

ORDINANCE NO. 3018

AN ORDINANCE AMENDING ARTICLE 7, SIGNS OF THE LAND DEVELOPMENT ORDINANCE (LDO) OF THE CITY OF PAOLA, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS:

Section 1. That Article 7 Signs be amended as shown on Attachment A.

Section 2. That all ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. That this ordinance shall become effective after its passage, approval and publication.

PASSED BY the Council this 22nd day of June, 2010.

APPROVED BY the Mayor this 22nd day of June, 2010.

Artie Stuteville, Mayor

ATTEST: (seal)

Daniel G. Droste, City Clerk

ATTACHMENT A - ORDINANCE NO 3018

ARTICLE 7 SIGNS

DIVISION 07.000 PURPOSE

The Paola City Council finds and declares that the provisions set forth in this title shall:

1. Reduce potential hazards to motorists and pedestrians by providing adequate signage in order to identify business or facility while eliminating excessive, obtrusive, and confusing sign displays.
2. Encourage sign owners to integrate signs with buildings and sites through use of similar building materials and moderate sign proportions.
3. Preserve and improve the aesthetic appearance of the City as a place in which to live and work by reducing or prohibiting signage that is overbearing, creates visual clutter, or is not consistent with the design guidelines of the City.
4. Allow each business to clearly identify itself and the goods and services which it offers.
5. Safeguard and enhance property values by allowing for aesthetically pleasing signage that will help to promote economic development and attract quality businesses to the City.
6. Protect public and private investment in buildings and open space.
7. Preserve freedom of speech.
8. Promote the public health, safety, and general welfare of the citizens of Paola.

See Article 23 for sign definitions.

DIVISION 07.100 SIGN STANDARDS

This Division establishes minimum regulations for the display of signs.

SECTION 07.101 APPLICABILITY

- A. Any sign shall, by definition, be a structure. After the effective date of this Ordinance, no sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a sign permit, unless otherwise exempted in this Article. A sign permit shall be legally issued only when in compliance with this Article. A signage plan shall be furnished to the Zoning Officer in the application for a sign permit for all signs (See Section 07.103).
- B. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in Table 07.210 and specified herein.
- C. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal non-conformance (See Article 09). Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated.
- D. All signs shall be constructed in such a manner and of such materials that they shall be safe and substantial. Where the sign structure extends over a pedestrian walkway, an annual inspection shall be required.

E. The fee for a sign permit shall be required according to the City Fee Schedule.

SECTION 07.102 TOTAL EXEMPTIONS

A. **Total Exemptions.** The following signs shall be exempt from the requirements of this Article, except for the provisions of Section 07.104 and 07.220.

1. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossing and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
2. Memorial signs and tablets displayed on public or private property.
3. Small signs, not exceeding three (3) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs.
4. Score boards in athletic stadiums.
5. Political campaign signs, not exceeding four (4) square feet in area, displayed during no more than a four-week period preceding and a one-week period following an election.
6. Temporary signs for the sale of household goods at a residence (garage sales) for a period not to exceed three (3) days.
7. Temporary signs making a public announcement (support of a local team, birth, anniversary, etc.) for a period not to exceed three (3) days.
8. Holiday or seasonal displays, provided no prohibited elements are included. Lighting with individual bulbs not exceeding five (5) watts or moving elements and do not constitute a nuisance or safety hazard.
9. Wall, ground, and projecting signs, not exceeding twelve (12) sq. ft. in area, associated with a valid home occupation. No other type of temporary or permanent signage is permitted for a home occupation. (Ordinance # 2712, 11/24/99)

B. **Exemptions from Sign Permit.** The following signs are exempt from the sign permit section of this Article, but shall comply with all of the other regulations imposed by this Article.

1. Flags or emblems of a governmental or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
2. Name plate signs not exceeding two (2) square feet in gross area accessory to a single-family or two-family dwelling.

3. Bulletin board signs not exceeding 100 square feet in gross area accessory to a church, school or public or non-profit institution.
4. Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
5. Real estate signs not exceeding six (6) square feet in area.
6. Construction signs not exceeding sixteen (16) square feet in area.
7. Banners or flags as provided in 07.216 BANNER SIGNS. (Ordinance # 2712, 11/24/99)
8. 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. Such signs shall not exceed 6 feet in height or 8 square feet in area. Such signs may remain for 2 weeks after work has been completed.
9. One free speech sign shall be allowed on any lot provided that such sign is located on private property and not within the visibility triangle at an intersection. The sign shall be no more than 4 square feet in area. This exemption is intended to expressly allow signs used to exercise the First Amendment right to free speech by expressing any lawful non-commercial message.

