

## **CITY OF ANDOVER - ARTICLE 7. SIGNS**

### **100 Sign Permits.**

No sign, except for signs listed in Section 7-103, shall be constructed, erected, enlarged, relocated or structurally altered until a zoning permit for such sign has been obtained in accordance with the procedure set out in Article 9 of these regulations. No zoning permit for any sign shall be issued unless the sign complies with the regulations of this Article 7. All signs lawfully existing at the time of passage of these regulations may remain in use, including those in the status of legal nonconformance. The purpose of this article is to safeguard the public use of the streets and the sidewalk area and to equitably enhance the visual environment of the City. (See Section 2-102 for definition of Sign. See also K.S.A. 68-2231 for state sign regulations.)

### **101 Classification of Signs.**

#### **A. Functional Types:**

1. Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
2. Business Sign: A sign which directs attention to a business or profession conducted; or to a commodity or service sold, offered or manufactured; or an entertainment offered on the premises where the sign is located or to which it is affixed.
3. Construction Sign: A temporary sign indicating the names of designers and contractors involved in the construction of a project during the construction period and only on the premises on which the construction is taking place.
4. Identification Sign: A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
5. Nameplate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, their professional status.
6. Real Estate Sign: A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof located thereon.

#### **B. Structural Types:**

1. Awning, Canopy or Marquee Sign: A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by these regulations. No such sign shall project further below than seven feet from the ground level or beyond the physical dimensions of the awning, canopy or marquee.
2. Monument or Ground Sign: Any sign 10 feet or less in height placed upon the ground or supported by a base that is a minimum of 50% of the width of the monument at its widest point, independently of the principal building or structure on the property. A sign on accessory structures shall be considered a ground sign.

3. Pole Sign: A sign that is mounted on free-standing poles or pylon, the bottom edge of which sign is seven feet or more above ground level.
4. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
5. Temporary Sign: A sign in the form of a banner, pennant, valance or advertising display constructed of fabric, card board, wall-board or other light weight materials, with or without a frame, intended for temporary display of not more than 30 days, four times per calendar year.
  - a. Use of a vehicle for a sign or sign support. It shall be prohibited to park or use a vehicle in such a way as to function as a sign, defined to include the parking of any vehicle, trailer or similar movable structure containing or supporting any signage with the exception of:
    - (1) Vehicles actively involved in construction on or the serving of the site;
    - (2) Vehicles delivering products to the site in designated loading areas;
    - (3) Vehicles parked in designated truck parking areas of business park districts that have been screened from or are not generally visible from the public right of way; or
    - (4) Passenger vehicles, pick-up trucks and vans of a size that can fit fully within a standard parking space, containing signs painted on or permanently affixed on the doors or integral side body panels that do not exceed 16 square feet in area.
6. Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building.

## **102 General Standards**

- A. Gross Surface Area of Sign. The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which do not form an integral part of the display. When two or more signs are located on a zoning lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface per street frontage set by the applicable district regulations, except as is provided by Section 7-102B.
- B. Corner and Through Lots. On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots, restrictions that are phased in terms of "signs per zoning lot" shall be deemed to permit the allowable number of signs facing each street or highway that abuts the lot.
- C. Height of Sign. The maximum height of signs shall be measured from ground level at the base of or below the sign to the highest element of the sign and shall be determined for purposes of Article 7 as independent from the maximum structure height for zoning districts.

