet in height and shall not exceed 100 square feet in area per sign face. Shopping centers may include a tenant information area up to 80 square feet in size with no more than four tenants with customized logo/name displays.
3. Developments containing more than 50 acres of land area and with a total approved building area of more than 500,000 square feet shall be permitted two project identification signs, but no more than one per perimeter street frontage. Such sign shall not exceed 20 feet in height and shall not exceed 100 square feet in area per sign face. Shopping centers may include a tenant information area up to 80 square feet in size with no more than four tenants with customized logo/name displays.
4. Office parks containing at least four buildings and shopping centers containing at least four tenant spaces may apply to the Planning Commission for approval of an expanded project identification package. The intent of this expanded package is to allow a project identification theme to be integrated throughout a development in exchange for sign designs that are exceptional in their creativity, materials and implementation. If an expanded package is approved, the following additions and modifications shall apply to the basic project identification signs described above:
  - (a) In lieu of one project identification sign described above, developments with an approved expanded package may substitute smaller project identification signs, but no more than one per perimeter entry into the project. Such signs shall not exceed 10 feet in height and 50 square feet in area per sign face. Shopping centers may include a tenant information area up to 30 square feet in size.
  - (b) The sign area of a project identification sign may be calculated as the sum of two separate rectangles each containing a portion of the sign elements rather than as a single rectangle containing all sign elements.
  - (c) The development name and/or logo may be repeated as a design element throughout the development on buildings, parking structures, light poles and freestanding monuments. Such design elements shall not exceed eight square feet in area. Fabric banners may be utilized provided they are replaced at least every three months, and may include decorative designs and non-commercial messages.

- (d) Directional signs/informational kiosks may be permitted at appropriate locations internal to the development to identify the location of particular tenants or special events. Such signs shall not exceed 20 square feet in area per sign face or 10 feet in height. Up to 25 percent of the sign area may be used for the development name and/or logo.

To qualify for an expanded project identification package, the applicant must demonstrate that all of the signs demonstrate a unified design theme that is based on exceptional design creativity, architectural harmony, and use of attractive and durable materials without creating an environment of visual clutter or garish commercialism. In addition, the primary signs shall be integrated with enhanced site amenities such as landscaping, water features, lighting or public spaces. In approving an expanded project identification package, the Planning Commission may stipulate specific design or maintenance standards that must be met as the signs are installed and maintained over time. Failure to meet such stipulations shall be grounds for revocation by the Governing Body following the procedures set out for the revocation of Special Use Permits in Chapter 18.370. Within 90 days of revocation, the property owner shall bring all signs into compliance with the basic project identification requirements and all other sign regulations in this Chapter.

E. Districts C-O and CP-O.

1. In Districts C-O and CP-O, not more than three wall signs shall be permitted on each office building, no more than one sign on any facade. No such sign shall have an overall area exceeding five percent of the area of the wall upon which it is mounted. Provided, however, that office buildings with ground floor office tenants having an exterior business façade and an exterior door leading directly to their tenant space may have one additional wall sign for tenant identification for each such tenant space. No such tenant identification sign shall have a sign area exceeding five percent of the area of the business façade on which it is mounted.
2. In lieu of one of the wall signs, one detached monument sign for each building shall be permitted. Such sign shall not exceed five feet in height above the average grade and the sign face shall not exceed 50 square feet in area per face if located at least 10 feet from the public street right-of-way or private street curb line. For each additional two foot setback from the public street right-of-way or private street curb line over 10 feet, one additional foot may be added to the height of the sign, to a maximum of 10 feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
3. In addition to signs permitted above, a wall directory sign containing the names and addresses of tenants may be installed by each exterior entrance to the building. No such sign shall exceed four square feet in area.

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F. Districts C-1 and CP-1.

1. Each business or commercial establishment shall be permitted not more than three wall signs, not more than one on each business facade. The area of such sign shall not exceed five percent of the total area of the business facade on which it is placed. Alternatively, multi-story buildings may be permitted three wall signs per building, not more than one sign per building facade, as indicated above for Districts C-O and CP-O. Such signs shall not extend above the height of the wall upon which they are mounted, and any signs painted directly upon wall surfaces shall not be larger than 10 square feet in area. In addition, one nonilluminated wall sign, not more than nine square feet in area, may be placed at each major entrance to a multi-tenant building.
2. In lieu of one wall sign, one projecting sign of the same area as the wall sign replaced shall be permitted, provided that no projecting sign shall extend more than three feet from the face of the building.
3. For a single-use commercial project planned, developed and managed independently of any shopping center, one detached monument sign shall be permitted in lieu of one wall sign for each commercial building, which sign shall conform to the height, size and setback requirements applicable to monument signs in Districts C-O and CP-O.
4. For buildings with a non-retractable awning, canopy or covered walkway along one or more sides of the building, a sign may be hung or mounted under the canopy or covered walkway identifying each business with an exterior ground-floor entrance. Such signs shall be located at or near the business entrance, shall be oriented toward pedestrians on the walkway, and shall not exceed three square feet in sign area per face. One sign shall be permitted per business entry.

