

ORDINANCE NO. 2188

AN ORDINANCE AMENDING PORTIONS OF THE CITY SIGN ORDINANCE RELATING TO APPEAL PROCEDURES; EXEMPTIONS, RESIDENTIAL DISTRICTS FUNCTIONAL TYPES ALLOWED, REQUIRED SETBACKS AND PENALTIES.

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

Section 1. PURPOSE. The purpose of this ordinance is to amend certain portions of Ordinance No. 2166 relating to signs. The current section and the proposed amendment of each section are included as required by Kansas law.

Section 2. Current Section 3 of Ordinance No. 2166 is as follows:

“Section 3. SIGN PERMIT REQUIREMENTS.

(1) The sign permit application may be obtained at Council Grove City Hall or the city website at cityofcouncilgrove.com.

(2) Applications for a sign permit shall be made by the hanger or owner of the sign and shall contain the written approval of the owner of the property or structure. The application shall contain such information as the Planning and Zoning Commission may desire and may include a requirement that complete plans and specifications be submitted for examination and approval.

(3) Applications for installation of or modifications to signs on structures or buildings listed on the National Historic Register must have approval from the State Historical Society prior to review by the Planning and Zoning Commission.

(4) Within 31 days after receipt of a sign permit application, the Planning and Zoning Commission shall recommend, to the governing body, the sign permit application be either approved or refused. No sign permit shall be issued unless the sign complies with the regulations of this ordinance.

(5) The governing body will, within 21 days of receiving the recommendation from the Planning and Zoning Commission, either approve or refuse the sign application request.

(6) A sign permit shall become null and void 180 days after the date on which it is issued unless within the 180 day period, construction, building, moving, remodeling or reconstruction of a structure or sign is commenced or a use is commenced.”

Section 4. The new language regarding sign permit requirements and new appeal procedures is as follows:

Section 3(a). SIGN PERMIT REQUIREMENTS

(1) The sign permit application may be obtained at Council Grove City hall or the city website at cityofcouncilgrove.com.

(2) Applications for a sign permit shall be made by the hanger or owner of the sign and shall contain the written approval of the owner of the property or structure. The application shall contain such information as the City Building Inspector may desire and may include a requirement that complete plans and specifications be submitted for examination and approval.

(3) Applications for installation of or modifications to signs on structures or buildings listed on the National Historic Register must have approval from the State Historical society prior to review by the City Building Inspector.

(4) No sign permit shall be issued unless the sign complies with the regulations of this article.

(5) A sign permit shall become null and void 180 days after the date on which it is issued unless within the 180 day period, construction, building, moving, remodeling or reconstruction of a structure or sign is commenced or a use is commenced.

Section 3(b). SIGN PERMIT APPEAL

(1) The sign permit application may be appealed to the Planning and Zoning Commission and City Council according to the following process.

(2) Applications for a sign permit shall be made by the hanger or owner of the sign and shall contain the written approval of the owner of the property or structure. The application shall contain such information as the Planning and Zoning Commission may desire and may include a requirement that complete plans and specifications be submitted for examination and approval.

(3) Applications for installation of or modifications to signs on structures or buildings listed on the National Historic Register must have approval from the State Historical Society

prior to review by the Planning and Zoning Commission.

(4) Within 31 days after receipt of a sign permit application, the Planning and Zoning Commission shall recommend, to the governing body, the sign permit application be either approved or refused. No sign permit shall be issued unless the sign complies with the regulations of this article.

(5) The governing body will, within 21 days of receiving the recommendation from the Planning and Zoning commission, either approve or refuse the sign application request.

(6) A sign permit shall become null and void 180 days after the date on which it is issued unless within the 180 day period, construction, building, moving, remodeling or reconstruction of a structure or sign is commenced or a use is commenced.

Section 5. Current Section 6 of Ordinance No. 2166 relating to exemptions from the sign ordinance is as follows:

“Section 6. EXEMPTIONS GENERALLY. The following signs shall be exempt from the requirements of this ordinance.