- D. Building and Electrical Codes Applicable. All signs must conform to the structural design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.
- E. Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Any brightly illuminated sign located on a lot adjacent to or across the street from any residential district, which is not otherwise shaded and visible from such residential district, shall not be illuminated between the hours of 11 P.M. and 7 A.M. Any accessory external lighting fixtures attached to a sign shall maintain a clearance of nine feet to the grade directly below the fixture.
- F. Flashing or Moving Signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights or signs which create the illusion of movement shall be permitted in any residential district. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature.
- G. Clearance for Projecting Awning, Canopy, or Marquee Signs. All awning, canopy, or marquee signs shall maintain a clearance of at least seven feet to the grade directly below the sign.
- H. Accessway or Window. No sign shall block any accessway or window required by any applicable building, housing, fire or other codes or regulations.
- I. Signs on Trees or Utility Poles. No private sign shall be attached to a tree or utility pole whether on public or private property.
- J. Traffic 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 control sign, signal or device; or where it may interfere with, mislead or confuse traffic.
  2. No sign shall be located in any vision triangle as defined in Section 2-102, except official traffic signs and signs mounted eight feet or more above the ground whose supports, not exceeding two, do not exceed 12 inches at the widest dimension and, thus, do not constitute an obstruction.
- K. Location. No sign or structure thereof shall be permitted on a public right-of-way or public easement, except:
1. As a conditional use granted by the Board of Zoning Appeals for signs otherwise permitted in a district; or
  2. As a use permitted by the Governing Body for public informational or directional purposes of.
  3. Any unauthorized sign placed on public property, including the public street right-of-way, is declared to be a public nuisance and be the cause of its removal and impoundment without notice. If not redeemed within 30 days by the owner paying a service charge of \$20, the City may dispose of the sign in any manner deemed appropriate. The Zoning Administrator may revoke the permit for any sign deemed to be in violation of this Section, i.e., 7-102L, or of any condition on which the permit was based and order its removal within a reasonable period consistent with public safety.

- L. Damaged or Unsafe Signs. The Zoning Administrator shall require the immediate repair or removal of any conforming or nonconforming sign or sign structure which has been damaged or deteriorated so as to become a public hazard. Such a sign or sign structure may be restored to its original condition without obtaining a zoning permit, unless the sign is replaced and, thus, must conform to the current regulations.
- M. Setback for Pole Signs. All pole signs shall be separated from residential property a distance measured in feet equal to the gross surface area of the sign measured in square feet.
- N. Prohibited Signs. Off-site advertising and portable signs are prohibited in an effort to preserve the visual appearance of the City, and promote traffic safety.
- O. Amortization of Portable Signs. Any portable sign legally in existence on the effective date of this amendment to the Zoning Regulations shall be allowed to remain at the same location for a period of one year as a legal nonconforming use in a effort to amortize the cost of the sign at that location. Upon expiration of one year from the effective date of said amendment any portable sign remaining shall be declared unauthorized, and become subject to the provisions of Article 7, Section 102 K.3.
- P. Off Premises Real Estate Signs. Notwithstanding the provisions of Section 7-102N and, to temporarily provide additional visibility for new real estate developments within the City but not located along major traffic routes, the Board of Zoning Appeals may consider an application for a conditional use to allow off premises real estate signs in any zoning district. If approved, such real estate signs shall otherwise comply with the provisions for real estate signs of the district in which it is located.
- Q. Temporary Fireworks Signs. In order to allow accessory signage for temporary fireworks sales locations, the following standards shall apply:
1. Structural Types Permitted; One of each structural type of sign shall be permitted, excluding permitted permanent signs.
  2. Maximum Gross Surface Area; One square foot of sign area for each one lineal foot of arterial street or U. S. Highway 54 frontage or four hundred square feet, whichever is lesser.
  3. Required Setback; All temporary firework signs not otherwise affixed to the fireworks sales structure shall be separated from any principal residential building by one foot for every one square foot of sign surface area or one hundred feet, whichever is the lesser.
  4. Maximum Height; 25 feet when adjacent to an arterial street, 35 feet when adjacent to U.S. Highway 54.
  5. Time Restrictions; Temporary firework sign permits issued accessory to temporary fireworks sales locations shall be limited to three days prior to, and three days past the duration of the fireworks sales temporary use permit. Upon the expiration of the temporary sign permit, all of the elements of the sign, including the any temporary support structure shall be removed.

## **103 Exemptions**

- A. The following signs shall be exempt from the requirements of this Article:

1. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
  2. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organizations, when displayed on private property.
  3. Small signs, not exceeding five 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, rest rooms, freight entrances and the like.
  4. Address numerals and other signs required to be maintained by law, rule or regulation; provided, that the content and size of a sign does not exceed such requirements.
  5. Garage sale signs, not exceeding four square feet in gross surface area, except for the restrictions in Section 7-102K.
  6. Memorial signs which are displayed on private property.
  7. Scoreboards in athletic fields or stadiums.
  8. Political campaign signs, not exceeding six square feet in gross surface area, which are displayed on private property and not otherwise in the public right-of-way. Such signs must be removed 48 hours after a candidate is elected to office or is eliminated from further participation in the election as a candidate, with similar provisions for bond issues and other ballot issues. Such signs may also be displayed as advertising signs where permitted by Section 7-104. .
  9. Ideological signs such as may pertain to religious or political expressions or personal beliefs when located on private property of the proponent and not otherwise in a public right-of-way, a sight obstruction in a vision triangle or on public property or structures such as utility poles.
- B. The following signs are exempt from the zoning permit requirements of Section 7-100, but shall comply with all of the other regulations imposed by this Article:
1. Nameplate signs not exceeding two square feet in gross surface area accessory to a residential building, including all types of manufactured and mobile homes.
  2. Identification signs not exceeding 24 square feet in gross surface area accessory to a multiple-family dwelling.
  3. Bulletin board signs not exceeding 24 square feet in gross surface 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 square feet in gross surface area and which pertain to the sale or lease of the lot or tract or structure on which the sign is located, except for the provision of Section 7-102K. Commercial property real estate signs not to exceed 32 square feet gross surface area.
  6. Temporary signs which do not exceed six square feet in gross surface area.

## 104 District Regulations

- A. R-1, R-2, R-3, R-4, R-5 and R-6 Residential Districts and MH-1 and MH-2 Manufactured Home Districts.
1. Functional Types Permitted:
    - a. Bulletin board signs.
    - b. Business signs pertaining to home occupations, but only in the R-1, R-2 and MH-2 District.
    - c. Construction signs.
    - d. Identification signs.
    - e. Nameplate signs.
    - f. Real estate signs.
  2. Structural Types Permitted:
    - a. Ground signs.
    - b. Pole signs.
    - c. Wall signs.
    - d. Business signs pertaining to home occupations shall be affixed flush to the wall of a building.
    - e. Temporary signs limited to those attached to the face of the principal structure, a permanent fence, or screening wall.
  3. Number of Signs Permitted: One of each functional type per zoning lot.
  4. Maximum Gross Surface Area.
    - a. Bulletin board and identification signs: 16 square feet in all residential districts, but 40 square feet is permitted in the R-4 District and for churches or public institutions in all residential districts.
    - b. Business signs pertaining to a home occupation only: Two square feet or the minimum required by State statutes.
    - c. Construction signs: 32 square feet.
    - d. Nameplate signs: Two square feet.
    - e. Real estate signs: Six square feet per lot; provided, that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on such development. Such sign shall be removed when 75% of the lots in the subdivision have been sold.
    - f. Entry Monument: One per phase of development, or arterial or collector street entrance to a development. Limited to 10 feet maximum height, two square feet of gross surface area per lot or dwelling unit for sale or lease included in such development, but not to exceed 100 square feet maximum area, including the structure.. Limited to ground lighting only.
    - g. Wall signs shall be limited to 5% of the area of the wall area on which they are located.

- h. Temporary signs: 21 square feet.
  - 5. Maximum Height: 15 feet; provided, that signs associated with one and two-family dwellings and all types of manufactured and mobile homes shall not be located at a height greater than eight feet above ground floor elevation.
  - 6. Required Setback: 15 feet from the front line, except temporary real estate and garage sale signs, and none from the side yard setbacks.
  - 7. Illumination: No sign shall be illuminated, except that entry monument, bulletin board, and identification signs may be indirectly illuminated with incandescent or fluorescent light.
- B. B-1 Office Business and B-2 Neighborhood Business Districts.
- 1. Functional Types Permitted: Any type listed in Section 7-101A,
  - 2. Structural Types Permitted: Any type listed in Section 7-101B, except projecting signs.
  - 3. Number of Signs permitted:
    - a. Monument, ground and pole signs: One of each functional type per zoning lot.
    - b. Other structural types permitted: Limited to one of any of the other structure types.
  - 4. Maximum Gross Surface Area: One square foot of sign area for each one foot lineal of street frontage or One Hundred square foot maximum area, whichever is the lesser. Wall signs shall be limited to 5% of the area of the wall on which they are located.
  - 5. Maximum Height: 10 feet, except when adjacent to an arterial street within 200 feet of an intersection of two arterial streets, then 20 feet.
  - 6. Required Setback: No minimum required.
  - 7. Illumination: Illuminated signs shall be permitted.
- C. B-3, B-4 and B-6 Business Districts.
- 1. Functional Types permitted: Any type listed in Section 7-101A.
  - 2. Structural Types Permitted: Any type listed in Section 7-101B.
  - 3. Number of Signs Permitted:
    - a. Ground, monument or pole signs: One of each functional type per zoning lot, except that each freestanding principal building which is part of an integrated shopping center may also have a ground, monument or pole sign and/or complexes with over 300 feet of frontage will be allowed one additional free standing sign for each additional 300 feet or portion thereof.
    - b. Other structural types permitted: Limited to one of any of the other structural types per business establishment.

