

*Ordinance Summary published in the Legal Record on \_\_\_\_\_ and the full text of the Ordinance made available at [www.desotoks.us](http://www.desotoks.us) for a minimum of 1 week from the date of publication*

### **Ordinance No. 2399 Summary**

On April 21, 2016, the City of De Soto, Kansas, adopted Ordinance No. 2399, amending Article 7 of the De Soto Zoning Regulations (incorporated as Appendix C to the De Soto City Code via Section 16-201 of Article 2 of Chapter XVI), the purpose of which is to make the City's sign regulations conform with applicable First Amendment law, as articulated by the most recent United States Supreme Court opinion on sign regulations. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84<sup>th</sup> Street, De Soto, Kansas or at [www.desotoks.us](http://www.desotoks.us). This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

### **ORDINANCE NO. 2399**

#### **AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO REVISE THE TEXT OF ARTICLE 7 OF THE CITY ZONING REGULATIONS (INCORPORATED AS APPENDIX C TO THE DE SOTO CITY CODE VIA SECTION 16-201 OF ARTICLE 2 OF CHAPTER XVI), WHICH ARTICLE PERTAINS TO THE CITY'S SIGN REGULATIONS**

**WHEREAS**, the City Planning Commission has recommended that the Governing Body amend the City's Zoning Regulations, specifically the City's regulations on signs, to conform with applicable First Amendment law as articulated by the most recent United States Supreme Court opinion on sign regulations; and

**WHEREAS**, all newspaper notifications were performed and a public hearing was properly held before the City Planning Commission as to the requested text amendment; and

**WHEREAS**, after review of the proposed text amendment, the Planning Commission recommended that the Zoning Regulations be amended to make the requested changes.

**NOW THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:

**Section 1.** That Article 7 of the City's Zoning Regulations (incorporated as Appendix C to the De Soto City Code via Section 16-201 of Article 2 of Chapter XVI) is hereby amended to read as follows:

## ARTICLE 7. SIGN REGULATIONS

(Article Amended by Ords.1151; 1182; 2138; 2199; 2206; 2213)

### 1. Statement of Purpose.

The purpose of this ordinance is to create the framework for a comprehensive and balanced system of street graphics that will preserve the right of free speech and expression, provide an easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. The intent of this Article is to regulate signs in accordance with applicable law and without reference to the message or content of any sign, and enforcement of this Article will not be based on the message or content of any particular sign or signs. With these purposes in mind, it is the intent of this ordinance to authorize the use of street graphics that are: (Ord. 2138)

- A. Compatible with their surroundings;
- B. Appropriate to the activity that displays them;
- C. Expressive of the identity of individual activities and the community as a whole; and
- D. Legible in the circumstances in which they are seen.

### 2. Applicability.

A. Any sign shall, by definition, be a structure unless otherwise provided by these regulations. No land, personal property or structure shall be used for sign purposes except as specified herein.

B. All signs, legally existing at the time of passage of these regulations, may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted.

C. Pole signs described in Exhibit A of Ordinance 2323, approved on December 20, 2012 may remain and shall be treated as legal nonconforming signs, provided that no changes in the basic structure or location shall be made to said signs. Said signs shall be subject to all nonconforming regulations.

D. Unless specifically exempted by these regulations, no sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this sign regulation.

E. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial.

(Ord. 2323)

### **3. Master Signage Plan (Ord. 2213).**

A. No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan for the zone lot or tract on which the sign will be erected has been submitted to and approved by the Building Official or his/her designee as conforming with this section. All illuminated signs shall require the issuance of an electrical permit along with a sign permit and shall be inspected and approved by the Building Official or his/her designee. (Ord. 2138)

B. Master Signage Plan Submittals: For any lot or tract on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Building Official or his/her designee a Master Signage Plan containing the following: (Ord. 2138)

- (1) An accurate plot plan of the lot or tract, at such scale the Building Official or his/her designee may reasonably require; (Ord. 2138)
- (2) Location of buildings, parking lots, driveways, and landscaped areas on such lot or tract;
- (3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs, a description of the method of supporting the sign, and an accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown. (Ord. 2138)
- (4) The Master Signage Plan shall also specify standards for consistency among all signs on the lot or tract with regard to:
  - (a) Lettering or graphic style;
  - (b) Lighting;
  - (c) Location of each sign on the buildings;
  - (d) Material;
  - (e) Sign proportions; and
  - (f) Other requirements as deemed necessary by the Building Official. (Ord. 2138)

C. Consent: The Master Signage Plan shall be signed by all owners or their authorized agents in such form as the Building Official or his/her designee shall require. (Ord. 2138)

- (1) Procedures: A Master Signage Plan may be included in any site plan or other official plan required by the City for the proposed development and may be processed simultaneously with such other plan.
- (2) Amendment: A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms with all requirements of the ordinance then in effect.