G. Districts C-2, CP-2, C-3, CP-3, MD and industrial districts.

1. Each business or commercial establishment shall be permitted not more than three wall or marquee signs, not more than one on each business facade, the area of which sign shall not exceed 10 percent of the total area of the facade upon which it is placed. Such sign shall not extend above the height of the wall or marquee on which it is mounted. Any sign painted directly upon the wall surface shall not exceed 10 square feet in area. In addition, one nonilluminated wall sign, not more than nine square feet in area, may be placed at each major entrance to a multi-tenant building. Alternatively, multi-story buildings may be permitted three wall signs per building, not more than one sign per building facade, as indicated above for Districts C-O and CP-O.

2. In lieu of one of the attached signs, one projecting sign shall be permitted for each establishment, provided that the area of such projecting sign shall not exceed 10 percent of the total area of the facade upon which it is attached, and shall not extend above the roof level of the building where the sign is located.
3. For a single-use commercial project planned, developed and managed independently of any shopping center, one detached monument sign shall be permitted for each building in lieu of one wall sign or projecting sign. Such sign shall not exceed 10 feet in height above the average grade and the sign face shall not exceed 50 square feet in area per face if located not less than 10 feet from the street right-of-way. For each additional one-foot setback from the street right-of-way, one additional foot may be added to the height of the sign to a maximum of 20 feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
4. A gasoline service station, designed as part of the center, may also have a detached monument sign with the same size and height limitations as the shopping center monument sign.
5. Drive-through restaurants and car washes may have two menu boards located in conjunction with each drive-through lane. Such sign shall not exceed eight feet in height or 32 square feet of sign area per face. Drive-in restaurants or food service establishments with walk-up service windows may have one menu board per order station. Menu boards for drive-in service shall not exceed eight square feet of sign area per face and menu boards for walk-up service shall not exceed 32 square feet of sign area per face. All menu boards shall be oriented toward the location of the vehicle or pedestrian being served and shall not contain lettering that exceeds six inches in height.
6. In the case of three or more new car dealerships in a unified development, the following signage shall be permitted subject to the approval of a sign criteria by the Planning Commission prior to the issuance of any sign permits. The criteria shall establish uniformity in the design of all signs within the development.
  - a. One monument sign, to identify the development and the dealers, shall be permitted at each thoroughfare or highway adjacent to a car dealership within the defined boundary of the car dealership use. Such sign shall not exceed 10 feet in height above the average grade and the sign face shall not exceed 100 square feet in area per face if located 10 feet from the street right-of-way. For each additional one-foot setback from the street right-of-way, one additional foot may be added to the height of the sign to a maximum of 20 feet. The signs shall be architectural in nature, located

within a heavily landscaped area and shall be constructed of materials which provide a direct visual tie to the architecture of the development through the use of matching forms, colors and materials.

- b. In addition, each new car dealership shall be permitted an individual monument sign to identify the dealership. Individual monument signs shall not exceed 50 square feet of sign area per face and five feet in height above average grade. A minimum 10-foot setback from the public street right-of-way is required. The signs shall be architectural in nature, located within a heavily landscaped area and shall be constructed of materials which provide a direct visual tie to the architecture of the development through the use of matching forms, colors and materials.
- c. Each dealership shall be allowed three wall signs, not more than one on each building façade, the area of which sign shall not exceed 10 percent of the total area of the façade upon which it is placed.

7. For buildings with a non-retractable awning, canopy or covered walkway along one or more sides of the building, a sign may be hung or mounted under the canopy or covered walkway identifying each business with an exterior ground-floor entrance. Such signs shall be located at or near the business entrance, shall be oriented toward pedestrians on the walkway, and shall not exceed three square feet in sign area per face. One sign shall be permitted per business entry.

