

## **Chapter 27**

### **SIGNS**

#### **Sections:**

#### **27.01 Statement of Intent**

#### **27.02 Definitions**

#### **27.03 Administration**

#### **27.04 General Standards**

#### **27.05 Signs Permitted in All Districts**

#### **27.06 Signs Permitted in Residential Districts**

#### **27.07 Signs Permitted in Commercial Districts**

#### **27.08 Signs Permitted in Industrial Districts**

#### **27.09 Special Permit Uses**

#### **27.10 Temporary Signs**

#### **27.11 Prohibited Signs and Devices**

#### **27.12 Sign Maintenance Requirements**

#### **27.13 Abandoned Signs**

#### **27.14 Nonconforming Signs**

#### **27.15 Enforcement**

#### **27.16 Declaration of Nuisance**

#### **27.01 Statement of Intent**

The intent of this chapter is to regulate and control all exterior signs placed for observation in order to preserve, protect and promote the public health, safety, and general welfare of the residents of the City of Cheney. Further, it is intended to: encourage the reasonable, orderly and effective display of signs; enhance the physical appearance of the City; reduce visual clutter; prevent blighting influences; protect property values; provide minimum standards to safeguard life, health, and property by regulating and controlling the size, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; and authorize the use of signs which are compatible with their surroundings.

#### **27.02 Definitions**

A. "A" Frame Sign: A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

B. Address Sign: A sign indicating only the common street address and/or the occupant of a dwelling or structure. For the purposes of this definition, a nameplate shall be construed to be an address sign.

C. Abandoned Sign: A sign which no longer advertises or identifies a business, lessor, owner, product, activity, message or location that is available to the public.

D. Attention Attracting Device: Any device intended to attract the attention of the public to an establishment, location, product or service, except signs as permitted by this ordinance.

E. Awning Sign: (Illuminated and/or non-illuminated.) A sign which is mounted, painted or printed on, or attached to an awning, or canopy. For the purposes of this definition, a canopy sign and a marquee sign shall be construed to be an awning sign.

F. Billboard: A freestanding outdoor advertising structure which advertises a product or service, or relays a message to the public, meeting size limitations as set out by this ordinance.

G. Canopy:

1. Building canopy: A roof like structure attached to a building covering the entrance, exit, walkway or loading dock, not including the building roof line extension. For the purposes of this ordinance, when the pitch of a building canopy is 1:4 or less (twenty five [25] degrees or less from vertical), the face of the canopy shall be considered part of the wall.

2. Freestanding canopy: A self supported, detached roof like structure normally covering gas islands.

H. Community Information Signs: A sign, located within a Master Planned Community, that serves to direct people to a residential subdivision, public building, or community facility such as, but not limited to, a recreational area, nature trail, golf course, lake marina, information area, etc.

I. Complex: A group of freestanding buildings, or buildings constructed in such a way as to give an appearance of being interrelated because of architectural similarity and/or interconnected drives and parking areas; or a building divided into three (3) or more separate offices, businesses or apartments provided that the building is not part of a large complex. A complex shall be limited to apartment, office or business complexes, shopping centers and/or industrial parks.

J. Construction Signs: A sign erected on the premises on which development is taking place during the period of such development. Such sign may indicate the names of architects, engineers, landscape architects, contractors or similar individuals, and the owners, financial supporters, sponsors or similar individuals or firms having a role or interest with respect to the structure or project.

K. Copy Area: (See Sign Face.) The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

L. Directional Sign: A sign which serves solely to designate any area or activity such as "exit," "one way," "drive in," "auto service," etc.

M. Directly Illuminated Sign: A sign where the source of illumination is located on the sign face. The source of illumination may include, but not be limited to neon tubes, incandescent bulbs, and fluorescent tubes.

N. Erected: This term shall mean attached, altered, built, constructed, reconstructed, and shall include the painting of wall signs, but does not include copy changes on any legal conforming sign.

O. Fuel Rate Sign: A sign which identifies gasoline and/or petroleum product rates or prices in words, numbers, figures or any combination thereof.

P. Garage Sale Sign: A temporary sign advertising a sale of personal items in a residential yard or structure.

Q. Governmental Sign: A sign for the control of traffic and other regulatory purposes, street signs, construction signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of any public officer in the performance of his public duty.