D. Binding Effect: After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with the Master Signage Plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of a Master Signage Plan and any other provision of this ordinance, the ordinance shall control.

#### 4. Classification of Signs.

##### A. Sign Types:

- (1) Awning, Canopy or Marquee Sign: A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee. Sign copy, including logo, shall not exceed one square foot of sign area per linear foot of awning or canopy width. Such sign shall only be displayed on the ground floor of a multistoried building. (Ord. 2138)

Figure 3 – Canopy Sign



- (2) Ground Sign: Any sign placed upon, or supported by, the ground independent of the principal structure on the property, where the bottom edge of the sign is less than six feet above the ground, and the base is no less than 50 percent of the width of the face of the sign, presenting a monolithic structure.

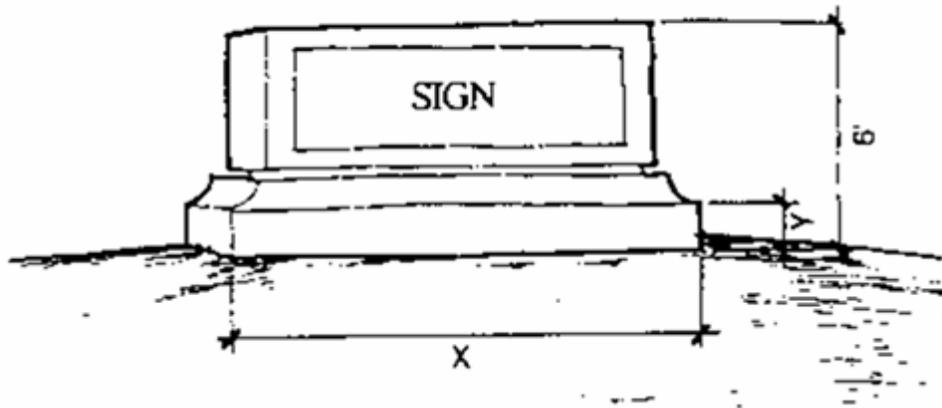
Figure 4 – Ground Sign



**10' maximum height. Required landscaping not shown.**

- (3) Monument Sign: Any sign whose base is greater in width than the face of the sign, and whose height is no greater than 6 feet.

Figure 5 – Monument Sign



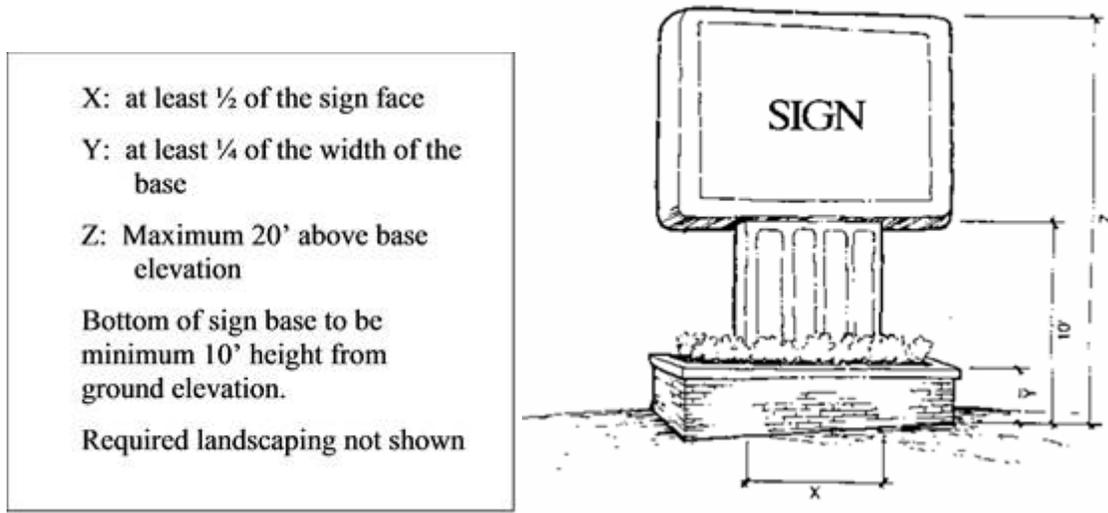
**X = 110% of the width of the sign face**  
**Y = 10% of the width of the sign face**  
**6' maximum height (required landscaping not shown)**

- (4) Elevated Sign: Any sign placed upon, or supported by, the ground independent of the principal structure on the property where the bottom edge of the sign face is ten feet or more above the ground level, the overall sign height is no more than twenty