H. Districts DD and CBD.

1. Each business or commercial establishment shall be permitted not more than three wall signs, not more than one on a facade, provided that the area of each sign shall not exceed 10 percent of the total area of the facade upon which it is placed. Such signs shall not extend above the height of the wall upon which they are mounted, and any signs painted directly upon wall surfaces shall not be larger than 10 square feet in area. In lieu of one of the wall signs, one projecting sign shall be permitted for each establishment, provided that the area of such projecting sign does not exceed 10 percent of the total area of the facade upon which it is attached, and does not extend above the roof level of the building where the sign is located.
2. In addition to the permitted wall signs, one pedestrian oriented sign per business entry shall be permitted to be placed beneath a non-retractable awning and/or canopy that extends from the building. Such sign shall be limited to three square feet in area, and may be internally illuminated. The lowest point of such sign must be a minimum of seven feet above the ground or sidewalk. In lieu of said pedestrian oriented sign, one nonilluminated identification sign, not more than

three square feet in area, may be placed on the wall at each major entrance to the building. The highest point of the sign may be no higher than seven feet above the sidewalk.

3. Project identification signs for a residential project may be permitted at each entrance to the project. All project identification signs shall be monument signs and, except as hereinafter provided, shall be located on the premises. Such signs shall not exceed five feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base. Where a project is situated on both sides of a public or private street, one project identification sign may be located on each side of the street, or, alternatively, one project identification sign may be located in a landscaped median with the approval of the Planning Commission. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping.
4. On property zoned DD, monument signs are permitted subject to the following restrictions:
  - a. One detached monument sign shall be permitted for each building in lieu of one wall sign or projecting sign; provided however, that in the case of a shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, one detached monument sign shall be permitted for the entire center.
  - b. The minimum setback from the right-of-way line to the closest building or buildings on the lot must be equal to or greater than 15 feet.
  - c. Such sign shall not exceed five feet in height above average grade and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, which is equal to or greater than 200 square feet.
  - d. The minimum setback for the monument sign is five feet.
5. Monument signs are not permitted in the CBD District.
6. These districts are also subject to the provisions of Section 18.440.120.
7. Signs on property in the DD or CBD districts are subject to the review and approval of the Downtown Development Review Board as outlined in Section 18.140.440.

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### I. Districts C-1, CP-1, C-2, CP-2, C-3, CP-3, MS-1, MS-2, MD, SFD, DD and CBD.

Where one retail establishment (the "sub-tenant") leases space and conducts business within another retail establishment (the "primary tenant") but does not have an exterior business facade and an exterior door leading directly to the sub-tenant space, one exterior wall sign may be permitted if the following conditions are met:

1. The sub-tenant's business establishment occupies at least 100 square feet of floor area, and is staffed and open for business during predetermined hours.
2. The primary tenant's business establishment occupies at least 25,000 square feet of floor area.
3. The sub-tenant's business is a separate legal entity from the primary tenant's business, as opposed to a department, division or subsidiary of the primary tenant's business.
4. A sign criteria for the building or shopping center has been submitted to and approved by the Planning Commission which specifically provides for sub-tenant signage, including standards for the sign location, size, style, color and content. Such sign criteria shall include scale drawings of the facades of all primary tenants where sub-tenant signs are authorized showing the permitted locations for sub-tenant signs.
5. The total area for all signs on the same facade does not exceed the allowable signage area for that district.

The sign permit application for a sub-tenant sign shall include a scale drawing of the primary tenant's facade showing the location and size of the sub-tenant sign and all other signage on that facade. The application shall also include a copy of the lease agreement between the sub-tenant and the primary tenant or other documentation acceptable to the Law Department that the two businesses are separate legal entities. The provisions of this Section for sub-tenant signs shall not apply to businesses within an enclosed shopping mall or to businesses that are conducted primarily by automated machines.

- ### J. Neon signs or tubes shall be allowed only when they are placed inside a building, except as provided in Section 18.440.080 L. Neon signs or tubes shall be allowed only in Districts C-1, CP-1, C-2, CP-2, C-3, CP-3, DD, CBD, MS-1, MS-2, MD, SFD, M-1, MP-1, M-2 and MP-2. If such signs or tubes are within 48 inches of any window or door and visible from outside the building, then such sign or tubing shall not occupy an area greater than 10 square feet, and only one such neon sign area shall be allowed per business. In lieu of a neon sign, a single sign area not exceeding 10 square feet may be utilized for illuminated signs inside a building that do not consist of exposed neon tubes. All such neon signs or tubes shall not blink, flash, or otherwise be used to display intermittent lighting sequences or to simulate motion. Neon tubes or signs shall be

installed, wired, and inspected in accordance with the adopted building codes of the City of Overland Park. Neon tubes used to illuminate a sign or a building, except as permitted above or as specifically permitted in the Downtown Districts, shall be hidden from view from any point on the ground by either an opaque or translucent material.