R. Identification Sign: A monument sign identifying a complex.

S. Incidental Sign: A sign which indicates to the public, goods, facilities or services available on the premises. For the purposes of this definition, credit card signs, signs indicating hours of operation, "help wanted" signs, and similar signs shall be construed to be incidental signs.

T. Indirectly Illuminated Sign: A sign which is illuminated by a shielded light source.

U. Internally Illuminated Sign: A sign illuminated by an internal light source diffused through a translucent material.

V. Master Planned Community: A mixed use development consisting of six hundred forty (640) or more contiguous acres under one (1) ownership, for which a comprehensive master plan has been approved by the city planning commission.

W. Monument Sign: A freestanding sign having a solid appearance and a low profile, normally consisting of a face and base. Said sign may be constructed with stone, concrete, metal, routed wood planks or beams, brick or similar materials.

X. Nameplate Sign: A single faced, non-illuminated wall sign which displays only the name and occupation of the person or persons occupying space in the building. Nameplate signs may be part of a wall sign.

Y. Off site development sign: A temporary freestanding, non-illuminated sign used to direct people to a single family or duplex subdivision.

Z. On site developmental sign: A temporary freestanding, non-illuminated sign identifying a building or construction site and the architects, engineers, financial institutions, contractors, suppliers and Realtors involved. An on site development sign includes a "coming soon" sign.

AA. Parapet or parapet wall: That portion of a building wall that rises above the roofline.

BB. Person: An individual, corporation, association, firm or partnership.

CC. Political Signs: A sign supporting a candidate for public office or measures on an election ballot.

DD. Portable Signs: A sign which is not permanently affixed to the ground, building or other structure, which may be mounted on wheels, and can easily be transported from place to place.

EE. Projecting Sign: A sign extending from the face of the building to which it is attached, not including wall signs. Also known as blade signs.

FF. Public Notices and Signs: Official notices or signs for a public purpose as required by any law, statute or ordinance or as permitted by the Governing Body.

GG. Real Estate Sign: A on site or off site sign which advertises the sale, rental or lease of property, or special program signs, such as, open house, energy conservation, warranty, builder, etc.

HH. Roof: The primary cover of a building used to shed weather, including all supporting materials.

II. Roof Sign: A sign erected, constructed or maintained partially or wholly upon or over the roof of a building, a building canopy, or a freestanding canopy.

JJ. Sign - Advertising – A sign that has as its purpose to promote, advertise or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

KK. Sign Face: That area within a line including the outer extremities of all letters, figures, characters and logos; or within a line including the outer extremities of the framework or background.

LL. Sign Alteration: The replacement, enlargement, rewording, reduction, reshaping, or repainting using different colors, of a sign to serve an establishment or business.

MM. Sign Maintenance: The normal care and minor repair that is necessary to retain a safe, attractive sign and supporting structures. Repainting with the same colors, or repairing copy or logo shall be considered maintenance if the name, product, service, place, activity, person, etc., depicted remains the same.

NN. Sign Structure: The base, supports, uprights, braces, framework and face of a sign.

OO. Snipe Sign: A sign constructed of any kind of material that is attached to a utility pole, tree, fence or similar object located or situated on public or private property.

PP. Subdivision Entry Marker: A sign used to identify a platted subdivision of twenty (20) or more single family or duplex lots. Each neighborhood shall be permitted monument type neighborhood entry markers as approved by the City.

QQ. Temporary Sign: A sign constructed of cloth, canvas, cardboard, plywood or other similar material, which is readily moveable, and is not permanently attached to the ground or any structure thereof, and which is intended to be displayed for a short period of time.

RR. Time and/or Temperature Sign: A sign displaying time and/or temperature information with no additional advertising or comments other than the name of the company which owns the sign.

SS. Under Canopy Sign: A sign that is placed under the canopy at right angles to the wall of the building. Its sole purpose is for communicating to pedestrian traffic the name of the tenant.

TT. Vehicular Sign: Any sign which is attached to or placed upon a parked motor vehicle and placed in a position or location for the sole purpose of displaying the same to the public.

UU. Wall: A vertical structure which is solid and encloses a building, and supports the roof.