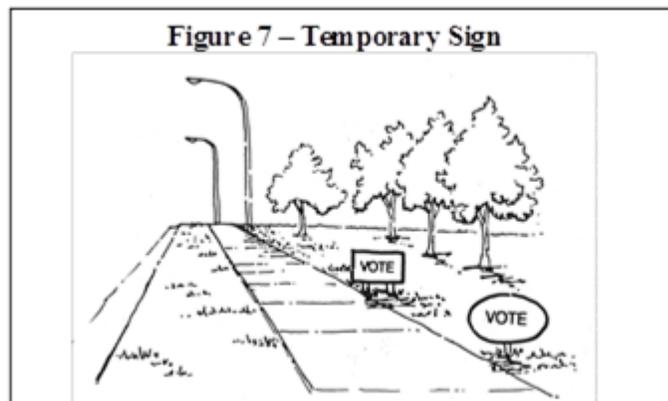
(20) feet, the supporting structure of the sign is at least half the width of the sign face, and the base height is at least ¼ the width of the base.

(Ord. 2138; Ord. 2324)

Figure 6 – Elevated Sign



- (5) Pole Sign: A free-standing sign, usually double-faced, mounted on a round pole, square tube or other fabricated member without any type of secondary support. (Ord. 2138)
- (6) Temporary Sign: A sign that is (1) intended for a temporary period of posting on public or private property; and (2) typically constructed of lightweight materials conducive to the sign being placed or removed with little effort by one person; and (3) does not constitute a structure subject to the City’s Building Code and Zoning Regulations. (Ord. 2138)



- (7) Projecting Sign: A sign that is wholly or partly dependent upon a structure for support and which projects more than 12 inches from such structure. No individual projecting sign shall exceed 12 square feet in area. Projecting signs shall maintain a minimum clearance between the bottom of the sign and the nearest grade of sidewalk of eight feet.

Figure 8 – Projecting Sign



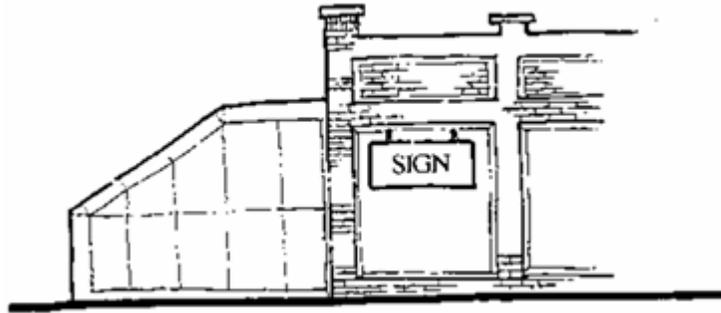
- (8) Wall Sign: A sign fastened to or painted on a wall of a structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such structure. Wall signs shall not extend horizontally a distance greater than sixty percent of the width of the building wall on which it is displayed.

Figure 9 – Wall Sign



- (9) Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information that is placed inside a window or upon the window panes and is visible from the exterior of the window.

Figure 10 – Window Sign



(10) Portable Display Sign: Any movable display structure, capable of relocation, under its own power, or towed by a motor vehicle. The display message of the sign may be painted or non-painted and capable of being readily altered. Portable display signs may be with or without electrical illumination and power, and with or without wheels.

(11) Banner Sign: A temporary sign intended to convey information. (Ord. 2138)

## 5. General Standards.

Unless otherwise provided by these regulations, the following general standards shall apply to all signs. (Ord. 2213)

### A. Sign Face Area:

1. The area of the sign face shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base or structure on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then only the largest side shall be computed and shall be counted as a portion of the gross area. On lots/tracts where more than one sign is located, the total area of all sign faces shall not exceed the maximum area for one sign face permitted by this regulation.

For computing the gross area or sign face of any wall sign which consists of a message directly mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters, symbols, logo and/or artwork in the message.

(Ord. 2213; Ord. 2324)

B. Sign Height: Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.

C. Illuminated Signs: A sign designed to give forth artificial light or designed to reflect light derived from any source. Internally illuminated signs or indirectly illuminated signs using a shielded light source shall be permitted. Any lighting fixture on a sign that is located within 10

feet of a property line of a residential zoning district or existing residential use, or within 10 feet of a public right-of-way shall be: (Ord 2138, 2213)

- (1) Aimed away from the property line of a residential use or residential zoning district, or a public right-of-way;
- (2) Classified as an IESNA Type III or Type IV lighting fixture; and
- (3) Shielded on the side closest to the property line of a residential use or residential zoning district, or a public right-of-way.

D. Flashing or Moving Signs: Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this regulation, any sign that is revolving, rotating, moving, animated, has moving lights or creates the illusion of movement shall be considered a flashing sign.

- (1) No flashing signs shall be permitted.
- (2) A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indicating time, temperature or other public messages. Such sign shall not in any case exceed 32 square feet in area.