- K. Any neon signs or tubes existing prior to October 13, 1986, unless in violation of any other provisions of Chapter 18.440, shall be a lawful non-conforming sign. Any neon sign or tubes removed for other than repair shall not be replaced with any other sign or surface which is not in compliance with existing laws and requirements.
- L. Downtown Districts, except MD.
1. Each business or commercial establishment, excluding businesses in a residential dwelling unit, shall be permitted not more than three wall signs, not more than one on a business facade, provided that the area of each sign shall not exceed 10 percent of the total area of the business facade upon which it is placed. Such signs shall not extend above the height of the wall upon which they are mounted, and any signs painted directly upon wall surfaces shall not be larger than 10 square feet in area. In lieu of one of the wall signs, one projecting sign shall be permitted for each establishment, provided that the area of such projecting sign does not exceed 20 square feet in area, and does not extend above the roof level of the building where the sign is located. Wall signs in Districts MS-1, MS-2 and SFD may consist of external neon tubes exposed to direct view, provided that such signs shall not move, blink, flash or simulate motion.
  2. In addition to the permitted wall signs, one pedestrian oriented sign per business entrance shall be permitted to be placed beneath a non-retractable awning and/or canopy that extends from the building. Such sign shall be limited to three square feet in area, and may be internally illuminated. The lowest point of such sign must be a minimum of seven feet above the ground or sidewalk. In lieu of said pedestrian oriented sign, one nonilluminated identification sign, not more than three square feet in area, may be placed on the wall at each major entrance to the building. The highest point of the sign may be no higher than seven feet above the sidewalk.
  3. Project identification signs for a residential project may be permitted at each entrance to the project. All project identification signs located at a street or parking lot entrance shall be monument signs and, except as hereinafter provided, shall be located on the premises. Such signs shall not exceed five feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base. Where a project is situated on both sides of a public or

private street, one project identification sign may be located on each side of the street, or, alternatively, one project identification sign may be located in a landscaped median with the approval of the Planning Commission. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping. Residential projects using one or more common doorways to access the dwelling units may have a project identification sign mounted on the wall adjacent to each common entrance. Such sign shall not exceed four square feet in area. Mixed-use projects including at least five dwelling units and utilizing multi-story buildings may have a wall mounted project identification sign in lieu of monument signs. Such signs shall not exceed 20 square feet in area and no more than one sign shall be permitted per building facade, with a maximum of three signs per project.

4. On property where buildings are setback a minimum of 10 feet from the public right-of-way, monument signs are permitted subject to the following restrictions:
  - a. One detached monument sign shall be permitted for each building in lieu of one wall sign or projecting sign; provided however, that in the case of a shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, one detached monument sign shall be permitted for the entire center.
  - b. The minimum setback from the right-of-way line to the closest building or buildings on the lot must be equal to or greater than 10 feet.
  - c. Such sign shall not exceed five feet in height above average grade and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, which is equal to or greater than 200 square feet.
  - d. The minimum setback for the monument sign is five feet.

M. Signs on Automated Teller Machines

In districts where automated teller machines (ATMs) are permitted, up to three signs are permitted on the ATM machine, enclosure or canopy identifying the ATM or the bank, financial institution or ATM network associated with that machine. No more than one sign per machine, enclosure or canopy face is permitted. Such signs shall not exceed eight square feet in area.

## N. District MXD.

1. Each business or commercial establishment shall be permitted not more than three wall signs, not more than one on a business façade, except that a business located in a residential dwelling unit or the residential portion of a building shall not have any exterior signs. The area of each such sign shall not exceed 10 percent of the total area of the business façade upon which it is placed. Such signs shall not extend above the height of the wall upon which they are mounted, and any signs painted directly upon wall surfaces shall not be larger than 10 square feet in area. In lieu of one of the wall signs, one projecting sign shall be permitted for each establishment, provided that the area of such projecting sign does not exceed 20 square feet in area, and does not extend above the roof level of the building where the sign is located. Wall signs or projecting signs may consist of external neon tubes exposed to direct view, provided that such signs shall not move, blink, flash or simulate motion.
2. In addition to the permitted wall signs, one pedestrian oriented blade sign per business entrance shall be permitted to be placed beneath a non-retractable awning or canopy that extends from the building. Such sign shall be limited to three square feet in area, and may be internally illuminated. The lowest point of such sign must be a minimum of seven feet above the ground or sidewalk. In lieu of the pedestrian oriented blade sign, one nonilluminated directory sign, not more than five square feet in area, may be placed on the wall at each public entrance to the building. Such directory sign shall list businesses or organizations that are accessed from that entrance.
3. Project identification signs for a residential project may be permitted at each entrance to the project. All project identification signs located at a street or parking lot entrance shall be monument signs and, except as hereinafter provided, shall be located on the premises. Such signs shall not exceed five feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base. Where a project is situated on both sides of a public or private street, one project identification sign may be located on each side of the street, or alternatively, one project identification sign may be located in a landscaped median. Where a project identification sign is to be located in the public right-of-way, plans shall be submitted to the Planning Commission indicating the location, size and design of the project identification sign as well as a copy of the bylaws or other documentation of the association which will have permanent responsibility for maintenance of the sign and required landscaping. Residential projects using one or more common doorways to access the dwelling units may have a project identification sign mounted on the wall adjacent to each public entrance. Such sign shall not exceed four square feet in area. Mixed-use