VV. Wall Sign: A sign that is parallel to, and attached to, the surface of a wall, including illuminated awning signs. If a sign is placed on a canopy that has a roof slope of 1:4 or

less (twenty five [25] degrees or less from vertical), the face of the sign may be perpendicular to the ground.

### **27.03 Administration**

#### **A. Sign Permit Required:**

1. It shall be unlawful for any person to erect, or alter any sign as defined in this ordinance without first obtaining a sign permit. This requirement shall not be construed to require a permit for sign maintenance as defined in Section 27.02-Definitions above, altering changeable copy on theater signs, billboards or similar signs, or signs exempted from a permit as described elsewhere in this ordinance.
2. Applications: Sign permits shall be made on a form provided and shall be accompanied by two (2) sets of plans drawn to scale indicating the sign size, location, method of illumination, colors, materials of the sign and structure, and method of attachment. In addition, the applicant shall submit other information relating to the placement, construction, design, etc., of the sign as may be required.
3. Issuance: The city shall issue a permit for the erection, alteration, or relocation of a sign within the city when an application has been properly made and the sign complies with all appropriate laws and ordinances.
4. Sign Permit Number: All signs hereafter installed shall have permanently affixed thereto a label, clearly visible at all times, indication the number of the sign permit issued.
5. Revocation and Denial: The city may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a misstatement of material fact or fraud. When a sign permit is denied by the city, the city shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
6. Sign Permit Appeals:
  - a. Failure of the city to grant permit within forty-five (45) days.
  - b. Appeal may be made to the City Administrator upon denial of a sign permit.
7. Effect of Permit Issuance: No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

B. Permit Fees: Each applicant, before being granted a permit, shall pay a permit fee pursuant to city resolution.

1. If it has been determined that any sign or other advertising structure regulated herein is unsafe, or has been constructed, erected or is being maintained in violation of the provisions of this ordinance, written notice shall be given to the sign owner. The owner shall immediately remove or repair the sign to bring it into compliance and/or make it safe. If the owner fails to remove or repair the sign so as to comply within five (5) days after the notice, the City may cause the sign to be removed or repaired to make it safe, at the expense of the permittee or owner.

2. The City shall mail a statement of the costs for removal or repair of the unsafe or unlawful sign to either the last known address of the owner of record of the property, the person in charge of such property, or the sign permittee. If said costs are not paid within ten (10) days from the time of mailing of the notice, the City shall levy a special assessment for the cost against the subject lot or parcel of land. The City shall certify the assessment to the Sedgwick County Clerk for collection and payment to the City in the same manner as other assessments and taxes are collected and paid to the City.

D. Access and Right of Entry:

1. The City retains the right to make an inspection of any sign for the purpose of determining compliance with this ordinance. Inspections shall be done at a reasonable time.

2. If the building, premises or establishment to be inspected is occupied, the City shall first present proper credentials and demand entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the City shall have recourse as provided by law to secure entry.

3. If after demand, entry or access is refused, the City may acquire such access by application to a court of competent jurisdiction.

#### **27.04 General Standards**

A. Routine Maintenance: All signs shall be of sound structural quality, be maintained in good repair, and have a clean and neat appearance. The land adjacent shall be kept free from weeds and trash. If signs are not being maintained as described, said sign may be ordered to be removed.

B. Placement on Easement or Right-of-way: No Private sign shall be placed on a public easement or public right-of-way.

C. Illuminated Signs: Illuminated signs shall be internally, or indirectly-illuminated. Neon tubes, incandescent bulbs, fluorescent tubes, and other sources of direct illumination that would be exposed to the human eye shall not be permitted.

D. Compliance with Building Code: All signs shall comply with the appropriate detailed provisions of the City Building Code relating to design, structural members and connections. Signs shall also comply with the provisions of the National Electrical Code and the additional construction standards hereinafter set forth in this section.

E. Measurements of Signs:

1. In determining the copy area of a sign, the entire face of the sign, including the advertising surface and any framing, trim or molding, shall be included. Should the sign structure or supports become part of the sign due to the design of the structure or supports in relation to the sign, said structure or supports shall be included in the determination of copy area. [http://www.olatheks.org/Forms\\_Documents/udo/5a94421.htm](http://www.olatheks.org/Forms_Documents/udo/5a94421.htm)

2. In the instance where a sign is composed of letters only, with no connection by the advertising structure between the letters, the copy area shall be determined by measuring the distance from the outside edges of the outside letters and from the top of the largest letter to the bottom of the lowest letter. Should one (1) letter be unequally large or small in comparison to the other letters composing the sign, the unequal letter shall be squared off, the remaining letters shall be measured from the outside edges, and the two (2) added for a total copy area determination.