E. Other Advertising Displays: The use of hot air balloons or other large inflatable objects, searchlights, rows of pennants or flags, vehicles or trailers used primarily to convey information and secondarily for transportation, 'air dancers' or similar vinyl tubes with blower systems, or other, similar displays may be permitted with a Temporary Use Permit (see Article 5 Supplementary District Regulations, Section 9 Temporary Uses). (Ord. 2138)

F. Accessway: No sign shall block any required accessway. (Ord. 2138)

G. Signs on Trees or Utility Poles: No sign shall be attached to any utility pole or tree.

H. 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 or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
- (2) Any sign located within three feet of a driveway or within a parking area shall have its lowest elevation at least ten feet above the curb level.
- (3) No sign shall be placed so as to be located within or project over any public right-of-way, unless approved by the Planning Commission following consideration and determination of conformance with the following criteria: (Ord. 1182)

- (a) Signs projecting over the sidewalk in the “C-1” Central Business District may be allowed. Where signs project more than 12 inches from a structure, a minimum sign height of eight (8) feet above the sidewalk shall be required. In no case shall a sign project over the sidewalk so as to cause potential injury to pedestrians. (Ord. 1182)
- (b) In an instance where more right-of-way exists than required by the Subdivision Regulations and/or the Comprehensive Plan, the Planning Commission may allow signs by exception in the right-of-way. In no case shall any sign be placed closer than the minimum “required” right-of-way. In no case shall a sign be located so as to interfere with public infrastructure or other public improvements. (Ord. 1182)

The City maintains the right to remove or relocate any sign within the right-of-way as may be necessary to maintain, improve or expand infrastructure and other public improvements within the existing right-of-way. Removal, relocation or other necessary action shall be at the expense of the developer, property owner, building owner and/or association responsible for the sign or to which the sign is associated. (Ord. 1182)

- (4) Under no circumstances shall any sign be placed in the sight triangle as defined in Article 2 Rules & Definitions of these regulations.

I. Linear Street Frontage: In those districts where gross sign area is allocated based on linear street frontage and the lot or tract is adjacent to more than one street, the linear street frontage shall be computed as follows:

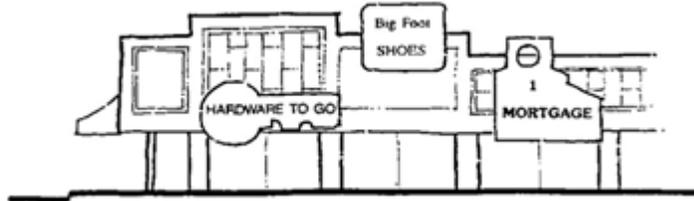
- (1) For those lots or tracts located on collector or arterial streets as designated in the Major Thoroughfare Plan of the Comprehensive Plan, the linear street frontage shall be the distance of that property line abutting the major street. (Ord. 2138)
- (2) For those lots or tracts not located on a major street, the linear street frontage shall be one-half the sum of all the street frontages.

J. Landscaping: Ground signs, monument signs and elevated signs shall be landscaped as approved on the Master Signage Plan. The landscaped area shall be located around the base of the sign equal to 2.5 square feet for each square foot of graphic display. The landscaped area shall contain landscape material consisting of shrubs, perennial ground cover plants, or a combination of both, placed throughout the required landscape area. (Ord. 2138)

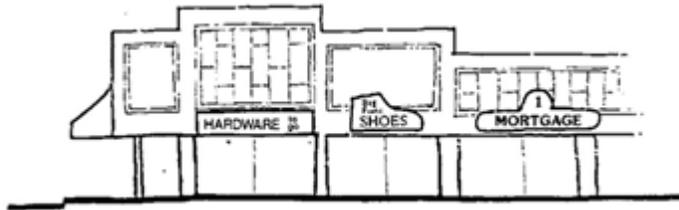
K. Design, Materials and Scale: Signage design shall be incorporated into the overall design of the building(s) and landscaping. The use of unusual shapes, colors, and other characteristics that cause signs to call excessive attention to themselves and create disharmony shall not be allowed. Signs shall not consist predominately of fluorescent colors. Signs shall be constructed of durable materials as determined by the City Building Official. Materials including, but not limited to, plywood, particle board and non-treated lumber are prohibited for permanent signs. Ground, monument and elevated sign bases shall be constructed with stone, concrete, metal, brick or other materials consistent with the building the sign is

representing. Signage shall be in keeping with the scale of the building it is representing, as seen in Figure 11 Sign Pattern and Figure 12 sign Scale and Character. (Ord. 2138)

Figure 11 - Sign Pattern

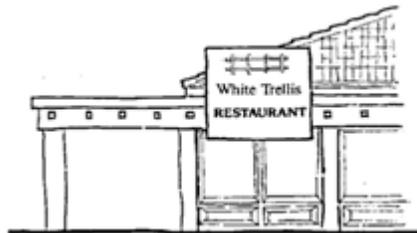


- Inconsistent sign patterns create confusion.
- Signs within or above roof area are prohibited.