(1) Flags of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property;

(2) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, historical and other instructional or regulatory signs having to do with historical sites, health, hazards, parking, swimming, dumping, etc.;

(3) Memorial signs and tablets displayed on private property;

(4) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the signs does not exceed the requirements of such law, order, rule or regulation;

(5) Signs, not exceeding eight (8) 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 the like;

(6) Scoreboards in athletic stadiums;

(7) Opinion signs and political signs not exceeding eight (8) square feet displayed on private property in nonresidential and residential zoning districts.

(8) Window signs identifying a business, product or service offered on the premises that is affixed to the interior of the window of a shop or store front and not covering over thirty-three (33) percent of the total window area on a single wall.”

Section 7. EXEMPTIONS GENERALLY. The new Section 6 to Ordinance No. 2166 is as follows:

(1) Flags of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property;

(2) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, historical and other instructional or regulatory signs having to do with historical sites, health, hazards, parking, swimming, dumping, etc.;

(3) Memorial signs and tablets displayed on private property;

(4) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the signs does not exceed the requirements of such law, order, rule or regulation;

(5) Signs, not exceeding eight (8) 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 the like;

(6) Scoreboards in athletic stadiums;

(7) Opinion signs and political signs not exceeding eight (8) square feet displayed on private property in nonresidential and residential zoning districts.

(8) Window signs identifying a business, product or service offered on the premises that is affixed to the interior of the window of a shop or store front and not covering over thirty-three (33) percent of the total window area on a single wall.

(9) A freestanding advertising sign placed on the public sidewalk in front of a business establishment, provided that it does not block foot traffic and is removed during nonbusiness hours.

(10) Real Estate signs.

Section 8. The current sign regulations applying in residential districts is as follows:

“Section 13. RESIDENTIAL DISTRICTS.

(1) Functional types allowed:

- (a) Bulletin board signs.
- (b) Business signs.
- (c) Construction signs.
- (d) Identification signs.
- (e) Nameplate signs.
- (f) Real estate signs.
- (g) Noncommercial opinion signs.

(2) Structural types allowed:

- (a) Ground signs.
- (b) Wall signs.

(3) Number of signs allowed:

- (a) Ground sign: one (1) per zoning lot.
- (b) Wall signs: two (2) per zoning lot.
- (c) A maximum of three (3) signs is per zoning lot.

(4) Maximum gross surface area:

- (a) Construction signs: Thirty-two (32) square feet.
- (b) Identification signs: Thirty-two (32) square feet.
- (c) Real estate signs: Four (4) square feet.
- (d) Business signs: Eight (8) square feet except that Home Business signs are limited to one (1) square foot.

(5) Maximum height:

- (a) All signs shall be placed flat against a building or designed as part of an architectural feature hereof except that signs may be detached if they do not exceed a height of eight (8) feet or project into any required building setback area.
- (b) No height limit is specified for signs placed flat against or painted on the wall of a building, or other attached signs provided all other provisions of this section are complied with.

(6) Required setback:

- (a) All signs, except real estate and construction signs, shall maintain the same setback required for principal structures.
- (b) Detached grounds signs used in conjunction with a conditional use shall be set back at least fifteen (15) feet from the front property line.

(7) Illumination:

No sign shall be illuminated, except that identification signs and bulletin board signs may be internally or externally illuminated, provided that no direct light shall be cast upon any residential property. In addition, churches, schools, nursing homes, rehabilitation centers, assisted living facilities, governmental facilities, YMCAs and parks and recreational facilities and athletic fields, may have one (1) freestanding electronic changeable copy identification or bulletin board sign subject to the following limitations:

- (a) The electronic message center portion of the sign may not exceed fifty (50%) of the total sign area.
- (b) The sign must set back at least fifteen (15) feet from the front property line and must be set perpendicular to the adjoining public street, provided

that signs on corner lots may be set at a forty-five (45) degree angle at street intersections.

(c) The sign may not exceed a height of eight (8) feet.

(d) All electronic message center signs must be equipped with a photo cell dimmer or some other automatic dimmer control and may not operate between 10:00 p.m. and 6:00 a.m.

(e) No minimum hold time or interval of change shall be required.