3. Unless determined by the zoning district regulations, the allowable copy area of a sign shall be based on one (1) side of the sign. Double faced copy area is allowed provided that both sides of the sign are parallel to one another and that the applicable zoning district regulations are not conflicting.

F. Monument Signs:

1. Monument signs must be built on a solid base and shall be low in profile.

2. Monument signs may be single or double faced.

3. Monument signs may be non-illuminated, indirectly illuminated or internally illuminated.

4. The sign face and base shall not exceed six (6) feet in overall height above the natural or average grade.

5. The sign base area shall not exceed the actual sign face area by more than ten (10) percent.



6. No advertising or promotional information is permitted on a monument sign. Exceptions: motels are permitted reader boards as a part of their permitted sign; a retail establishment dispensing gasoline may place gasoline prices on their permitted monument sign.

G. Wall Signs:

1. Wall signs may be non-illuminated, internally illuminated or indirectly illuminated.
2. When a wall sign is placed on a canopy and is perpendicular to the ground, all supports, braces and brackets shall not be visible.
3. Wall signs shall not extend above the top of the wall, parapet or canopy.
4. Wall signs shall only indicate the name of the establishment housed therein, except that public and private schools (grades kindergarten through 12) may use their wall sign as a reader board.

**27.05 Signs Permitted in All Districts**

The following signs shall be permitted in all districts and shall not require a sign permit, unless otherwise noted. The signs must be in conformance with all other regulations and ordinances of the City.

A. Changeable Copy: Permits shall not be required for replacing or altering changeable copy on theater signs, billboards, or other similar signs.

B. Sign Maintenance: Sign maintenance as defined in Section 27.13 of this chapter.

C. Garage Sale Signs: All garage sale signs shall be removed no later than one (1) day after the end of the garage sale. Garage sale signs include sample and yard sale signs. Such signs shall not exceed four (4) square feet per sign, with two (2) faces per sign permitted.

D. Governmental Signs and Public Notices.

E. On Site Development Signs:

1. The sign must be on the site of the development, and shall not exceed eight (8) feet in height or thirty two (32) square feet in area per face. The sign may have two (2) faces. A maximum of two (2) on site development signs may be permitted for a development.

F. Off Site Development Signs: Two (2) such signs may be permitted, after approval by the City. Off site development signs shall not be closer than one thousand (1,000) feet

to another off site development sign or closer than five hundred (500) feet to the property line of property zoned residential. Size and height for off site development signs shall be the same as for on site development signs.

Off site development signs shall not be approved for a period in excess of one (1) year, additional years may be applied for if necessary. A sign permit is required.

G. Nameplate Sign: Such signs shall not exceed four (4) square feet in area.

H. Political Sign: Political signs shall not exceed four (4) feet in height and eight (8) square feet per

face with two (2) faces permitted. Political signs shall not be:

1. placed, erected or maintained on or in public buildings and structures, including libraries, recreational centers, parking structures, city hall, or on or in public parks, lawns, vehicles, trees, shrubs, fences, walks, parking meters, traffic signs or fire hydrants;
2. placed, erected or maintained on public property or public right of way;
3. placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks or at street corners;
4. lighted;
5. placed, erected or maintained earlier than the last day of the filing period for the election in which the candidate seeks office; or
6. maintained more than two (2) days after the election; provided; however, that in the event of a subsequent run off election, the signs of the run off candidates may be maintained until the (10<sup>th</sup>) tenth day after the run off election.

In the event such signs are not removed, the city is authorized to remove said signs and to charge the candidate or campaign on whose behalf the signs were erected using the procedure set forth in Section 27.03 - Administration of this chapter.