- Employ a consistent sign pattern.

Figure 12 - Sign Scale and Character



Sign is out of scale and character with building



Sign is in scale and character with building

L. Drive-Through Restaurants and Car Washes: Establishments may have 2 signs located in conjunction with each drive-through lane. Such sign shall not exceed 8 feet in height or 32 square feet of surface area per face. All signs shall be oriented toward the location of the vehicle being served and shall not contain lettering that exceeds 6 inches in height. (Ord. 2138)

M. Automated Teller Machines: Up to 3 signs are permitted on the ATM machine, ATM enclosure, or the canopy over the ATM machine. No more than one (1) sign per machine, enclosure or canopy is permitted. Such signs shall not exceed 8 square feet in surface area. (Ord. 2138)

N. Gasoline Signs: A retail establishment dispensing gasoline shall be permitted one (1) double faced sign which shall not exceed 18 square feet of surface area per face. (Ord. 2138)

**6. Exemptions.**

A. Limited Exemptions: The following signs shall be exempt from the requirements of this article, except for the provisions of Section 5 General Standards, subsections (A) through (H) above: (Ord. 2213)

- (1) A flag that has been adopted by the federal government, the State of Kansas, or the City of De Soto, Kansas.
- (2) Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
- (4) Small signs, not exceeding three square feet in area, displayed on private property.
- (5) Scoreboards in athletic stadiums.
- (6) Name plate signs that do not exceed two square feet in gross area and are an accessory to a single-family or two family dwelling.
- (7) Bulletin board signs that do not exceed thirty (30) square feet in gross area and are an accessory to a church, school or public or non-profit institution.

B. Temporary Signs Exemptions and Standards. Temporary Signs that meet the following standards are exempt from the permit requirements of the sign regulations. Temporary Signs may be posted on private property in all zones of the City any day of the week. In the event of a conflict between a state statute regulating signs (that the City has not chartered out of), and the City sign regulations stated herein, the state statute shall govern.<sup>1</sup>

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<sup>1</sup> K.S.A. 25-2711 states the following: No city or county shall regulate or prohibit the placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election. Cities and

- (1) Size. The total square footage of a sign is measured to include all of the visible display area of one side of the sign. Except as noted below, the total square footage for Temporary Signs posted on a building lot or tract in a single family residential district, in the aggregate, shall not exceed thirty-two (32) square feet, with no individual sign exceeding sixteen (16) square feet. The total square footage for Temporary Signs posted on a lot or tract in all other zones, in the aggregate, shall not exceed sixty-four (64) square feet, with no individual sign exceeding thirty-two (32) square feet.
  - (a) Temporary window signs not exceeding 25% of the window surface.
  - (b) Temporary banner signs shall not exceed 20 square feet in gross area. (Ord. 2206)
- (2) Hazard. No Temporary Sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
- (3) Traffic Safety. Temporary Signs are subject to all of the provisions of Section 5 General Standards, subsection H. Traffic Safety.
- (4) Stability. A Temporary Sign shall be designed to be stable under all weather conditions, including high winds.
- (5) Illumination. No Temporary Sign shall be illuminated or painted with light-reflecting paint.
- (6) Consent; Time Period. If on private property, a Temporary Sign shall only be posted with the consent of the property owner or occupant. If posted on road right-of-way, the sign shall only be placed if the owner or occupant of the property adjoining the sign consents to the posting. Except as noted below, Temporary Signs on private property may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced.
  - (a) Temporary Signs shall be allowed within the road right-of-way each week starting on Thursday and ending on the Sunday immediately following, providing that they conform to the traffic safety requirements found in Article 7 Section 5, Paragraph H of these regulations.
  - (b) Banner signs may be displayed for a cumulative total of 90 days per year, but no more than twenty-one (21) consecutive days at a time. A period of seven (7) days must elapse between the displays of signs. An annual sign permit is required for the display of banner signs. (Ord. 2206)

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counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons.