SECTION 07.103 SIGNAGE PLAN REQUIRED

A signage plan shall be submitted with the Sign Permit. For shopping centers, office parks, industrial parks, residential subdivision, or development on a pedestrian precinct, a signage plan shall be submitted which shows signage in the context of proposed building elevations. Such plans should encourage a unified approach to signage throughout the development. The signage plan may include, in addition to other materials which may be required, scaled drawings of the sign and manner of support, including building elevations. (See Division 15.400 on design review.)

SECTION 07.104 SIGNS PROHIBITED IN ALL DISTRICTS

The following are signs prohibited in all districts:

- A. Abandoned signs.
- B. Damaged signs that exist in a damaged state for more than 90 consecutive days.
- C. Fluttering, rotating, undulating, flags, strings, or banners used to attract attention to a use; outline, define, or cover sales areas or displays, or decorate buildings or grounds; and made out of paper, fabric, plastic, or other flexible materials, except as permitted on holidays (See Section 07.102. A.8 and as provided in section 07.216). (Ordinance # 2712, 11/24/99)

- D. Off-premise/Advertising Signs.
- E. Travelers Convenience Signs, except as approved by the Zoning Officer. These exceptions shall only be permitted along K-263 (Baptiste Dr.) within 1/4 mile of the US 169 exit ramps at a maximum of 1 sign per ramp. Exceptions shall be consistent with the Kansas Department of Transportation's design standards for similar signs on state roadways.
- F. Portable Signs. Unless otherwise permitted in Section 07.102.
- G. Signs that are located on or project over public rights-of-way, publicly-owned lands, or easements for the use of the public utility service providers, except signs required or erected by permission of a governmental agency. Such prohibited signs shall include but are not limited to, handbills, posters, advertisements, or notices that are attached in any way to or upon lampposts, telephone poles, utility poles, bridges, sidewalks, or other public property or improvements.

DIVISION 07.200 PERMITTED SIGNS AND STANDARDS

SECTION 07.210 PERMITTED SIGNS

No use shall be permitted signage, except as provided in this Section. Each use shall be permitted at least one (1) sign. Table 07.210 indicates the type of signs permitted for uses by district type as follows:

- A. Y = A sign that is permitted and regulated independently of other sign types.
- B. O = All optional signs are permitted signs, any combination may be used at the owner's discretion provided he/she meets the standards of Table 07.210 and Section 07.220.
- C. N = Not permitted.

SECTION 07.215 MULTIPLE BUILDING/TENANT DEVELOPMENT SIGNS

In the case of a unified development consisting of multiple buildings (attached or freestanding) or multiple tenants in a single building, one detached ground sign may be permitted identifying the entire center. The sign shall not exceed 20 feet in height and the sign face shall not exceed 100 square feet in area.

One wall sign shall be allowed for each business or commercial establishment in a unified development and shall be located on the facade of the tenant space. Each tenant sign may not exceed 10% of the front facade of the space the tenant occupies. In cases where one or more tenants do not have a front facade, a comprehensive sign plan must be submitted for the entire development. (Ordinance #2772, 03/13/01)

SECTION 07.216 BANNER SIGNS

Not more than two banners bearing announcements are permitted per each business establishment, organization, school, or church, provided that not more than one banner is permitted for each exterior facade or permanent structure. All banner signs are required to obtain a sign permit. The permit shall be issued free of charge.

Anchored banner signs

Anchored banner signs are intended for temporary use before a permanent sign is produced. Such signs shall:

- 1) be attached at all corners flat against the building wall or other permanent existing solid building structure (e.g. a fence).
- 2) Be permitted for use by any business or entity for no longer than six (6) months. After six months the anchored banner sign must be removed and/or replaced with a permanent sign meeting the requirements of this Ordinance.
- 3) be maintained in a neat and attractive condition. The City will ask that frayed or torn signs be removed.
- 4) not exceed ten percent (10%) of the wall area to which the sign is attached or ten percent (10%) of the wall dedicated to an individual unit within a commercial complex.
- 5) not extend above the roofline.

Temporary Banner signs

Temporary banner signs used for promotional events or other limited advertising purposes shall:

- 1) be securely attached to a wall, fence or the ground.
- 2) not exceed 10 percent (10%) of the wall area to which the sign is attached to the building or no larger than thirty-two (32) square feet if not attached to the building.
- 3) not be attached to, or between telephone poles, utility poles, public or private light poles, utility poles, trees, or vehicles.
- 4) not be placed on the roof of any building.
- 5) be maintained in a neat and attractive condition; and
- 6) be limited to a total display time of 75 days in any calendar year.

Banners measuring four (4) feet by eight (8) feet or less are exempt from requirements to obtain a sign permit. A sign permit is required for banners larger than four (4) feet by eight (8) feet. The permit shall be issued free of charge, the banner shall be counted toward the total banner limits, and the banner may be displayed for a maximum of one month from the date of issuance of the permit. For the purposes of this section, a business establishment is defined as having an exterior door for customer access. The intent is to prohibit a separate banner to be displayed by a small business that operates from inside another building or business. However, the banner(s) allowed for the building may advertise the smaller business' good or services.