(f) Text and moving pictorial images shall be allowed; however, no sign shall have blinking, flashing or fluttering lights or any other illuminating device that changes the intensity, brightness or color of the sign background.”

Section 9. The new residential district regulations are as follows:

SECTION 13. RESIDENTIAL DISTRICTS.

(1) Functional types allowed:

- (a) Bulletin board signs.
- (b) Business signs.
- (c) Construction signs.
- (d) Identification signs.
- (e) Nameplate signs.
- (f) Real estate signs.
- (g) Noncommercial opinion signs.
- (h) Political Campaign Signs.

(2) Structural types allowed:

- (a) Ground signs.
- (b) Wall signs.

(3) Number of signs allowed:

- (a) Ground sign: one (1) per zoning lot.
- (b) Wall signs: two (2) per zoning lot.
- (c) A maximum of three (3) signs is per zoning lot.

(4) Maximum gross surface area:

- (a) Construction signs: Thirty-two (32) square feet.
- (b) Identification signs: Thirty-two (32) square feet.
- (c) Real estate signs: Four (4) square feet.
- (d) Business signs: Eight (8) square feet except that Home Business signs are limited to one (1) square foot.

(5) Maximum height:

- (a) All signs shall be placed flat against a building or designed as part of an architectural feature hereof except that signs may be detached if they do not exceed a height of eight (8) feet or project into any required building setback area.
- (b) No height limit is specified for signs placed flat against or painted on the wall of a building, or other attached signs provided all other provisions of this section are complied with.

(6) Required setback:

- (a) All signs, except real estate and construction signs, shall maintain the same setback required for principal structures.
- (b) Detached grounds signs used in conjunction with a conditional use shall be set back behind sidewalk. If there is no sidewalk, signs are to be placed at least fifteen (15) feet from the curb or edge of the roadway.

(7) Illumination:

No sign shall be illuminated, except that identification signs and bulletin board signs may be internally or externally illuminated, provided that no direct light shall be cast upon any residential property. In addition, churches, schools, nursing homes, rehabilitation centers, assisted living

facilities, governmental facilities, YMCAs and parks and recreational facilities and athletic fields, may have one (1) freestanding electronic changeable copy identification or bulletin board sign subject to the following limitations:

- (a) The electronic message center portion of the sign may not exceed fifty (50%) of the total sign area.
- (b) The sign must set back at least fifteen (15) feet from the front property line and must be set perpendicular to the adjoining public street, provided that signs on corner lots may be set at a forty-five (45) degree angle at street intersections.
- (c) The sign may not exceed a height of eight (8) feet.
- (d) All electronic message center signs must be equipped with a photo cell dimmer or some other automatic dimmer control and may not operate between 10:00 p.m. and 6:00 a.m.
- (e) No minimum hold time or interval of change shall be required.
- (f) Text and moving pictorial images shall be allowed; however, no sign shall have blinking, flashing or fluttering lights or any other illuminating device that changes the intensity, brightness or color of the sign background.

Section 10. PENALTIES. The current Section 17 states as follows:

“PENALTIES FOR FAILURE TO ABIDE BY SIGN ORDINANCE PROVISIONS.

Any person found in violation of this sign ordinance shall be fined not less than \$100.00 nor more than \$1,000.00.”

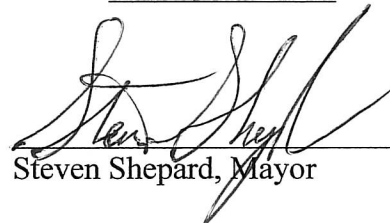
Section 11. New Section 17 is as follows:

PENALTIES FOR FAILURE TO ABIDE BY SIGN ORDINANCE PROVISIONS.

Failure to obtain a permit prior to installing a compliant sign will result in the doubling of the permit fee. Other violations of this ordinance shall be subject to a fine of not less than \$100.00 nor more than \$1000.00.

Section 12. EFFECTIVE DATE. This ordinance shall be effective after its publication in the official city newspaper.

PASSED BY THE CITY COUNCIL THIS 18th day of July, 2017.


Steven Shepard, Mayor

ATTEST:


Danny Matthews
City Clerk