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projects including at least five dwelling units and utilizing multi-story buildings may have a wall mounted project identification sign in lieu of monument signs. Such signs shall not exceed 20 square feet in area and no more than one sign shall be permitted per building façade, with a maximum of three signs per project.

4. At the perimeter of an MXD development, one monument sign identifying the development shall be permitted per perimeter street frontage, subject to the following restrictions:
  - a. The minimum setback from any public street right-of-way line or any property line shall be equal to or greater than 10 feet.
  - b. Such sign shall not exceed 10 feet in height above average grade.
  - c. The sign shall not exceed 100 square feet in area per face.
  - d. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, which is equal to or greater than 200 square feet.

No other monument signs shall be permitted, unless the Planning Commission finds that the proposed sign package demonstrates exceptional creativity, visual appeal and harmony with the proposed architecture, and that additional monument signs would enhance the character and functionality of the MXD development.

5. As part of the sign criteria for an MXD development, the Planning Commission may approve free-standing directional or informational signs at key decision points for either pedestrian or vehicular traffic. Such signs shall have a design theme that is consistent with the architectural design of the project, and are subject to the following restrictions:
  - a. Pedestrian oriented signs shall not exceed six feet in height or 20 square feet in area per sign face. Such signs may include a tenant listing, directional arrows or information, a project map or general information about the development, but shall not contain advertisements for specific products, services or businesses (other than business name).
  - b. Vehicular oriented directional signs shall be limited to 10 feet in height and 10 square feet in area per sign face. Such signs shall include only directional information to a particular business or facility.

(History: Ord. ZRR-2683 §2, 2008; ZRR-2491 §4, 2004; ZRR-2475 §1, 2004; ZRR-2427 §10, 2003; ZRR-2343 §54, 2002; ZRR-2160 §3, 99; ZRR-2061 §1, 97; ZRR-1881 §11, 94; ZRR-1725; ZRR-1698; ZRR-1637; ZRR-960; ZRR-889 §18.52)

**18.440.085 DFD Signage**

Signage of properties zoned DFD, Downtown Form District, shall be allowed per the signage regulations for the zoning in effect for the property on August 31, 2011.

(History: Ord. ZRR-2947 §1, 2012)

**18.440.090 Signs permitted in conjunction with special use permits**

In the case of special use permit uses, all wall and detached signs shall be approved by the Planning Commission, except where private sign criteria have been previously approved for the development. In reviewing and approving such signs, the Planning Commission shall take into consideration (1) the use of the facility, (2) the height of the building, (3) the surrounding land uses and zoning districts, (4) the relationship of the site to interstate highways, where applicable, and (5) the topography of the site. Where appropriate, the sign regulations of the underlying zoning district or the most analogous zoning district may be followed. Pole signs may be permitted for the main use.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.52)