I. Real Estate Sign:

1. Single Family and Two Family Districts: Such signs shall not exceed four (4) square feet per face, with two (2) faces per sign permitted. The maximum height of the sign shall not exceed four (4) feet. A maximum of one (1) sign per lot shall be permitted.
2. Multi-family, Commercial and Industrial Districts: Such signs shall not exceed sixteen (16) square feet in area per face with two (2) faces permitted. The sign

shall not exceed eight (8) feet in height. A maximum of two (2) signs shall be permitted for each project. In addition, one (1) real estate sign, not exceeding four (4) square feet per face, with a maximum of two (2) faces permitted, and a maximum height of six (6) feet shall be permitted. A sign annual application and permit is required.

3. Undeveloped Land for Sale Signs: In lieu of the signs permitted in paragraphs 1 and 2 above, undeveloped and unplatted land over ten (10) acres in size shall be permitted two (2) "For Sale" signs not to exceed thirty two (32) square feet in area per face, with two (2) faces permitted. The signs shall not exceed eight (8) feet in height. A sign annual application and permit is required.

J. Directional Sign: Such sign shall not exceed four (4) square feet per face with two (2) faces permitted. The sign shall not exceed four (4) feet in height if freestanding.

K. Civic Organization Signs: After approval by the Planning Commission a non-illuminated sign displaying the logos of civic organizations operating in the city may be permitted on major arterials, highways or expressways at the city limits. The signs shall not exceed sixteen (16) square feet per face, with one (1) face permitted. The maximum height shall not exceed eight (8) feet.

L. Address Numbers: All primary structures shall have an address number visible from the adjacent street. Address numbers shall not exceed two (2) square feet in total area.

M. Community Information Signs:

1. A signage plan that includes directional signs, governmental signs, identification signs, subdivision entry markers, monument signs, etc. The Community Information Signs shall be harmonious in color, sizing and location. The purpose of such signs will be to facilitate the movement of vehicular and pedestrian traffic within a development. The number of signs shall be kept to the minimum necessary to accomplish this purpose.

2. Each sign shall not exceed ten (10) square feet per face with two (2) faces permitted. The sign shall not exceed four (4) feet in height. The minimum setback from any property line shall be four (4) foot. The design of the sign may incorporate a base of materials consistent with the overall signage plan. The sign base area shall not exceed the actual face area by more than ten (10) percent.

3. Such sign shall be maintained by the sign owner according to the provisions of this ordinance.

4. A sign application and permit is required.

5. A sign plan must be approved by the City.

### **27.06 Signs Permitted in Residential Districts**

The following signs shall be permitted:

A. Subdivision Entry Markers: Each subdivision shall be permitted monument type subdivision entry markers as approved by the City .

B. Monument Signs: Every building constructed for a permitted non-residential use shall be permitted one (1) monument sign not to exceed ten (10) feet.

C. Identification Signs: One (1) identification (monument) sign per multifamily complex. If the complex fronts on two (2) streets, one (1) identification sign shall be allowed on each street frontage.

### **27.07 Signs Permitted in Commercial Districts**

The following signs shall be permitted:

A. Wall Signs: Each business or establishment shall be permitted not more than one (1) wall identification sign. The area of the wall sign shall not exceed ten (10) percent of the area of the wall upon which it is mounted.

B. Monument Signs:

1. One (1) monument identification sign shall be permitted for each freestanding building housing one (1) tenant.

2. In complexes, or single business sites, on property more than five (5) acres in size and with more than one (1) street frontage, or one thousand (1,000) feet of street frontage, a second identification (monument) sign shall be permitted on each street frontage.

C. Free standing Identification Signs:

1. Is a pylon that is freestanding two-faced sign permanently fixed to the ground by supports not to exceed forty-five (45) square feet per face.

D. Under Canopy Signs: In complexes with three (3) or more tenants, under canopy signs shall be permitted in addition to the signage described above. One (1) such sign will be permitted for each business. Under canopy signs shall not be larger than two (2) square feet in area.

E. Wall and Under Canopy Signs: In complexes with three (3) or more tenants, wall and under canopy signs shall be similar in color, materials and lighting. Such signs shall be incorporated into the design of the complex.

F. Time and Temperature Sign: In addition to permitted monument signs, a time and/or temperature sign may be permitted for a complex or a business in a freestanding building. There shall not be any advertising except the name of the complex or business

that owns the sign. Size, height and setback requirements shall be the same as for monument signs.