- (7) Posting. No Temporary Sign shall be placed on or otherwise affixed to any public structure or sign, sidewalk, utility pole, street lamp post, tree or other vegetative matter, or any public park or other public property, except as otherwise provided by these regulations.
- (8) Permit. No sign permits are required for Temporary Signs.
- (9) Materials. A Temporary Sign is typically constructed of lightweight materials that are conducive to it being placed and removed by one person with little effort. Any Temporary Signs that are constructed of more substantial and permanent type materials must be approved by the City Building Official.
- (10) Temporary Signs within the road right-of-way. Subject to the above requirements, Temporary Signs not exceeding 20 square feet in size shall be allowed within the road right-of-way. For the purposes of this section, the road right-of-way shall be defined as an area extending from the back of curb or from the edge of the roadway outward a distance of 15 feet.
- (11) Removal or Replacement of Temporary Signs (Ord. 2138)
- (a) The person who has posted or directed the posting of a Temporary Sign is responsible for the removal or replacement of that sign in accordance with these regulations.
  - (b) If that person does not remove or replace the Temporary Sign in accordance with these regulations, then the property owner or occupant of the lot or tract where the sign is posted is responsible for the sign's removal or replacement.
  - (c) The City Administrator, or the City Administrator's designee, is authorized to remove any Temporary Signs posted in violation of these regulations that are not removed or replaced in accordance with the provisions above. Temporary Signs posted on private property in violation of these regulations shall be deemed a public nuisance, and the City Administrator, or the City Administrator's designee, may abate the nuisance in accordance with the nuisance abatement and abatement cost recovery procedures contained in the City Code.
  - (d) The City Administrator, or the City Administrator's designee, may immediately remove Temporary Signs posted on public property or rights-of-way in violation of these regulations and file a civil complaint against the person who posted the sign to recover the cost of removing the sign.

(Ord. 2349)

## **7. Prohibited Signs.**

A. Signs on Public Property: Any sign installed or placed on public property, except in conformance with the requirements set forth herein, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

B. Obscenity: No person shall display upon any sign or other advertising structure any obscene material or message. In accordance with K.S.A. 21-4301, any material is 'obscene' if the average person applying contemporary community standards would find that such material, taken as a whole, appeals to the prurient interest; that the material has patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, and that the material, taken as a whole, lacks serious literary, educational, artistic, political or scientific value.

C. Snipe Signs or Portable Display Signs, with or without wheels attached. (Ord. 2138)

D. Flashing Signs as defined by these regulations. (Ord. 2138)

G. Roof Signs. (Ord. 2138)

H. Nonconforming signs abandoned for six months or more, effective January 1, 2007. (Ord. 2138)

## **8. Maintenance.**

A. Existing Sign Maintenance: All signs shall be designed, constructed, and maintained in compliance with applicable provisions of the Building Code and the Electrical Code of the City. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this regulation, all signs shall be constructed of permanent materials and shall be permanently attached to the ground or another structure by direct attachment to a rigid wall, frame, or structure.

B. Removal of Unsafe or Illegal Signs: If the Codes Enforcement Officer or his/her designee shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this regulation, it shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten days after such notice, such sign or other advertising structure may be removed or altered to comply by the Codes Enforcement Officer or his/her designee at the expense of the permittee or owner of the property upon which it is located. The Codes Enforcement Officer or his/her designee shall refuse to approve a permit to any permittee or owner who refuses to pay costs so assessed. The Codes Enforcement Officer or his/her designee may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice. (Ord. 2138)

C. Sign Maintenance Enforcement:

- (1) All signs within the City shall be maintained in a safe condition and in such a manner that they shall not become a visual detriment to the community at large. The Codes Enforcement Officer or his/her designee shall be charged with the responsibility and authority to inspect all signs within the City and direct the maintenance of said signs. Maintenance of signs is defined as keeping sign structures in a safe condition, free of rust, with broken glass or plastic replaced, electrical lights and other electrical operations in operable condition, letters and other sign components in the equivalent condition as on the sign permit or as approved. (Ord. 2138)
- (2) Should the Codes Enforcement Officer or his/her designee find a non-maintained sign as defined above, it shall cause the owner of said sign to be notified as to the deficiency and the corrective action that needs to be taken. (Ord. 2138)
- (3) Should the owner fail to exhibit evidence of compliance within 30 days after the mailing of the letter of notification, the Codes Enforcement Officer or his/her designee shall cause the owner to be cited for violation of this regulation. (Ord. 2138)

D. **Painted Sign Maintenance:** The owner of any sign as defined and regulated by this regulation shall be required to have properly painted at least once every two (2) years all parts and supports of the sign, unless the same are galvanized, powder coated or otherwise treated to prevent rust.

## **9. Nonconforming Signs.**

For the purpose of this section, a nonconforming sign shall be defined as a sign legally existing at the effective date of this regulation which could not be built under the terms of this regulation or under the terms of other City regulations. Nonconforming signs must be maintained in good condition, including replacement or repair of worn or damaged parts of the sign or its supporting structure. A change in the message or content of signage is not considered an alteration for the purposes of this section. Signs that are nonconforming, as provided in this regulation, shall not be enlarged or moved unless made to comply with the provisions of this regulation. No alteration of nonconforming signs shall be undertaken without the issuance of a permit. No fee will be charged for the permit, provided the alterations do not substantially alter the basic design or concept of the sign.

(Ord. 2138; Ord. 2323)

## **10. Removal of Nonconforming Signs.**

Should any nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of these regulations.

A. **Removal of Signs upon Destruction of Principal Structures:** When a principal structure is destroyed or removed due to natural or man-made circumstances, all signs on the property

shall be removed within 90 days, unless a building permit has been issued within said time period to replace the structure.