**18.440.100 Signs on vehicles**

- A. No vehicle (including trailers) shall be parked so that it functions primarily as a sign. The determination of whether a vehicle is being used primarily as a sign shall be based on the following questions: (1) Is the vehicle parked at a prominent location? (2) Can the sign be easily read by people driving by the sign? (3) Is the vehicle parked at the same or similar locations for several hours during the same day or for several days during the same week? and (4) Are there any stated or apparent reasons, other than signage purposes, that justify the vehicle being at that location? A vehicle shall be considered in violation of this provision if all of the first three questions can be answered in the affirmative and there is no compelling answer to the fourth question to justify the parking location as opposed to some less conspicuous location.
- B. Vehicles (including trailers) used as part of the normal function of a business or organization are permitted to have signs relating to that business or organization, subject to the following limitations:
1. Signs must be painted directly on the body of the vehicle or securely mounted on the body of the vehicle; except that passenger cars used as taxicabs or delivery vehicles may have roof-mounted signs that extend above the body of the vehicle provided that such signs do not exceed three square feet in area per face. Roof-mounted signs must either be attached to the vehicle using adhesives, bolts or screws, or be removed whenever the vehicle is not being used for a business function. In no case shall signs be taped, strapped, hooked or tied onto a vehicle.
  2. Signs cannot be mounted on a framework attached to a vehicle, in the bed of a truck, or on an object carried by the vehicle. Signs cannot extend above the roof of a vehicle except as permitted by Subsection A.1 above.

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3. Paper signs, electronic message signs, fabric signs, changeable copy signs or signs with a scrolling mechanism to change messages are not permitted. Nor shall flags, pennants, streamers, balloons or other attention-attracting devices be attached to a vehicle.
4. Where a rectangle enclosing all sign elements on any single side of a vehicle exceeds 16 square feet in area and the sign contains letters, numerals, symbols or logos equal to or exceeding six inches in height, such vehicle shall only be parked at locations that are clearly related to the conduct of that business or organization and which minimize the visibility of the vehicular sign from the street right-of-way. When such vehicles are parked at or near the site of the business or organization, they shall be parked at a location that meets all of the following restrictions:
  - a. No such vehicle shall park within 75 feet of any public street right-of-way classified as a freeway, thoroughfare, super-collector or collector on the City's Official Street Map.
  - b. No such vehicle shall park within a distance from the street right-of-way equal to half of the distance from the main entrance to the business or organization and the nearest right-of-way line of any public street right-of-way classified as a freeway, thoroughfare, super-collector or collector on the City's Official Street Map.

Where the restrictions of this subsection create clear practical difficulties regarding the availability of appropriate parking spaces or the functional requirements of the business, the Director of Planning & Development Services or his or her designee may permit an alternate parking location that is reasonably inconspicuous and lessens the practical difficulties. The provisions of this subsection shall not apply where (1) the vehicle is temporarily parked at a loading dock, (2) the vehicle is substantially hidden from view from any public street by buildings, fences, mature landscaping or similar objects such that the vehicle does not attract attention to or communicate information about the business or organization, (3) the vehicle is legally parked at the residence of the driver, (4) the vehicle is a contractor's trailer at the site of an active construction project or (5) the vehicle is available for rent as part of an equipment rental business and the content of the sign refers to the rental business only.

5. Except for a contractor's trailer or other construction vehicles at the site of an active construction project, all vehicles with signs must be parked on a hard-surfaced parking area or drive, or other parking surface approved by the City.

C. Sign permits are not required for vehicle signs.  
(History: Ord. ZRR-2698 §17, 2007; ZRR-2427 §11, 2003; ZRR-2343 §55, 2002; ZRR-1725; ZRR-1637; ZRR-960; ZRR-959; ZRR-889 §18.52)

**18.440.110 Private sign criteria**

All hotels and motor hotels, and shopping centers, business parks, office parks, mixed use centers or industrial parks shall be required to prepare a set of sign criteria governing all exterior signs in the development. Such criteria shall be binding upon all subsequent purchasers or lessees within the development. Unless the Planning Commission approves an alternate sign design, the criteria shall specify that wall signs shall be individual letters for the primary sign elements. Secondary sign elements, including logo signs, may be allowed as cabinet type signs. The design of any monument signs must be included within the sign criteria. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs shall be set out in such criteria. In all respects, the criteria shall be within the regulations set out in this Code and shall be for the purpose of assuring harmony and visual quality throughout the development. Final development plans (in the case of a planned zoning district) or building permits (in the case of a conventional zoning district) shall not be approved until the Planning Commission has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For purposes of this Section, the terms "shopping centers, business parks, office parks or industrial parks" shall mean a project of one or more buildings that has been planned as an integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations relative to the number of detached signs, harmony and visual quality of signs to be installed. Once a sign criteria has been approved, the Planning Commission may modify the sign criteria in whole or in part upon application by the property owner or an agent of the owner. Where the ownership of the development is divided among two or more entities, proposed amendments to the sign criteria must have written support from all owners or be specifically designed to affect only the property owned or represented by the applicant. (History: Ord. ZRR-2683 §3, 2008; ZRR-2427 §12, 2003; ZRR-1725; ZRR-1637; ZRR-960; ZRR-959; ZRR-889 §18.52)