G. Menu boards:

1. Each drive up, drive through, or drive in restaurant shall be permitted signage in addition to that described above. The additional signage shall be limited to one (1) freestanding or wall mounted menu board per lane. The menu board shall not exceed six (6) feet in height or thirty two (32) square feet in total surface area. Total surface area means all of the area included in the face of the menu board, the trim, the base and other appurtenances. Menu boards may be non-illuminated, or illuminated. Menu boards shall be located along the sides or rear of the building. Whenever a menu board is visible from a public street, additional landscaping and/or fencing shall be used in order to screen the menu board from view from the public street.
2. In lieu of one (1) freestanding or wall menu board, a restaurant may have a menu board located at each order station. The menu boards at each order station shall not exceed four (4) square feet in surface area per face.

H. Services Offered Board: Each automatic car wash (conveyor type, longer than fifty [50] feet) shall be permitted signage in addition to that described above. Such additional signage shall be limited to one (1) freestanding or wall mounted "services offered" board. The "services offered" board shall not exceed five (5) feet in height or twenty (20) square feet of surface area per face. The board may have two (2) faces. "Services offered" boards shall be non-illuminated, or indirectly illuminated. "Services offered" boards shall be located along the front, side or rear of the building; provided that if the board is located in front of the building, sufficient fencing or landscaping shall be provided to screen the board from view from public streets, alleys or other public property.

I. Freestanding Canopy Signs: Signs may be placed on freestanding canopies provided they meet the requirements for wall signs for buildings. Only the fascia of the canopy upon which the sign is placed shall be used for determining the size of the sign.

J. Gasoline Price Signs: A retail establishment dispensing gasoline shall be permitted up to two (2) double faced signs which are used for the purpose of advertising the price of gasoline sold and/or the nature of services offered on the premises. The sign(s) may be non-illuminated, internally illuminated or indirectly illuminated. The signs shall not exceed eighteen (18) square feet per face, with two (2) faces permitted. The maximum height of the signs, if not located on canopy supports, shall not exceed eighteen (18) feet. The sign(s) shall not be placed closer to the public right of way than the closest gasoline pump island.

K. Theater Signs: A movie theater may have an attraction panel based on the following criteria:

1. For each screen in the movie theater or drive in movie theater, one (1) module, not to exceed eighteen (18) square feet, may be placed on the sign. A module is that portion of the sign, including trim, used to display the title of one (1) movie. One (1) additional module may be used to display the name of the theater.
2. The total surface area of a sign face shall not exceed one hundred sixty two (162) square feet per face. A maximum of two (2) faces is permitted.
3. Setback: A minimum of thirty (30) feet from a street right of way is required.
4. Height: The maximum height of the sign shall not exceed fifteen (15) feet from average grade level.
5. Movie theater signs may have changeable copy.

### **27.08 Signs Permitted in Industrial Districts**

The following signs shall be permitted:

A. Wall Signs: Each industrial establishment or building shall be permitted not more than three (3) wall signs. The signs shall be limited to one (1) per wall and shall not exceed ten (10) percent of the total area of the wall upon which it is placed or two hundred (200) square feet, whichever is less.

B. Monument Signs: Same as permitted in Section 27.06 above

C. Gasoline Price Signs: Same as permitted in Section 27.07 above

D. Freestanding Canopy Signs: Same as permitted in Section 27.07 above

E. Billboard Signs: Billboard signs may be permitted in Industrial districts after approval of a special use permit. Billboards shall comply with the criteria as outlined in Chapter 21, Special Uses.

### **27.09 Special Permit Uses**

Sign regulations for special permit uses are as follows:

A. For those special permit uses that are located in agricultural and residential districts, signs shall be permitted under the provisions of Sections 27.06 above, or as set forth by Chapter 21, Special Uses.

B. For those special permit uses that are located in commercial districts, signs shall be permitted under the provisions of Sections 27.07 above and 27.08, or as set forth by Chapter 21, Special Uses.

C. For those special permit uses that are located in industrial districts, signs shall be permitted under the provisions of Section 27.08 above, or as set forth by Chapter 21, Special Uses.