4. Maximum Gross Surface Area: One square foot of sign area per one lineal foot of street frontage; provided, no single sign shall exceed 150 square feet, except when adjacent to an arterial street within 500 feet of the intersection of an arterial street and a highway, or adjacent to a highway, then 200 square feet. Wall signs shall be limited to 5% of the wall area on which they are located.
  5. Maximum Height:
    - a. Twenty feet when adjacent to an arterial street with 200 feet of the intersection of two arterial streets.
    - b. Thirty-five feet when adjacent to a highway, or adjacent to an arterial street within 500 feet of the intersection of an arterial street and a highway.
    - c. Ten feet at all other locations.
  6. Required Setback: No minimum required.
  7. Illumination: Illuminated signs shall be permitted.
- D. B-5 Highway Business District.
1. Functional Types permitted: Any type listed in Section 7-101A.
  2. Structural Types Permitted: Any type listed in Section 7-101B.
  3. Number of Signs permitted: One of each structural type permitted except that complexes with more than 500 feet of highway frontage may have two ground, monument, or pole signs, and a business with frontage also on an arterial or collector street may have one ground, monument, or pole sign per 300 feet of street frontage.
  4. Maximum Gross Surface Area: One square foot of sign area for each one lineal foot highway frontage, provided no single sign shall exceed a gross surface area of 400 square feet, except that one additional square foot of gross surface area shall be allowed for each one foot of set back from the front property line. In the instance a sign is located at the intersection of two streets, the additional square footage shall be based on the lesser of setback. Signs adjacent to an arterial or collector street within 500 feet of the intersection of the arterial or collector street and the highway will be limited to 200 square feet. Wall signs shall be limited to 5% of the wall area on which they are located.
  5. Maximum Height: 20 feet above the highest point of the principal structure or 40 feet above the average ground level, whichever is less.
  6. Required Setback: No minimum required.
  7. Illumination: Illuminated signs shall be permitted.
- E. I-1 Industrial District.
1. Functional Types Permitted: Any types listed in Section 7-101A,
  2. Structural Types Permitted: Any types listed in Section 7-101B, except pole signs.
  3. Number of Signs Permitted. One of each structural type except that complex with frontage on more than one street may have one group or monument.



4. Maximum Gross Surface Area: One square foot of sign area for each one foot lineal street frontage, provided no single sign shall exceed a gross surface area of 200 square feet.
5. Maximum Height: 10 feet. Awning, canopy, marquee, and projecting signs shall be limited to the height of the building.
6. Required Setback: No minimum required.
7. Illumination: Illuminated signs shall be permitted.

F. A-1 Agricultural Transition District.

1. Functional Types Permitted:
  - a. Bulletin board signs.
  - b. Business signs, pertaining to agricultural products on the premises, home occupations and other businesses.
  - c. Construction signs.
  - d. Identification signs.
  - e. Nameplate signs.
  - f. Real estate signs.
2. Structural Types Permitted:
  - a. Ground or monument signs.
  - b. Pole signs.
  - c. Wall signs.
3. Number of Signs Permitted:
  - a. One of each functional type per zoning lot.
4. Maximum Gross Surface Area:
  - a. Advertising signs: 200 square feet.
  - b. Bulletin board signs: 40 square feet.
  - c. Business signs: Home occupations 4 square feet or the minimum required by state statutes; agricultural, 20 square feet; and other permitted businesses, 100 square feet.
  - d. (d) Construction signs: 20 square feet.
  - e. (e) Identification signs: 15 square feet.
  - f. (f) Nameplate signs: 2 square feet.

- g. (g) Real estate signs: 12 square feet.
  - h. (h) Wall signs: 5% of the wall on which they are located.
5. Maximum Height: 15 feet.
  6. Required Setback: No minimum required.
  7. Illumination: No sign shall be illuminated except that bulletin board signs may be indirectly illuminated with incandescent or fluorescent light and business signs may be illuminated only during business hours.