**18.440.120 Areas of special control**

- A. This chapter cannot adequately regulate all signs in an area as diverse as Overland Park. The regulations set forth in this chapter are designed to achieve the purposes outlined in Section 18.440.010 under average conditions. Certain areas of the City may require more restrictive or less restrictive regulations in order to achieve the purposes set forth in Section 18.440.010 for a variety of reasons, including but not limited to, the unique historic or scenic character of the area, restrictions on vehicular traffic (such as in pedestrian malls) or the relationship between land uses and posted speed limits on adjoining roadways. In order to assure that the purposes set forth in Section 18.440.010 are achieved in such areas, the Governing Body may, by ordinance adopted following notice and hearing as provided in K.S.A. 12-757, designate Areas of Special Control.
- B. The ordinance designating any area as an Area of Special Control shall set forth specific regulations for signs in such area which shall be consistent with the character of the area. Special regulations for Areas of Special Control shall supersede the provisions of this chapter to the extent designated and may be either more or less restrictive than the provisions of this chapter.

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- C. The Director of Planning and Development Services shall indicate the boundaries of all designated Areas of Special Control on the Official Zoning Map of the City.  
(History: Ord. ZRR-2343 §56, 2002; ZRR-1725; ZRR-1637)

### **18.440.130 Political signs**

- A. Political signs may be placed on private property only after permission has been granted by the owner of the property or his or her authorized agent. Political signs may be placed on the unpaved public right-of-way adjacent to private property, provided the owner or agent of the adjacent private property has granted permission, and such signs comply with all other applicable code provisions. Any such sign placed on public right-of-way adjacent to private property shall be included within the maximum number of signs permitted on that adjacent tract of land. No political signs are permitted on public right-of-way adjacent to public property.
- B. Political signs shall be nonilluminated.
- C. The maximum permissible area and number of political signs shall be as follows:
1. On land that is vacant and unplatted, regardless of the zoning, or on land that is zoned for industrial, commercial, office or business uses, such signs shall not exceed thirty-two (32) square feet per face with a maximum of three (3) signs per tract. If a tract shall include land meeting the requirements of both Sections 18.440.130 (C) (1) and (C) (2), the entire tract shall be entitled to the maximum number and size of signs as specified in Section 18.440.130 (C) (1).
  2. On land that is platted or developed for residential uses, such signs shall not exceed three (3) square feet per face, with a maximum of three (3) signs per lot.
- D. It shall be unlawful for any person to place or allow to remain on any private or public property within the City, any vehicle designed or used for the primary purpose of displaying a political sign in a stationary manner. A vehicle that is temporarily stationary or in motion may display political signs so long as such signs, as displayed when the vehicle is stationary, do not interfere with its ability to lawfully operate on the public right-of-way. A vehicle shall be considered temporarily stationary when such vehicle is engaged in the regular business, transportation or work of the owner, is temporarily parked or stopped between such usage, and is not used merely, mainly or primarily to display political signs.
- E. No political sign shall be positioned in a manner which may cause a reduction in intersection sight distances or create any other hazard to life or safety.
- F. Political signs shall not be placed, painted, marked, written, posted or otherwise affixed to or on:

1. Any public building or any public bridge.
  2. Any sidewalk, crosswalk, curb, paved portion of any street or highway, or the median strip of any divided street or highway.
  3. Any street sign or any traffic sign or signal or any railroad sign, signal or trestle.
  4. Any telephone, telegraph, electric light, power, street lamp post or any other utility pole or line, or any fire hydrant.
  5. Any tree or other vegetation on public property, including without being limited to those in the right-of-way.
  6. Any public park or open space area, bench, drinking fountain, or other public property.
- G. Political signs relating to a specific election shall be removed within five calendar days from the end of the election. Signs subject to this provision which are not removed within five days after the election shall be deemed abandoned and will be subject to removal by the City.
- H. With respect to political signs relating to a political campaign, the candidate for such office shall be presumed to be the person responsible for the posting of such sign, unless written notice has been given to the City of the name, address, telephone number and signed consent of such other responsible person. All notices concerning campaign sign violations shall be given to the candidate, at the address listed on the election records, or to the other properly designated responsible person. Political signs relating to an identifiable group or individual shall be presumed to be the responsibility of the chairman of any organized political group publishing or represented by such sign, or any individual identified on the sign as its sponsor. All other political signs shall be presumed to be the responsibility of the owner or person in control of the private property where the sign is located.