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

E. Private sign criteria: All hotels, motor hotels, shopping centers, business parks, office parks or industrial parks shall be required to prepare a set of sign criteria governing all exterior signs in the development. Such criteria shall be binding upon all subsequent purchasers or lessees within the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs shall be set out in such criteria. In all respects, the criteria shall be within the regulations set out in this code and shall be for the purpose of assuring harmony and visual quality throughout the development. Final development plans (in the case of a planned zoning district) or building permits (in the case of a conventional zoning district) shall not be approved until the City has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For purposes of this section, the terms "shopping centers, business parks, office parks or industrial parks" shall mean a project of one (1) or more buildings that has been planned as an integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the city. The sale, subdivision or other partition of the site after zoning approval does not exempt the project, or portions thereof, from complying with these regulations relative to the number of detached signs, harmony and visual quality of signs to be installed.

### **27.11 Temporary Signs**

In addition to the permanent signs permitted elsewhere in this ordinance, upon proper application and application fee, temporary signs shall be permitted in the following instances:

A. Grand Opening Signs and Quitting Business Signs: Grand opening signs and quitting business signs shall be permitted subject to the following limitations:

1. One (1) sign per street frontage or building.
2. The maximum size shall be no larger than that permitted for permanent wall signs.

3. Signs shall be permitted to be displayed a maximum of one (1), thirty (30) day period per year.

4. Pennants, banners or flags shall be permitted.

5. Inflatable devices shall not be permitted.

6. Searchlights shall not be permitted.

B. Special Sale Signs: Special sale signs shall be permitted subject to the following limitations:

1. One (1) sign per street frontage or building.

2. The maximum size shall be no larger than that permitted for permanent wall signs.

3. Pennants, banners or flags shall be permitted.

4. Inflatable devices shall not be permitted.

5. Searchlights shall not be permitted.

6. Such signs shall be permitted only for one (1), fifteen (15) day period every six (6) months.

C. Special Real Estate Signs: Special real estate events shall be allowed the use of pennants or flags under the following conditions:

1. In conjunction with area wide tour events.

2. The opening of a new subdivision or the new phase of an existing subdivision. In this instance, pennants and flags shall only be permitted for one (1), fifteen (15) day period every six (6) months.

3. One (1) other special event similar to (a) above and limited to one (1), fifteen (15) day period per year such as open house or model house.

4. No fee is required for these signs.

D. Temporary Special Events: Temporary special events, such as sidewalk sales, civic club events, school activities, etc., shall be permitted to have temporary signs, banners, flags or pennants, after a sign permit is obtained, in accordance with Section 27.03 above. No fee is required for these signs.



## **27.12 Prohibited Signs and Devices**

It shall be a violation of these zoning regulations to erect, install, place or maintain the following signs:

A. Any signs or advertising structures which are not specifically permitted under the sign subsection in the schedule of district regulations or otherwise specifically permitted under these zoning regulations.

B. Any sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic control devices or emergency vehicles. The use of flashing lights or revolving lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. Exterior neon lighting, illuminated banding or other types of lighting that creates a glow is prohibited unless it is approved by the City as part of an overall theme for the development area.

C. Any sign or advertising structure which is obscene, indecent and/or prurient.

D. Any sign or advertising structure (other than those erected by a governmental agency or required to be erected by a governmental agency for a public purpose) erected, installed or placed on the right of way of any street, road or public way, or signs overhanging or infringing upon the right of way of any street, road or public way, except as specifically permitted by these regulations.

E. Any sign or advertising structure erected on City of Cheney property or other governmental property other than signs erected by said governmental entity.

F. Any sign or advertising structure which is erected, installed or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.

G. Any advertising sign or structure which is erected, installed or maintained upon the rear of a building.

H. "A" Frame Sign.

I. Attention attracting devices.

J. Abandoned signs.

K. Off site advertising signs (except billboards or off site development signs).

L. Portable sign, excluding real estate signs.

M. Roof signs.

N. Snipe signs, except warning signs posted by public utility companies.

O. Temporary signs, except as permitted by Section 27.11 above.

P. Vehicular signs, except that company or corporation name or logo painted on a motor vehicle or semi trailer normally in motion during use shall not be considered a vehicular sign when moved at least one (1) time during a twenty-four (24) hour period.

Q. Any sign not specifically, or by reasonable implication, permitted herein.

R. Painted wall signs which are painted directly on the wall of a building or surface, except that signs painted on a window in a commercial building (as part of the permitted wall sign) shall be permitted.