Flags attached to a rope or similar line may be mounted on residential property that is featured for an open house or commercial property featured for a Grand Opening or other similar event (maximum display time 72 hours). Such flags are also permitted for automobile sales lots without limitation as to time.

Banners, flags, strings, or other attention attracting devices used for holiday displays shall meet the provisions of Section 07.102 A.8.

Banners and/or flags that are torn, faded, or in general disrepair constitute a nuisance and shall be

removed. (Ordinance # 2712, 11/24/98)

SECTION 7.217 ELECTRONIC SIGNS

As provided in Table 07.120, the use of electronic, digital or video technology, including Light-Emitting Diode (LED) signs, is permitted in certain zones, subject to the following limitations and additional restrictions:

- A. Static changing images are allowed, but such changes may not be animated (including flashing, scrolling, intermittent or full-motion video elements) or have transitional elements between copy changes.
- B. Signs shall have a minimum of 10 seconds between copy changes.
- C. Signs should be designed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light gray, cream or yellow background) to reduce glare.
- D. Signs shall use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:
 1. All electronic, digital, or video display unit signs shall have installed ambient light monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
 2. Maximum brightness levels for electronic, digital, or video display signs shall not exceed 5000 nits when measured from the sign face at its maximum brightness, during daylight hours.
 3. Maximum brightness levels for electronic, digital or video display signs shall not exceed 500 nits when measured from the sign face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
 4. Written certification from the sign manufacturer must be provided at the time of application for a building permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this Ordinance.
 5. Video technology in signs shall contain a default design that will freeze the device and message in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.
- E. In conformance with Section 12.525 Illumination Standards, illumination spillover to neighboring properties cannot exceed 0.5 foot candles as measured at the property line.
- F. No such sign may resemble or simulate any warning or danger signal, or any official traffic control device, sign, or light.
- G. Electronic signs may not exceed 48 square feet.

SECTION 07.220 GENERAL SIGN REGULATIONS

The following general regulations shall apply to all signs:

- A. Illuminated Signs.**
 1. Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district.

2. Lighted signs in direct vision of a traffic signal shall not be in red, amber, or green illumination.
- B. **Accessway or Window.** No sign shall block any required accessway or window.
- C. **Signs on Trees or Utility Poles.** No sign shall block any required accessway or window.
- D. **Metal Signs.** All metal signs shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.
- E. **Traffic and Pedestrian Safety.**
1. No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
 2. Any sign located within three (3) feet of a driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign except wall signs and awning/canopy, or projecting signs be placed so as to project over any public right-of-way.
 3. Under no circumstances shall any sign be placed in the sight triangle as defined by Section 11.260.
 4. The lowest element of any projecting, awning canopy or marquee sign shall be at least seven feet six inches (7'6") above any sidewalk or other walkway.

**Table 07.210
PERMITTED SIGNS AND STANDARDS**

Zoning District & Development Type	Sign Type Permitted							
	Freestanding		Projecting	Wall	Awning Canopy	Bulletin Board Marquee	Electronic	Roof
	Ground	Pole						
Estate (E)								
Single-Family Conventional	Y	N	N	Y	N	N	N	N
Equestrian	Y	N	N	Y	N	N	N	N
Single-Family Cluster	Y	N	N	Y	N	N	N	N
Planned	Y	N	N	Y	N	N	N	N
Institutional Residential	Y	N	N	Y	N	Y	N	N
All Other Uses	Y	N	N	Y	N	N	N	N
Suburban (S)								
Single-Family Conventional	Y	N	N	Y	N	N	N	N
Single-Family Cluster	Y	N	N	Y	N	N	N	N
Planned	Y	N	N	Y	N	N	N	N
Manufactured Home Park	Y	N	N	Y	N	N	N	N
Institutional Residential	Y	N	N	Y	N	Y	N	N
All Other Uses	Y	N	N	Y	N	N	N	N
Suburban Commercial (SC)								
Planned	Y	N	N	Y	O	O	N	N
Institutional Residential	Y	Y	N	Y	O	O	N	N
Shopping Center	Y	Y	N	Y	O	O	Y	N
Retail	Y	Y	Y	Y	O	O	Y	N
Office and All Other Uses	Y	Y	Y	Y	O	O	Y	N
Thoroughfare Access (TA)								
Single-Family Conventional	Y	N	N	Y	N	N	N	N
Single-Family Attached	Y	N	N	Y	N	N	N	N
Planned	Y	N	N	Y	O	O	N	N
Multi-Family	Y	N	N	N	O	O	N	N
Manufactured Home Park	Y	N	N	N	O	O	N	N
Institutional Residential	Y	N	N	N	O	O	N	N
Retail	Y	Y	Y	Y	O	O	Y	N
Offices/Services/ Commercial Lodging	Y	N	Y	Y	O	O	Y	N
All Other Uses	Y	Y	Y	Y	O	O	Y	N
Y = Allowed N = Not allowed O = Optional sign that may be used at owners discretion								