When the Director of Planning and Development Services shall determine that any political sign is in violation of the provisions of this Section, he/she shall cause personal, telephonic or written notice of such violation to be given to the responsible party by the most expedient means feasible. All such signs must be abated, removed or made to conform to the provisions of this Section within twenty-four (24) hours after such notice is given, and this information must be given as part of the notice. In addition, such notice shall indicate that unless an objection is received from the responsible party within twenty-four (24) hours after receipt of that notice, all political signs that remain in violation shall be deemed to have been abandoned and will be subject to removal by the City without further notice or procedure. Provided, however, that the City may cause any sign which is in violation of subsection 18.440.130 F. to be removed summarily and without notice. The City may cause any political sign which is an immediate peril to persons or property to be removed summarily and without notice. Nothing in this Section shall be interpreted to make any person liable, criminally or civilly, for any sign posted by persons unknown to him or her, or by persons over whom he or she has no control.

## Chapter 18.440

- I. The Governing Body makes the following findings of legislative purpose and intent:
  1. That the expression of political speech is an important and constitutionally protected right.
  2. That, under certain circumstances, it may be necessary to restrict or regulate the time, place and manner of the expression of such speech in order to advance and protect other significant legitimate interests of local government.
  3. That political signs have certain characteristics that distinguish them from many of the other types of signs permitted and regulated by the City. These characteristics include the fact that many of such signs, intended to be temporary in nature, do not meet the regular structural and installation requirements necessary to prevent them from being affected by weather and other natural forces and presenting a potential hazard to persons and property. Severe weather conditions, including, without limitation, thunderstorms with accompanying high winds, tornadoes, ice accumulation and flooding, are characteristic of local weather conditions.
  4. That the primary purpose of political signs placed along a roadway is to attract the attention of drivers and distract them from their primary responsibility of constant attention to traffic and road conditions. This concern is especially acute in residential areas where young children present a significant potential hazard for drivers. With respect to residential areas, with their lower speed limits, it is concluded that a maximum number of three (3) political signs, each with a maximum area of three (3) square feet, is adequate to convey most political messages. Although it is recognized that certain individuals may wish to express political thoughts that require a larger area to adequately convey them, a greater number of or larger and more complex messages would further distract drivers' attention, presenting an unacceptable safety risk, and there exists in the community adequate other means of conveying such messages. In nonresidential areas, motorists frequently see and reasonably expect to see larger signs, so their attention is not as easily distracted, and higher speed limits, larger lot areas, and competing distractions require a larger size sign to adequately convey political messages, and a larger size sign can be allowed consistent with safety requirements. Further, since permitted signage in residential areas is minimal, the aesthetic impact of signs in residential areas is much greater than in nonresidential areas.
  5. That in addition to the safety and traffic interests affected by political signs, the Governing Body concludes that the unrestricted proliferation of political signs would create visual clutter and blight, have an adverse effect on the aesthetic quality of the City, with accompanying adverse economic effects, and detract from the desirable visual environment that the City has made a strong effort to create through its land use regulations.

6. That the Governing Body concludes that the interests to be protected by this regulation are sufficiently substantial to justify the content-neutral regulation of political speech represented by this Section, and that this Section represents a reasonable accommodation of the City's interests with First Amendment rights.

(History: Ord. ZRR-2794 §1, 2009; ZRR-2187 §2, 99; ZRR-2134 §4, 98; ZRR-1725; ZRR-1661; ZRR-1637; PS-914, 77; Res 779-A, 72; Res 779, 72)

**18.440.140 Removal of obsolete signs**

- A. If a building, structure or premise is vacated for a 6-month period of time, the owner of said property shall be responsible for removing any commercial sign or signs located thereon with the exception of advertisements dealing with the sale or leasing of the facility. In addition, the owner shall be responsible for restoring the facade of the building, structure or premise to its normal appearance.
- B. If the time period set forth in subsection A has elapsed and the sign or signs have not been removed, the Code Administrator shall send written notification by certified mail, return receipt requested, to the property owner of record indicating that the sign shall be removed. If the sign has not been removed within 30 days after the receipt of the notice, the City may have the sign removed and the cost assessed to the property owner.
- C. Where a sign has been removed by the City pursuant to subsection B, the City Clerk shall mail a statement of the cost of removal of said sign or signs to the last known address of the owner of record or person in charge of such property. If such costs are not paid within 10 days from the mailing of such notice, the Governing Body shall proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land and the City Clerk shall certify such assessment to the County Clerk for collection and payment the same as other assessments and taxes are collected and paid to the City.

(History: Ord. ZRR-1725; ZRR-1637; ZRR-889 §18.52)

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