S. Directly illuminated signs, except to the extent specifically authorized in this chapter.

### **27.13 Sign Maintenance Requirements**

A. Any sign or advertising structure erected or installed under the provisions of this section shall be maintained in a safe, functional and sound structural condition at all times. General maintenance of said sign shall include the replacement of nonfunctional, broken, or defective parts, painting, cleaning and upkeep of the premises immediately surrounding the sign or advertising structure, and any other action required for the maintenance of said sign or advertising structure. All signs and supporting structures shall be kept painted or treated in some manner to prevent rust, decay or deterioration. Should any sign, which is placed in a public easement, be damaged due to maintenance of utilities in that easement by the city or others, the cost for repairs or replacement of said sign shall be borne by the sign owner.

### **27.14 Abandoned Signs**

A. Except as may be otherwise provided for in this ordinance, any sign which is located on a building, structure, or real property which becomes vacant and unoccupied for a period of three (3) months, or any sign which pertains to a time, event, or purpose which no longer applies for a period of one (1) month, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises. When a wall sign is removed, the wall of the building or structure shall be restored to its normal appearance. Removal of a monument sign shall include the face and base. Any sign structure that is in conformance with this chapter may remain as long as it is maintained and does not become unsafe or unsightly.

B. If after the three (3) month time period has elapsed and the sign has not been removed, the City shall notify, in writing, the property owner of record that the sign shall be removed within thirty (30) days after the date of the notice. If the sign has not been removed within thirty (30) days after the date of the notice, the City may have the sign removed and the associated costs assessed to the property.

C. The City shall mail a statement of such cost for the removal of said sign to the last known address of the owner of record of the property, or person in charge of such property. If such costs are not paid within ten (10) days from the mailing of such notice, the governing body of the City shall proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land. The City shall certify such assessment to the Sedgwick County Clerk for collection and payment to the City in the same manner as other assessments and taxes are collected and paid to the City.

### **27.15 Nonconforming Signs**

Nonconforming signs are declared by this zoning ordinance to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. It is the intent of this section to allow those nonconforming signs to continue until they are removed under the terms of this ordinance, but not to encourage their survival.

A. Alterations of Nonconforming Signs: No nonconforming sign or advertising structure shall be expanded, relocated or restored unless said sign or advertising structure is brought into conformance with the provisions of this section or any other applicable city code requirement.

B. Replacement, Restoration or Reconstruction: In the event that any existing nonconforming sign, as provided for in this section, is damaged by any means, including, but not limited to, fire, flood, wind, explosion, act of God, or act of a public enemy, to an extent of fifty (50) percent or more of the replacement, restoration or reconstruction value of the sign, or fifty (50) percent of the square footage of the sign copy area, said sign shall not be replaced, restored or reconstructed unless it is brought into full compliance with the provisions of this zoning ordinance. Any nonconforming sign which remains damaged or disrepair, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three (3) months following the date of damage without the issuance of a valid sign permit, shall not be replaced, restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.

C. Repairs and Maintenance: Routine repairs and maintenance of nonconforming signs necessary to maintain health and safety may be permitted. Said repairs and maintenance shall include such activities as painting and the replacement of a damaged or deteriorated sign face. The cost of said repairs and maintenance shall not exceed

fifty (50) percent of the value of the sign which is to be repaired or maintained. Said value shall be that which is current at the time of the repair or maintenance. Prior to said repair and maintenance taking place, the City shall be consulted to determine if a sign permit is necessary. If such determination is made, then all applicable work performed shall be accomplished through the issuance of a valid sign permit as required by this ordinance.

D. Termination of Nonconforming Signs: Upon the discontinuance of a use to which any nonconforming sign or advertising structure is accessory to, the tenant or property owner shall remove all nonconforming signs, supports and structures upon the building or property upon which said use was located.

### **27.16 Enforcement**

It shall be the duty of the City to enforce all provisions of this ordinance. It shall be unlawful for any person to interfere with any City Official in the performance of the duties assigned under this ordinance.

### **27.17 Declaration of Nuisance**

The Governing Body hereby determines that the public peace, safety, health and welfare requires that all signs and sign structures hereafter constructed or erected shall conform and comply with such requirements forthwith. All signs which shall hereafter be constructed or erected in violation of the provisions of this ordinance shall be declared public nuisance, and shall be removed and abated in the manner provided by law.