Table 07.210 PERMITTED SIGNS AND STANDARDS								
Zoning District & Development Type	Sign Type Permitted							
	Freestanding		Projecting	Wall	Awning Canopy	Bulletin Board Marquee	Electronic	Roof
	Ground	Pole						
Neighborhood Conservation (NC)								
NC-R3 Single-Family	Y	N	N	Y	N	N	N	N
NC-R2 Single-Family	Y	N	N	Y	N	N	N	N
NC-R1 Single-Family	Y	N	N	Y	N	N	N	N
All Other Uses	Y	N	Y	Y	O	O	N	N
Downtown								
Single-Family Conventional	N	N	Y	Y	O	O	N	N
Single-Family Attached	N	N	Y	Y	O	O	N	N
Planned	N	N	Y	Y	O	O	N	N
Multi-Family	N	N	Y	Y	O	O	N	N
Institutional Residential	N	N	Y	Y	O	O	N	N
Retail	N	N	Y	Y	O	O	N	N
Offices/Services/ Commercial Lodging	Y	N	Y	Y	O	O	N	N
Assembly /Worship	Y	N	Y	Y	O	O	N	N
All Other Uses	N	N	Y	Y	O	O	N	N
Business Park								
Office - exterior ring	Y	Y	Y	Y	O	O	Y	N
Industry - exterior ring	Y	Y	Y	Y	O	O	Y	N
All Other Uses - exterior ring	Y	Y	Y	Y	O	O	Y	N
Office - interior ring	Y	Y	Y	Y	O	O	Y	N
Industry - interior ring	Y	Y	Y	Y	O	O	Y	N
All Other Uses - interior ring	Y	Y	Y	Y	O	O	Y	N
Industry (I)								
Industry	Y	Y	Y	Y	O	O	Y	N
All Other Uses	Y	Y	Y	Y	O	O	Y	N
Y = Allowed N = Not allowed O = Optional sign that may be used at owners discretion								

Amended by Ordinance #2732, 10/12/99

TABLE 07.210					
PERMITTED SIGNS AND STANDARDS (continued)					
Zoning District	Signs Per Lot*	Maximum Gross Area	Maximum Height	Minimum Setback	Illumination**
Estate (E)	2	-- Home Occupation - 2 sf -- Bulletin Board/Marquee - 100 sf -- Ground - 50 sf -- Construction - 32 sf -- Real Estate - 6 sf provided that one sign not more than 100 sf in area announcing the sale of houses in a subdivision may be located in said development. Said sign shall be removed at the end of 3 years or when 75% of the lots are sold, whichever occurs sooner.	15'	Minimum Parking Setback (See Section 04.110)	Permitted
Suburban (S)	2	See Estate (E) District Standards	15'	Minimum Parking Setback (See Section 04.110)	Permitted
Suburban Commercial (SC)	3	-- Ground - 100 sf at minimum setback - 125 sf at 2 times the minimum setback -- Pole - 50 sf -- Wall - 10% of the sf of the front façade; all other facades 5%. -- See Section 07.215 for multiple business/tenant developments	15'	Minimum Parking Setback (See Section 04.110)	Permitted
Thoroughfare Access (TA)	3	-- Ground - 100 sf at minimum setback - 125 sf at 2 times the minimum setback -- Pole - 50 sf -- Wall - 10% of the sf of the front façade; all other facades 5%. -- See Section 07.215 for multiple business/tenant developments	Ground: 20' at minimum setback; 25' at 2 times the minimum setback Pole = 15'	Minimum Parking Setback (See Section 04.110)	Permitted
Neighborhood Conservation (NC)	2	See Estate (E) District Standards	15'	Minimum Parking Setback (See Section 04.110)	Permitted
Downtown (D)	2	-- Wall - 10% of the sf of the front façade; all other facades 5%. -- Ground - 50 sf	15'	None	Permitted
Business Park (BP)	2	See Thoroughfare Access (TA) District	Ground: See TA District Pole: 20'	Minimum Parking Setback (See Section 04.110)	Permitted
Industrial (I)	3	See Thoroughfare Access (TA) District	Ground: See TA District Pole: 20'	Minimum Parking Setback (See Section 04.110)	Permitted

* Where allowed: Awnings and Canopies are not limited in number. Projecting signs are limited to one per lot. Additionally, any number of signs on a given façade will be counted as one sign, provided the total area of the signs does not exceed the allowable maximum gross area.

** Bulletin Board/Marquee and Identification signs may be indirectly illuminated with incandescent or fluorescent lighting