B. Amortization and Removal of Off-Site Nonconforming Signs: All off-site nonconforming signs in the public right-of-way prohibited by the provisions of these regulations shall be removed on or before January 1, 2007.

C. Abandoned signs for businesses that have relocated or closed shall have the sign or signs removed, covered or replaced with a blank within 90 days of relocation or closure.

D. Pole signs described in Exhibit A of Ordinance 2323, dated December 20, 2012, that are damaged or destroyed by a catastrophic event, may be replaced or rebuilt in the same location. Said sign shall be no taller, and the sign face shall be no larger than the sign it is replacing. Replacement of a pole sign shall not be undertaken without the issuance of a sign permit.

(Ord. 2138; Ord. 2323)

## **11. Office Parks, Shopping Centers and Planned Districts.**

A. For purposes of this section the terms “shopping center, office park, or their groupings,” shall mean a project of one or more buildings that has been planned as an integrated unit or cluster of units on property under unified control or ownership. The sale, subdivision, or other partition of the site does not exempt the project or portions thereof from complying with these regulations. (Ord. 2213)

B. Master Signage Plan. In the case of a proposed office park, shopping center, or other grouping of three or more tenants or establishments (new or remodeled), the developer shall prepare and submit to the Planning Commission a Master Signage Plan for all permanent exterior signs. Such Plan shall set standards that shall run with all leases or sales of portions of the development. Final Development Plans shall not be approved until the Planning Commission has approved the sign standards. (Ord. 2213)

C. In the case of a “shopping center, office park or other grouping” which is occupied by more than two tenants, one monument sign or ground sign may be permitted in addition to the wall mounted signs, which sign shall depict only the name of the center or grouping of shops or offices.

D. Where all tenants and/or property owners within a building or “shopping center, office park or other grouping” agree in writing, one tenant may, in lieu of the wall sign permitted, have one monument sign or ground sign. The design and location of this sign shall be subject to approval of the Planning Commission.

E. Signs shall be similar to the architectural style and coloring scheme of the building(s) and with each other in order to present a consistent image. (Ord. 2138)

**12. District Regulations: (Ord. 22348).**

A. “R-A Rural Agriculture, “R-0” Residential Suburban, “R-1” Residential - Low Density, “R-1A” Residential – Medium Density Single-Family, “R-2” Residential - Medium Density, “R-3” Multifamily Dwelling, “R-H” Residential–Historic “Old Town” District: (Ord. 2199, 2237)

(1) Sign Types Permitted: (Ord. 2213)

- (a) Ground signs.
- (b) Monument signs
- (c) Temporary signs
- (d) Wall signs.

(2) Number of Signs Permitted: One sign per lot or tract.

(3) Maximum Gross Area: (Ord. 2213)

- (a) Ground and monument signs: fifty (50) square feet
- (b) Temporary signs per Section 6 Exemptions, subsection b Temporary Signs Exemptions and Standards
- (c) Wall signs: twenty-five (25) square feet.

(4) Maximum Height: (Ord. 2213)

- (a) Ground signs maximum ten (10) feet
- (b) Monument signs maximum six (6) feet
- (c) Wall signs may extend to the roof eave line

(5) Required Setback: No sign shall be placed closer to the front property line than one-half the distance of the front yard; except that Temporary signs shall be exempt from setback requirements.

(6) Illumination: As provided by Section 5 General Standards, C. Illuminated Signs

B. “C-1” Business-Central Districts and “O-I” Office-Institutional Districts:

(1) Sign Types Permitted: (Ord. 2213)

- (a) Awning, canopy or marquee signs.
- (b) Ground signs.

- (c) Monument signs.
  - (d) Projecting signs.
  - (e) Temporary signs per Section 6 Exemptions, subsection b Temporary Signs Exemptions and Standards
  - (f) Wall signs.
  - (g) Window signs
  - (h) Pole signs regulated separately, per Special Use Permit.
  - (i) Electronic Variable Message Boards regulated separately, per Special Use Permit
- (2) Number of Signs Permitted:
- (a) Awning, canopy or marquee signs and wall signs: One per tenant.
  - (b) Ground, monument, or projecting signs: One per lot or tract.
- (3) Maximum Gross Surface Area: (Ord. 2138, 2213)
- (a) Awning, canopy, marquee: one (1) square foot for each linear foot of awning, canopy or marquee width.
  - (b) Ground and monument signs: one (1) square foot for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of fifty (50) square feet. On lots/tracts with multiple street frontages, the street frontage calculation is not cumulative; it is based only upon the street the sign is placed.
  - (c) Wall signs: one (1) square foot for each linear foot of front building wall but not more than 25% of the wall area on which the sign is placed.
  - (d) Projecting signs: twelve (12) square feet
  - (e) Window sign: 25% of window area
- (4) Maximum Height: (Ord. 2213)
- (a) Awning, canopy, marquee signs: no projection above, below or beyond awning canopy or marquee area.
  - (b) Ground signs maximum ten (10) feet
  - (c) Monument maximum six (6) feet

- (d) Wall and projecting signs may project to the roof eave line; the bottom edge of a projecting sign must be at least eight (8) feet above the grade of an accessway or sidewalk.
- (5) Required Setback: None in the “C-1” District; ten (10) feet from all property lines in the “O-I” District.
- (6) Illumination: As provided by Section 5 General Standards, C. Illuminated Signs (Ord. 2138; 2213)

C. “C-2” Business-General Districts and “M-1” Light Industrial Districts:

(1) Sign Types Permitted:

- (a) Awning, canopy or marquee signs.
- (b) Elevated signs, subject to conditions at Subsection C (8).
- (c) Ground signs.
- (d) Monument signs.
- (e) Projecting signs.
- (f) Temporary signs per Section 6 Exemptions, Subsection b Temporary Signs Exemptions and Standards
- (g) Wall signs.
- (h) Window signs
- (i) Pole signs regulated separately, per Special Use Permit.
- (j) Electronic Variable Message Boards regulated separately, per Special Use Permit.

(2) Number of Signs Permitted:

- (a) Awning, canopy or marquee, projecting or wall signs: Five per principal structure, or one per tenant. No awning, canopy, marquee, projecting, or wall signs shall be allowed on any accessory structure.
- (b) Ground, monument or elevated signs: One per lot or tract.

(3) Maximum Gross Surface Area: No single sign shall exceed a gross surface area of 100 square feet. Any sign located within 100 feet of a residentially zoned district may not exceed fifty (50) square feet.

- (a) Awning, canopy, marquee: one (1) square foot for each linear foot of awning, canopy or marquee width.
- (b) Ground and monument signs: two (2) square feet for each linear foot of street frontage. On lots/tracts with multiple street frontages, the street frontage is not cumulative.
- (c) Projecting signs: twelve (12) square feet
- (d) Wall signs: Total area of all wall signs on any building façade shall not exceed 10% of the wall area of the façade upon which they are placed.
- (e) Window sign: 25% of window area.

(4) Maximum Height:

- (a) Awning, canopy, marquee signs: no projection above, below or beyond awning canopy or marquee area.
- (b) Elevated signs may not exceed the height as provided for in subsection C (8).
- (c) Ground signs maximum ten (10) feet
- (d) Monument maximum six (6) feet
- (e) Wall and projecting signs may extend to roof eave line; the bottom edge of a projecting sign must be at least eight (8) feet above the grade of an accessway or sidewalk.

(5) Required Setback: five (5) feet from all property lines.

(6) Illumination: As provided by Section 5 General Standards, C. Illuminated Signs

(7) Elevated signs:

- (a) The height of elevated signs shall be no greater than twenty (20) feet above the base elevation.
- (b) The gross surface area of the face of the sign shall not exceed 100 square feet.  
(Ord. 2138; Ord. 2324)

D. "M-2" Heavy Industrial Districts: (Ord. 2213)

- (1) (2) Sign Types Permitted: All, but pole signs and Electronic Variable Message Boards regulated separately, per Special Use Permit.
- (2) Number of Signs Permitted: Two per lot or tract.

(3) Maximum Gross Surface Area: two (2) square feet per linear foot of street frontage, provided no single sign exceeds a gross surface area of 150 square feet in the “M-1” District or 200 square feet in the “M-2” District. On lots/tracts with multiple street frontages, the street frontage is not cumulative. Any sign located within 100 feet of a residentially zoned district may not exceed fifty (50) square feet.

(4) Maximum Height:

(a) Awning, canopy and marquee signs: no projection above, below or beyond awning canopy or marquee area.

(b) Ground signs: ten (10) feet

(c) Monument signs: six (6) feet

(d) Wall and projecting signs may extend to the roof eave line; the bottom edge of a projecting sign must be at least 8 feet above the grade of an accessway or sidewalk.

(e) Elevated signs: twenty (20) feet.

(5) Required Setback: None.

(6) Illumination: As provided by Section 5. General Standards, Subsection C Illuminated Signs.

**Section 2.** City Staff is authorized to revise other portions of the Zoning Regulations (e.g. Table of Contents, Appendices) to be consistent with the above text amendments.

**Section 3.** This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

**PASSED** by the Governing Body of the City of De Soto, Kansas on the 21<sup>st</sup> day of April, 2016.

(Seal)

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Timothy J. Maniez, Mayor

ATTEST:

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Lana R. McPherson, MMC, City Clerk

APPROVED AS TO FORM:

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Patrick G. Reavey, City Attorney